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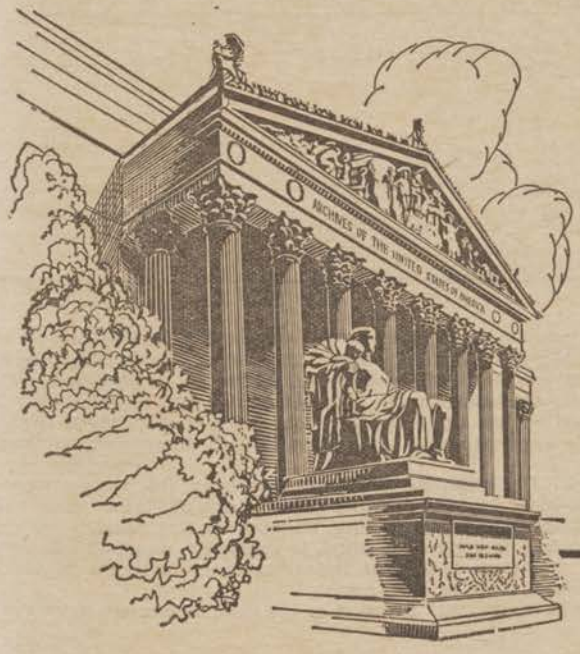

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

INCREASE IN FEES

The Agricultural Marketing Act of 1946 authorizes official inspection and grading service of dairy products. Such inspection and grading service is voluntary and is made available only upon request of financially interested parties upon payment of a fee. The Act requires such fees to be reasonable and, nearly as possible, to cover the cost of performing the service. Rising costs of maintaining the inspection and grading service have made it necessary to reevaluate and increase fees charged for inspection, grading, sampling and laboratory services in order to more nearly recover costs of rendering the service.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–27) the provisions of "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products" 7 CFR 58.39, 58.41, 58.42, 58.43, and 58.44 are hereby amended as follows:

§ 58.39 Fees for holiday or other nonworktime.

If an applicant requests that inspection or grading service be performed on a holiday, Saturday, or Sunday or in excess of each 8-hour shift Monday through Friday, he shall be charged for such service at a rate of 1½ times the rate which would be applicable for such service if performed during normal working hours.

§ 58.41 Fees for additional copies of certificates.

Additional copies of any inspection or grading certificates (including takeoff certificates), other than those provided for in § 58.20, may be supplied to any interested party upon payment of a fee based on time required to prepare such copies at the hourly rate specified in § 58.43 or § 58.44.

§ 58.42 Travel expenses and other charges.

Charges shall be made to cover the cost of travel and other expenses incurred by C&MS in connection with the performance of any inspection or grading service. Such charges shall include the costs of travel, per diem, and other expenses, plus a charge of 10 percent of the amount charged for said travel, per diem, and other expenses to cover administrative costs of C&MS. When the Administrator determines it feasible he may set a minimum average charge for specific locations or markets.

§ 58.43 Fees for inspection, grading and sampling.

Except as otherwise provided in this section and §§ 58.45 and 58.46, charges shall be made for inspection, grading and sampling service at the hourly rate of $9 for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 58.44 Fees for laboratory analysis.

Except as otherwise provided in this section and §§ 58.45 and 58.46, charges shall be made for laboratory analysis at the hourly rate of $11 for the time required to perform the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued. The following minimum rates based on average time required to perform the test specified shall apply unless the actual time required to perform the test is greater than the minimum set forth:

(a) *Dry milk and related products.*

Total fat (ether extractions)	$2.00
Moisture	1.50
Titratable acidity	.75
Solubility index	1.00
Scorched particles	1.00
Bacterial plate count	2.00
Bacterial direct microscopic count	3.00
Flavor	.50
Whey protein nitrogen	5.00
Vitamin A	10.00
Alkalinity of Ash	11.00
Dispersibility	5.00
Coliform (solid media)	2.00
Salmonella	8.00
Phosphatase	11.00
Oxygen	6.00
Density	.75

(b) *Condensed milk and related products.*

Fat (ether extraction)	$3.00
Total solids	2.00
Sugar (sucrose)	11.00
Net weight (per can)	1.25
Flavor, color, body, texture	.75

(c) *Cheese and related products.*

Moisture	$2.00
Moisture in duplicate	3.00
Total fat (ether extraction)	$3.50
Moisture and fat (dry basis) complete	5.50

(d) *Butter and related products.*

Moisture	$2.00
Fat	4.00
Salt	2.00
Complete Kohman analysis	6.00
Fat and moisture (same sample)	5.00
Flavor, odor, body, texture	1.00
Peroxide value	11.00
Free fatty acid	5.00
Yeast and mold	2.50
Proteolytic count	2.50

(e) *Corn Soya Milk.*

Sieve test	$2.00
Density	.75
Bostwick—uncooked	2.50
Bostwick—cooked	5.00
Protein (Kjeldahl)	5.00
Fat (Soxhlet)	3.50
Moisture	1.50
Crude fiber	7.00
Flavor	.50

The need for the increase in fees and the amount thereof are dependent upon the facts within the knowledge of the Consumer and Marketing Service. Therefore, pursuant to the Administrative Procedure Act (5 U.S.C. 553) it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective September 1, 1970, with respect to the inspection and grading service rendered on and after that date.

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

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-10373; Filed, Aug. 7, 1970; 8:49 a.m.]

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 8]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

MISCELLANEOUS AMENDMENTS

The regulations governing the National Agricultural Conservation Program for 1968 and subsequent years, 32 F.R. 11117, as amended, are further amended as follows:

1. Section 701.29 is amended by changing paragraph (c)(7) and the introductory text of paragraph (c)(9) preceding the colon to read as follows:

§ 701.29 Maximum Federal cost-share limitation.

* * * * *

(c) * * *

(7) *Tenants in common and joint tenants.* All persons owning a farm as tenants in common or as joint tenants shall be considered as one person with respect to such farm except that the owners shall be considered separate persons if all the conditions set forth in subparagraph (9) of this paragraph are met.

* * * * *

(9) *Exception.* The conditions which must be met in order for any individual or other entity referred to in subparagraph (1), (2), (3), (4), (5), (6), or (7) of this paragraph to be considered a separate person are as follows:

* * * * *

2. Section 701.94 is amended by changing paragraph (c) to read as follows:

§ 701.94 Practice F–4: Emergency conservation measures to restore to productive use land damaged by natural disasters.

* * * * *

(c) The cost-share computed for any person for this practice shall not be increased in accordance with § 701.28, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 701.29. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $2,500, except that, with the written prior approval of the State committee or the Deputy Administrator, as applicable, a higher maximum may be approved in individual cases upon justification by the farmer or rancher of exceptional financial need and his inability to otherwise carry out the work. In accordance with the preceding sentence, the State committee may authorize a maximum not in excess of $10,000, and the Deputy Administrator may authorize a maximum in excess of $10,000.

* * * * *

(Sec. 4, 49 Stat. 164; 16 U.S.C. 590d)

Effective date: Upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70–10352; Filed, Aug. 7, 1970; 8:47 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Crop Disposition Dates; Correction

In F.R. Doc. 70–9208 appearing at page 11560 in the issue for Saturday, July 18, 1970, the disposition date for burley tobacco for Mason County, W. Va. (35 F.R. 11570), which reads, "*Burley tobacco—July 20.* Mason," should read "*Burley tobacco—August 10.* Mason."

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

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

[F.R. Doc. 70–10351; Filed, Aug. 7, 1970; 8:47 a.m.]

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

SUBCHAPTER I—DETERMINATION OF PRICES

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices for 1970 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on April 24, 1970, the following determination is hereby issued. The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Hawaii" remain in full force and effect as to the crops to which they were applicable.

Sec.
876.21 General requirements.
876.22 Toll agreements.
876.23 Purchase agreements.
876.24 Sugarcane weight and quality determination.
876.25 Overheard charges for services furnished to producers.
876.26 Reporting requirements.
876.27 Applicability.
876.28 Subterfuge.
876.29 Procedures for checking compliance.

AUTHORITY: Sections 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1970 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

§ 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Co., Ltd., and Kekaha Sugar Co., Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b) (1) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co	34	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Mauna Kea Sugar Co., Inc.	45	Do.
Pepeekeo Sugar Co.	45	Do.
Paauhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Co. (a cooperative agricultural marketing association herein referred to as C&H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(3) The applicable rate for processing established in this section for sugarcane of the producer shall cover (i) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (ii) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (iii) the costs of weighing, sampling, and taring such sugarcane; (iv) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads adjacent thereto; and (v) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(4) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C&H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C&H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

§ 876.23 Purchase agreements.

(a) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(b) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Co. shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(c) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1970 crop shall be limited to the same items as for the 1969 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e., the person employed to be responsible for the day-to-day operations of the Hawaiian State Agricultural Stabilization and Conservation Service office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

§ 876.24 Sugarcane weight and quality determination.

The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

§ 876.25 Overhead charges for services furnished to producers.

If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the "State Executive Director."

§ 876.26 Reporting requirements.

The processor shall submit to the "State Executive Director" a certified statement of the gross proceeds and handling and delivery expenses paid under (a) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (b) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

§ 876.27 Applicability.

The requirements of this part are applicable to all sugarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter).

§ 876.28 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

§ 876.29 Procedures for checking compliance.

The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading Part 6—Fair Price Determination in Handbook 6–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 6–SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii State ASCS office, 183 Kalakaua Avenue, Honolulu, Hawaii 96815.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1970 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Public hearing—C. Brewer and Co. (representing Mauna Kea, Pepeekeo, Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Co.). The representative of these companies recommended a processing rate for the 1970 crop of 52 percent for Mauna Kea and Pepeekeo; and 56 percent for Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Cos. The representative also recommended an increase from 5 to 10 percent for the profit allowed on services furnished to producers. The witness stated that two processing rates have been requested because operating conditions between the two groups of companies are different. He stated that in the event the processing rates requested are not granted he was recommending the approval of a change in delivery point from "loaded in trucks" to "at the mill", with transportation and a proportionate share of road maintenance costs to be charged directly to growers. The witness submitted processing and producing cost data for the 1969 crop showing a decrease in growers' producing costs in relation to total producing, processing, and marketing costs. The witness said that labor overhead on cultivation work had been excluded from the company's estimate of producers' costs since the company was of the opinion that such costs were not incurred by independent producers, unless such services were furnished by the processor.

A representative of independent producers recommended a processing rate of 40 percent and the disallowance of the 5 percent charge for profit on services furnished growers by the processor. The witness recommended retention of the "loaded in trucks" delivery point.

Kohala Sugar Co. The representative of this company presented producing and processing data relating to both grower and administration operations for the period 1965–69. The witness requested the Department to set a processing rate of 38½ percent. He stated that the increased production costs and high interest rates more than justify the processing rate requested.

A representative of producers at Kohala stated that the processing rate requested by the company was too high; and that growers must rely on the Department to set a fair processing rate.

Puna Sugar Co. The representative of this company recommended a processing rate of 38 percent for the 1970 crop, and a 10 percent profit charge on services furnished to producers. The witness stated that despite the lower yields and increased costs, and a reduced refinery return of $2 per ton of sugar in 1969 as compared to 1968, producers realized an average estimated profit in 1969 of $23.78 per ton of sugar compared to Puna's average profit of $2.65 per ton of sugar on grower operations. The witness stated that the company has been allowed to charge only 5 percent profit on services furnished to producers; that the company has substantial investment in equipment used in performing these

services, and no interest on investment is charged to producers; and that when interest and taxes are subtracted from the 5 percent allowed, the net return on services averages about 1½ percent. He recommended no change in the delivery point for growers' sugarcane.

The representative of independent producers at Puna recommended a processing rate of 32 percent for the 1970 crop, and the elimination of a 5 percent profit charge on services furnished to producers by the company. The witness recommended a change in the delivery point for sugarcane from "at the mill" to "loaded in trucks" in the field. He submitted calculations of the processing fee based on the mill delivery point and 1969 costs per ton of sugar in support of the recommended 32 percent processing rate.

Laupahoehoe Sugar Co. The representative of this company recommended that the processing rate be increased from 45 percent to 50 percent for the 1970 crop, and continuation of the profit charge on services and materials furnished producers by the company. The witness stated that the core sampling method continues to be used in computing sugar and molasses credits for independent growers; that of the four remaining adherent planters' 30-year contracts, three are due to expire with the 1970 harvest and the remaining one with the 1971 harvest; and that no renewals of the 30-year contracts will be offered. The witness submitted producing and processing cost data for the 1969 crop.

The representative of producers at Laupahoehoe testified against the granting of a processing rate of 50 percent for the 1970 crop to Laupahoehoe Sugar Co.

1970 price determination. This determination continues the provisions of the 1969 determination without change.

Consideration has been given to the recommendations and information submitted at the hearing; to the returns, costs, and profits of producing and processing sugarcane obtained by field study for earlier crops and recast in terms of price and production conditions likely to prevail for the 1970 crop; and to other relevant data.

The recommendations of both producers and processors for changes in the applicable processing rates for the respective companies have been carefully studied. In examining these proposals the Department has considered the comparative costs of producing and processing sugarcane for those crops included in the field survey, and for subsequent crops which have been estimated on the basis of actual or prospective crop conditions. Analysis of these data indicates that the processing rates provided in this determination will provide an equitable sharing between producers and processors of total returns based on their cost sharing relationship.

C. Brewer and Co., in requesting increases in the processing rate, submitted data indicating substantial shifts in the incidence of costs between producers and processors at the five plantations. The representative at the hearing pointed out that these shifts resulted primarily because the costs of producing administration cane have been reduced and are now a smaller percentage of total producing and processing costs. Another important reason for the shift is the exclusion, by the company, of labor overhead in cultivation from total producing costs as estimated by the company for independent producers. The company supported this action on the basis that independent producers do not incur costs for fringe benefits unless the processor performs their cultivation services; that growers do not pay Union wages in many instances; and that a majority of the growers are plantation employees and are, therefore, entitled to plantation housing and medical facilities at no cost to their own operations. The Department believes that it is not valid for the company to assume that independent producers can cultivate sugarcane at a cost which is less than the company's cost by the amount of overhead charged to company operations. Since this assumption is not accepted, and since the Department's cost data do not show a significant shift in the incidence of costs, the recommendations of C. Brewer have not been adopted for this determination.

Because of the wide discrepancy existing between independent producers' costs as submitted by processors and those submitted by the producers, the Department must necessarily depend on the data collected by its personnel through field cost studies. A study of the costs of producing and processing sugarcane is presently underway in Hawaii. The new data will be available for a detailed analysis of the sharing relationship existing between processors and their producers, shifts in the relationship, and the causes thereof before issuance of the 1971 crop determination.

A further recommendation by C. Brewer and Company for a change in delivery point from "loaded in trucks" to "at the mill" in the event its request for increases in the processing rate is denied has not been adopted. The transportation of sugarcane is a service for which growers are dependent upon the processors. It is believed that the most equitable delivery point for sugarcane at the Brewer plantations is "loaded in trucks". The wide range in distances of individual producers from the mills does not exist as it does for producers at some other companies where the delivery point is "at the mill".

The recommendation of independent producers at Puna Sugar Co. that the delivery point be changed from "at the mill" to "loaded in trucks" has not been adopted for the reasons set forth in the prior determination.

The recommendations of several processors for an increase in the rate of profit allowed on services furnished to producers and those of producers for elimination of the allowance have again been considered. It is believed that the five percent rate provided in the 1969 determination continues to be equitable under existing circumstances. Therefore, the recommendations have not been adopted.

On the basis of an examination of all pertinent factors, the provisions of this determination are considered to be fair and reasonable. Accordingly, I hereby conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER and is applicable to the 1970 crop of Hawaiian sugarcane.

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

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

[F.R. Doc. 70-10371; Filed, Aug. 7, 1970; 8:48 a.m.]

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

[Lemon Reg. 439]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.739 Lemon Regulation 439.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this

meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 4, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 9, 1970, through August 15, 1970, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 240,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: August 6, 1970.

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

[F.R. Doc. 70–10408; Filed, Aug. 7, 1970; 8:50 a.m.]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11699) regarding proposed expenses and the related rate of assessment for the period April 1, 1970, through March 31, 1971, pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during the period April 1, 1970, through March 31, 1971, will amount to $6,899.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 921.41, is fixed at $1 per ton of fresh peaches.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable peaches handled during the aforesaid period; and (3) such period began on April 1, 1970, and said rate of assessment will automatically apply to all such peaches beginning with such date.

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

Dated: August 4, 1970.

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

[F.R. Doc. 70–10348; Filed, Aug. 7, 1970; 8:46 a.m.]

[Bartlett Pear Reg. 4, Amdt. 1]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and 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 recommendations of the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the receipt, by the Department, of additional information in the form of a correction of the recommendation (from the Northwest Fresh Bartlett Pear Marketing Committee) which constituted the basis, under the act, for issuance of the current Bartlett Pear Regulation 4. The amendment should be made effective no later than August 8, 1970, in order to coordinate regulation requirements with existing crop conditions and thus permit efficient handling of the crop.

(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 this amendment 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 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; 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 August 8, 1970. Shipments of fresh Bartlett pears grown in Oregon and Washington are currently regulated pursuant to Bartlett Pear Regulation 4 (35 F.R. 12392) and, unless the regulation is sooner terminated, will continue to be so regulated through June 30, 1971; the recommendations and supporting information for regulation of Bartlett pear shipments subsequent to August 8, 1970, and in the manner herein provided, were submitted to the Department on August 4, 1970; the provisions of this amendment are identical with the aforesaid recommendations and information concerning such provisions has been disseminated among handlers of Bartlett pears; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth and compliance with this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 931.304 (Bartlett Pear Regulation 4; 35 F.R. 12392) paragraph (a)(2) is hereby amended to read as follows:

§ 931.304 Bartlett Pear Regulation 4.

(a) Order: * * *

(2) Such pears (i) when packed in the standard western pear box, or in the L.A. lug or their carton equivalents, are of a size not smaller than the 165 size, or (ii) when packed in any other container, measure at least 2⅜ inches in diameter: *Provided,* That pears which measure at least 2¼ inches in diameter may be handled if they grade at least the U.S. No. 1 grade: *And provided further,* That pears which measure at least 2⅛ inches in diameter may be handled if they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

* * * * *

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

Dated, August 6, 1970, to become effective August 8, 1970.

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

[F.R. Doc. 70–10407; Filed, Aug. 6, 1970; 11:43 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that at the U.S. Merchant Marine Academy six positions of Company Officer in lieu of six positions of Battalion Officer and one position of Assistant Commandant of Cadets are excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (10) of paragraph (h) of § 213.3114 is amended as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(h) *Maritime Administration.* * * *

(10) U.S. Merchant Marine Academy, positions of: Professors, instructors, and teachers; including heads of the Departments of Physical Training and Athletics, Ships, Medicine, Ship Management, History and Languages, Mathematics and Science, Nautical Science and Engineering; the Regimental Officer; the Drill and activities Officers; the Band and Activities Officer; six Company Officers; and the Assistant Commandant of Cadets.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–10313; Filed, Aug. 7, 1970; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Secretary to the Director, one position of Special Assistant to the Deputy Director and one position of Special Assistant to the Associate Director, Office of Management and Budget, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (3), (4), and (5) are added to paragraph (h) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(h) *Office of Management and Budget.* * * *

(3) One Secretary to the Director.

(4) One Special Assistant to the Deputy Director.

(5) One Special Assistant to the Associate Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70–10452; Filed, Aug. 7, 1970; 9:31 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:

In § 76.2 paragraph (e)(15) relating to the State of Texas is amended to read:

(15) *Texas.* (xii) That portion of Cameron County bounded by a line beginning at the junction of Farm to Market Roads 1847 and 511; thence, following Farm to Market Road 511 in a generally southeasterly direction to Farm to Market Road 802; thence, following Farm to Market Road 802 in a generally westerly direction to Farm to Market Road 1847; thence following Farm to Market Road 1847 in a northerly direction to its junction with Farm to Market Road 511.

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

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

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

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

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

[F.R. Doc. 70–10369; Filed, Aug. 7, 1970; 8:48 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, paragraph (e) is amended and paragraphs (f) and (g) are reissued to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Arizona, Arkansas, Louisiana, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and the Commonwealth of Puerto Rico, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Arizona.* That portion of Maricopa County bounded by a line beginning at the junction of Yuma Road and Perryville Road; thence, following Perryville Road in a southerly direction to its junction with Baseline Road and the Gila and Salt River Base Line; thence, following the Gila and Salt River Base Line in an easterly direction to the southeastern corner of sec. 31, of T. 1, N., R. 1, W.; thence, following the eastern boundaries of secs. 31, 30, and 19, of T. 1, N., R. 1, W. in a northerly direction to Reams Road; thence, following Reams Road in a northerly direction to Yuma Road; thence, following Yuma Road in a westerly direction to its junction with Perryville Road.

(2) *Arkansas.* That portion of Chicot County bounded by a line beginning at the junction of U.S. Highway 82 and the west bank of the Mississippi River; thence, following U.S. Highway 82 in a generally westerly direction to the Chicot-Ashley County line; thence, following the Chicot-Ashley County line in a southerly direction to State Highway 8; thence, following State Highway 8 in a generally southeasterly direction to

Grand Lake Road; thence, following the Grand Lake Road in a northeasterly direction to the west bank of the Mississippi River; thence, following the west bank of the Mississippi River in a generally northerly direction to its junction with U.S. Highway 82.

(3) *Louisiana.* The adjacent portions of West Carroll and Morehouse Parishes bounded by a line beginning at the junction of the Louisiana-Arkansas State line and State Highway 17 in West Carroll Parish; thence, following State Highway 17 in a southwesterly direction to State Highway 2; thence, following State Highway 2 in a generally southwesterly direction to U.S. Highway 165; thence, following U.S. Highway 165 in a northeasterly direction to the Louisiana-Arkansas State line; thence, following the Louisiana-Arkansas State line in an easterly direction to its junction with State Highway 17 in West Carroll Parish.

(4) *Massachusetts.* (i) That portion of Bristol County comprised of Acushnet, Fairhaven, and New Bedford Townships.

(ii) That portion of Plymouth County comprised of Mattapoisett and Rockland Townships.

(5) *Mississippi.* (i) Attala, Copiah, Holmes, Lauderdale, Newton, Warren, and Yazoo Counties.

(ii) That portion of Jackson County bounded by a line beginning at the junction of the Jackson-George County line and the east bank of the Pascagoula River; thence, following the Jackson-George County line in an easterly direction to the Mississippi-Alabama State line; thence, following the Mississippi-Alabama State line in a southeasterly direction to the Jackson-Mississippi Sound coast line; thence, following the Jackson-Mississippi Sound coast line in a generally westerly direction to the east bank of the Pascagoula River; thence, following the east bank of the Pascagoula River in a generally northerly direction to its junction with the Jackson-George County line.

(iii) That portion of Lafayette County bounded by a line beginning at the junction of State Highway 7 and the Lafayette-Yalobusha County line; thence, following State Highway 7 in a northeasterly direction to State Highway 6; thence, following State Highway 6 in a westerly direction to State Highway 314; thence, following State Highway 314 in a northwesterly direction to the Sardis Lake; thence, following the east bank of the Sardis Lake in a generally southwesterly direction to the Lafayette-Panola County line; thence, following the Lafayette-Panola County line in a southerly direction to the Lafayette-Yalobusha County line; thence, following the Lafayette-Yalobusha County line in an easterly direction to its junction with State Highway 7.

(iv) That portion of Madison County bounded by a line beginning at the junction of the Madison-Leake County line and State Highway 16; thence, following State Highway 16 in a generally southwesterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a generally northeasterly direction to the Madison-Yazoo County line; thence, following the Madison-Yazoo County line in a northeasterly direction to the Madison-Attala County line; thence, following the Madison-Attala County line in a generally easterly direction to the Madison-Leake County line; thence, following the Madison-Leake County line in a southerly direction to its junction with State Highway 16.

(v) The adjacent portions of Madison and Hinds Counties bounded by a line beginning at the junction of U.S. Highway 49 and State Road 22; thence, following State Road 22 in a generally easterly direction to State Road 463; thence, following State Road 463 in a southeasterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a southwesterly direction to the Hinds-Madison County Line Road; thence, following the Hinds-Madison County Line Road in a westerly direction to U.S. Highway 49; thence, following U.S. Highway 49 in a northerly direction to its junction with State Road 22.

(vi) That portion of Rankin County bounded by a line beginning at the junction of U.S. Highway 80 and State Highway 469; thence, following State Highway 469 in a southwesterly direction to Tumbaloo Creek; thence, following the north bank of Tumbaloo Creek in a generally easterly direction to State Highway 18; thence, following State Highway 18 in a southeasterly direction to the Southern Natural Gas Line; thence, following the Southern Natural Gas Line in a northerly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a southwesterly direction to its junction with State Highway 469.

(vii) That portion of Scott County bounded by a line beginning at the junction of State Highway 35 and the Scott-Smith County line; thence, following State Highway 35 in a generally northerly direction to Farm-to-Market Forestry Service Road 509; thence, following Farm-to-Market Forestry Service Road 509 in a generally westerly direction to the Scott-Rankin County line; thence, following the Scott-Rankin County line in a generally southeasterly direction to the Scott-Smith County line; thence, following the Scott-Smith County line in an easterly direction to its junction with State Highway 35.

(viii) That portion of Carroll County bounded by a line beginning at the junction of U.S. Highway 51 and the Carroll-Holmes County line; thence, following the Carroll-Holmes County line in a northwesterly direction to State Highway 17; thence, following State Highway 17 in a northerly direction to State Highway 430; thence, following State Highway 430 in a generally northeasterly direction to State Highway 35; thence, following State Highway 35 in a southeasterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a generally southwesterly direction to its junction with the Carroll-Holmes County line.

(6) *Missouri.* (i) That portion of Chariton County bounded by a line beginning at the junction of the boundary line between T. 54 N. and T. 55 N. with the boundary line between R. 17 W. and R. 18 W.; thence, following the boundary line between R. 17 W. and R. 18 W. in a northerly direction to the north boundary of sec. 24 in T. 56 N. and R. 18 W.; thence, following the north boundary of secs. 24, 23, 22, 21, 20, and 19 in T. 56 N. and R. 18 W. in a westerly direction to the boundary line between R. 18 W. and R. 19 W.; thence, following the boundary line between R. 18 W. and R. 19 W. in a southerly direction to State Highway E; thence, following State Highway E in a westerly direction to State Highway F; thence, following State Highway F in a generally southerly direction to the boundary line between T. 54 N. and T. 55 N.; thence, following the boundary line between T. 54 N. and T. 55 N. in an easterly direction to its junction with the boundary line between R. 17 W. and R. 18 W.

(ii) That portion of Howard County bounded by a line beginning at the junction of State Highway 240 and the east bank of the Missouri River; thence, following State Highway 240 in a generally northeasterly direction to the boundary line between R. 17 W. and R. 16 W.; thence, following the boundary line between R. 17 W. and R. 16 W. in a southerly direction to State Highway J; thence, following State Highway J in a generally southwesterly direction to the boundary line between T. 49 N. and T. 50 N.; thence, following the boundary line between T. 49 N. and T. 50 N. in a westerly direction to the east bank of the Missouri River; thence, following the east bank of the Missouri River in a generally northeasterly direction to its junction with State Highway 240.

(7) [Reserved]

(8) *New Jersey.* That portion of Salem County bounded by a line beginning at the junction of State Highway 49 and the north bank of the Sarah Run; thence, following the north bank of the Sarah Run in a generally westerly direction to the Horse Run; thence, following the west bank of the Horse Run in a generally southwesterly direction to the Stowe Creek; thence, following the west bank of the Stowe Creek in a generally southerly direction to the Delaware River; thence, following the east bank of the Delaware River in a generally northwesterly direction to the Delaware-New Jersey State line; thence, following the Delaware-New Jersey State line in a generally northeasterly direction to the Delaware River; thence, following the east bank of the Delaware River in a northerly direction to the Alloways Creek; thence, following the south bank of the Alloways Creek in a generally northeasterly direction to State Highway 49; thence, following State Highway 49 in a southeasterly direction to its junction with the east bank of the Sarah Run.

(9) *New York.* That portion of Montgomery County lying south of the Mohawk River, east of County Roads 27 and 145, north of the New York State Thruway, and west of State Highway 30.

(10) *North Carolina.* (i) The adjacent portions of Chatham and Moore Counties bounded by a line beginning at the junction of the Chatham-Moore County

line, Secondary Road 2339, and Secondary Road 1620 in Moore County; thence, following Secondary Road 1620 in a southeasterly direction to Secondary Road 1619; thence, following Secondary Road 1619 in a southwesterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a southeasterly direction to the Deep River; thence, following the north bank of the Deep River in a generally southwesterly direction to North Carolina Road 22; thence, following North Carolina Road 22 in a northwesterly direction to Secondary Road 1606; thence, following Secondary Road 1606 in a northeasterly direction to Secondary Road 1605; thence, following Secondary Road 1605 in a northwesterly direction to Secondary Road 1604; thence, following Secondary Road 1604 in a northeasterly direction to Secondary Road 2318 in Chatham County; thence, following Secondary Road 2318 in a northeasterly direction to Secondary Road 2319; thence, following Secondary Road 2319 in a southeasterly direction to Secondary Road 2314; thence, following Secondary Road 2314 in a generally easterly direction to Secondary Road 2303; thence, following Secondary Road 2303 in a southerly direction to North Carolina Road 42; thence, following North Carolina 42 in a southeasterly direction to Secondary Road 2339; thence, following Secondary Road 2339 to its junction with Secondary Road 1620 and the Chatham-Moore County line.

(ii) That portion of Gates County bounded by a line beginning at the junction of Secondary Road 1208 and the North Carolina-Virginia State line; thence, following Secondary Road 1208 in a southwesterly direction to Secondary Road 1202; thence, following Secondary Road 1202 in an easterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a southwesterly direction to Secondary Road 1221; thence, following Secondary Road 1221 in a generally southeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in a southeasterly direction to Secondary Road 1217; thence, following Secondary Road 1217 in a northeasterly direction to Secondary Road 1225; thence, following Secondary Road 1225 in a southeasterly direction to Secondary Road 1220; thence, following Secondary Road 1220 in a northeasterly direction to North Carolina Highway 37; thence, following North Carolina Highway 37 in a northwesterly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a northeasterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a southeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in an easterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northeasterly direction to Secondary Road 1320; thence, following Secondary Road 1320 in a generally southeasterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a northeasterly direction to Secondary Road 1332; thence, following Secondary Road 1332 in a generally northerly direction to Secondary Road 1333; thence, following Secondary Road 1333 in a generally northerly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with Secondary Road 1208.

(iii) The adjacent portions of Gates, Perquimans, and Chowan Counties bounded by a line beginning at the junction of Secondary Roads 1002 and 1428 in Gates County; thence, following Secondary Road 1002 in a southwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a southeasterly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a generally southerly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1223; thence, following Secondary Road 1223 in a generally northeasterly direction to Secondary Road 1224; thence, following Secondary Road 1224 in a southeasterly direction to Secondary Road 1225; thence, following Secondary Road 1225 in a southwesterly direction to Secondary Road 1226; thence, following Secondary Road 1226 in a generally southerly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a generally southwesterly direction to Secondary Road 1302; thence, following Secondary Road 1302 in a generally southwesterly direction to Secondary Road 1301; thence, following Secondary Road 1301 in a southeasterly direction to Secondary Road 1363; thence, following Secondary Road 1363 in a southwesterly direction to the Perquimans River; thence, following the north bank of the Perquimans River in a generally northwesterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a northeasterly direction to U.S. Highway Business 17; thence, following U.S. Highway Business 17 in a generally southwesterly direction to Secondary Road 1110; thence, following Secondary Road 1110 in a generally northwesterly direction to the Norfolk Southern Railway; thence, following the Norfolk Southern Railway in a southwesterly direction to Secondary Road 1101; thence, following Secondary Road 1101 in a northwesterly direction to the Perquimans-Chowan County line; thence, following the Perquimans-Chowan County line in a northwesterly direction to Secondary Road 1312 in Chowan County; thence, following Secondary Road 1312 in Chowan County in a northwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a westerly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a northwesterly direction to Secondary Road 1304; thence, following Secondary Road 1304 in a northwesterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a northeasterly direction to Secondary Road 1233; thence, following Secondary Road 1233 in a northwesterly direction to Secondary Road 1232; thence, following Secondary Road 1232 in a northwesterly direction to Secondary Road 1102; thence, following Secondary Road 1102 in a northerly direction to Secondary Road 1100; thence, following Secondary Road 1100 in a northwesterly direction to Secondary Road 1104; thence, following Secondary Road 1104 in a northeasterly direction to North Carolina Highway 37; thence, following North Carolina Highway 37 in a southeasterly direction to Secondary Road 1410; thence, following Secondary Road 1410 in a northeasterly direction to Secondary Road 1428; thence, following Secondary Road 1428 in a generally southeasterly direction to its junction with Secondary Road 1002 in Gates County.

(11) *Ohio.* (i) The adjacent portions of Allen and Auglaize Counties comprised of Auglaize Township in Allen County and Wayne Township in Auglaize County.

(ii) That portion of Brown County comprised of Perry Township.

(iii) That portion of Clinton County bounded by a line beginning at the junction of State Highways 73 and 350 in Clinton County; thence, following State Highway 350 in a westerly direction to State Highway 134; thence, following State Highway 134 in a northwesterly direction to Farmers Road; thence, following Farmers Road in a southeasterly direction to Jenkins Road; thence, following Jenkins Road in a generally northeasterly direction to State Highway 73; thence, following State Highway 73 in a southeasterly direction to its junction with State Highway 350.

(12) *Pennsylvania.* (i) That portion of Berks County bounded by a line beginning at the junction of State Highway 73 and State Highway Legislative Route 06027; thence, following State Highway Legislative Route 06027 in a southeasterly direction to State Highway 562; thence, following State Highway 562 in a generally easterly direction to State Highway Legislative Route 06034; thence, following State Highway Legislative Route 06034 in a northeasterly direction to State Highway 73; thence, following State Highway 73 in a generally southwesterly direction to its junction with State Highway Legislative Route 06027.

(ii) That portion of Lancaster County bounded by a line beginning at the junction of State Highway 272 and State Highway Legislative Route 36016; thence, following State Highway 272 in a generally southeasterly direction to Township Road 490; thence, following Township Road 490 in a generally northwesterly direction to Township Road 389; thence, following Township Road 389 in a southwesterly direction to State Highway Legislative Route 36016; thence, following State Highway Legislative Route 36016 in a generally southwesterly direction to its junction with State Highway 272.

(13) *Rhode Island.* Bristol, Kent, Newport, and Providence Counties.

(14) *South Carolina.* That portion of Williamsburg County bounded by a line beginning at the junction of State Highway 512 and the Seaboard Coast Line

Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Highway 74; thence, following Secondary Highway 74 in a northwesterly direction to the Pine Island Bay Road; thence, following the Pine Island Bay Road in a northwesterly direction to Secondary Highway 218; thence, following Secondary Highway 218 in a northeasterly direction to Secondary Highway 24; thence, following Secondary Highway 24 in a southeasterly direction to Secondary Highway 86; thence, following Secondary Highway 86 in a northeasterly direction to Secondary Highway 51; thence, following Secondary Highway 51 in a generally northerly direction to State Highway 512; thence, following State Highway 512 in a southeasterly direction to its junction with the Seaboard Coast Line Railroad.

(15) *Texas.* (i) That portion of Cameron County bounded by a line beginning at the junction of U.S. Highway 281 and the Cameron-Hidalgo County line; thence, following the Cameron-Hidalgo County line in a southerly direction to the north bank of the Rio Grande River; thence following the north bank of the Rio Grande River in a generally southeasterly direction to the toll bridge on State Highway 4; thence, following State Highway 4 in a northeasterly direction to U.S. Highway 83 (also U.S. Highway 77); thence, following U.S. Highway 83 (also U.S. Highway 77) in a northwesterly direction to Farm-to-Market Road 2520; thence, following Farm-to-Market Road 2520 in a generally southwesterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a northwesterly direction to its junction with the Cameron-Hidalgo County line.

(ii) That portion of Ellis County bounded by a line beginning at the junction of State Highway 34 and the Ellis-Kaufman County line; thence, following State Highway 34 in a southwesterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a northwesterly direction to the Ellis-Dallas County line; thence, following the Ellis-Dallas County line in an easterly direction to the Ellis-Kaufman County line (also the Trinity River); thence, following the Ellis-Kaufman County line (also the Trinity River) in a generally southeasterly direction to its junction with State Highway 34.

(iii) That portion of Falls County bounded by a line beginning at the junction of the Falls-McLennan County line and the west bank of the Brazos River; thence, following the west bank of Brazos River in a generally southerly direction to State Highway 7; thence, following State Highway 7 in a generally westerly direction to Farm-to-Market Road 935; thence, following Farm-to-Market Road 935 in a generally southwesterly direction to the Falls-Bell County line; thence, following the Falls-Bell County line in a northwesterly direction to the Falls-McLennan County line; thence, following the Falls-McLennan County line in a northeasterly direction to its junction with the west bank of the Brazos River.

(iv) That portion of Galveston County bounded by a line beginning at the junction of Interstate Highway 45 (also U.S. Highway 75) and the Galveston-Harris County line; thence, following the Galveston-Harris County line in a generally northeasterly direction to the Galveston-Chambers County line; thence, following the Galveston-Chambers County line in a southeasterly direction to the Galveston Bay coastline; thence, following the Galveston Bay coastline in a generally southerly direction to Interstate Highway 45 (also U.S. Highway 75); thence, following Interstate Highway 45 (also U.S. Highway 75) in a northwesterly direction to its junction with the Galveston-Harris County line.

(v) That portion of Hidalgo County bounded by a line beginning at the junction of U.S. Highway 83 and Farm-to-Market Road 2557; thence, following U.S. Highway 83 in a generally westerly direction to Farm-to-Market Road 1016 (also the Mission City limits); thence, following the Mission City limits in a generally southeasterly direction to the north bank of the Rio Grande River at a point near Anzalduas Dam; thence, following the north bank of the Rio Grande River in a generally southeasterly direction to the western boundary of the Santa Anna National Wildlife Refuge; thence, following the western boundary of the Santa Anna National Wildlife Refuge in a northeasterly direction to Farm-to-Market Road 2557; thence, following Farm-to-Market Road 2557 in a northeasterly direction to its junction with U.S. Highway 83.

(vi) That portion of Hidalgo County bounded by a line beginning at the junction of U.S. Highway 281 and Farm-to-Market Road 490; thence, following Farm-to-Market Road 490 in a generally easterly direction to Farm-to-Market Road 493; thence, following Farm-to-Market Road 493 in a generally northerly direction to State Highway 186; thence, following State Highway 186 in a generally northwesterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a generally southerly direction to its junction with Farm-to-Market Road 490.

(vii) That portion of Hill County bounded by a line beginning at the junction of U.S. Highway 77 and the Hill-Ellis County line; thence, following U.S. Highway 77 in a generally southwesterly direction to State Highway 171; thence, following State Highway 171 in a generally southeasterly direction to Farm-to-Market Road 308; thence, following Farm-to-Market Road 308 in a generally northerly direction to the Hill-Ellis County line; thence, following the Hill-Ellis County line in a southwesterly direction and thence a northwesterly direction to its junction with U.S. Highway 77.

(viii) That portion of Liberty County bounded by a line beginning at the junction of Farm-to-Market Road 223 and the Liberty-San Jacinto County line; thence, following the Liberty-San Jacinto County line in a southwesterly direction to the Liberty-Montgomery County line; thence, following the Liberty-Montgomery County line in a southeasterly direction to Farm-to-Market Road 105; thence, following Farm-to-Market Road 105 in a generally northeasterly direction to Farm-to-Market Road 223; thence, following Farm-to-Market Road 223 in a generally northwesterly direction to its junction with the Liberty-San Jacinto County line.

(ix) The adacent portions of Montgomery, San Jacinto and Harris Counties bounded by a line beginning at the junction of State Highway 105 and the Montgomery-Liberty County line; thence, following the Montgomery-Liberty County line in a southeasterly direction to the Montgomery-Harris County line; thence, following the Montgomery-Harris County line in a generally southwesterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a southerly direction to Farm-to-Market Road 1960; thence, following Farm-to-Market Road 1960 in a southwesterly direction to Farm-to-Market Road 149; thence, following Farm-to-Market Road 149 in a northwesterly direction to the Harris-Montgomery County line (also the Spring Creek); thence, following the Harris-Montgomery County line (also the Spring Creek) in a generally southwesterly direction to the Montgomery-Waller County line; thence, following the Montgomery-Waller County line in a northerly direction to Farm-to-Market Road 1488; thence, following Farm-to-Market Road 1488 in a generally northeasterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a northerly direction to State Highway 105; thence, following State Highway 105 in a generally northeasterly direction to its junction with the Montgomery-Liberty County line.

(x) That portion of Tarrant County bounded by a line beginning at the junction of State Highway 121 and the Tarrant-Dallas County line; thence, following State Highway 121 in a generally southwesterly direction to Interstate Highway 820; thence, following Interstate Highway 820 in a generally southerly direction to the Fort Worth-Dallas Toll Road; thence, following the Fort Worth-Dallas Toll Road in an easterly direction to the Tarrant-Dallas County line; thence, following the Tarrant-Dallas County line in a northerly direction to its junction with State Highway 121.

(xi) That portion of Tom Green County bounded by a line beginning at the junction of U.S. Highway 277 and Farm-to-Market Road 2105; thence, following Farm-to-Market Road 2105 in a westerly direction to U.S. Highway 87; thence, following U.S. Highway 87 in a generally northwesterly direction to Grape Creek; thence, following the east bank of Grape Creek in a generally southeasterly direction to Farm-to-Market Road 2288; thence, following Farm-to-Market Road 2288 in a generally southeasterly direction to U.S. Highway 67; thence, following U.S. Highway 67

in a northeasterly direction to State Highway 306; thence, following State Highway 306 first in a generally southeasterly direction and thence in a generally northerly direction to U.S. Highway 277; thence, following U.S. Highway 277 in a generally northeasterly direction to its junction with Farm-to-Market Road 2105.

(16) *Tennessee.* That portion of Weakley County bounded by a line beginning at the junction of State Highway 118 and the North Fork of the Obion River; thence, following the south bank of the North Fork of the Obion River in a generally southwesterly direction to Federal Highway 45E (also State Highway 43); thence, following Federal Highway 45E (also State Highway 43) in a generally southerly direction to State Highway 22; thence, following State Highway 22 in a generally southeasterly direction to State Highway 118; thence, following State Highway 118 in a northerly direction to its junction with the North Fork of the Obion River.

(17) *Virginia.* (i) The adjacent portions of Isle of Wight and Southampton Counties bounded by a line beginning at the junction of Secondary Highway 626 and the Isle of Wight-Surry County line; 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 681; thence, following Secondary Highway 681 in a southerly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a southeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a generally 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 687 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 Secondary Highway 600; thence, following Secondary Highway 600 in a northwesterly direction to the Southampton-Sussex County line; thence, following the Southampton-Sussex County line in a northeasterly direction to the Southampton-Surry County line; thence, following the Southampton-Surry County line in a northeasterly direction to the Isle of Wight-Surry County line; thence, following the Isle of Wight-Surry County line in a northeasterly direction to its junction with Secondary Highway 626.

(ii) That portion of Nansemond County bounded by a line beginning at the junction of Primary Highway 32 and the Virginia-North Carolina State line; thence, following Primary Highway 32 in a northwesterly direction to Secondary Highway 647; thence, following Secondary Highway 647 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a southwesterly direction to Secondary Highway 668; thence, following Secondary Highway 668 in a southwesterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a southeasterly direction to Secondary Highway 677; thence, following Secondary Highway 677 in a southerly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in an easterly direction to its junction with Primary Highway 32.

(iii) The adjacent portions of Nansemond and Isle of Wight Counties bounded by a line beginning at the junction of U.S. Highway 17 and the west bank of the Nansemond River; thence, following the west bank of the Nansemond River in a southwesterly direction to Primary Highway 125; thence, following Primary Highway 125 in a southeasterly direction to Primary Highway 337; thence, following Primary Highway 337 in a southeasterly direction to the Nansemond-Chesapeake County line; thence, following the Nansemond-Chesapeake County line in a southwesterly direction to the Washington Ditch; thence, following Washington Ditch in a northwesterly direction to Secondary Highway 642; thence, following Secondary Highway 642 in a northerly direction to Secondary Highway 674; thence, following Secondary Highway 674 in a generally westerly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a southeasterly direction to Secondary Highway 642; thence, following Secondary Highway 642 in a southwesterly direction to Secondary Highway 664; thence, following Secondary Highway 664 in a northwesterly direction to Primary Highway 32; thence, following Primary Highway 32 in a southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to Secondary Road 670; thence, following Secondary Road 670 in a northwesterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a northeasterly direction to Secondary Road 668; thence, following Secondary Road 668 in a northeasterly direction to U.S. Highway 13; thence, following U.S. Highway 13 in a generally northeasterly direction to Secondary Road 647; thence, following Secondary Road 647 in a northwesterly direction to Secondary Road 685; thence, following Secondary Road 685 in a northeasterly direction to Secondary Road 646; thence, following Secondary Road 646 in a northwesterly direction to U.S. Highway 58; thence, following U.S. Highway 58 in a southwesterly direction to Secondary Road 647; thence, following Secondary Road 647 in a generally northwesterly direction to Secondary Road 610; thence, following Secondary Road 610 in a generally northwesterly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to Secondary Road 604; thence, following Secondary Road 604 in a generally southeasterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a southeasterly direction to the Nansemond River; thence, following the east bank of the Nansemond River in a generally northeasterly direction to the north bank of Western Branch; thence, following the north bank of Western Branch in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southeasterly direction to Primary Highway 32, 10; thence, following Primary Highway 32, 10 in a southerly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to its junction with the west bank of the Nansemond River.

(iv) That portion of Powhatan County bounded by a line beginning at the junction of the Spencer Magisterial District line and Secondary Highway 711; thence, following Secondary Highway 711 in a generally northwesterly direction to U.S. Highway 522; thence, following U.S. Highway 522 in a southwesterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a northwesterly direction to Solomons Creek; thence, following the east bank of the Solomons Creek in a northwesterly direction to the James River; thence, following the south bank of the James River in a generally northeasterly and thence southeasterly direction to the

Spencer Magisterial District line; thence, following the Spencer Magisterial District line in a southwesterly direction to its junction with Secondary Highway 711.

(v) The adjacent portions of Sussex and Dinwiddie Counties bounded by a line beginning at the junction of Secondary Highways 681 and 665; thence, following Secondary Highway 681 in a generally southeasterly direction to Secondary Highway 657; thence, following Secondary Highway 657 in a southeasterly direction to Secondary Highway 649; thence, following Secondary Highway 649 in a generally southwesterly direction to Secondary Highway 681; thence, following Secondary Highway 681 in a generally westerly direction to Secondary Highway 619; thence, following Secondary Highway 619 in a northwesterly direction to Secondary Highway 665; thence, following Secondary Highway 665 in a generally northeastern direction to its junction with Secondary Highway 681.

(vi) That portion of Southampton County bounded by a line beginning at the junction of U.S. Highway 58 and Primary State Highway 35; thence, following Primary State Highway 35 in a southwesterly direction to Secondary Highway 693; thence, following Secondary Highway 693 in a westerly direction to Secondary Highway 657; thence, following Secondary Highway 657 in a northwesterly direction to Secondary Highway 653; thence, following Secondary Highway 653 in a northeasterly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a southeasterly direction to Secondary Highway 656; thence, following Secondary Highway 656 in a southeasterly direction to U.S. Highway 58; thence, following U.S. Highway 58 in a southeasterly direction to its junction with Primary State Highway 35.

(18) *The Commonwealth of Puerto Rico.* The entire Commonwealth.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

Alabama.	Maryland.
Delaware.	Minnesota.
California.	New Mexico.
Connecticut.	Oklahoma.
Georgia.	West Virginia.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera free States:

Alaska.	Oregon.
Florida.	South Dakota.
Idaho.	Utah.
Michigan.	Vermont.
Montana.	Washington.
Nevada.	Wisconsin.
North Dakota.	Wyoming.

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

Effective date. The foregoing amendment of § 76.2 shall become effective upon issuance.

The amendment quarantines portions of Chatham and Moore Counties in North Carolina 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 provisions also include without amendment the texts of § 76.2 (f) and (g) which continue in effect. In this respect, the provisions do not change the rights or duties of any person.

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

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

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

[F.R. Doc. 70–10370; Filed, Aug. 7, 1970; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Miscellaneous Amendments

Correction

In F.R. Doc. 70–9179, the third line of the last sentence in § 2.704(a) which now appears at page 11459, in the issue of Friday, July 17, 1970, reading "safety and licensing board, the Chief", should read "Safety and Licensing Board Panel will".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70–WE–26–AD; Amdt. 39–1059]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369 Series Helicopters

There have been failures of the bond between the main rotor blade root fitting doubler, P/N 369A1104, and the main rotor blade, P/N 369A1100 and P/N 369A1100–501 on Hughes Model 369 Series helicopters that could result in the failure of the main rotor blade prior to its established service life. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require an inspection of the rotor blade for bonding separation between the doubler and the blade on Hughes Model 369 Series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

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:

HUGHES. Applies to Model 369 Series helicopters, certificated in all categories, which incorporate P/N 369A1100 and P/N 369A1100–501 main rotor blade serial numbers listed in Hughes Service Information Notice No. HN–8, dated November 19, 1969, or later FAA-approved revision and serial numbers listed in OH–6A Information Notice Nos. 120, 120A, and 120B dated October 24, 1969; November 5, 1969; and December 19, 1969; respectively.

Compliance required as indicated:

To prevent failure of the main rotor blade P/N 369A1100 and P/N 369A1100–501 accomplish the following or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region:

Within 25 hours time in service after the effective date of this AD, unless already accomplished, determine the identification notation on the blade top and bottom doublers in accordance with the procedures in Part I, a, b, and c of Hughes Service Information Notice No. HN–8, dated November 19, 1969, or later FAA-approved revision.

(a) For blades displaying "PR–12" ink stamps or blades lacking ink stamps below the part number on either of the doublers;

(1) Inspect prior to further flight in accordance with Part Id of Hughes Service Information Notice No. HN–8, above.

(2) If indications of cracks or doubler peeling or separation are found, remove the blade from service prior to further flight.

(3) If indications of cracks or doubler peeling or separation are not found, repeat the inspection required under (1) above, at periods not to exceed 25 hours' time in service from the last inspection until the blades are removed from service as specified in (4), below.

(4) Remove from service prior to the accumulation of 100 hours' time in service from the effective date of this AD.

(b) Blades displaying ink stamp letters and numerals other than "PR-12" below the part number on both doublers may be returned to service with no further inspection, following refinishing and identification per Hughes Service Information Notice No. HN-8, dated November 19, 1969, or later FAA-approved revision.

This amendment becomes effective August 8, 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 July 29, 1970.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 70-10344; Filed, Aug. 7, 1970; 8:46 a.m.]

[Docket No. 70-SO-59; Amdt. 39-1057]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 Series Airplanes

There have been failures of the exhaust mufflers on the Piper PA-28 series aircraft. These failures are in the form of cracks, burn-throughs and failed internal baffles which if not corrected can cause CO contamination or a power loss due to blockage of muffler outlet. 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 periodic inspections of the exhaust muffler.

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 the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-28-140 airplanes having Serial Nos. 28-20001 through 26400, and to Model PA-28-150, PA-28-160, PA-28S-160, PA-28-180, PA-28S-180 airplanes having Serial Nos. 28-03, 28-1 through 28-1760A.

Compliance required as indicated.

To prevent failure of the engine exhaust muffler, accomplish the following:

(a) For those airplanes which have mufflers with 950 or more hours' time in service on the effective date of this airworthiness directive, unless already accomplished comply with paragraph (c) within the next 50 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(b) For those airplanes which have mufflers with less than 950 hours' time in service on the effective date of this airworthiness directive, unless already accomplished, comply with paragraph (c) within the next 50 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection. After the muffler has accumulated 950 hours' time in service, comply with paragraph (c) at intervals not to exceed 50 hours' time in service from the last inspection.

(c) Inspect the muffler for signs of cracks, burn-throughs, weld separations, failed internal baffles, and general condition. Remove the muffler assembly by disconnecting air ducts, stacks, shrouds, as necessary to permit a thorough visual inspection of the exterior and interior surfaces with a probe light and mirror. The cabin air heat shroud must also be removed from the muffler. Except during the initial inspection the muffler need not be removed from the airplane, provided visual inspection with probe light and mirror is made through the tailpipe and through one end at the stack connection. Additional information will be found in Advisory Circular 43.13-1, chapter 14, section 3.

(d) Mufflers found damaged or deteriorated as described above must be replaced or repaired before further flight. Thereafter comply with the inspection requirements of paragraph (a) or (b), whichever is applicable. Repairs may be made by welding in accordance with Advisory Circular AC 43.13-1, chapter 2, section 2, or an FAA-approved equivalent. After welding, accomplish a submerged pressure check at 10 p.s.i. air pressure. Leaks are not permissible. Do not reinstall mufflers having loose, broken, or missing internal baffle tubes. Care should be exercised when reinstalling the exhaust system components to prevent distortion or preloading of parts.

(e) The inspection time intervals may be adjusted up to a maximum of 10 hours to coincide with airplane annual or 100-hour scheduled inspections.

(f) The recurrent inspections required in paragraphs (a) and (b) may be discontinued upon installation of the new improved muffler as follows:

(1) Piper Part. No. 99482-00 on Model PA-28-140, PA-28-150, PA-28-160, and PA-28S-160.

(2) Piper Part No. 99482-02 on Model PA-28-180 and PA-28S-180.

This amendment becomes effective August 10, 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 East Point, Ga., on July 29, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-10343; Filed, Aug. 7, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-38]

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

Alteration of Transition Area

On June 27, 1970, F.R. Doc. 70-8146 was published in the FEDERAL REGISTER (35 F.R. 10504) adopting an amendment to Part 71 of the Federal Aviation Regulations that designated a transition area for La Junta, Colo.

Subsequent to the publication of this document, refined charting data revealed a requirement to change the east boundary of the 1,200-foot portion of the transition area. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary; and the effective date as originally adopted may be retained.

In consideration of the foregoing, in § 71.181 (35 F.R. 10504), the description of the La Junta, Colo., transition area is amended by deleting "* * * on the east by longitude 103°58''00'' W., * * *" and substituting "* * * on the east by the west boundary of the 700-foot portion of the transition area * * *" therefor.

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

Issued in Los Angeles, Calif., on July 29, 1970.

ARVIN O. BASNIGHT,
Director of Western Region.

In § 71.181 (35 F.R. 2134) the following transition area is added:

LA JUNTA, COLO.

That airspace extending upward from 700 feet above the surface bounded on the north by the south edge of V-244, on the south by a line 9.5 miles south of and parallel to the 091° and 271° bearings from the La Junta, Colo., RBN (latitude 38°02'54'' N., longitude 103°37'14'' W.), extending from 12 miles east to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-244, on the east by the west boundary of the 700-foot portion of the transition area, on the south by the north edge of V-210, on the southwest by the northeast edge of V-81, excluding the airspace within the Pueblo, Colo., transition area.

[F.R. Doc. 70-10345; Filed, Aug. 7, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-46]

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

Alteration of Transition Area

On June 20, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 10157) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Colorado Springs, Colo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 15, 1970.

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

Issued in Los Angeles, Calif on July 29, 1970.

ARVIN O. BASNIGHT,
Director of Western Region.

In § 71.181 (35 F.R. 2134) the description of the Colorado Springs, Colo., transition area is amended as follows:

In the 10th line delete all after "* * * 307° radial;" and substitute therefor "that airspace southwest of Colorado Springs bounded on the north by a line beginning at latitude 38°35'00'' N., longitude 105°10'00'' W., to latitude 38°40'00'' N., longitude 104°52'00'' W., on the east by longitude 104°52'00'' W., on the south by the north edge of V–244 and on the west by longitude 105°10'00'' W.; that airspace southwest and northwest of Colorado Springs extending upwards from 11,700 feet MSL bounded on the north by a line beginning at latitude 38°-30'00'' N., longitude 105°27'00'' W., to latitude 38°35'00'' N., longitude 105°10'-00'' W.; on the east by longitude 105°10'-00'' W., on the south by the north edge of V–244 and on the west by longitude 105°-27'00'' W., and that airspace bounded on the north by latitude 39°05'00'' N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial on the east by longitude 104°52'00'' W., on the south by latitude 38°55'00'' N., and on the west by longitude 105°20'00'' W."

[F.R. Doc. 70–10346; Filed, Aug. 7, 1970; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–634; Amdt. 8]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Definition of Helicopter Service

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

By petition filed June 10, 1970, Los Angeles Airways, Inc., has requested amendment of Part 225 to reflect the fact that the carrier's certificate was amended by the elimination of the restriction that it must perform service exclusively with "direct-lift" aircraft. As a result of this amended authority, petitioner, as well as other certificated "helicopter" operators, have added to their fleets fixed-wing aircraft performing the same type of service as helicopters and therefore no longer fall within the definition in Part 225 of an airline operating other than "fixed-wing" aircraft, for the purposes of exchanging transportation for advertising goods and services.

Upon consideration of the matters contained in the petition, the Board finds that the request should be granted and appropriate amendment made to § 225.1(a)(6).

We find no intent by the Board, in authorizing petitioner and other helicopter operators to use fixed-wing aircraft, to deprive them of the right under Part 225 to exchange air transportation for goods and services. Moreover, petitioner and other carriers of this class have continued to suffer operating losses, the high cost of advertising media in metropolitan centers remains a problem, and the relief requested will, as it did when it was extended to this class, permit them to obtain needed advertising without burdensome cash outlay.

In light of the foregoing as well as the previous findings made with respect to this class of carrier,[1] we therefore find that the enforcement of section 403 and the provisions of Part 221 of the Board's regulations to the extent that they would prevent petitioner and other similarly situated air carriers from exchanging air transportation for advertising goods and services would be an undue burden on them by reason of the limited extent of, and unusual circumstances affecting, their operations and is not in the public interest.

In view of the limited and technical nature of this amendment, and the fact that it grants relief from restriction, we find also that public rule making proceedings are unnecessary and the rule shall be effective upon less than 30 days' notice.

Accordingly, the Board hereby amends Part 225 (14 CFR Part 225), effective August 5, 1970, as follows:

Amend paragraph (a)(6) to read:

§ 225.1 Definitions.

(a) "Airline" means:

* * * * *

(6) Any air carrier providing scheduled helicopter passenger service or community center and interairport service pursuant to its certificate of public convenience and necessity in the metropolitan area of Los Angeles, San Francisco-Oakland, Chicago, or New York.

* * * * *

(Secs. 204(a), 403, 404, 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 771; 49 U.S.C. 1324, 1373, 1374, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10382; Filed, Aug. 7, 1970; 8:49 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR–39; Amdt. 6]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Three-Group Limitation

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

Section 378.2(b)(5) of Part 378 recites: "An aircraft under charter to one tour operator or foreign tour operator may carry a maximum of three tour groups: *Provided*, That if more than one group is carried each of the groups shall consist of 40 or more tour participants." In a notice of proposed rule making SPDR–18[1] the Board proposed to amend this section to provide that an aircraft under charter may carry any number of tour groups, provided that each group comprise 40 or more tour participants.

Comments on the proposal have been received from National Airlines, Trans World Airlines, Pan American World Airways, member carriers of the National Air Carrier Association,[2] the American Society of Travel Agents, International Travel, and American Travel Service, Interlude International and International Travel Brokers, jointly. Pan American, National and TWA object to the proposed amendment, with the other comments supporting it.[3]

For the reasons announced in SPDR–18 and for the additional reasons which will presently appear, the Board has decided to adopt the rule as proposed. The tentative findings made in SPDR–18 are incorporated by reference and made final.

Both Pan American and TWA stress that the traffic which will be affected by liberalizing the restriction is traffic for which they compete with the supplemental carriers and that it will divert traffic from them at a time when the scheduled carriers are suffering severe financial problems. The fact is, of course, that supplemental air carriers are also suffering operating losses and likewise need the traffic for which they compete with the scheduled carriers. Moreover, as the Board recently stated in approving the IATA agreement establishing transatlantic affinity group fares, there is nothing improper in competition between supplemental and IATA carriers and neither is entitled to a given share of a competitive market over the other.[4]

Furthermore, we are not persuaded that the proposed amendment will result in substantial diversion of revenue from the scheduled carriers. To begin with, although the rule should allow a tour operator to put together groups of a more manageable size, he will still have to sell the same number of seats. Furthermore, the scheduled carriers should still be able to compete effectively with ITC's through, for example, contract bulk inclusive tour fares and affinity group fares in which both price and conditions of travel are similar.

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[1] ER–463, May 20, 1966, and ER–471, July 27, 1966.

[1] Mar. 30, 1970, Docket 22053 (35 F.R. 5489).

[2] American Flyers Airline Corp., Capitol International Airways, Inc., Modern Air Transport, Inc., Overseas National Airways, Inc., Purdue Airlines, Inc., Saturn Airways, Inc., Southern Air Transport, Inc., Trans International Airlines, Inc., Universal Airlines, Inc., World Airways, Inc.

[3] These comments, however, include additional proposals which are clearly outside the scope of this proceeding and upon which interested persons have had no opportunity to comment. They cannot therefore be considered herein. However, it is noted that certain of these proposals have been submitted for public comment in EDR–183, PSDR–24, May 8, 1970.

[4] Order 70–2–123, p. 6.

National asserts that the proposal would effectively remove a key element in the regulations "and upset the delicate balance between restrictionism and liberalism inherent therein." The fact is that this rule tends to preserve this "delicate balance." At the time the three-group limitation was imposed the largest jet aircraft in use contained no more than about 180 seats. And contemplated at that time were larger capacity jet aircraft which in fact were subsequently acquired by the supplementals in the form of 250-seat DC-8's, which have become commonly used by them. Thus, at the time the three-group limitation was imposed the average group size was 60 with an average group of about 80 contemplated with larger capacity aircraft. But now the contemplation is for 400-seat B-747 aircraft,[5] and a three-group limitation would require groups to average about 130 persons. Groups of this magnitude would be difficult to manage efficiently and would pose severe problems in reserving hotel space and providing other land arrangements. As indicated in SPDR-18, recent requests for waivers of the three-group limitation indicate that it is unduly restrictive even when 250-seat aircraft are used.[6] Obviously, this situation would be so acutely aggravated in the case of B-747's as to make their use problematical for ITC's.

The three-group limitation therefore has already, to some degree, upset the delicate balance National refers to on the side of restrictionism and will throw it completely out of kilter with the advent of B-747's. And we do not agree with the general premise of the three route carriers that abolition of the restriction will work any qualitative change in the scheme of Part 378.

Accordingly, the Civil Aeronautics Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378) effective September 7, 1970, by revising § 378.2(b)(5) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

(b) "Inclusive tour" means a round-trip tour which combines air transportation pursuant to an inclusive tour charter and land services, and which meets all of the following requirements:

* * * * *

(5) An aircraft under charter to one tour operator or foreign tour operator may carry any number of tour groups: *Provided*, That if more than one group is carried, each of the groups shall consist of 40 or more tour participants.

* * * * *

(Secs. 101(3), 204(a), 401, 402, Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754 (as amended by 76 Stat. 143), 757; 49 U.S.C. 1301, 1324, 1371, 1372)

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-10381; Filed, Aug. 7, 1970; 8:49 a.m.]

[5] TWA believes that the rule will induce supplemental carriers "to go out and purchase jumbo jets." If the acquisition of the aircraft was not in a carrier's plans, we are hardly persuaded that it will go out and purchase aircraft costing approximately $20 million each on the strength of this rule.

[6] TWA contends that only four waiver requests in 3 months hardly supports a finding that the rule is unduly restrictive. It was not the number of requests, but the matters set forth therein which impelled the statement.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

AMPHETAMINES (AMPHETAMINE, DEXTROAMPHETAMINE, AND THEIR SALTS, AND LEVAMFETAMINE AND ITS SALTS) FOR HUMAN USE; STATEMENT OF POLICY

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), (j), 505, 701(a), 52 Stat. 1051-53, as amended, 1055; 21 U.S.C. 352(f), (j), 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 130 is amended by adding to Subpart A the following new section:

§ 130.46 Amphetamines (amphetamine, dextroamphetamine, and their salts and levamfetamine and its salts) for human use; statement of policy.

(a) *Amphetamine and dextroamphetamine and their salts.* (1) Pursuant to the drug efficacy requirements of the Federal Food, Drug, and Cosmetic Act, the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, has evaluated certain dosage forms of amphetamines and other sympathomimetic stimulant drugs intended for use in the treatment of obesity and for other uses. The Academy found that such drugs as a class have been shown to have a generally short-term anorectic action. They further commented that clinical opinion on the contribution of the sympathomimetic stimulants in a weight reduction program varies widely, the anorectic effect of these drugs often pleateaus or diminishes after a few weeks, most studies of them are for short periods, no available evidence shows that use of anorectics alters the natural history of obesity, some evidence indicates that anorectic effects may be strongly influenced by the suggestibility of the patient, and reservations exist about the adequacy of the controls in some of the clinical studies. Their significant potential for drug abuse was also cited.

(2) In addition to those dosage forms that were reviewed for efficacy by the Academy, other dosage forms of amphetamine drugs are on the market that were not cleared through the new-drug procedures. While certain amphetamines were marketed prior to enactment of the Federal Food, Drug, and Cosmetic Act in 1938, some of the conditions of use now prescribed, recommended, or suggested in their labeling (for example, for the treatment of obesity) differ from uses claimed for the amphetamines before said enactment. Such uses have not been cleared through the effectiveness provisions of the Drug Amendments of 1962 (Public Law 87-781 which amended the Federal Food, Drug, and Cosmetic Act). These drugs are very extensively used in the treatment of obesity. The extent of use for such purposes as narcolepsy and minimal brain dysfunction in children is believed to be insignificant as compared with the total usage of these drugs. Because of their stimulant effect on the central nervous system, they have a potential for misuse by those to whom they are available through a physician's prescription, and their abuse by those who obtain them through illicit channels is well documented. Production data indicate that amphetamines are produced and prescribed in quantities greatly in excess of demonstrated medical needs.

(3) On the basis of the foregoing, the Food and Drug Administration finds that the current labeling of amphetamine or dextroamphetamine or their salts neither adequately reflects the present state of knowledge concerning their limited medical usefulness nor emphasizes the necessary warning information regarding their potential for misuse and abuse. Such drugs must be relabeled in accord with the information shown below. Amphetamines labeled as required by this section are regarded as new drugs and must be subjects of new-drug applications.

(4) Pending conclusions reached pursuant to information that may become available through new-drug applications or other sources, the labeling of orally administered amphetamine and dextroamphetamine and their salts should be substantially as follows:

AMPHETAMINE AND DEXTROAMPHETAMINE

AMPHETAMINES HAVE A SIGNIFICANT POTENTIAL FOR ABUSE. IN VIEW OF THEIR LIMITED SHORT-TERM ANORECTIC EFFECT AND RAPID DEVELOPMENT OF TOLERANCE, THEY SHOULD BE USED WITH EXTREME CAUTION AND ONLY FOR LIMITED PERIODS OF TIME IN WEIGHT REDUCTION PROGRAMS

DESCRIPTION

(To be confined to a statement of the physical and chemical properties of the drug.)

ACTIONS

Amphetamines are sympathomimetic amines with CNS stimulant activity. Peripheral actions include elevation of systolic and diastolic blood pressures and weak bronchodilator and respiratory stimulant action. The anorectic effect diminishes after a few weeks.

INDICATIONS

Narcolepsy.

Minimal brain dysfunction in children (hyperkinetic behavior disorders), as an aid to general management.

Exogenous obesity, as a short term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction.

CONTRAINDICATIONS

Advanced arteriosclerosis, symptomatic cardiovascular disease, moderate to severe hypertension, hyperthyroidism, known hypersensitivity or idiosyncrasy to the sympathomimetic amines.

Agitated states.

Patients with a history of drug abuse.

During or within 14 days following the administration of monoamine oxidase inhibitors, hypertensive crises may result.

WARNINGS

Tolerance to the anorectic effect usually develops within a few weeks. When this occurs, the recommended dose should not be exceeded in an attempt to increase the effect; rather, the drug should be discontinued.

Amphetamines may impair the ability of the patient to engage in potentially hazardous activities such as operating machinery or driving a motor vehicle; the patient should therefore be cautioned accordingly.

DRUG DEPENDENCE: Amphetamines have a significant potential for abuse. Tolerance and extreme psychological dependence have occurred. There are reports of patients who have increased the dosage to many times that recommended. Abrupt cessation following prolonged high dosage administration results in extreme fatigue and mental depression; changes are also noted on the sleep EEG. Manifestations of chronic intoxication with amphetamines include severe dermatoses, marked insomnia, irritability, hyperactivity, and personality changes. The most severe manifestation of chronic intoxication is psychosis, often clinically indistinguishable from schizophrenia.

USAGE IN PREGNANCY: Safe use in pregnancy has not been established. Reproduction studies in mammals at high multiples of the human dose have suggested both an embryotoxic and a teratogenic potential. Use of amphetamines by women who are or who may become pregnant, and especially those in the first trimester of pregnancy, requires that the potential benefit be weighed against the possible hazard to mother and infant.

USAGE IN CHILDREN: Amphetamines are not recommended for use as anorectic agents in children under 12 years of age.

PRECAUTIONS

Caution is to be exercised in prescribing amphetamines for patients with even mild hypertension.

Insulin requirements in diabetes mellitus may be altered in association with the use of amphetamines and the concomitant dietary regimen.

Amphetamines may decrease the hypotensive effect of guanethidine.

The least amount feasible should be prescribed or dispensed at one time in order to minimize the possibility of overdosage.

ADVERSE REACTIONS

Cardiovascular: Palpitation, tachycardia, elevation of blood pressure.

Central nervous system: Overstimulation, restlessness, dizziness, insomnia, euphoria, dysphoria, tremor, headache; rarely, psychotic episodes at recommended doses.

Gastrointestinal: Dryness of the mouth, unpleasant taste, diarrhea, other gastrointestinal disturbances. Anorexia and weight loss may occurr as undersirable effects when amphetamines are used for other than the anorectic effect.

Allergic: Urticaria.

Endocrine: Impotence, changes in libido.

DOSAGE AND ADMINISTRATION

Regardless of indication, amphetamines should be administered at the lowest effective dosage and dosage should be individually adjusted. Late evening medication should be avoided because of the resulting insomnia.

1. Narcolepsy: Usual dose 5 to 60 milligrams per day in divided doses.

2. Minimal brain dysfunction:

a. Not recommended for children under 3 years of age.

b. Children from 3 to 5 years of age: 2.5 milligrams daily, raised in increments of 2.5 milligrams at weekly intervals until optimal response is obtained.

c. Children 6 years of age and older: 5 milligrams once or twice daily, increased in increments of 5 milligrams at weekly intervals. Only in rare cases will it be necessary to exceed a total of 40 milligrams per day.

3. Obesity: Usual adult dose 5 to 30 milligrams per day in divided doses.

OVERDOSAGE

Manifestations of acute overdosage with amphethamines include restlessness, confusion, assaultiveness, hallucinations, panic states. Fatigue and depression usually follow the central stimulation. Cardiovascular effects include arrhythmias, hypertension or hypotension, and circulatory collapse. Gastrointestinal symptoms include nausea, vomiting, diarrhea, and abdominal cramps. Fatal poisoning usually terminates in convulsions and coma.

Management of acute amphetamine intoxication is largely symptomatic and includes lavage and sedation with a barbiturate. Experience with hemodialysis or peritoneal dialysis is inadequate to permit recommendations in this regard.

(5) Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that all the following conditions are met:

(i) Within 60 days following the date of publication of this section in the FEDERAL REGISTER, the labeling of any such preparation shipped within the jurisdiction of the act is in accord with the labeling conditions described in this section. After said 60 days any such preparation labeled or advertised contrary to this section will be regarded as misbranded within the meaning of section 502(f) (1) and (2) and (j) of the act and will be subject to regulatory proceedings. New drug charges will be included in appropriate cases.

(ii) The manufacturer, packer, or distributor of such drug submits to the Food and Drug Administration, within 1 year after the date of publication of this section in the FEDERAL REGISTER, a new-drug application providing substantial evidence derived from adequate and well-controlled clinical investigations that the drug is effective for each of its labeled indications. Since the treatment of obesity necessarily requires a prolonged period of time, data in support of the drug's long-range effectiveness in this condition must be based on studies conducted over periods exceeding a few weeks; intermittent administration of the drug may be required. Such studies should also include data on long-term toxicity; for example, cardiovascular and central nervous system. Such information is essential for an evaluation of the benefit-to-risk ratio.

(iii) The applicant submits within a reasonable time additional information required for the approval of the application as specified in a written communication from the Food and Drug Administration or in a notice published in the FEDERAL REGISTER.

(iv) The application has not been ruled incomplete or unapprovable.

(v) The Food and Drug Administration has not, by publication in the FEDERAL REGISTER, announced further conclusions concerning amphetamines based upon information submitted in new-drug applications or other information available.

(6) The labeling of any combination drug containing amphetamine or dextroamphetamine or their salts which includes any of the same indications for use as are listed in the labeling in this section should be revised to reflect the substance of those parts of the labeling set forth in this section that are applicable to the amphetamine component. Combination products labeled as required by this section are regarded as new drugs and must be subjects of approved new-drug applications.

(b) *Levamfetamine and its salts.* (1) Levamfetamine preparations currently on the market are represented to be useful in the treatment of obesity. The Food and Drug Administration finds there is neither substantial evidence of effectiveness nor a general recognition among qualified experts that these drugs are safe and effective for such use. Accordingly, these preparations are regarded as new drugs requiring approved new-drug applications.

(2) Regulatory proceedings based on section 505 of the act may be initiated with regard to any such drug shipped within the jurisdiction of the act for which an approved new-drug application is not in effect. Those products claiming exemption from the efficacy provisions of the Drug Amendments of 1962 (Public Law 87-781; 76 Stat. 780 et seq.) under the "grandfather" provisions (sec. 107(c) (4) of that act; 76 Stat. 789) will be considered on an individual basis.

(Secs. 502 (f), (j), 505, 701(a), 52 Stat. 1051-53, as amended, 1055; 21 U.S.C. 352 (f), (j), 355, 371(a))

Dated: July 30, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-10353; Filed, Aug. 7, 1970; 8:47 a.m.]

PART 146c — CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 148n—OXYTETRACYCLINE

Tetracycline-Sulfonamide (With and Without Analgesic), Chlortetracycline-Sulfonamide, Oxytetracycline-Sulfonamide Combination Products for Oral Administration in Man; Postponement of Effective Date and Extension of Time for Filing of Objections

An order was published in the FEDERAL REGISTER of June 30, 1970 (35 F.R. 10587), to become effective in 40 days, amending Parts 146c and 148n of the

antibiotic drug regulations to repeal provisions for certification of certain combination drugs containing antibiotics and sulfonamides for oral administration. Thirty days were provided for filing proper objections and requests for a hearing.

The Commissioner of Food and Drugs has received from counsel for Chas. Pfizer & Co. a request for an extension of time for filing of objections.

Good reason therefor appearing, the effective date of the order is hereby postponed and an additional 8 days from July 30, 1970, will be allowed for the filing of objections and request for a hearing. The order shall become effective August 17, 1970. If objections are filed, the effective date will be extended, if necessary, to allow time to rule on the objections. In ruling upon any objections filed, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

This action is taken 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).

Dated: August 3, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10323; Filed, Aug. 7, 1970; 8:45 a.m.]

PART 148m—OLEANDOMYCIN

Certification of Combination Drugs Containing Triacetyloleandomycin and Sulfonamides; Confirmation of Effective Date

An order was published in the FEDERAL REGISTER of May 16, 1970 (35 F.R. 7647), amending the antibiotic drug regulations to repeal provision for certification of triacetyloleandomycin-sulfadiazine-sulfamerazine-sulfamethazine tablets and triacetyloleandomycin-sulfadiazine-sulfamerazine-sulfamethazine oral suspension. The order repealed § 148m.5, amended § 148m.7 by revoking paragraph (a)(1)(i), and revoked all antibiotic certificates previously issued thereunder.

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 of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Acordingly, the amendments promulgated thereby became effective June 25, 1970.

Dated: July 30, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–10325; Filed Aug. 7, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 132—INITIAL ACTIVE DUTY FOR TRAINING IN RESERVE COMPONENTS

Policy

The Deputy Secretary of Defense approved an amendment to Part 132 on July 10, 1970:

Section 132.3 has been amended by adding a new paragraph (h). Section 132.3(h) reads as follows:

§ 132.3 Policy.

* * * * *

(h) *Advanced individual training.* In order to assure a high level of quality among Reserve enlisted personnel and to achieve and maintain a high level of operational readiness of units of the Selected Reserve, National Guard and Reserve enlistees who require advanced individual training in specific military skills to qualify them for filling unit assignments in the Selected Reserve will be provided such training following completion of their basic training.

(1) The Military Departments will program and budget for advanced individual training capabilities sufficiently to fulfill the individual training requirements of National Guard and Reserve units on a priority consistent with mobilization missions assigned.

(2) Personnel enlisted under subsections (a) or (d) of 10 U.S.C. 511 who have received such advanced training will be required to agree to actively participate in the Selected Reserve for the duration of their statutory obligation.

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

[F.R. Doc. 70–10326; Filed, Aug. 7, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 70–91]

PART 12B–3—PROCUREMENT BY NEGOTIATION

PART 12B–75—PROCUREMENT AUTHORITY AND DELEGATIONS

Additional Delegations for Contracting Officers

The purpose of this document is to amend the Coast Guard Procurement Regulations to authorize contracting officers of field units to execute time and material type contracts. At present the regulations limit the authority of these contracting officers to the use of firm fixed-price contracts, and provide that the use of other types of contracts must be specifically authorized by the Comptroller, U.S. Coast Guard. Time and material type contracts are particularly appropriate for work to be performed in emergency situations. The necessity for use of contracts of this type in connection with the removal of oil from the navigable waters is expected to increase. It has been decided, therefore, that the field contracting officers should be granted general authority to use this type of contract, in order to avoid the delay and effort in obtaining the specific authority from the Comptroller in each case.

Since these amendments relate to agency management and public contracts, I find it to be unnecessary to comply with the requirements of notice of proposed rule making and public procedures therein. Further, these amendments can be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Subpart 12B–3.4—Types of Contracts

1. Section 12B–3.401 is revised to read as follows:

§ 12B–3.401 Types of contracts.

Each contracting officer at a field unit is authorized to use firm fixed-price and time and material contracts. This contracting officer may use cost-reimbursement type contracts only when specifically authorized to do so by the Comptroller.

Subpart 12B–75.2—Designation of Contracting Officers

2. Section 12B–75.201 is revised to read as follows:

§ 12B–75.201 Designation of Contracting Officers.

(a) *Chief officer responsible for procurement.* In addition to the designations set forth in this section, the chief officer responsible for procurement may designate qualified employees of the Coast Guard as contracting officers within the monetary and other limitations he deems appropriate. These limitations shall be specifically set forth in the designation of authority.

(b) *Coast Guard Headquarters.* The Chief and the Assistant Chief of the Contract Management Branch, Procurement Division are designated as contracting officers for all types of contracts.

(c) *Field units.* Each District Commander and each Commanding Officer of a Headquarter's unit is designated as a contracting officer for all contracts, except cost-reimbursement type contracts. This designation includes the authority to delegate this authority, at his discretion, to officers assigned to finance and supply and to qualified civilian employees, assigned within his command, who are at least 21 years of age. The chief officer responsible for procurement may delegate authority in excess of the limitations imposed by this chapter.

(Sec. 633, 63 Stat. 545, sec. 205(c), 63 Stat. 389, as amended, sec. 2301–2314 (ch. 137), 70A

Stat. 127–133, as amended, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301–2314, 49 U.S.C. 1655(b); 41 CFR 12–1.008)

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 24, 1970.

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

[F.R. Doc. 70–10412; Filed, Aug. 7, 1970; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4870]

[Utah 5122]

UTAH

Modification and Extension of Public Land Orders No. 2199 and No. 2379

By virtue of the authority contained in the Act of February 25, 1920, 41 Stat. 437, as amended and supplemented, 30 U.S.C. section 181 et seq. (1964), it is ordered as follows:

1. Public Land Orders No. 2199 of August 29, 1960, and No. 2379 of May 13, 1961, which withdrew certain lands from the filing of applications or offers under the oil and gas leasing provisions of the Mineral Leasing Act of February 25, 1920, supra, for the preservation and development of potash deposits belonging to the United States, are hereby modified and extended to September 2, 1980, so far as they affect the following described lands:

SALT LAKE MERIDIAN

PUBLIC LAND ORDER NO. 2199

T. 26 S., R. 20 E.,
Sec. 27, S½NW¼, W½SW¼.

PUBLIC LAND ORDER NO. 2379

T. 24 S., R. 20 E.,
Sec. 27, S½SW¼;
Sec. 34, SW¼NE¼, W½, SE¼.
T. 25 S., R. 20 E.,
Sec. 1, NW¼SW¼, S½SW¼;
Sec. 3, lots 1 to 16, inclusive, N½S½, SE¼SW¼, S½SE¼;
Sec. 10, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 11;
Sec. 12, W½NE¼, W½, SE¼;
Sec. 13;
Sec. 14, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 24, NE¼.
T. 25 S., R. 21 E.,
Sec. 7, lot 4;
Sec. 18, lots 1 to 4, inclusive, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 19, lots 1 to 3, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

The areas described aggregate 5,078.21 acres in Grand County.

2. The withdrawal affected by this order shall terminate on the date specified in paragraph 1 unless it is extended by an appropriate order of extension. Upon termination of the withdrawal, the lands shall again be subject to leasing for oil and gas development purposes upon such terms and condition as the Secretary of the Interior may specify in an order of opening, consistent with the then existing law and regulations.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10327; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4871]

[New Mexico 10370]

NEW MEXICO

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 7 E.,
Sec. 31, lots 3, 4, 5, 13, S½NE¼NE¼, E½NW¼NE¼;
Sec. 32, SW¼NE¼NW¼, S½NW¼NW¼, SW¼NW¼, W½SE¼NE¼, W½SW¼.

The area described aggregates 358.19 acres in Rio Arriba County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10328; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4872]

[Riverside 2048]

CALIFORNIA

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Rarick Spring

T. 7 S., R. 5 E.,
Sec. 18, SW¼NW¼SW¼NE¼, NW¼SW¼SW¼NE¼.

The area described aggregates 5 acres in Riverside County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10329; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4873]

[Idaho 2339]

IDAHO

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Kuna Butte Administrative Site:

BOISE MERIDIAN

KUNA BUTTE ADMINISTRATIVE SITE

T. 1 N., R. 1 W.,
Sec. 3, SW¼;
Sec. 4, SE¼;
Sec. 9, NE¼;
Sec. 10, NW¼.

The area described aggregates 640 acres in Ada County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10330; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4874]

[Oregon 5763]

OREGON

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described Revested Oregon and California Railroad Grant Land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. sections 601–604 (1964), and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 78 Stat. 1089, 16 U.S.C. sections 532, 533 (1964):

WILLAMETTE MERIDIAN

COON CREEK TIE ROAD NO. 1987C

T. 20 S., R. 10 W.,
Sec. 12, lot 9.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline of the Coon Creek Tie Road, in and through the above-described subdivision, as shown on a plat filed in the Land Office, Bureau of Land Management, Portland, Oreg.

The area described contains about 4 acres in Douglas County.

2. The withdrawal made by this order shall not preclude entries, or sales, exchanges, or leases under public land laws applicable to Revested Oregon and California Railroad Grant Lands of any legal subdivisions traversed by any cooperator road constructed on any lands withdrawn by this order: *Provided*, That any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10331; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4875]

[Anchorage 2497]

ALASKA

Partial Revocation of Withdrawal for School Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Bureau of Land Management Order of July 5, 1955, withdrawing lands for school purposes, as amended by Public Land Order No. 3258 of October 29, 1963, is hereby revoked so far as it affects the following described land:

NONDALTON

U.S. Survey No. 3863, lot 2.

The area described contains 0.12 acre as shown on the supplemental plat of survey accepted February 18, 1969.

Lots 1 and 3, U.S. Survey 3863, remain withdrawn under the jurisdiction of the Bureau of Indian Affairs for school purposes.

The lands are a part of the Trustee Townsite of Nondalton.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10332; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4876]

[Oregon 6058]

OREGON

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described Revested Oregon and California Railroad Grant Land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. sections 601, 604 (1964), and reserved for use of the Department of Agriculture for the granting of easements for road rights of way as authorized by section 2 of the Act of October 13, 1964, 78 Stat. 1089, 16 U.S.C. sections 532, 533 (1964):

WILLAMETTE MERIDIAN

T. 38 S., R. 6 E.,
Sec. 21, SW¼NW¼, N½SW¼, W½SE¼.

A strip of land 90 feet in width, being 45 feet in width on both sides of the centerline of the Spencer Creek Road, as shown on a plat filed in the Land Office, Bureau of Land Management, Portland, Oreg.

The area described contains about 9.7 acres in Klamath County.

2. The withdrawal made by this order shall not preclude entries, or sales, exchanges, or leases under public land laws applicable to Revested Oregon and California Grant Lands of any legal subdivisions traversed by any cooperator road constructed on any lands withdrawn by this order: *Provided*, That any such entry, sale, exchange, or lease shall be subject to this order and to any road right of way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10333; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4877]

[New Mexico 10952]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 76 Stat. 140, 43 U.S.C. sections 315g–1 (1964), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. section 315g (1964), are hereby added to and made a part of the Cibola National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 15 W.,
Sec. 19, lots 3, 4, E½SW¼, SE¼;
Secs. 20, 28, 30, 31, and 32.
T. 12 N., R. 16 W.,
Secs. 23, 24, 25, and 35.

The areas described aggregate 6,078.78 acres in McKinley and Valencia Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70–10334; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4878]

[Oregon 5746]

OREGON

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public domain land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. secs. 601, 604 (1964), and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 78 Stat. 1089, 16 U.S.C. secs. 532, 533 (1964):

WILLAMETTE MERIDIAN

SOUTH SPRAGUE RIVER ROAD NO. 3609

T. 36 S., R. 15 E.,
Sec. 28, N½NE¼, SW¼NE¼, SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼;
Sec. 32, S½NE¼, N½SW¼, NW¼SE¼.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline of the South Sprague River Road in and through the above-described subdivision as shown on a plat filed in the Land Office, Bureau of Land Management, Portland, Oreg.

The area described contains about 23 acres in Klamath County.

2. The withdrawal made by this order shall not preclude agricultural entries, or sales, exchanges, or leases under public land laws applicable to public domain lands of any legal subdivisions traversed by any cooperator road constructed on any lands withdrawn by this order: *Provided*, That any such entry, sale, exchange, or lease shall be subject to this

order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70-10335; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4879]

[Montana 072710 (S.D.)]

SOUTH DAKOTA

Withdrawal for National Forest Recreation Areas, Roadside Zones, and Watershed Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

U.S. Highway 85 Roadside Zone

A strip of land 330 feet on each side of the surveyed centerline of U.S. Highway 85 from the Wyoming State line to the south boundary of the Deadwood Exemption Area, and then from the north boundary of the Deadwood Exemption Area to the forest boundary through the following legal subdivisions:

T. 3 N., R. 1 E.,
Sec. 11, SE¼SE¼;
Sec. 12, S½S½;
Sec. 13, N½N½NW¼;
Sec. 14, W½SW¼ and N½;
Sec. 15, SE¼NE¼SE¼;
Sec. 20, SW¼ and SE¼SE¼;
Sec. 21, S½SW¼, SE¼, and NE¼;
Sec. 22, N½NW¼;
Sec. 29, W½SW¼SW¼;
Sec. 30, E½SE¼SE¼;
Sec. 31, SW¼, S½N½, E½E½NE¼;
Sec. 32, W½W½NW¼.
T. 3 N., R. 2 E.,
Sec. 7, S½.
T. 4 N., R. 2 E.,
Sec. 22, NE¼NW¼, NE¼, and NE¼SE¼;
Sec. 23, S½ and S½NE¼;
Sec. 24, N½SW¼ and S½NW¼.
T. 5 N., R. 3 E.,
Sec. 2, E½;
Sec. 11, SE¼SW¼, W½SE¼, and NE¼;
Sec. 14, SE¼SE¼, NE¼, and NE¼NW¼.

U.S. Highway 14 Roadside Zone

A strip of land 330 feet on either side of the surveyed centerline of U.S. Highway 14 from the Deadwood Exemption Area to Sturgis, S. Dak., through the following legal subdivisions:

T. 5 N., R. 4 E.,
Sec. 13, SE¼NW¼;
Sec. 15, S½S½;
Sec. 16, S½;
Sec. 17, S½;
Sec. 22, NE¼NW¼.
T. 5 N., R. 5 E.,
Sec. 7, SW¼SW¼.

Custer Crossing Picnic Ground

T. 3 N., R. 4 E.,
Sec. 17, SW¼NW¼NW¼ and SW¼NW¼.

Pactola Lake Recreation Area

T. 1 N., R. 5 E.,
Sec. 4, S½SE¼;
Sec. 6, SE¼NW¼ and SE¼NE¼;
Sec. 9, E½ and NW¼NW¼;
Sec. 16, NE¼.
T. 2 N., R. 5 E.,
Sec. 33, SE¼SE¼.

Sturgis Watershed

T. 4 N., R. 5 E.,
Sec. 4, lot 2, S½, S½NW¼ and S½NE¼;
Sec. 5, SE¼NE¼, E½E½SE¼, W½W½SE¼, NW¼NE¼SE¼, NE¼NW¼SE¼, SE¼SW¼SE¼, and SW¼SE¼SE¼;
Sec. 8, E½NE¼ and NW¼NE¼;
Sec. 9, NW¼ and W½NE¼.

The areas described aggregate approximately 2,836 acres in Lawrence, Pennington, and Meade Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70-10336; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4880]

[Riverside 07600]

CALIFORNIA

Withdrawal for Protection of Navy Facilities

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to existing withdrawals for reclamation purposes, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for a recovery parachute test range of the Department of the Navy:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 11 E.,
Sec. 4, S½SW¼;
Sec. 5, S½S½;
Sec. 6, S½SE¼;
Sec. 8, NE¼, NE¼SE¼;
Sec. 9, W½, SW¼SE¼;
Sec. 15, W½NW¼, SE¼NW¼;
Sec. 23, SE¼NE¼, NE¼SE¼;
Sec. 24, SW¼NW¼, NW¼SW¼.

The areas described aggregate approximately 1,160 acres in Imperial County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of the Interior over the lands for purposes other than as a Navy test range. The terms and conditions for utilization of the lands by the Department of the Navy will be governed by the Memorandum of Understanding entered into June 20, 1966, between the Bureau of Reclamation and the Department of the Navy, as may be amended and supplemented.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70-10337; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4881]

[Fairbanks 020439]

ALASKA

Revocation of Public Land Order No. 1756 of November 17, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1756 of November 17, 1958, withdrawing the following described public land for use of the Bureau of Land Management as an administrative site is hereby revoked:

CANTWELL AREA

Beginning at a point on the centerline of the Denali Highway which bears N. 0°25'30" E., 1,200 feet, and east 100 feet from Corner No. 3, U.S. Survey 3203 A and B; thence west 430 feet; thence north 660 feet; thence east 430 feet to a point on the centerline of the Denali Highway; thence south 660 feet along said centerline to the point of beginning.

The tract described contains approximately 6.5 acres.

2. The lands are withdrawn by Public Land Order No. 4582 of January 17, 1969, for the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska. They will be open to location for metalliferous minerals at 10 a.m. on September 9, 1970.

Inquiries concerning the lands should be addressed to the Manager, Fairbanks District and Land Office, Fairbanks, Alaska 99701.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70-10338; Filed, Aug. 7, 1970; 8:45 a.m.]

[Public Land Order 4882]

[New Mexico 11250]

NEW MEXICO

Partial Revocation of Executive Order No. 2513

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847, 43 U.S.C. section 141 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 2513 of January 15, 1917, which withdrew lands from settlement and sale for the use and occupancy of Indians, is revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 15 N., R. 10 W.,
Sec. 1, S½;
Sec. 3, W½, SE¼;
Sec. 11;
Sec. 15, E½;
Sec. 21, N½, SW¼;
Sec. 31, W½, SE¼.
T. 16 N., R. 10 W.,
Sec. 7, W½;
Sec. 19, N½, SW¼.
T. 15 N., R. 11 W.,
Sec. 5;
Sec. 7, NW¼, SE¼;
Sec. 15, SW¼;
Sec. 17;
Sec. 23, SW¼;
Sec. 27, W½, W½E½;
Sec. 35, NE¼, E½NW¼, SW¼NW¼, S½.
T. 16 N., R. 11 W.,
Sec. 1, NE¼, S½;
Sec. 5, E½, SW¼;
Secs. 7 and 9;
Sec. 13, E½, NW¼;
Secs. 15 and 17;
Sec. 19, SW¼;
Sec. 21, N½.
T. 17 N., R. 11 W.,
Sec. 25.
T. 18 N., R. 11 W.,
Sec. 17.
T. 15 N., R. 12 W.,
Secs. 5, 7, 9, 19, 21, 25, 27, 29, and 31.
T. 16 N., R. 12 W.,
Sec. 1, S½;
Sec. 11, E½;
Sec. 13, N½, SE¼;
Sec. 15, E½SW¼, W½SE¼;
Sec. 21, N½NW¼;
Sec. 31;
Sec. 35, NW¼.
T. 17 N., R. 12 W.,
Sec. 21, S½;
Sec. 27;
Sec. 29, E½;
Sec. 33;
Sec. 35, NW¼.
T. 19 N., R. 12 W.,
Sec. 25, N½, SW¼.
T. 15 N., R. 13 W.,
Secs. 7, 15, 17, and 23.
T. 17 N., R. 13 W.,
Sec. 1, NE¼;
Sec. 7, SE¼;
Sec. 9, E½, SW¼;
Sec. 11;
Sec. 13, W½, SE¼;
Sec. 15, W½, NE¼;
Sec. 17;
Sec. 21, E½, SW¼;
Sec. 23;
Sec. 25, NW¼;
Sec. 27, N½;
Sec. 29, NE¼.
T. 19 N., R. 13 W.,
Sec. 5;
Sec. 7, E½, SW¼;
Sec. 9, N½, SW¼;
Sec. 17, NE¼, S½;
Sec. 23, NW¼;
Sec. 27, N½;
Sec. 31.
T. 15 N., R. 14 W.,
Sec. 1;
Sec. 7, NE¼;
Sec. 11;
Sec. 19, NW¼;
Sec. 21, E½;
Sec. 23;
Sec. 31, N½;
Sec. 33, N½.
T. 16 N., R. 14 W.,
Sec. 15, S½;
Sec. 31, E½;
Sec. 33, SE¼.
T. 16 N., R. 15 W.,
Sec. 19, NE¼;
Sec. 25, W½E½NE¼, W½NE¼, W½;
Sec. 27, NE¼, S½.
T. 16 N., R. 16 W.,
Sec. 15, NE¼, SW¼;
Sec. 23;
Sec. 35, SE¼.
T. 17 N., R. 16 W.,
Sec. 31, S½.
T. 16 N., R. 17 W.,
Sec. 5;
Sec. 17;
Sec. 23, NE¼, E½NW¼, S½;
Secs. 25, 27, and 29;
Sec. 33, W½;
Sec. 35.
T. 16 N., R. 18 W.,
Sec. 3, N½;
Sec. 17, W½, SE¼;
Sec. 29, NW¼.
T. 17 N., R. 18 W.,
Sec. 33, SE¼.
T. 16 N., R. 19 W.,
Sec. 3, NW¼, S½;
Sec. 25, NE¼.

The areas described aggregate approximately 48,204 acres in McKinley County, of which 41,858 acres are owned by Navajo Indians and their tribe in both fee and trust status. About 4,441 acres are privately owned and 1,905 acres remain withdrawn by Public Land Order No. 2198.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 3, 1970.

[F.R. Doc. 70-10339; Filed, Aug. 7, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 70-830]

PART 73—RADIO BROADCAST SERVICES

Noncommercial, Educational FM and Television Broadcast Service; Order Postponing Effective Date

1. On May 6, 1970, released May 11 and published in the FEDERAL REGISTER May 15, 1970,[1] the Commission amended certain of the rules relating to FM and Television noncommercial educational stations (§§ 73.503 and 73.261), particulary with respect to the number and character of permissible announcements as to the parties furnishing program material, funds for the production of programs, or funds for station operation generally. The effective date of these rules was specified as June 17, 1970.

2. On June 3, 1970, the National Association of Educational Broadcasters (NAEB) filed a "Petition for Declaratory Ruling and/or Modification of Order", asking that certain clarifications and modifications be made in the rules as amended. Some of these appear appropriate and quite simple, but others require more extensive consideration. In order to permit such consideration, the effective date of these rules was postponed until August 4, 1970 (FCC 70-644, adopted June 17, 1970, 35 F.R. 10268).

3. Because of the pressure of other matters in recent weeks, the Commission and staff have not yet completed consideration of this matter. Accordingly, it appears that a further postponement of effective date, until early September, is appropriate.

4. In view of the foregoing, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That the changes in §§ 73.503 and 73.621, adopted May 6, 1970, and set forth in FCC 70-487 and published at 35 F.R. 7558, are effective September 30, 1970.

Adopted: July 31, 1970.

Released: August 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-10361; Filed, Aug. 7, 1970; 8:47 a.m.]

[1] FCC 70-487; 35 F.R. 7558.

[2] Commissioners Burch, chairman; and Cox absent.

Title 50—WILDLIFE AND FISHERIES

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

PART 2—FIELD ORGANIZATION

PART 11—PROTECTION OF BALD EAGLES AND GOLDEN EAGLES

PART 16—MIGRATORY BIRD PERMITS

Regional or Area Offices; Correction

The document amending Parts 1, 2, 11, 16, and 29 of Chapter I of Title 50 of the Code of Federal Regulations published in the FEDERAL REGISTER on July 21, 1970, at 35 F.R. 11632, is corrected by adding the following at the end of Part 2, § 2.2, and at the end of Part 11, § 11.9, and at the end of Part 16, § 16.10:

(c) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming)) Post Office Box 1306, Albuquerque, N. Mex. 87103.

(d) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

(e) Southeast Region (Region 4—comprising: (1) The States of Alabama, Arkansas, Florida, Georgia, Kentucky,

Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (2) The District of Columbia, Puerto Rico, and the Virgin Islands), Peachtree-Seventh Building, Atlanta, Ga. 30323.

(f) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia) U.S. Post Office and Courthouse, Boston, Mass. 02109.

(R.S. 161; 5 U.S.C. 301)

J. P. LINDUSKA,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 29, 1970.

[F.R. Doc. 70-10367; Filed, Aug. 7, 1970; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1970–71 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Hop Administrative Committee for the 1970–71 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of Order No. 991, as amended (7 CFR Part 991). The amended marketing order regulates the handling of hops of domestic production, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Hop Administrative Committee has recommended for the 1970–71 marketing year beginning August 1, 1970, a budget of expenses in the total amount of $146,600 and a rate of assessment of 0.25 cent per pound of salable hops. Expenses in that amount and the rate of assessment are specified in the proposal hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 991.305 Expenses of the Hop Administrative Committee and rate of assessment for the 1970–71 marketing year.

(a) *Expenses.* Expenses in the amount of $146,600 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1970, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.25 cents per pound of salable hops.

Dated: August 4, 1970.

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

[F.R. Doc. 70–10350; Filed, Aug. 7, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN FARGO-MOORHEAD INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Fargo-Moorhead Interstate Air Quality Control Region (North Dakota-Minnesota) as set forth in the following new § 81.84 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

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

Interested authorities of the States of North Dakota and Minnesota and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., August 18, 1970, in the Conference Room, Federal Building, 653 Second Avenue North, Fargo, N. Dak. 58102.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.84 is proposed to be added to read as follows:

§ 81.84 Metropolitan Fargo-Moorhead Interstate Air Quality Control Region.

The Metropolitan Fargo-Moorhead Interstate Air Quality Control Region (North Dakota-Minnesota) 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 North Dakota:
Cass County
In the State of Minnesota:
Clay County

This action is proposed under the authority of sections 107(a) and 301(2) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857(a).

Dated: July 31, 1970.

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

[F.R. Doc. 70–10278; Filed, Aug. 7, 1970; 8:45 a.m.]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Preadmission Diagnostic Testing Procedures

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would provide for payment for preadmission diagnostic testing procedures as inpatient hospital services under title XVIII of the Social Security Act where the following criteria are met:

(a) The tests are given by order of the beneficiary's physician;

(b) If not given on an outpatient basis, it would be necessary to order the tests after hospital admission;

(c) The tests are medically valid at the time of hospital admission;

(d) A reservation is made for admission of the beneficiary as an inpatient of the hospital prior to the time the tests are given;

(e) The patient is admitted to the same participating hospital which gave the tests;

(f) No more than 7 days elapse between the time such tests are completed and the time of hospital admission; and

(g) Part A benefits are payable.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 1102, 1861, 1863, 1864, and 1871, 49 Stat. 647, as amended, 79 Stat. 314; 42 U.S.C. 1302, 1395 et seq.

Dated: July 2, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 30, 1970.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulation No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (a) of § 405.101 is revised to read as follows:

§ 405.101 Hospital insurance benefits; general.

(a) An individual who meets the conditions for entitlement to hospital insurance benefits provided under Part A of title XVIII of the Act is eligible to have payment made on his behalf, or to him (for certain hospital services) subject to the conditions and limitations set out in this Part 405 and in the Act, for:

(1) Inpatient hospital services, posthospital extended care services, and posthospital home health services furnished to him during any month for which he meets such conditions for entitlement to hospital insurance benefits; and

(2) Outpatient hospital diagnostic services furnished to him during any month before April 1968, for which he meets such conditions for entitlement to hospital insurance benefits. Effective with services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is transferred from this Subpart A to the supplementary medical insurance benefits plan described in Subpart B of this Part 405. (See § 405.117 for coverage of certain preadmission diagnostic testing procedures as inpatient hospital services.)

* * * * *

2. Paragraph (a) of § 405.103 is revised to read as follows:

§ 405.103 Duration of entitlement to hospital insurance benefits.

(a) An individual is entitled to hospital insurance benefits beginning with the first day of the first month after June 1966, for which he meets the conditions described in § 405.102; except that no payment may be made under this Subpart A for:

(1) Posthospital extended care services furnished before January 1, 1967;

(2) Posthospital extended care services or posthospital home health services unless the discharge from the hospital required to qualify such services for payment under this Subpart A occurred after June 30, 1966, or, on or after the first day of the month in which he attains age 65, whichever is later; and

(3) Outpatient hospital diagnostic services furnished on or after April 1, 1968. (With respect to outpatient hospital diagnostic services furnished on or after such date—see Subpart B of this part.) See § 405.117 with respect to preadmission diagnostic testing procedures covered as inpatient hospital services.

* * * * *

3. Section 405.112 is amended by adding a new paragraph (c) to read as follows:

§ 405.112 Inpatient hospital services; services considered for purposes of benefit limitations.

* * * * *

(c) Notwithstanding the provisions of paragraph (a) of this section, days on which an individual is furnished inpatient hospital services under § 405.117 of this subpart are not taken into account in determining the benefit limitations discussed in this section.

4. Paragraph (e) of §405.116 is revised to read as follows:

§ 405.116 Inpatient hospital services; defined.

* * * * *

(e) *Diagnostic or therapeutic items or services.* (1) Diagnostic or therapeutic items or services other than those provided for in paragraphs (c), (d), and (f) of this section, are considered as inpatient hospital services if furnished by the hospital, or by others under arrangements made by the hospital under which the billing for such services is made through such hospital and if such services are of a kind ordinarily furnished to inpatients either by such hospital or by others under such arrangements.

(2) Under limited conditions, certain preadmission diagnostic testing procedures which occur prior to admission as an inpatient may be covered as inpatient hospital services (see § 405.117).

* * * * *

5. Section 405.117 is added to read as follows:

§ 405.117 Inpatient hospital services; preadmission diagnostic testing procedures.

Subject to the conditions, limitations, and exceptions in the succeeding paragraphs of this section, effective September 1, 1970, the term "inpatient hospital services" includes preadmission diagnostic testing procedures furnished by a qualified hospital (but not a tuberculosis or psychiatric hospital) to an outpatient where the following criteria are met:

(a) The tests are given by order of the beneficiary's physician;

(b) If not given on an outpatient basis, it would be necessary to order the tests after admission to the hospital;

(c) The tests are medically valid at the time of admission to the hospital and will not be repeated after admission to the hospital unless repetition is specifically indicated by the nature of the illness and its usual treatment;

(d) A reservation is made for admission of the beneficiary as an inpatient of the hospital prior to the time the tests are given;

(e) The patient is actually admitted to the same participating hospital which gave the tests;

(f) No more than 7 days elapse between the time of the tests (i.e., the last of the tests, if more than one) and time of admission to the hospital;

(g) Part A benefits are payable.

6. Section 405.145 is amended by adding a new paragraph (c) to read as follows:

§ 405.145 Outpatient hospital diagnostic services; defined.

* * * * *

(c) Under limited conditions, certain preadmission diagnostic testing procedures which occur prior to admission as an inpatient may be covered as inpatient hospital services (see § 405.117).

[F.R. Doc. 70-10305; Filed, Aug. 7, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18930; FCC 70-825]

OPERATOR REQUIREMENTS FOR STANDARD (AM) AND FM BROADCAST STATIONS

Notice of Inquiry and Proposed Rule Making

1. In this proceeding, the Commission will examine its rules, listed above, concerning the employment of transmitter operators at AM and FM broadcast stations. The proceeding is prompted in part by a petition of the National Association of Broadcasters (NAB), RM-1576, filed March 10, 1970, asking for relaxation of the present rules so as to permit much more general employment of operators holding no more than radiotelephone third class licenses with broadcast endorsement ("third phone" or "third class")[1] by stations now required to

[1] The terms "third phone" or "third class" license where used mean a radiotelephone third class license endorsed for broadcast operation. The "broadcast endorsement" was added to the rules in 1963, when they were liberalized to permit employment of first-class operators on a contract basis. To obtain this endorsement, an applicant must pass a test (Element 9 of the operator's examination) additional to that required to obtain a third-class license without the endorsement.

maintain a full complement of operators holding radiotelephone first-class ("first phone" or "first class") licenses. A similar petition has been filed on May 25, 1970, by the Oregon Association of Broadcasters (RM-1627) and numerous similar requests have been made by individual broadcasters.

2. The present proceeding is chiefly an inquiry into what the operator requirements should be and various matters pertinent to this basic question. If the comments herein warrant, certain rule amendments of a relaxing nature may be adopted without further proceedings, as indicated in the notice of proposed rule making at the end of this document.

BACKGROUND

3. *The Communications Act.* Under section 318 of the Communications Act, the actual operation of the transmitter of any radio station may be only by an operator holding a license from the Commission. The Commission has authority to fix the qualifications of operators, classify them according to their duties, and fix the form of their licenses, under section 303(1) of the Act. The requirement of transmitter operation by licensed operators only may not be waived in the case of broadcast stations, except TV repeater stations.

4. *The rules concerning radio broadcast stations.* As amended in 1963, §§ 73.93 for AM, and 73.265 and 73.565 for FM and educational FM, require in general the following: AM stations operating nondirectionally with no more than 10 kw. transmitter output power, and FM stations operating with no more than 25 kw. transmitter output power, may employ for routine operation "third phone" permit holders. Such operators are permitted to adjust the transmitter only in certain respects: turning it on and off and (in AM) making the routine changes in power required by the station's license, adjustments of external controls to maintain constant voltage from the power supply and to maintain modulation within the prescribed limits, and (in AM) adjustments of external controls to effect operation in accordance with a National Defense Emergency Authorization during an Emergency Action Condition. AM and commercial FM stations using such lesser-grade operators must have one or more first-class operators, either in their employ fulltime or available on a contract basis; in either event a first-class operator must be available at all times to make further transmitter adjustments when necessary to maintain proper operation. Noncommercial educational FM stations operating with transmitter power of 1 kw. or less may use second class operators instead of first-class for this latter purpose. Other AM and FM stations—all AM stations when operating directionally, AM stations licensed for more than 10 kw.,[2] and FM stations licensed for more than 25 kw. transmitter output power—must use first-class operators at all times. It is the last requirement at which the NAB petition is particularly directed, particularly as it affects some 1,200 AM stations using directional antennas part or all of the time.

5. *The Commission's operator licensing requirements.* In order to obtain an operator's license or permit, an individual must establish his basic qualifications (e.g., citizenship), and pass an examination consisting of various elements. For the "third phone" permit, the examination consists of Elements 1 and 2, "Basic Law" (Provisions of laws, treaties and regulations with which every operator should be familiar) and "Basic Operating Practice" (Operating procedures and practices generally followed or required in communicating by radiotelephone stations). Element 9, additionally required for the broadcast endorsement as mentioned above, is "Basic Broadcast" (Specialized elementary theory and practice in operation of standard (AM) and FM broadcast stations). Each of these elements contains 20 multiple-choice questions; 75 percent correct is passing. Typically, applicants spend an hour on each of these elements.[3]

6. For a "first phone" license an applicant must pass Elements 1 and 2 (above) and also Elements 3 and 4. Element 3, "Basic Radiotelephone", consists of 100 questions on technical, legal, and other matters applicable to operating radiotelephone stations other than broadcast.[4] Element 4, "Advanced Radiotelephone", consists of 50 questions on advanced technical, legal and other matters particularly applicable to operating various classes of broadcast stations. These elements are considerably more difficult than Elements 1 and 2, applicants often spending some 3 hours on each. There is no experience requirement for obtaining any of these licenses, unlike the radiotelegraph first-class license, where the applicant must show 1 year of satisfactory service manipulating the key of a manually operated ship or Coast station.

THE NAB PETITION AND SUPPORTING STATEMENTS

7. The NAB's petition seeks relaxation of the rules to permit all AM stations, and all FM stations with 50 kw. or less transmitter output power,[5] to use "third phone" permit holders for routine operation (limited in their functions as now provided in the rules as mentioned above). AM stations operating with directional antenna arrays would have to have one first-class operator in their employ on a fulltime basis; the other stations affected would simply have to have one either employed, under contract or "on call" (as the rules now provide for low-power nondirectional AM and FM stations).[6] In summary, the points urged are as follows: (1) There is difficulty in getting first-class operators, especially with competing demands for their services in other industries and activities, such as defense, the space program, electronics, etc.; (2) modern, sophisticated transmitting equipment—with elaborate detection and alarm circuits, and more stability where directional operation is involved—has lessened the need for constant attendance of a first-class operator, who is often nothing more than a meter reader whose function is to monitor the system and alert the Chief Engineer when something is amiss; (3) the general run of the first-class operators at stations do little more than this, and, as such, cannot be expected to do more in a directional operation since the first-class examination (Elements 3 and 4) does not cover directional operation to any significant extent; (4) the station usually relies on one expert, highly qualified Chief Engineer, for anything more than routine operation, which is what the Commission should rely on and seek to promote; routine operation and meter reading can be handled by a third-class operator, whose broadcast endorsement insures familiarity with broadcast equipment and procedures and who can read meters as well as a first-class operator. As to high-powered nondirectional AM stations, NAB asserts that these are no more complex than 10 kw. stations now permitted to use third-class operators—often, no more than an additional power amplifier—and therefore there is no reason to exempt them from the more liberal rules for lower-powered stations. As to FM stations, it is urged that, particularly with stations using both horizontal and vertical polarization, transmitter powers higher than 25 kw. are fairly common, but that they do not require the constant attendance of a first-class operator any more than lower-power FM stations do. With respect to directional AM stations, the chief subject of the petition, it is asserted that the Commission requires specific showings as to the stability of directional arrays before granting remote-control authority, and some 420 stations—over a third of the directional AM stations in the nation—have established this to our satisfaction. This, together with the increased efficiency and accuracy of phase monitoring under consideration in Docket 18455, should remove the need for constant attendance of a first-class operator, whose usefulness is often limited anyhow, as noted above.

[2] There are very few 25 kw. AM stations; in general this requirement applies only to 50 kw. stations.

[3] See §§ 13.21–13.24 of the rules, and the FCC's FE Bulletin No. 4, "Information Concerning Commercial Radio Operator Licenses and Permits" (October 1969).

[4] By passing Elements 1, 2, and 3 an applicant may obtain a radiotelephone second-class license. This license is not recognized in commercial broadcast station operation, although it is in noncommercial educational FM, as indicated above, and in connection with some broadcast auxiliary station operation (e.g., § 74.665).

[5] FM stations are generally referred to by effective radiated power—that from the antenna—rather than transmitter output power. Since an antenna "gain" of 4 or 5 can easily be obtained, an E.R.P. of 100 kw. can thus easily be obtained with 25 kw. transmitter output power or less. However, some FM stations have transmitter output power of 50 kw. or higher.

[6] It is stated that the NAB's requested changes reflect the views of a special subcommittee of its Engineering Advisory Committee, appointed in 1967.

8. NAB urges another point: It is said that the relaxation will benefit minority groups by affording them increased employment opportunity, since most persons can pass the third-class examination without difficulty whereas the first-class examination is a "very difficult test" of technical ability and knowledge, requiring either months of home study, study at an accredited radio school at considerable cost in time and money, or taking a "quickie" course, at a cost of $500 to $1,000, which gives him a very high chance of passing, irrespective of technical aptitude. It is said that the proposed relaxation would open up numerous opportunities to minority and other job seekers not having the time, money, or "innate technical aptitude" to become first-class operators.

9. The Association on Broadcasting Standards, Inc. (ABS) supported the NAB petition in a formal statement, urging that proper operation of a directional AM station can be secured by having one first-class operator in the station's employ full-time, with the duty of examining and countersigning the operating log each day. Some 20 AM, FM, and AM–FM stations supported the proposal in letters, as did the Alabama and Georgia Associations of Broadcasters and various Senators and Congressmen. Among the arguments expressed were the problem in getting first-class operators (particularly in small markets, for night duty, etc.); the stability of their directional antennas over a period of years, so that no more than a third-class operator is necessary; the argument that a high percentage of licensed first-class operators, e.g., the "90 day wonders" are relatively ineffective from a technical standpoint so that one Chief Engineer or the station's consulting engineer must be relied on for more than routine matters; the argument that, instead of having to pay high salaries to such people, both the station and the Commission would be better off if the station paid less of its limited money to its ordinary operators and more for one really well-qualified engineer; and the argument that the present rules mean hiring "the license, not the man", with the station sometimes having to hire a first-class licensee who is good at neither more than routine technical matters nor "on-air" or program matters, whereas it would be better off with another employee better at program matters and adequate for routine operation.

10. *Oppositions to the NAB petition.* Formal statements opposing the NAB petition were filed by B. B. Elkins, of Elkins Institute, Dallas, a long-established radio school, and by the National Association of Broadcast Employees and Technicians (NABET), one of the broadcast technical employee unions. The lengthy Elkins opposition emphasizes the continuing high incidence of technical violations in broadcast stations disclosed by FCC station inspections, as shown by our Annual Reports, the "discrepancies per inspection" in 1968 being more than 100 percent, compared to 35 percent in 1953, a situation described as "technical erosion." Stating that the NAB petition is motivated by broadcasters' concern for their economic prosperity without regard to their position as public trustees, Elkins devotes much of its filing to an attempted point-by-point rebuttal of the petition, and asserted inconsistencies in it. It is asserted that there is in fact no shortage of qualified first-class operators, with over 96,000 licensed as of 1969; rather the question is one of incentive to go into the industry, arising from the fact that broadcasters are simply not willing to pay the money necessary to attract them and insure a high-quality operation. As to the qualifications of first-class operators, Elkins admits that many of them are not fully qualified simply by virtue of holding this license; this is not to be expected, here or in any line of business. Rather, qualification is established through formal training (which the first-class operators at established schools such as Elkins receive) plus intensive experience and in-house training, whose importance the NAB has recognized in its broadcast manuals. It is asserted that, in any event, they are vastly more qualified by virtue of having passed the examination than are third-class operators, the latter license being characterized as "token" or "the essence of minimums", not enough to be entrusted with a high-power broadcast transmitter. Meter-reading, it is said, requires both accurate reading and evaluation by a person sufficiently qualified to use the information and detect trouble when it is imminent even though it has not yet occurred. Technical aptitude, it is said, is highly important. Elkins also asserts that the NAB is inconsistent, for example in urging at one point that the first-class examination is very difficult, and on the other hand that it does not guarantee anything, and, as to the third-class test, that it guarantees familiarity with broadcast equipment and procedures and at the same time is easy for anyone to pass. It is also urged that the argument concerning modern sophisticated equipment, while it may be theoretically true, simply is not generally applicable in broadcasting, because many stations use old, outmoded equipment which does not perform properly. As to the NAB's minority argument, Elkins asserts that this is not the proper approach to the minority problem, to down-grade a job so that more people can hold it; rather, the skills of the potential employees should be upgraded so that they can be eligible for the job. It is said that a disservice is rendered by lowering standards so that a barely qualified minority-group member can get a job in which there is no possibility of advancement.[7]

11. Elkins' petition was accompanied by a number of supporting letters, including one from an equipment manufacturer urging the importance of having a number of people at a station who can communicate with the supplier in the event of trouble. The importance of being able to detect subtle deviations in performance, so as to anticipate trouble was urged.[8]

12. The NABET opposition advances some of the same arguments, noting the NAB's history of attempting to get operator rules relaxed, and NABET's opposition thereto. As to the minority-group argument, NABET asks how minority-group members will be persuaded to qualify for broadcast employment if they know they will be entering essentially a declining market, which the industry hopes ultimately to phase out of existence.

13. A number of letters opposing the NAB petition were also received, one from a member of the Mobile (Ala.) District Labor Council and the others from individuals identifying themselves as first-class holders. The ideas expressed included: (1) Making operator employment without a first-class ticket substantially easier will destroy ambition to become proficient in radio so as to get such a license, destroy the value of existing licenses, mean fewer job opportunities for first-class operators and lead to the dismissal of some where lesser-grade personnel can be hired more cheaply; (2) there are too many technical violations now, and this would increase them; (3) a third-class permit holder not only is not well qualified but often does not care about the proper performance of his duties, for example, it is said, simply copying the last meter reading instead of accurately entering the present one; (4) first-class operators may not always be fully qualified, but they are certainly better than third-class; (5) modern, more complicated equipment requires greater knowledge to use properly; and (6) more than one well qualified operator is needed at a station, to "back up" the Chief Engineer in his many duties (particularly where he must supervise an AM–FM–TV operation) and assist in testing. With respect to the "minority" argument, it is urged that there are qualified members of such groups now, and ample schools with financial assistance so that many more can become qualified; that these group members will not appreciate a lowering of standards on the basis that they do not have technical aptitude to qualify for regular positions; and that these, like operators generally, would suffer from the "exploitation" of which this proposal is said to be a part. One operator commenting urged that the Commission's licensing processes be expanded to include time in a lesser grade before entering a higher grade, a period of apprenticeship or training certified as satisfactory by the supervisor, and an examination for a higher grade of engineer than the present first-class licensee, to be conducted orally by a board consisting of an FCC representative and senior engineers.

[7] It is also suggested that if the Commission is going to relax its standards in this respect because of minority-group considerations, it might well have to do the same elsewhere, including with respect to station licenses.

[8] Some of these letters referred to the problem of the unavailability of a first-class engineer, when trouble arises, if he is on contract rather than a full-time employee of the station.

DISCUSSION

14. Upon consideration of the above material, in our judgment examination into possible modification of the operator-requirement rules for AM and FM stations is appropriate. A number of efforts by radio station licensees to obtain such modification have been made in recent years, and we encounter situations where the first-class operator employment rules have not been complied with. It is claimed by numerous AM licensees that it is difficult or impossible to find sufficient licensed first-class operators. This appears to be particularly true of "small-market" stations, because there are not sufficient operators already in the small community and, with the limited revenues available from the smaller market, the licensee cannot attract persons from outside or compete with the higher pay scales offered by stations in larger places and by other industries employing radio technicians. Radio broadcasting is, overall, a rather profitable industry, with AM and AM–FM stations other than those of the networks showing profits of $122.5 million in 1968 (on $913.4 million in revenues). However, this is by no means true in every case; 1,149 stations reported net losses, of which 512 showed actual "cash flow" losses (net loss after adding depreciation and amounts paid as salaries, etc., to the owners). The proportion of stations losing money was higher in the smaller communities.*

15. Our first concern in this area must be the provision of broadcast service conforming to our rules and the terms of the station's license. Thus, we are concerned about the continuing, and in some respects increasing, number of technical violations noted, mentioned above, and particularly with the number of cases in which renewal applications show that a directional antenna is not operating properly (31 percent of the directional AM renewal applications examined in fiscal 1970 showed problems in this respect). This is a serious matter, and, as indicated in the notice of inquiry, below, one of the important aspects of our consideration is whether the number of violations and discrepancies would be increased were the rules relaxed. However, the number of violations is not, we believe, necessarily or perhaps even primarily a function of the grade of routine operator employed by the station as between third and first class. Rather, as we pointed out in the 1959 FCC Annual Report (p. 139) in a passage which Elkins quotes with approval, the high number of technical violations appears to be attributable to the lack of technical supervision by the stations. Besides the first basic principle just mentioned, it appears that we must also be guided by a second: that an industry should not be burdened with an artificial restraint, without substantial significance in practice, upon the persons it is required or permitted to employ. To the extent that present rules represent such a restraint, if they do, they should be changed.

16. The duties of the operator at a station using modern equipment are now more along the lines of a person who is monitoring the transmitter rather than one who is operating it. That is, the person in charge need not be technically proficient in repairing transmitters that become disabled. It appears that this person should, however, by reading the meters, be able to tell when transmitter malfunction or breakdown is imminent. He should be able to read the meters and other indicating instruments and be able to interpret their reading expertly. He should know if and when a transmitter is operating beyond the terms of the station license and the Commission's Rules. The person who is responsible for the maintenance and repair of the transmitter should, of course, have greater technical knowledge. Also, he should have considerable practical experience in the repair and adjustment of broadcast transmitters. Many consulting engineering firms take the position that, in general, no employee at a radio station, including a first class operator or the chief operator, should attempt to make adjustments on a directional antenna and in case of difficulty, the consulting firm having directional antenna array experience should be called immediately to make the necessary adjustments.

17. As to directional AM stations—which numerically make up the bulk of the stations potentially involved here—a directional antenna, of course, is employed by a station to restrict the radiation from the station in particular directions, so as to limit the interference caused other cochannel or adjacent channel stations in these directions. Typically, the radiation is restricted to a level far below that which would result were the station operating nondirectionally with equivalent transmitter power. Any substantial deviation from the proper adjustment of a station's directional antenna can result in serious interference to other stations. Directional antennas are individually designed, constructed, and tested. They vary in complexity, from the comparatively simple two element array to arrays with a dozen or more elements, and may be designed to restrict radiation in one, or in many directions, and differ, one from another, in the degree to which radiation must be restricted. Finally, they differ in their degree of stability—the ability of the antenna to remain in operation over substantial periods of time without frequent adjustment.

18. The means for ascertaining whether a directional antenna remains in proper adjustment includes the periodic measurement of fields at monitoring points disposed about the antenna in critical directions, and the continuous surveillance by the station operator of the phase and amplitude relationships of the fields produced by the array elements. However, the information obtained from these sources can be affected by moisture, by temperature and other factors, and must be properly interpreted by technically trained personnel before the need for corrective action is established. If adjustments become necessary, the procedure for accomplishing them may be quite complex, and one that should be undertaken only by a competent technician or engineer. A station with an improperly adjusted directional antenna, of course, has the same potentiality for causing interference to other stations regardless of the size of the community in which the station is located.

19. For the above reasons, the Commission has not heretofore considered it feasible to permit operation of stations utilizing directional antennas by personnel not holding the highest grade of radiotelephone license issued by the Commission. Nevertheless, we are persuaded that the plight of many stations with respect to obtaining properly licensed operators is so serious that we should again consider this matter, to determine whether it may be possible to relax to some degree the existing requirement for a full complement of first class ticket holders, under such conditions that a substantially increased hazard of interstation interference will not be incurred.

20. We do this with the knowledge that even though stations with directional antennas are now in the constant charge of technically trained and presumably qualified operators, Commission engineers find many of these antennas to be out of adjustment, as indicated above, with a disproportionately large number of such cases being found among the smaller market stations. However, there are reasons not relating to the competence of operators, why this might be expected to occur, owing to the fact that a station in such a market is likely to be less profitable than its big city counterpart. Thus, a licensee faced with the necessity for meeting his payroll and other regular expenses may be reluctant to authorize preventive maintenance or corrective measures requiring substantial outlays of cash, even though his technical personnel indicate such steps are necessary or desirable.

21. The argument is made that holders of radiotelephone operator permits endorsed for broadcast station operation, if adequately instructed and supervised by a fully competent first class licensee, should be able to conduct the routine operation of a broadcast station with a directional antenna. A station licensee with such a complement of operators, so the argument goes, could better afford to pay a salary to his first class operator adequate to attract and retain a highly qualified man, and also, hopefully, devote more funds to the proper maintenance of his directional installation.

22. Absent the outright failure of some component or faulty adjustment by operating personnel, and eliminating those cases where directional antennas have a history of unstable operation or are required by their licenses to be held within such rigid operating tolerances

* FCC "AM–FM Financial Data-1968" released Oct. 17, 1969, p. 1 and Tables 7, 8, 9, 11, and 16. "Independent" FM stations (the majority of which showed losses) are not included in these figures; very few of them would be affected by the possible rule change examined here, because they are now permitted to use third-class operators for routine operation unless they have transmitter power over 25 kw.

that frequent readjustment is required, the radiation pattern of a directional antenna becomes distorted through a gradual aging and deterioration of the components which determine its configuration, or through changes in the antenna environment—as, for instance, the construction of buildings or transmission lines in areas where the field from the antenna is high. Such occurrences are gradual, and ordinarily are not such that they become a matter of concern to an operator on watch at a particular time. Temporary deviations in array parameters because of severe weather conditions are not usually of such a nature as to require corrective action by the operator on duty.

23. Since this is the case, it may be true that, in many instances, stations using directional antennas could be operated by personnel with third class radiotelephone permits, providing they are so instructed and supervised that the information they log will be genuinely useful to the engineer in charge of the station in his endeavor to keep the directional antenna in proper adjustment, and they are sufficiently well trained to recognize emergency conditions requiring the immediate attention of the first class operator. It would also seem necessary that the monitoring system employed in such an instance be such that accurate information as to the condition of the array is available for logging. Obviously, lower grade operators should be precluded from making any adjustment which might adversely affect the operation of the array.

24. *Specific safeguards if routine third-class operation of DA systems is to be permitted*—(a) *The availability and qualifications of the supervising engineer.* The thrust of the NAB petition and some of the supporting expressions is that the first-class license as such does not guarantee much in the way of competence or ability to make major adjustments, and reliance should be placed on one thoroughly qualified individual, employed full time, and the rest should be permitted to be third-class. We are certainly of the view that if third-class routine operation of DA stations is to be permitted, a first-class operator should be employed full time, rather than simply on a contract basis. Moreover, we believe that in addition some provision should be made for the availability of another qualified first-class operator during periods when the full time employee may not be available, such as vacation times. Accordingly, in the notice of proposed rule making herein, concerning rules which may be adopted without further proceedings, it is stated that a showing in this respect will be required before the present first-class requirement for DA stations will be relaxed in any case.

25. We are also of the view that a first-class operator must be on duty every day the station is in operation, and at the beginning of operation in each directional mode. While two of the stations supporting the NAB petition urged that such attendance should not be required for their brief period of directional operation from sign-on to beginning non-DA operation, in our view this is precisely the time when the qualified operator is needed most, to insure that the DA system is functioning properly.[10] Therefore, while comments are invited on this in the inquiry set forth below, our present view is any rule adopted should contain this requirement, as well as a requirement that the first-class operator read and countersign the previous day's operating log if a first-class operator was not on duty at the end of the day.

26. More difficult is the problem of insuring that the first-class operator, or supervising engineer, on which such reliance is placed, is fully qualified. It goes without saying that such a first-class operator must be fully competent, yet the Commission cannot by rule insure that this will be the case. We endeavor to provide a pool of qualified operators through the examination process, but we would be the first to admit that the quality of first-class license holders is highly variable. To a large extent this appears inevitable. Any examination capable of practical effectuation and general use can test only a limited sampling of an applicant's knowledge and not the practical application of it. The Field Engineering Bureau licenses some 7000 first-class operators each year. To some extent, such an examination lends itself to abuse by "cram" schools which train their pupils for the sole purpose of passing the Commission's operator license examinations, and recognize no obligation to impart to prospective operators a basic education in all technical aspects of broadcast operation. The graduates of such schools may acquire operator licenses, and still lack the degree of competence which a good operator should possess. There are, on the other hand, many reputable schools which turn out fully qualified operators.

27. There are a number of possible approaches to this problem in the present context. One is the expansion of the present Element 4 examination to include questions on station operation. A second approach, suggested by one party opposing the NAB petition as noted above, is to add another element to the examination, with a subsequent endorsement to the first-class license if the exam is passed, concerning DA operation. A third would be to grant a license of the latter type only after the candidate has had experience as an operator at a directional AM station. Our present view is that an additional element should be added to the examination leading to an endorsement for AM directional operation, and only with such an endorsement would a first-class operator qualify to be the chief operator mentioned in paragraph 24, above. We believe the effectuation of such a requirement would appreciably improve the competence of operators who supervise directional antennas, and could serve to offset whatever lessening of operator quality might be entailed in the relaxation sought by NAB. Comments on this matter are invited in the Inquiry, below. Whatever rules are adopted herein without further proceedings will include individual appraisals of the person the station licensee proposes to rely on in this capacity, and pending a decision on the examination question and implementation of it if adopted, if we decide to adopt rule relaxation in individual cases we will make individual judgments on the basis of experience shown for this person in the station's submission.

28. (b) *Instruction of lower grade operators.* Assuming the competence of the first-class licensee, we would expect a degree of instruction and supervision of the lower grade operators which is more complete and effective than apparently prevail now within many stations employing such operators pursuant to § 73.93(b) of the rules. In the inquiry below we raise the question of how this may be achieved, and the possible rule set forth below contemplates, at least initially, review by the Commission of the instructions to be used.

29. (c) *Critical arrays and arrays of doubtful stability.* In the inquiry below, we include a question as to whether routine third-class operation should be permitted where the array is so critical that the license specifies tolerances to be maintained for phase relationships and current ratios. The possible rule set forth below would not permit it for such facilities. We also include a question as to what showing as to past and present stability of the array should be required, and such a showing is included in the possible rule.

30. (d) *Monitors and establishment of permissible deviations in relative phase and current amplitude.* We would also consider it essential, if operators not technically trained are to monitor the operation of the directional antenna, that they not be required to allow for vagaries in readings which result, not from actual deviations in the directional antenna itself, but from inaccuracies in the monitoring system. Both our own experience, and the comments filed in Docket 18471, attest to the fact that in many stations the systems used to supply phase and current samples to the phase monitor are so deficient in design and construction as to render the indications of a phase monitor fed by such a system suspect. Therefore, if we are to permit third-class routine operation, sampling systems must be shown to meet generally acceptable standards for proper design and installation. We will also require installation of an adequate phase monitor, one type-approved if type approval of such monitors is adopted in Docket 18471.

31. We also believe it desirable that the permissible deviations in relative phase and current amplitude be established in relation to actual deviations occurring in the array adjustment, so realistic limits to phase monitor indications can be set. The lower grade operator would be placed on notice that

[10] Thus, for example, one of the relays in the DA system may not go into operation when the station signs on, meaning that one of the towers of the array would not be operative.

when such limits are exceeded, the immediate attention of the first class operator is required. This will require the preparation of a suitable study demonstrating these relationships.

32. *Other matters—The operator's attitude and preoccupation with other duties.* Two of the important questions in the present consideration are the matter of the attitude of the operator, first-class vis-a-vis third-class, and the extent to which the third-class operator may be hired for, and expected to perform, other duties which may distract him from proper discharge of his technical responsibilities, to a greater extent than the first-class operator. We note in this connection that third-class operators, who can get their permits without a great deal of effort, are sometimes "moonlighting" at their station jobs, supplementing other employment or study. Moreover, they are probably expected to perform nontechnical functions to a greater extent than are first-class operators. In the inquiry herein we raise questions in these areas, as to how a general relaxation as proposed by NAB might be expected to affect station performance in light of these considerations. Any action relaxing the rules will depend in substantial part on our receiving assurance that these factors will not be significant. However, as far as the matter of attitude is concerned, we certainly do not wish to indicate a present belief that third-class operators are less attentive or responsible, or that they "don't care".

33. *The "Minority group" question.* The contentions pro and con concerning "opportunities for minority group members" have been noted above. This Commission's concern with providing opportunity for employment in broadcasting to such persons is well established, as indicated by our recent adoption of rules and policies in Docket No. 18244, adopting rules in June 1969 and May 1970 designed to achieve full equality of employment opportunities in broadcasting. In the present context, we presently believe that only limited significance can be given to this type of consideration. For one thing, as Elkins points out in opposing the NAB's petition in this respect as in others, technicians are only a rather small minority of total broadcast employees, about 20,000 out of 110,000 according to 1967 Bureau of Labor Statistics figures. Moreover, we are not experts in this field, and it may be that there are arguments going both ways, as urged by various parties above. Therefore, while we welcome and will consider comments addressed to this question in the inquiry, our present view is that any such consideration should be secondary to the general principles mentioned in paragraph 15, above. However, we reiterate the views we have expressed at length in the rule making proceeding mentioned, concerning the importance of vigorous efforts by all broadcasters to secure conditions of full equal employment and advancement opportunity.

34. *Job security of first-class operators.* We have noted above the argument that the type of relaxation sought by NAB would result in the firing of first-class operators, and also the two general principles mentioned in paragraph 15, above, which we believe must guide our actions herein. As far as opportunities for new first-class operator employment is concerned, we believe the second principle is quite important: That we should not maintain an artificial restraint on hiring, relatively meaningless in actual relation to the duties of the job. However, as to the maintenance of existing positions, it may be that this principle assumes less significance. We are not presently persuaded that the difference between first- and third-class operators is so small or inconsequential that it can be dismissed as meaningless, and in our view a subject of concern should be the effect on first-class operators in their present positions. One question in the inquiry below is designed to elicit comments on this subject.

35. *Automation.* The present proceeding is framed largely in terms of non-automated transmitter operation and logging, since, as Elkins points out in opposing the NAB's petition, many broadcast stations do not have the most modern equipment, and the same will likely be true for a long time. However, the potential of such developments should also be considered in connection with relaxation of the operator rules. It is expected that at some point in time transmitters can be manufactured which are completely automatic in operation. Transmitters must be designed so that frequency, power and percentage of modulation, etc., can be kept within authorized limits. Directional antennas must be kept within authorized operating limits. It appears that frequency stability of the transmitter is not a great problem. It should be feasible to design a transmitter so that the variations in input voltage can be compensated for, the output power remains within authorized limits, and the modulation is maintained within authorized limits. The automatic control of directional arrays, we realize, involves formidable problems.[11] However, the benefits to be derived from automatic control are such that it appears to be a subject appropriate for at least preliminary exploration.

36. In the inquiry herein, we include questions as to what effect such developments might have on the operator problem, both as to automatic transmitter operation and requiring automatic logging (which is now common) as a condition precedent to granting authority for routine operation of directional AM stations by third-class operators. In the possible rules set forth below, we are not now making the latter an absolute condition precedent to obtaining such authority, but it may well be desirable to do so.

37. *High-power nondirectional AM and high-power FM stations.* We agree with NAB that some relaxation of the across-the-board first-class operator requirement is probably appropriate, more likely so than with the directional AM stations mentioned, since the same complexities are not involved. Therefore, in addition to a question in the Inquiry concerning this matter, the possible rule which may be adopted herein would permit such routine operation by FM stations and nondirectional AM stations with up to 50 kw. transmitter power, and possibly FM stations of greater transmitter power.

38. *Licensee reliance on first-class operators.* As indicated above, one of the common complaints of licensees is that the first-class ticket does not mean true competence. Not infrequently a licensee served with a violation notice for perhaps serious technical deficiencies, will profess to have been ignorant that these deficiencies existed, and ascribe his difficulty to the neglect or outright incompetence of his radio operators. He may complain of the quality of the technical personnel he is able to hire and retain, and contend that he has a right to expect that the holder of an operator's license issued by the Commission, of a grade which permits him to be fully responsible for the technical operation of a broadcast station, should be competent to satisfactorily discharge the duties attendant to such operation.

39. The inevitable limitations on the Commission's examination process have been noted above, and, while we consider herein ways to upgrade the license requirements of first-class operators, particularly those on whom the licensee of a directional AM station is to rely to be in charge of the DA system, it cannot be anticipated that this or any examination process will guarantee true competence. This can probably be attained only through experience, as Elkins points out. Therefore, when a station licensee is considering hiring a first-class operator, it behooves him to take note of his qualifications in terms of experience, and also, if he is relatively inexperienced, his technical education.

40. *Possible sanctions against first-class operators for technical violations.* In general, the Commission's enforcement proceedings where technical violations are found have run only against the station licensee. If, as NAB and other parties urge, reliance should be placed on one well-qualified supervising engineer or chief operator, it might be appropriate to hold him responsible for any deviations by the station from proper operating standards, as well as the station licensee. This might work to make the supervisor more attentive to the station's technical performance generally, which is much to be desired if the overall requirement for operators is to be relaxed. Comments on such a procedure are sought by a question in the inquiry.

[11] The subject of automatic transmitters in FM was advanced for exploration in March 1968, in Docket 18109. The comments in that proceeding gave relatively little indication that automatic transmitters in FM will be practicable for general authorization in the near future. The more complex matter of automatic directional AM operation appears to be still further away from practical realization.

NOTICE OF INQUIRY

41. Comments are invited on the following questions:

(a) What kind of training is required or desired for an operator at an AM station employing a directional antenna?

(b) Can an average person with a nontechnical background be trained to observe the indication of such instruments as phase monitors, loop sample current meters, antenna base current meters, frequency monitors and modulation monitors, together with the meters presently installed in transmitters and interpret these readings in order to determine whether the system operates in accordance with a station authorization and the pertinent sections of the Commission's rules?

(c) What steps has the industry taken to upgrade the technical competence of present employees?

(d) Assuming that a well qualified first class operator is available at all times when needed, what would be the effect on the present number of violations and discrepancies if routine transmitter operation of directional AM stations were permitted by third-class (broadcast endorsed) permit holders?

(e) What differences, significant from the standpoint of proper technical station operation, are there as between first-class and third-class (broadcast endorsed) operators, with respect to: (1) Their attitude toward discharge of their technical responsibilities; and (2) the amount of other duties they are also required to perform? What is the significance of such differences?

(f) If routine third-class operation of directional AM stations is permitted, how can the Commission be sure that there is adequate instruction and supervision of the operators? Should we require written instructions to be submitted to us, with permissible operating values?

(g) What steps can the Commission take, both generally and with the specific reference to approving directional AM stations for routine operation by third-class operators, to improve the competence of first-class operators? Could this best be done by including additional questions in present Element 4, by adding a new element specifically covering directional AM operation and requiring a special endorsement before such persons would be accepted in connection with such approval, or by an experience requirement similar to the radiotelegraph first-class license?

(h) To what degree is the "operator" problem attributable to one or more of the following factors:

(1) Salaries offered to operators;

(2) Requirement that the operator be a "combo" man with emphasis placed on announcing rather than supervision of the transmitter; and

(3) Relatively remote geographical location of some stations?

(i) Should the Commission consider separate standards for stations in the small market areas?

(j) What would be the effect of a relaxation to permit routine transmitter operation of directional AM stations by third-class operators, on the job security and wage levels of present first-class operators in their present positions?

(k) What effect would such a change have on the job security, wage levels, and employment and advancement opportunities of minority-group members?

Automatic transmitters. (l) To what extent, and within what time frame would equipment manufacturers be ready and able to produce fully automatic AM and FM transmitting systems, i.e., capable of automatic startup and shutdown, self-monitoring and self-adjustment of deviations in all essential operating parameters? What would be the probable cost differentials for such transmitters as compared to existing transmitters?

(m) To what extent, and within what time frame would equipment manufacturers be ready and able to produce semiautomatic transmitting systems, i.e., capable of self-monitoring, and of providing alerting signals should any essential operating parameter approach the deviation limit with automatic shutdown if any such limit is exceeded? What would be the probable cost differentials for such transmitters as compared to existing transmitters?

(n) To what extent would station licensees seek early replacement of existing transmitters with automatic or semiautomatic transmitters, if operator requirements were relaxed to permit routine operation by restricted permit holders (or unattended operation should the statutory operator requirement be removed).

(o) To what extent can directional antennas be adapted to automatic or semiautomatic operation? What are the technical and economic problems involved? While it would seem feasible to equip a directional antenna so that the deviation of the phase or amplitude of any tower current beyond a prescribed limit results in automatic alerting or transmitter shutdown, does this constitute a satisfactory basis on which operator requirements might be minimized?

(p) How can a station perform its functions and meet its obligations in the Emergency Broadcasting System when engaged in automatic or semiautomatic operation?

(q) What actions should the Commission take to encourage the development and use of automatic or semiautomatic transmitters (e.g., should it initiate a proceeding looking toward type acceptance of such transmitters)?

Automatic logging. (r) Should automatic logging, as now permitted by §§ 73.113(b), 73.283, and 73.583, be required if routine third-class transmitter operation is permitted:

(1) By directional AM stations?

(2) By other higher-powered AM and FM stations not now permitted routine third-class operation?

(3) By AM and FM stations now permitted routine third-class operation?

Arrays with specified phase relationship and current ratio values or of doubtful stability. (s) Should routine third-class operation be permitted for directional AM stations where:

(1) The phase relationship and current ratio values are specified in the license?

(2) The array has a history of instability or is not established to be stable?

(3) Authority for such operation has previously been granted but an inspection or analysis of a renewal application shows the array not operating properly, should the authority be revoked until the discrepancy is shown to be corrected?

Possible enforcement against supervising first-class operators. (t) To what extent, in the case of violations of the technical rules, should the Commission's enforcement actions run against the Chief Engineer or supervising first-class operator, particularly where routine operation by third-class operators is permitted?

Other AM and FM stations. (u) Aside from directional AM stations, should nondirectional AM stations with more than 10 kw. transmitter output power, and FM stations with more than 25 kw. transmitter output power, be permitted to use third-class operators for routine transmitter operation, in light of the considerations and questions mentioned above? If so, should it be subject to the same limitations as with directional AM stations? Should FM stations with more than 50 kw. transmitter output power be so permitted?

Comments on possible rule. (v) Comments are invited on whether routine operation of AM and FM stations by third-class operators should be permitted on an individual basis as set forth in the notice of proposed rule making, below, and on the appropriateness of the various limitations and requirements proposed therein.

NOTICE OF PROPOSED RULE MAKING

42. If warranted by the comments received in response to the above questions, §§ 73.93, 73.265, and 73.565 may be modified, without further proceedings, to provide that AM stations operating directionally, AM stations operating with more than 10 kw. power, and FM stations operating with more than 25 kw. transmitter output power, may on individual request be authorized to conduct routine transmitter operation, as now permitted in those sections for other stations, with operators holding no more than radiotelephone third-class permits endorsed for broadcast operation. Such authorization will be granted only if the station submits a showing satisfactory to the Commission, including the following for directional AM stations:

(a) An operator holding a radiotelephone first-class license ("first class operator") and well qualified by training and/or experience is on immediate call at all times, including at least one such operator employed fulltime (40 hours per week) by the station and at least one other employed or under contract. The showing in this respect shall include details as to the training and qualifying experience of the operators to be so employed or contracted for.

(b) A first-class operator is and will be on duty at the transmitter (or remote control point if authorized) when the

station begins directional operation or changes from one directional mode to another.

(c) A well-qualified first-class operator reads the previous day's operating log within one-half hour of sign-on unless a first-class operator was on duty at signoff, and countersigns it to that effect.

(d) The directional antenna system is stable. This fact may usually be evidenced by submission of copies of the station's operating logs for such specific days or weeks as the Commission may direct.

(e) A (type approved) modern phase monitor is installed at the transmitter and that all elements of the system which provides radiofrequency excitation to the phase monitor are so designed, constructed, and maintained as to assure that accurate samples are delivered to the monitor.

(f) A theoretical or empirical study has been undertaken which has established the magnitudes of deviations in phase relationships and current ratios in the elements of the directional array which may be tolerated without the field strengths at monitoring points exceeding the maximums set forth in the station license for those monitoring points.

(g) The third-class radiotelephone operators have been thoroughly instructed in their duties. Written instructions shall be prepared and posted at the operating position, and shall include a tabulation of the maximum and minimum permissible values of indications for all critical operating parameters, and specific instruction as to the action to be taken by the third-class permittee should indications deviate beyond the specified limits. A copy of these instructions shall be furnished with the request for authorization.

(h) For FM stations and nondirectional AM stations not permitted to use third class operators for routine transmitter operation under present rules, the showing required would include those in items (a), (c) and (g), above.

In deciding whether the authorization shall issue, the Commission will consider, among other things, the past record of the station licensee in complying with the technical requirements of the Commission's rules and regulations and the complexity of the directional radiation system. No authority will be given to a station required by the terms of its license to maintain the relative phases and amplitudes of the currents in its antenna system within tolerances specifically set forth in that license.

PROCEDURAL MATTERS

43. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303(k), and 318 of the Communications Act of 1934, as amended.

44. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 2, 1970, and reply comments on or before December 1, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account specific information before it, in addition to the specific comments invited by this notice.

45. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: July 29, 1970.

Released: August 5, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 70-10362; Filed, Aug. 7, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141, 201, 260]

[Docket No. R-395]

EQUITY METHOD OF ACCOUNTING FOR LONG-TERM INVESTMENTS IN SUBSIDIARIES

Uniform System of Accounts and Annual Report Forms

AUGUST 3, 1970.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1970:

A. Certain accounts in the Uniform System of Accounts for Class A and B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. Certain schedules of FPC Form No. 1, Annual Report for Class A and B Public Utilities and Licensees, prescribed by § 141.1, Chapter I, Title 18, CFR.

C. Certain accounts in the Uniform System of Accounts for Class A and B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

D. Certain schedules of FPC Form No. 2, Annual Report for Class A and B Natural Gas Companies, prescribed by § 260.1, Chapter I, Title 18, CFR.

These modications are proposed because our present Uniform Systems of Accounts prohibit the use of the "equity" method of accounting for long-term investments in common stocks of subsidiaries and prescribe that the "cost" method be used. The Commission feels the equity method is the more appropriate of the two methods for accounting purposes, particularly due to the recent increases in interest rates which have given rise to difficulties in borrowing capital. Additionally, the equity method of accounting has risen in prominence since the initial prescription of the cost method in the Uniform Systems of Accounts.

The Commission believes that the equity method of accounting, with separate reporting of the increases resulting from undistributed earnings of subsidiaries which will preserve the cost method for accounting analysis for rate making purposes, should now be incorporated into the Uniform Systems of Accounts. It will continue to be the Commission's policy that the undistributed earnings of subsidiaries are to be excluded from the common stockholders' equity in determining the rate of return. With the complete cost information accompanied by the principles of the equity method of reporting increases in investment values, the Commission and other interested parties will have sufficient information with which to proceed under its present method of rate making and at the same time conduct appropriate financial analysis.

The proposed changes to the Uniform Systems of Accounts are:

A. The adding of a definition defining a "Subsidiary Company," in the Definitions section.

B. The revision of accounts "123, Investment in Associated Companies," and "216, Unappropriated Retained Earnings," and the addition of two new accounts, "123.1, Investment in Subsidiary Companies," and "216.1, Unappropriated Undistributed Subsidiary Earnings," all in the Balance Sheet Accounts section.

C. The addition of one new account, "418.1, Undistributed Earnings of Subsidiary Companies," in the Income Accounts section.

The proposed changes to Annual Report Forms No. 1 and 2, as set forth below, include:

A. In the Comparative Balance Sheet in the schedule relating to Assets and Other Debits, the addition of a new item, account 123.1, Investment in Subsidiary Companies, immediately following line item 14 in FPC Form No. 1 and line item 9 in FPC Form No. 2, and in the schedule relating to Liabilities and Other Credits, the addition of provisions for including the amounts relating to the new proposed account 216.1, Unappropriated Undistributed Subsidiary Earnings to be included with the amounts now reported in line item 11, "Retained Earnings."

B. In the Statement of Income for the year, the addition of a provision for including the amounts relating to the new proposed account, 418.1, Undistributed Earnings of Subsidiary Companies, to be included with the amounts now reported in line item 21, "Nonutility Operating Income."

C. In the Statement of Retained Earnings for the year, expansion of the statement to include reporting the details relating to the new proposed account 216.1, Unappropriated Undistributed Subsidiary Earnings.

D. The addition of a new schedule page 203, requiring the reporting of details relating to the new proposed account 123.1, Investment in Subsidiary Companies and the revision of the present schedule page 303, "Particulars Concerning Other Income Accounts" to allow reporting details relating to the new proposed account, 418.1, Undistributed Earnings of Subsidiary Companies.

[2] Chairman Burch absent.

The proposed amendments to the Commission's Uniform System of Accounts under the Federal Power Act and to FPC Form No. 1 would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825c, 825h).

The proposed amendments to the Commission's Uniform System of Accounts under the Natural Gas Act and to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717i, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 17, 1970, data, views, comments, or suggestions, in writing, concerning the proposed revised report forms and regulations. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms under the provisions of the Federal Reports Act of 1942 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, address and telephone number of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revisions in the report forms and regulations. The Commission will consider all such written submissions before acting on the matters herein proposed.

A. The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the Definitions section of Part 101, immediately following definition "33. State," add a new definition "34. Subsidiary Company," and renumber the remaining definition "34 Utility," as 35. New definition 34 will read:

Definitions

* * * * *

34. "Subsidiary company," means a company in which the utility owns 50 percent or more of the voting capital stock. Subsidiary companies shall also be regarded as associated companies for other purposes under this system of accounts. (See definition 5A, Associated companies.)

* * * * *

2. In the chart of Balance Sheet Accounts, add new account "123.1, Investment in Subsidiary Companies" immediately following account "123, Investment in Associated Companies," and add new account "216.1, Unappropriated Undistributed Subsidiary Earnings" immediately following account "216, Unappropriated Retained Earnings." As so revised, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123.1 Investment in subsidiary companies.

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

Other paid-in capital

* * * * *

216.1 Unappropriated undistributed subsidiary earnings.

* * * * *

3. In the text of Balance Sheet accounts, revise accounts "123, Investment in Associated Companies," and "216, Unappropriated Retained Earnings." Immediately following revised account "123, Investment in Associated Companies," add new account "123.1, Investment in Subsidiary Companies." Immediately following revised account "216, Unappropriated Retained Earnings," add new account "216.1, Unappropriated Undistributed Subsidiary Earnings." As so revised, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123 Investment in associated companies.

A. This account shall include the book cost of investments in securities issued or assumed by associated companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement, provided that the utility owns less than 50 percent of the voting capital stock of such associated companies. (When 50 percent or more of the voting stock is owned by the utility the investment shall be included in Account 123.1, Investment in Subsidiary Companies.) Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The account shall be maintained in such manner as to show the investment in securities of, and advances to, each associated company together with full particulars regarding any of such investments that are pledged.

NOTE A: Securities and advances of associated companies owned and pledged shall be included in this account, but such securities, if held in special deposits or in special funds, shall be included in the appropriate deposit or fund account. A complete record of securities pledged shall be maintained.

NOTE B: Securities of associated companies held as temporary cash investments are includible in account 136, Temporary Cash Investments.

NOTE C: Balances in open accounts with associated companies, which are subject to current settlement, are includible in account 146, Accounts Receivable from Associated Companies.

NOTE D: The utility may write down the cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded but a permanent impairment in the value of securities shall be recognized in the accounts. When securities are written off or written down, the amount of the adjustment shall be charged to account 426.5, Other Deductions, or to an appropriate account for accumulated provisions for loss in value established as a separate subdivision of this account.

123.1 Investment in subsidiary companies.

A. This account shall include the cost of investments in securities issued or assumed by subsidiary companies and investment advances to such companies, including other amounts not settled currently plus the equity in undistributed earnings or losses of such subsidiary companies since acquisition, provided that the utility owns 50 percent or more of the voting common stock of such subsidiaries. This account shall be credited with any dividends declared by such subsidiaries.

B. This account shall be maintained in such a manner as to show separately for each subsidiary: the cost of such investments in the securities of subsidiary at the time of acquisition; the amount of equity in the subsidiary's undistributed net earnings or net losses since acquisition; advances or loans to such subsidiary; and full particulars regarding any such investments that are pledged.

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

216 Unappropriated retained earnings.

This account shall include the balances, either debit or credit, of unappropriated retained earnings arising from earnings of the utility. It shall not include any amounts representing the undistributed earnings of subsidiary companies.

216.1 Unappropriated undistributed subsidiary earnings.

This account shall include the balances, either debit or credit, of undistributed retained earnings of subsidiary companies since their acquisition. When dividends are received from subsidiary companies and the balances have been included in this account, this account shall be debited and Account 216, Unappropriated Retained Earnings, crdited.

* * * * *

4. In the chart of Income Accounts immediately following account "418, Nonoperating Rental Income," add new account "418.1, Undistributed Earnings

of Subsidiary Companies." As so revised, the chart of Income Accounts will read:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

418.1 Undistributed earnings of subsidiary companies.

* * * * *

5. In the text of Income Accounts, immediately following account "418, Nonoperating Rental Income," add new account "418.1, Undistributed Earnings of Subsidiary Companies." New account 418.1 will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

418.1 Undistributed earnings of subsidiary companies.

This account shall include the undistributed net earnings or net losses from subsidiary companies for the year.

* * * * *

B. Effective for the reporting year 1970, it is proposed to revise certain pages of FPC Form No. 1, Annual Report for Public Utilities and Licensees (Class A and B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

C. The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and B Natural Gas Companies, in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the Definitions section of Part 201, immediately following definition "29. Service value," add a new definition "30. Subsidiary company" and renumber the present definition "30. Utility" as 31. New definition 30 will read:

Definitions

* * * * *

30. "Subsidiary company" means a company in which the utility owns 50 percent or more of the voting capital stock Subsidiary companies shall also be regarded as associated companies for other purposes under this system of accounts. (See definition 5A, Associated companies.)

* * * * *

2. In the chart of Balance Sheet Accounts, add new account "123.1, Investment in Subsidiary Companies" immediately following account "123, Investment in Associated Companies," and add new account "216.1, Unappropriated Undistributed Subsidiary Earnings" immediately following account "216, Unappropriated Retained Earnings." As so revised, the chart of Balance Sheet Accounts will read:

Balance Sheet Accounts

(Chart of Accounts)

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123.1 Investment in subsidiary companies.

* * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

* * * * *

Other paid-in capital.

* * * * *

216.1 Unappropriated undistributed subsidiary earnings.

3. In the text of Balance Sheet accounts, revise accounts "123, Investment in Associated Companies," and "216, Unappropriated Retained Earnings." Immediately following revised account "123, Investment in Associated Companies," add new account "123.1, Investment in Subsidiary Companies." Immediately following revised account "216, Unappropriated Retained Earnings," add new account "216.1, Unappropriated Undistributed Sibsidiary Earnings." As so revised, these portions of the text of Balance Sheet Accounts will read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

2. OTHER PROPERTY AND INVESTMENTS

* * * * *

123 Investment in associated companies.

A. This account shall include the book cost of investments in securities issued or assumed by associated companies and investment advances to such companies, including interest accrued thereon when such interest is not subject to current settlement, provided that the utility owns less than 50 percent of the voting capital stock of such associated companies. (When 50 percent or more of the voting stock is owned by the utility the investment shall be included in Account 123.1, Investment in Subsidiary Companies.) Include also the offsetting entry to the recording of amortization of discount or premium on interest bearing investments. (See account 419, Interest and Dividend Income.)

B. The account shall be maintained in such manner as to show the investment in securities of, and advances to, each associated company together with full particulars regarding any of such investments that are pledged.

NOTE A: Securities and advances of associated companies owned and pledged shall be included in this account, but such securities, if held in special deposits or in special funds, shall be included in the appropriate deposit or fund account. A complete record of securities pledged shall be maintained.

NOTE B: Securities of associated companies held as temporary cash investments are includible in account 136, Temporary Cash Investments.

NOTE C: Balances in open accounts with associated companies, which are subject to current settlement, are includible in account 146, Accounts Receivable from Associated Companies.

NOTE D: The utility may write down the cost of any security in recognition of a decline in the value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of substantial value. Fluctuations in market value shall not be recorded but a permanent impairment in the value of securities shall be recognized in the accounts. When securities are written off or written down, the amount of the adjustment shall be charged to account 426.5, Other Deductions, or to an appropriate account for accumulated provisions for loss in value established as a separate subdivision of this account.

123.1 Investment in subsidiary companies.

A. This account shall include the cost of investments in securities issued or assumed by subsidiary companies and investment advances to such companies, including other amounts not settled currently plus the equity in undistributed earnings or losses of such subsidiary companies since acquisition, provided that the utility owns 50 percent or more of the voting common stock of such subsidiaries. This account shall be credited with any dividends declared by such subsidiaries.

B. This account shall be maintained in such a manner as to show separately for each subsidiary: the cost of such investments in the securities of subsidiary at the time of acquisition; the amount of equity in the subsidiary's undistributed net earnings or net losses since acquisition; advances or loans to such subsidiary; and full particulars regarding any such investments that are pledged.

* * * * *

LIABILITIES AND OTHER CAPITAL

5. PROPRIETARY CAPITAL

* * * * *

216 Unappropriated retained earnings.

This account shall include the balances, either debit or credit, of unappropriated retained earnings arising from earnings of the utility. It shall not include any amounts representing the undistributed earnings of subsidiary companies.

216.1 Unappropriated undistributed subsidiary earnings.

This account shall include the balances, either debit or credit, of undistributed retained earnings of subsidiary companies since their acquisition. When

[1] Attachment A filed as part of original document.

dividends are received from subsidiary companies and the balances have been included in this account, this account shall be debited and Account 216, Unappropriated Retained Earnings, credited.

* * * * *

4. In the chart of Income Accounts, immediately following account "418, Nonoperating Rental Income," add new account "418.1, Undistributed Earnings of Subsidiary Companies." As so revised, the chart of Income Accounts will read:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

A. OTHER INCOME

* * * * *

418.1 Undistributed earnings of subsidiary companies.

* * * * *

5. In the text of Income Accounts, immediately following account "418, Nonoperating Rental Income," add new account "418.1, Undistributed Earnings of Subsidiary Companies." New account 418.1 will read:

Income Accounts

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

418.1 Undistributed earnings of subsidiary companies.

This account shall include the undistributed net earnings or net losses from subsidiary companies for the year.

* * * * *

D. Effective for the reporting year 1970, it is proposed to revise certain pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Classes A and B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10322; Filed, Aug. 7, 1970; 8:45 a.m.]

[1] Attachment A filed as part of original document.

FEDERAL TRADE COMMISSION

[16 CFR Part 428]

ADVERTISING OF CIGARETTES

Notice of Public Hearing and Opportunity To Submit Data, Views, or Arguments Regarding Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding the advertising of cigarettes.

Accordingly, the Commission publishes this notice and proposes the following Trade Regulation Rule:

§ 428.1 The Rule.

In connection with the sale, offering for sale, or distribution of cigarettes in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to fail to disclose, clearly and prominently, in all advertising the tar and nicotine content of the advertised variety or varieties in milligrams of tar (to the nearest whole milligram) and nicotine (to the nearest one-tenth milligram) per cigarette, based on the most recently published Federal Trade Commission test results.

The testing methodology currently used by the Federal Trade Commission is the Cambridge Filter Method specified in the FEDERAL REGISTER notice of November 4, 1966 (31 F.R. 14278), as described in an article entitled "Determination of Particulate Matter and Alkaloids (as Nicotine) in Cigarette Smoke," by C. L. Ogg, Journal of the Association of Official Agricultural Chemists, Vol. 47, No. 2, 1964, and as modified by the Federal Trade Commission in accordance with the FEDERAL REGISTER notice of August 1, 1967 (32 F.R. 11178).

Where a finally adopted Trade Regulation Rule is relevant to any issue involved in any adjudicative proceeding thereafter instituted, the Commission may rely upon the Rule to resolve the issue: *Provided,* That the respondent shall have been given opportunity for a fair hearing on the applicability of the Rule to the particular case.

All interested persons, including the consuming public, are hereby notified that they may file written data, views or arguments concerning the proposed Rule with the Assistant Director for Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than October 8, 1970. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to make oral presentations of data, views, or arguments with respect to the proposed Rule at a public hearing to be held at 10 a.m., e.d.t., on Thursday, October 15, 1970, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to present his views orally at the hearing should so inform the Assistant Director for Food and Drug Advertising, Bureau of Consumer Protection not later than October 8, 1970, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Food and Drug Advertising, Bureau of Consumer Protection, on or before October 8, 1970.

The data, views, or arguments presented with respect to the proposed Rule will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed Rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: August 8, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-10357; Filed, Aug. 7, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 9688]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

AUGUST 3, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the area described below are hereby classified for multiple-use management. 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) and the lands shall remain open to all other applicable forms of appropriation including the mining and the mineral leasing laws; except that the lands in Group II below will be further segregated from appropriation under the general mining laws. The lands described in Group II have high recreational values and require the protection afforded by this classification. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 6197–6198), or at the public hearing at Socorro, N. Mex., which was held on May 5, 1970. The record showing the comments received and other information is on file and can be examined in the Socorro District Office. The public lands affected by this classification are located within the following described areas and are shown on maps designated 02–12, 02–13, 02–14, 02–15, and 02–16 in the Socorro District Office, and are at the Land Office of the Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

GROUP I

Unit 02–12

T. 4 N., R. 17 W.,
Sec. 6, lots 4 and 12;
Sec. 7, E½SW¼;
Sec. 8, SW¼NE¼, SE¼NW¼, W½NW¼, and S½;
Sec. 10, SE¼SW¼;
Secs. 11, 14, 15, and 17;
Sec. 18, lots 1, 2, NE¼, E½NW¼, SE¼SW¼, and S½SE¼;
Sec. 19, lot 2, NE¼NE¼, and SE¼NW¼;
Sec. 20, N½N½;
Sec. 21, N½, N½S½, and SW¼SE¼;
Sec. 22, N½, SW¼, and N½SE¼;
Sec. 23, N½NW¼, SW¼NW¼, and SE¼SW¼.

T. 4 N., R. 18 W.,
Sec. 1, lots 1, 2, 3, 4, 7, 8, 9, 10, and SE¼;
Sec. 5, lots 1 to 12, inclusive, N½S½, and SW¼SW¼;
Secs. 6 and 7;
Sec. 8, NW¼NW¼, S½NW¼, and SW¼;
Sec. 11, E½;
Sec. 12, NE¼ and E½SE¼;
Secs. 13 and 14;
Sec. 15, S½NE¼ and S½;
Sec. 17, W½ and S½SE¼;
Secs. 18, 19, and 20;
Sec. 21, N½ and N½S½;
Sec. 22, E½, NW¼, N½SW¼, and SE¼SW¼;
Secs. 23, 24, and 26;
Sec. 27, E½, E½NW¼, and SW¼;
Sec. 28, SE¼SE¼;
Sec. 29, E½NE¼, E½SW¼, and SE¼;
Sec. 30, lots 1, 2, NE¼, and E½NW¼;
Sec. 31, lots 1, 2, 3, 4, and E½W½;
Sec. 33, E½E½, SW¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 34, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 35.

T. 5 N., R. 18 W.,
Sec. 30.

T. 4 N., R. 19 W.,
Sec. 1, lots 1 to 12, inclusive, E½SW¼, and SE¼;
Sec. 3;
Sec. 4, lots 1 to 12, inclusive, N½S½, SW¼SW¼, and SE¼SE¼;
Secs. 5 and 6;
Sec. 7, lots 3, 4, E½, and E½SW¼;
Sec. 8, N½ and SW¼;
Sec. 9, N½NE¼;
Sec. 10, N½ and SE¼;
Sec. 11, W½SW¼;
Sec. 12, lots 1, 2, 3, 4, 5, NE¼, and E½NW¼;
Sec. 14, NW¼NW¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 15, NE¼NE¼ and W½SE¼;
Sec. 19, S½NE¼ and SE¼;
Sec. 20, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 21, NE¼, SW¼NW¼, NW¼SW¼, SE¼SW¼, W½SE¼, and NE¼SE¼;
Sec. 22, SE¼NE¼, N½NW¼, SW¼NW¼, and SE¼;
Sec. 23, lots 1, 2, and W½NW¼;
Sec. 26, lots 1 to 10, inclusive and W½SE¼;
Sec. 27, lots 1 to 8, inclusive, E½NW¼, SW¼NW¼, and SE¼;
Sec. 28, NW¼NE¼, E½NW¼, NW¼SW¼, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 29, W½E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 30, NE¼ and N½SE¼;
Sec. 31, lots 2, 3, 4, NE¼NE¼, and SE¼SE¼;
Sec. 33, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 34, W½NE¼, NW¼, and S½;
Sec. 35, SW¼ and W½SE¼.

T. 5 N., R. 19 W.,
Sec. 10, S½;
Sec. 12, N½;
Sec. 14;
Sec. 22, E½, N½NW¼, and W½SW¼;
Sec. 24;
Sec. 26, W½NW¼ and SW¼;
Sec. 34, S½;
Sec. 36, S½NW¼ and S½.

T. 4 N., R. 20 W.,
Sec. 14;
Sec. 19, E½E½, SW¼NE¼, and SW¼SE¼;
Sec. 20, lots 1, 2, 3, 4, E½NW¼, SW¼NW¼, and S½;
Secs. 21, 22, 23, and 24;
Sec. 25, lots 1, 2, 3, 4, N½, and E½SW¼;
Sec. 26, NE¼NE¼, W½E½, W½, and SE¼SE¼;
Secs. 27, 28, 29, 31, 33, 34, and 35.

Unit 02–13

T. 3 N., R. 14 W.,
Sec. 30, lots 1, 2, 3, 4, and E½W½;

T. 2 N., R. 15 W.,
Sec. 3, lots 1, 2, 3, NW¼NE¼, and S½N½.

T. 3 N., P. 15 W.,
Sec. 13, S½SW¼;
Sec. 14, W½NE¼, NW¼, and S½;
Sec. 15;
Sec. 21, E½SE¼;
Sec. 22, E½, E½NW¼, and SW¼;
Sec. 23;
Sec. 24, NW¼;
Sec. 25, NW¼ and S½;
Sec. 26;
Sec. 27, N½N½ and S½SE¼;
Sec. 28, N½NE¼;
Sec. 33, E½NE¼;
Sec. 34, N½, E½SW¼, and SE¼;
Sec. 35.

Unit 02–14

T. 1 N., R. 13 W.,
Sec. 7, lots 3, 4, E½SW¼, and SE¼;
Sec. 18, lots 1, 2, 3, E½NW¼, and NE¼SW¼.

T. 1 N., R. 14 W.,
Sec. 3;
Sec. 7, lot 4, E½E½, SE¼SW¼, and SW¼SE¼;
Secs. 8, 9, 10, and 11;
Sec. 13, N½ and N½S½;
Secs. 14 and 15;
Sec. 17, NE¼NE¼, S½N½, and S½;
Secs. 18, lots 1, 2, 3, 4, NW¼NE¼, S½NE¼, E½W½, and SE¼;
Sec. 19;
Sec. 23, N½ and N½S½;
Secs. 26 and 27;
Sec. 28, SE¼NE¼, W½, and E½SE¼;
Sec. 29;
Sec. 30, lots 1, 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 33, E½E½ and W½;
Secs. 34 and 35.

T. 1 N., R. 15 W.,
Sec. 9, SE¼;
Sec. 10, NE¼SW¼, S½SW¼, and SE¼;
Sec. 11, SW¼;
Sec. 12, S½SE¼;
Sec. 13;
Sec. 14, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 15, N½ and NW¼SE¼;
Sec. 19, lots 2, 3, 4, SE¼NE¼, E½SW¼, and SE¼;
Sec. 20, W½NW¼, S½SW¼, and SE¼;
Sec. 21, SE¼NE¼, S½S½, and NE¼SE¼;
Sec. 22, S½NW¼ and S½;
Sec. 23, SW¼;
Sec. 24;
Sec. 26, N½NW¼;
Sec. 27, N½;
Sec. 28, N½ and SW¼;
Secs. 29, 30, and 31;
Sec. 33, W½NE¼, W½, and SE¼;
Sec. 34, E½NE¼ and S½;
Sec. 35, E½, S½NW¼, and SW¼.

T. 1 N., R. 16 W.,
Sec. 13, W½NE¼;
Sec. 25;
Sec. 26, E½E½.
T. 1 S., R. 14 W.,
Sec. 3, lots 1 to 12, inclusive, and N½S½;
Sec. 4, lots 3, 8, 9, and E½SE¼;
Sec. 5, lots 1, 2, 3, 4, 5, 12, and NW¼SW¼;
Sec. 6, lot 1;
Sec. 7, lots 2, 3, 4, SE¼NW¼, and E½SW¼;
Sec. 17, E½, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 20, N½NE¼ and SW¼NE¼.
T. 1 S., R. 15 W.,
Secs. 1, 3, 4, 5, 9, and 10;
Sec. 11, E½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 12, E½ and E½W½.

Unit 02–16

T. 6 N., R. 1 W.,
Sec. 18, lots 1, 2, 3, 4, and E½W½.
T. 6 N., R. 2 W.,
Sec. 6, lots 1, 2, SE¼NE¼, and SW¼SE¼;
Secs. 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 6 N., R. 3 W.,
Sec. 2, lots 2, 3, SW¼NE¼, and SE¼NW¼;
Secs. 4, 6, and 8;
Sec. 10, E½ and SW¼;
Secs. 12, 14, 18, 20, and 22;
Sec. 24, E½ and E½W½;
Sec. 30;
Sec. 34, N½, SW¼, W½SE¼, and SE¼SE¼.
T. 7 N., R. 3 W.,
Secs. 4, 6, 8, 10, 18, 20, 22, 28, 30, and 34.
T. 6 N., R. 4 W.,
Secs. 4, 6, 8, 10, 12, 14, and 20;
Sec. 22, E½, and SW¼;
Secs. 24, 26, 28, 30, and 34.
T. 7 N., R. 4 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, and SE¼;
Sec. 8;
Sec. 10, S½;
Sec. 12;
Sec. 14, S½NE¼, W½, and SE¼;
Sec. 18, E½ and SE¼SW¼;
Sec. 20;
Sec. 22, E½ and NW¼;
Secs. 24, 26, 28, 30, and 34.
T. 5 N., R. 5 W.,
Secs. 4, 6, 8, 12, 14, 18, 20, 22, 24, 26, 28, 30, and 34.
T. 6 N., R. 5 W.,
Secs. 4, 8, and 10;
Sec. 12, E½, E½W½, and W½SW¼;
Secs. 14, 18, 20, 22, and 24;
Sec. 26, E½, E½W½, and W½SW¼;
Sec. 28, E½, N½NW¼, and SW¼;
Secs. 30 and 34.
T. 7 N., R. 5 W.,
Sec. 4, lots 1, 2, S½NE¼, NW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 10, W½ and SE¼;
Sec. 12;
Sec. 14, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 20, E½E½, NW¼NE¼, NE¼NW¼, W½W½, and SE¼SW¼;
Sec. 22, W½ and SE¼;
Secs. 24, 26, and 28;
Sec. 30, lots 1, 2, E½, and E½NW¼;
Sec. 34.
T. 5 N., R. 6 W.,
Sec. 4, SE¼;
Sec. 8;
Sec. 10, E½;
Sec. 12, N½, SW¼, NE¼SE¼, and S½SE¼;
Sec. 14;
Sec. 20, E½NE¼, SW¼NE¼, W½, and SE¼;
Secs. 22, 24, 26, 28, 30, and 34.
T. 6 N., R. 6 W.,
Secs. 1, 3, 4, and 5;
Sec. 6, lots 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 7, 8, and 9;
Sec. 10, S½NE¼;
Secs. 11 and 13;
Sec. 14, W½ and SE¼;
Secs. 15, 17, 18, 19, 20, 21, 23, 25, and 27;
Sec. 28, NE¼, S½S½, and NE¼SE¼;
Sec. 29;
Sec. 30, lots 3, 5, 9, 10, E¼, and NE¼SW¼;
Secs. 31, 33, 34, and 35.
T. 7 N., R. 6 W.,
Secs. 1 and 3;
Sec. 4, S½N½ and S½;
Sec. 5;
Sec. 6, lots 1, 2, 3, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, NE¼, N½NW¼, and S½SW¼;
Secs. 9 and 11;
Sec. 12, N½ and SW¼;
Sec. 13;
Sec. 14, N½ and N½S½;
Secs. 15, 17 and 19;
Sec. 20, E½NE¼;
Sec. 21;
Sec. 22, E½ and NW¼;
Secs. 23 and 25;
Sec. 26, S½NE¼, W½, and SE¼;
Secs. 27, 29, 31, and 33;
Sec. 34, N½NW¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 35.
T. 5 N., R. 7 W.,
Sec. 12;
Sec. 24, NE¼, E½NW¼, NW¼NW¼, N½SE¼, and SE¼SE¼.
T. 6 N., R. 7 W.,
Sec. 1;
Sec. 2, lots 1, 2, 5, 9, 10, 14, and SE¼NE¼;
Sec. 11, lots 1, 6, and 7;
Sec. 12, lots 1 to 12, inclusive, 14, 15, 16, and 17;
Sec. 13, lots 1, 2, 3, 4, 7, 9, 10, 11, 12, and 15;
Sec. 24, lot 1;
Sec. 25, lots 5, 6, 8, 12, 13, 14, and 15;
Sec. 34, lots 2 and 4;
Sec. 35, lots 1, 9, 10, 11, 13, 15, and 18;
Sec. 36, lots 1, 3, 4, 5, 8, 9, 12, 16, 17, E½E½, and NW¼NE¼.

GROUP II

Unit 02–15

T. 3 S., R. 12 W.,
Sec. 30, S½SE¼;
Sec. 31.
T. 4 S., R. 12 W.,
Sec. 4, S½;
Secs. 5, 6, 7, and 8;
Sec. 9, N½NW¼.
T. 4 S., R. 13 W.,
Sec. 1;
Sec. 11, E½;
Sec. 12, NE¼NE¼, N½NW¼, and SW¼SW¼;
Sec. 14, NE¼ and N½SE¼.

The areas described above aggregate approximately 186,768.56 acres in Catron, Socorro, and Valencia Counties.

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

W. J. ANDERSON,
State Director.

[F.R. Doc. 70–10340; Filed, Aug. 7, 1970; 8:45 a.m.]

ACTING AREA MANAGERS ET AL., MONTANA

Delegation of Authority

JULY 21, 1970.

State Director, Montana Supplement to Bureau of Land Management Manual 1214.

A. Designating Acting Area Managers and Acting Chiefs, Divisions of Resource Management, Operations, and Administration in Montana District Offices.

1. The authorities delegated to the Area Managers, Chiefs, Divisions of Resource Management, Operations, and Administration in the District Offices may in the absence of the designated Area Manager, Chiefs, Divisions of Resource Management, Operations, or Administration be performed by an Acting Area Manager or Acting Chiefs, Divisions of Resource Management, Operations, or Administration.

2. Such "acting" officials shall be designated by written orders of the District Manager and approved by the State Director.

B. Each designated employee who serves in such capacity shall, when serving, sign documents and other papers as "Acting (name of position)." Each such acting official shall prepare a memorandum to be kept in the district office showing the date and hour of commencement and termination of each period of such service as "Acting (name of position)."

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70–10366; Filed, Aug. 7, 1970; 8:48 a.m.]

Bureau of Reclamation

[Public Notice 86; Supp. 1]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA, RESERVATION DIVISION, CALIFORNIA

Annual Operation, Maintenance, and Water Rental Charges

JULY 10, 1970.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented).

Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges, issued November 21, 1969, as Public Notice No. 86, for the Yuma Irrigation Project, Arizona-California, Reservation Division, California, is hereby supplemented by the addition of a new paragraph 3 and the addition of a list of Sandy Areas in the Indian Unit of the Reservation Division so that said public notice will read as follows:

1. *Annual operation and maintenance charges for lands under public notice, Reservation Division.* The minimum annual operation and maintenance charge for calendar year 1970 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $15 per irrigable acre, whether water is used or not, payment of which will entitle the water user (may

be landowner, lessee, and/or water-right applicant or holder) to 8 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72, dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under public notice. Additional water, if available, will be furnished at the rate of $3 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than 1 acre shall be $15.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not more than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1970, and on January 1 of each year thereafter.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1970 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications at the following rates:

A. The minimum annual charge shall be $15 per irrigable acre, payment of which will entitle the applicant to 8 acre-feet of water per acre on certain sandy areas listed in this supplement, and to 5 acre-feet of water per irrigable acre on all other lands in the Division not under public notice.

B. Additional water, if available, will be furnished at the rate of $3 per acre-foot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Damages and termination of water deliveries.* Upon failure of any water user in the Reservation Division, including for purposes of this paragraph only, lessees of Indian lands, to comply with the regulations for ordering and delivery of irrigation water in the Division, or to pay any bill rendered by the United States for costs of extra maintenance of or repairs to the irrigation and drainage systems of the Reservation Division of the Yuma Project which are required as a result of faulty irrigation practices of the water user, all as established and determined by the Project Manager after consultation with the water user, the United States reserves the right to withhold the delivery of water to the lands of any water user who is in default thereof, or to stop the delivery of water thereto if water is being so delivered during any period in which said user is in violation of the provisions of the regulations, or has failed to pay said bills.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of 1 percent of the amount unpaid and a like penalty of one-half of 1 percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Bureau of Reclamation, Office of Project Manager, Yuma Projects Office, Yuma, Ariz., or mailed to Bureau of Reclamation, Post Office Bin 5569, Yuma, Ariz. 85364.

SANDY AREAS IN THE INDIAN UNIT OF THE RESERVATION DIVISION UNDER PUBLIC NOTICE

TOWNSHIP 16 SOUTH, RANGE 22 EAST, SBM, CALIFORNIA

Section	Description	Acres sandy
1	SE¼NE¼SW¼	3
	NE¼SE¼SW¼	4
	NW¼SE¼SW¼	9
	SW¼SE¼SW¼	7
	SE¼SE¼SW¼	1
	N½N½SW¼SW¼	8
	S½N½SW¼SW¼	6
	SE¼SW¼SW¼	4
10	SW¼SE¼SE¼	3
12	NE¼NE¼NE¼	10
	NW¼SE¼NE¼	1
	NE¼SE¼NE¼	8
	SW¼SE¼NE¼	1
	SE¼SE¼NE¼	4
	NW¼NE¼NE¼	6
	SW¼NE¼NE¼	3
	SE¼NE¼NE¼	10
	NE¼NW¼NE¼	1
	SW¼NW¼NE¼	1
	SE¼NW¼NE¼	2
	NW¼SW¼NE¼	3
	NW¼SE¼SW¼	3
	SW¼SE¼SW¼	1
	NW¼SE¼SE¼	6
	SW¼SE¼SE¼	6
	NE¼SW¼SE¼	2
	SE¼SW¼SE¼	4
13	SE¼NW¼NE¼	3
	NW¼SE¼SE¼	2
	SW¼SE¼SE¼	1
14	NE¼NW¼SW¼	3
	NW¼NW¼SW¼	3
	SW¼NW¼SW¼	7
	SE¼NW¼SW¼	4
	NW¼SW¼SW¼	8
15	SW¼NE¼NE¼	6
	SE¼NW¼NE¼	1
	NW¼SW¼NE¼	1
	SW¼SW¼NE¼	6
	SE¼SW¼NE¼	10
	NE¼SE¼NE¼	4
	NW¼SE¼NE¼	7
	SW¼SE¼NE¼	10
	SE¼SE¼NE¼	7
	N½SW¼SE¼NW¼	1
	S½SW¼SE¼NW¼	2
	SE¼SE¼NW¼	3
	NE¼NE¼SW¼	7
	SE¼NE¼SW¼	1
	NE¼NE¼SE¼	8
	NW¼NE¼SE¼	4
15	SW¼NE¼SE¼	7
	SE¼NE¼SE¼	10
	NE¼NW¼SE¼	4
	NW¼NW¼SE¼	8
	SW¼NW¼SE¼	3
	SE¼NW¼SE¼	3
	NE¼SE¼SE¼	6
21	SE¼SW¼SE¼	1
23	NW¼NW¼NW¼	1
24	SW¼SW¼NE¼	1
	NW¼SE¼NW¼	1
	SW¼SE¼NW¼	2
	SE¼SW¼SW¼	2
27	NW¼NE¼NW¼	1
	SW¼SW¼NW¼	6
	NW¼NW¼SW¼	1
	SE¼SW¼NW¼	1
28	NW¼NE¼NE¼	2
	NE¼NW¼NE¼	2

A. B. WEST,
Regional Director.

[F.R. Doc. 70-10341; Filed, Aug. 7, 1970; 8:46 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Revised Rules for Allocation of American Samoan Watch Quota for Calendar Year 1970 and, Tentatively, 1971

CROSS REFERENCE: For a document regarding revised rules for allocation of the American Samoa watch quota for the calendar year 1970 and tentatively, 1971, see F.R. Doc. 70-10426, Department of Commerce, Office of the Secretary, *infra.*

WATCHES AND WATCH MOVEMENTS

Proposed Formula for Allocation of Quotas for Calendar Year 1971 Among Producers Located in Virgin Islands and Guam

CROSS REFERENCE: For a document regarding a proposed formula for the allocation of quotas of watches and watch movements for the calendar year 1971 among producers located in the Virgin Islands and Guam, see F.R. Doc. 70-10427, Department of Commerce, Office of the Secretary, *infra.*

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1971)

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows:

1. Section 9 entitled *Barter Eligibility List* is revised to read as follows:

9. *Barter eligibility list.* The following commodities from CCC-owned inventories are currently available for new and existing barter contracts: Upland cotton and tobacco (under loan). In addition, private stocks of barley, corn, cotton (upland and American Pima), cottonseed oil, flaxseed, grain sorghum, grease (inedible), linseed oil, oats, rice (milled and brown), soybean oil, tallow (inedible), tobacco, wheat, and wheat flour are eligible under Barter Announcement PS–6 for programming in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter wheat in excess of 11.75 percent protein, Hard Red Spring wheat, Durum wheats, and flour produced from these wheats may not be exported under the barter program through west coast ports.) Eligible commodities acquired from CCC, except grains so acquired before June 8, 1970, for other than unrestricted use, may be applied to and exported under barter contracts as private stocks in accordance with the terms and conditions of Announcement PS–6.

2. The provisions of section 27 entitled *Rice, Rough—Export as Milled or Brown Rice* are deleted.

3. Section 31 entitled *Flaxseed—Unrestricted Use Sales (Bulk-Storable-Basis In-Store)* is revised to read as follows:

31. *Flaxseed—Unrestricted use sales (bulk-storable-basis in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1970 county loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value whichever is higher.

Outside of designated terminals, the formula price is the 1970 county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of other qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

	Cents
July 1970	25
August 1970	26½
September 1970	28
October 1970	29½
November 1970	31
December 1970	32½
January 1971	34
February 1971	35½
March 1971	37
April 1971	38½
May 1971	38½
June 1971	38½

4. Section 33 entitled *Linseed Oil (Raw) Unrestricted Use Sales* is amended by the insertion of the following sentence after the first sentence: "For August the price will be $0.11675 per pound."

5. Section 43 entitled *Peanuts, Shelled or Farmers Stock—Unrestricted Use Sales* is amended by the insertion of a second sales item which reads as follows:

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

6. Section 46 entitled *Cotton, Extra Long Staple—Unrestricted Use Sales* is revised to read as follows:

46. *Cotton, extra long staple—Unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made. Notwithstanding the foregoing, until otherwise announced by CCC, cotton will be available under Announcement NO–C–6 in an amount not to exceed the unsold shortfall at the market price, as determined by CCC.

7. Section 6 entitled *Credit Eligibility List* is revised to read as follows:

6. *Credit eligibility list.* Commodities eligible for financing under the CCC Export Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, lemons, linseed oil, oats, prunes, raisins, rice (milled and brown), rye, soybean oil, tallow, tobacco, wheat, wheat flour and selected planting seeds for limited financing to meet special program requirements. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export as private stocks under the GSM–4 Regulations.

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

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70–10372; Filed, Aug. 7, 1970; 8:49 a.m.]

BYLAWS OF CORPORATION

Correction

In F.R. Doc. 70–9852, appearing at page 12354 in the issue of Saturday, August 1, 1970, paragraph 7 should read:

"7. The General Counsel of the Department of Agriculture, whose office shall perform all legal work of the Corporation, and the Deputy General Counsel of the Department of Agriculture shall, as General Counsel and Deputy General Counsel of the Corporation, respectively, attend meetings of the Board."

Forest Service

SMOKEY BEAR SYMBOL

Notice Concerning Licensing

The regulations issued by the Secretary of Agriculture pursuant to 18 U.S.C. 711 governing the use of Smokey Bear symbol, 36 CFR Part 271, authorize the Chief of the Forest Service to approve the commercial manufacture, reproduction or use of "Smokey Bear."

Notice is hereby given of the termination of the agreement entered into between the Forest Service and Weston Merchandising Corp., a New York corporation, having its principal office and place of business at 4 East 52d Street, New York, N.Y. 10022, under which Weston Merchandising Corp. reviewed proposals for "Smokey Bear" commercial licenses received by the Forest Service and renewals of licenses; Weston Merchandising Corp. evaluated the merchandising potential of each proposal, negotiated the tentative terms of license with the person or organization making the proposal, and made recommendations to the Forest Service with respect to approvals of licenses.

Effective July 17, 1970, Harold Bell, doing business as Harold Bell Associates, with principal place of business at 9570 Wilshire Boulevard, Beverly Hills, Calif., assumed all the responsibilities which Weston Merchandising Corp. had prior thereto under the aforementioned agreement. The approval and issuance of all licenses and renewals remain the responsibility of the Forest Service.

The "Notice Concerning Licensing" of the "Smokey Bear" symbol published in 33 F.R. 15264 (Oct. 12, 1968) is hereby superseded.

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 70–10374; Filed, Aug. 7, 1970; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Revised Rules for Allocation of American Samoan Watch Quota for Calendar Year 1970 and, Tentatively, 1971

In the notice published in the FEDERAL REGISTER on January 16, 1970 (35 F.R. 603), the Departments invited interested parties to apply for an allocation of the 1970 calendar year quota for watches and watch movements assembled in American Samoa for duty-free entry into the customs territory of the United States under Public Law 89–805 and for a tentative allocation of such quota for the calendar year 1971.

In the judgment of the Departments, no application received for the American Samoan watch quota was adequately responsive to the requirements of that notice, in particular to the requirements of the territorial government as stated in the appendix thereto. Accordingly, interested parties are hereby notified that no allocation of the American Samoa watch quota has been made and, upon the effective date of these revised rules, such parties are invited to apply on or before September 15, 1970, for an

allocation of the 1970 calendar year American Samoan watch quota and for a tentative allocation of such quota for calendar year 1971. It should be noted that the basis for consideration of the granting of corporate tax exemption by the Governor of American Samoa has been modified in the present rules from those contained in the previous notice (section 5 of the appendix).

SECTION 1. Under Public Law 89–805 any portion of the duty-free watch quota unused during any given calendar year may not be carried over into the following calendar year. Because of the time required to establish a watch assembly facility, acquire inventory and train personnel, the Departments are aware that an applicant to whom a 1970 quota is allocated may not be able to produce and enter into the customs territory of the United States on or prior to December 31, 1970, the 1970 American Samoan quota allocated to it. In order to justify the investment costs of establishing a watch assembly operation which will make a substantial and lasting contribution to the economy of American Samoa, an applicant may need some assurance of a duty-free allocation for a longer period of time than calendar year 1970.

However, under the terms of the Act, the Departments cannot make any final allocation of the duty-free watch quota for American Samoa for any calendar year until after they have received certain statistics from the Tariff Commission which are normally made available during the first quarter of each year. Accordingly, the Departments have determined that any applicant to whom the 1970 quota for American Samoa is allocated will be allocated the duty-free watch quota for American Samoa that may be allocable during 1971 under Public Law 89–805, provided, of course, that the applicant abides substantially with all the terms and conditions under which said 1970 quota is allocated.

SEC. 2. All applicants are advised that the allocation of the 1970 quota and tentative allocation of the 1971 quota will be based on the information and representations contained in answers to Form BDSAF–764 which has been prepared jointly by the Departments of Commerce and the Interior. This form may be obtained from:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230. Attention: Scientific and Business Equipment Division.

All applications for the American Samoa quota must be filed with the Departments at the above address on or before September 15, 1970. In evaluating applications for the American Samoa quota the Departments will give weight to the degree of watch movement assembly operations which the firm proposes to undertake as stated in its application. Failure on the part of any firm to which the 1970 and 1971 quota for American Samoa is allocated to abide substantially and in a timely fashion with representations made in Form BDSAF–764 may result in cancellation of its quota allocations and their reallocation to another firm or firms.

SEC. 3. The recipient of the American Samoa quota allocation for calendar years 1970 and 1971 will be required to comply with all requirements of the U.S. Bureau of Customs concerning watch movement assembly operations which must be performed in American Samoa in order to qualify watch movements for duty-free entry into the customs territory of the United States under General Headnote 3(a), T.S.U.S. Furthermore, the quota recipient will be required to comply with the general requirements of the territorial government regarding the establishment and conduct of a watch movement assembly business in American Samoa.

(NOTE: The appendix to these rules, furnished by the territorial government, sets forth general requirements of the American Samoan Government regarding the establishment and conduct of a watch movement assembly business in that territory.)

While it is the present intention of the Departments to allocate the entire American Samoan quota to one firm, the Departments reserve the right to allocate the quota to more than one firm in the event the best interests of the territory would be served thereby.

SEC. 4. Every firm to which a quota is granted is required to file a report on April 15, July 15, and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30, and July 1 to September 30, respectively via registered mail on Form BDSAF–844, copies of which will be forwarded to the firm at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Scientific and Business Equipment Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230. Form BDSAF–844 will provide the Departments with information regarding the firm's watch movement assembly operation in the insular possession. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1971. Each firm to which a quota is granted will also report on Form BDSAF–844 any change in ownership and control of the firm which has occurred subsequent to the filing of an application for a watch quota on Form BDSAF–764 (see section 5, below).

SEC. 5. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar years 1970 and 1971, except that detailed reporting of ownership and control will be reported on an annual basis on Form BDSAF–764 at the time the firm applies for a duty-free watch quota. Subsequent change in ownership and control will be reported on April 15, July 15, and October 15, 1971, on Form BDSAF–844, required in section 4 above. Form BDSAF–779, previously used to report ownership and control information concerning quota holding firms, has been discontinued.

In view of the limited time available for allocating the American Samoan watch quota for 1970 and since this revision is a liberalization of the territorial requirements previously published, these revised rules are effective upon their publication in the FEDERAL REGISTER.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

Dated: August 6, 1970.

WALTER A. HAMILTON,
Deputy Assistant Secretary,
Department of Commerce.

HARRISON LOESCH,
Assistant Secretary for Public
Land Management, Department
of the Interior.

APPENDIX

REQUIREMENTS FOR ESTABLISHMENT AND CONDUCT OF A WATCH ASSEMBLY BUSINESS IN AMERICAN SAMOA

The foregoing notice provides for the allocation of the 1970 calendar year quota for watches and watch movements assembled in American Samoa for duty-free entry in the customs territory of the United States. That allocation will necessitate the establishment of a watch assembly operation in American Samoa. The recipient of the American Samoa quota allocation will be required to comply with the general requirements of the territorial government regarding the establishment and conduct of a watch movement assembly business in American Samoa. The Government of American Samoa desires to bring to the attention of prospective applicants the following significant general requirements and pertinent information:

1. The successful applicant will be required to establish an American Samoa corporation for the conducting of its business.

2. The successful applicant will be required to submit such reasonable evidence as the Governor may require of its capability to perform in accordance with the terms of any agreement entered into with the territorial government, which evidence shall include evidence of financial responsibility.

3. The Government of American Samoa will grant, if on Government land, or approve, if on private land, a 30-year lease under which to construct a plant and housing for supervisory staff, the company to fund such construction, including extension of utilities.

4. The Government of American Samoa will provide, to the best of its ability, temporary quarters, as is, for assembly work until the successful applicant's plant is completed:

Provided, That such completion date and occupancy shall be no more than 18 months from the date of the lease referred to in paragraph 3 hereof.

5. The Governor will consider granting to an applicant corporate tax exemption under the terms of the American Samoa Tax Incentive Act. Depending upon representations made by the applicant concerning planned watch movement assembly operations in the territory as well as demonstrated need for tax exemption, such tax exemption may be the maximum exemption available under the Tax Incentive Act and will not be less than 100 percent exemption for the first 4 fiscal years of operation; 75 percent exemption for the fifth fiscal year; and 50 percent exemption for the sixth fiscal year. Thereafter the operation would be fully subject to taxation. No carry forward of investment credit from tax exempt years will be allowed.

6. Evidence of the agreement reached by the applicant with the Government of American Samoa with respect to tax exemption, together with the specific proposal which is the basis for that agreement shall be attached to and be a part of the application (Form BDSAF–764) required to be submitted to the Departments of Commerce and the Interior.

7. The principal taxes levied by the Government of American Samoa are a territorial income tax based on U.S. income tax rates and a limited excise tax on cars and household equipment. There are no real estate, personal property, inheritance, sales, estate, or use taxes.

8. Covered industries in American Samoa conduct their operations under wage orders of the U.S. Department of Labor. The current hourly average minimum wage for miscellaneous industry is $1.05 per hour until July 1, 1971, and will be reviewed by the Department of Labor every 2 years.

9. The Government of American Samoa will not undertake in any manner to indemnify the successful applicant in whole or in part against possible losses should the venture prove unsuccessful.

[F.R. Doc. 70–10426; Filed, Aug. 7, 1970; 8:50 a.m.]

WATCHES AND WATCH MOVEMENTS

Proposed Formula for Allocation of Quotas for Calendar Year 1971 Among Producers Located in Virgin Islands and Guam

Pursuant to the authority granted the Secretaries by Public Law 89–805 the Departments of Commerce and the Interior are considering rules which will govern the allocation of duty-free quotas of watches and watch movements among producers in the Virgin Islands and Guam for calendar year 1971.

The Departments will issue these proposed rules not less than 45 days subsequent to the filing of this notice with the FEDERAL REGISTER. Interested parties may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire regarding the proposed rules set out below. All communications should be submitted within 30 days from the filing date of this notice in the FEDERAL REGISTER, and addressed to the:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific and Business Equipment Division.

Such communications shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the brief.

(b) The name, address, telephone number and official position of the person submitting the brief on behalf of the party referred to in subparagraph (a).

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each watch producer located in the Virgin Islands and Guam which received a duty-free watch quota allocation for calendar year 1970, will receive an initial quota allocation for calendar year 1971 equal to 50 percent of the number of watch units assembled by such firm in the particular territory and entered duty-free into the customs territory of the United States during the first 10 months of calendar year 1970, or 5,000 units, whichever is greater.

SEC. 2. Each firm to which an initial quota has been allocated pursuant to section 1 hereof must, on or before April 1, 1971, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any firm failing to enter duty-free into the customs territory of the United States on or before April 1, 1971, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such firm for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be canceled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1971, by any firm under the quota allocated to it for calendar year 1971 will be less than 90 percent of the number of units allocated to it. Upon failure of any such firm to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be canceled or reduced, said remaining, unused portion of its quota shall be either canceled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining firms: *Provided, however*, That if in the judgment of the Departments it is appropriate, competitive bids from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder. Every firm to which a quota is granted is required to file a report on April 15, July 15 and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to September 30 respectively via registered mail on Form BDSAF–844, copies of which will be forwarded to each firm at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Scientific and Business Equipment Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230. Form BDSAF–844 will provide the Departments with information regarding the firm's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1971. Each firm to which a quota is granted will also report on Form BDSAF–844 any change in ownership and control of the firm which has occurred subsequent to the filing of an application for a watch quota on Form BDSAF–764 (see section 8, below).

SEC. 3. (Virgin Islands only) The annual quotas for calendar year 1971 for the Virgin Islands will be allocated as soon as practicable after April 1, 1971, on the basis of (1) the number of units assembled by each firm in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1970, (2) the total dollar amount of wages subject to FICA taxes paid by such firm in the territory during calendar year 1970 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation, and (3) the total combined net dollar amount of income taxes, gross receipts taxes, trade and excise taxes, and customs duties (on imports into the territory of watch parts and watch components, attributable to its Headnote 3(a) watch assembly operation) applicable to its calendar year 1970 Headnote 3(a) watch assembly operation, irrespective of whether such taxes are partially or fully exempt by the territorial government. In making allocations under this formula, an equal weight of 40 percent will be assigned to production and shipment history and to wages subject to FICA taxes, and a weight of 20 percent will be assigned to the combined net dollar amount of the four above stated taxes applicable to calendar year 1970 Headnote 3(a) watch assembly operations. The addition to the allocation formula for calendar year 1971 of 20 percent for the specified taxes is expected to distribute the available quota among watch assembly firms on a basis which more adequately reflects their respective contributions to the economic development of the territory.

SEC. 4. (Virgin Islands only) In the determination of watch quota allocations for calendar year 1971, the Departments propose to take into account and make appropriate adjustments for any new entrant or entrants to whom a watch quota allocation was made during calendar year 1970 pursuant to section 4 of the Rules for Allocation of Watch Quotas For Calendar Year 1970 (35 F.R. 603–605, Jan. 16, 1970), and who would not have a full year's operation as a basis for computation of a quota for calendar year 1971.

SEC. 5. (Guam only) The annual quotas for calendar year 1971 for Guam will be allocated as soon as practicable after April 1, 1971, on the basis of the number of units assembled by each firm in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1970, and the total dollar amount of wages subject to FICA taxes paid by such firm in the territory during calendar year 1970 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes.

SEC. 6. For purposes of allocating watch quotas for calendar year 1971 under sections 3, 4, and 5 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1970 for duty-free entry into the customs territory of the United States against a firm's 1970 watch quota, and which were lost prior to admission into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: *Provided*, That the Departments have been satisfied that shipment was in fact made but lost prior to admission into the customs territory.

SEC. 7. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1971. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1971, in Guam and beginning on or about March 1, 1971, in the Virgin Islands, and will contact each firm locally regarding the verification of its data.

SEC. 8. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1971 except that detailed reporting of ownership and control will be reported on an annual basis on Form BDSAF–764 at the time the firm applies for an annual duty-free watch quota for calendar year 1971. Subsequent change in ownership and control will be reported on April 15, July 15, and October 15, 1971, on Form BDSAF–844, required in section 2 above.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

Dated: August 6, 1970.

WALTER A. HAMILTON,
Deputy Assistant Secretary,
Department of Commerce.

HARRISON LOESCH,
Assistant Secretary for Public
Land Management, Department
of the Interior.

[F.R. Doc. 70–10427; Filed, Aug. 7, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5378]

CERTAIN ANORECTIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Biphetamine '7½' Capsules, Biphetamine '12½' Capsules, and Biphetamine '20' Capsules, respectively, containing 3.75 milligrams, 6.25 milligrams, and 10 milligrams each of dextroamphetamine and amphetamine per capsule, all as cation exchange resin complexes of sulfonated polystyrene; Strasenburgh Laboratories Division of Wallace and Tiernan Inc., Post Office Box 1710, Rochester, N.Y. 14603 (NDA 10–093).

2. Biphetamine-T '12½' Capsules and Biphetamine-T '20' Capsules, respectively, containing 6.25 milligrams each of dextroamphetamine and amphetamine, and 40 milligrams methaqualone per capsule, and 10 milligrams each of dextroamphetamine and amphetamine and 40 milligrams methaqualone per capsule, all as cation exchange resin complexes of sulfonated polystyrene; Strasenburgh Laboratories Division of Wallace and Tiernan Inc. (NDA 11–538).

3. Ionamin '15' Capsules and Ionamin '30' Capsules, respectively, containing 15 milligrams phentermine and 30 milligrams phentermine per capsule, both as cation exchange resin complexes of sulfonated polystyrene; Strasenburgh Laboratories Division of Wallace and Tiernan Inc. (NDA 11–613).

4. Du-Oria Tablets containing 10 milligrams methamphetamine hydrochloride, and 0.25 milligram reserpine per sustained release tablet; B. F. Ascher and Co., Inc., 5100 East 59th Street, Kansas City, Mo. 64130. (NDA 9–946).

5. Obetrol-10 and Obetrol-20 Tablets, respectively, containing 2.5 milligrams each or 5 milligrams each of methamphetamine saccharate, methamphetamine hydrochloride, amphetamine sulfate, dextroamphetamine sulfate per tablet; Obetrol Pharmaceuticals, Division of Rexar Pharmacal Corp., 382 Schenck Avenue, Brooklyn, N.Y. 11207. (NDA 11–522).

6. Prelu-Vite Capsules containing 25 milligrams phenmetrazine hydrochloride, 2,000 USP units vitamin A, 200 USP units vitamin D, 2 milligrams thiamine mononitrate, 2 milligrams riboflavin, 20 milligrams niacinamide, 3 milligrams calcium pantothenate, 1 milligram pyridoxine hydrochloride, 0.5 microgram cobalamin concentrate, 37.5 milligrams ascorbic acid, 5 milligrams iron, 140 milligrams calcium, 108 milligrams phosphorus, 0.1 milligram iodine and 1 milligram copper per capsule; Geigy Chemical Corp., Ardsley, N.Y. 10502 (NDA 12–371).

7. Methedrine Tablets containing 5 milligrams methamphetamine hydrochloride per tablet; Burroughs Wellcome & Co. (U.S.A.), Inc., 1 Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 5504).

8. Amphedroxyn Hydrochloride Tablets containing 5 milligrams methamphetamine hydrochloride per tablet; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6390).

9. Delfeta-sed Stedytabs containing 30 milligrams dl-methamphetamine hydrochloride and 120 milligrams amobarbital per sustained-release tablet; Eastern Research Laboratories Inc., 302 South Central Avenue, Baltimore, Md. 21202 (NDA 12–415).

10. Delfetamine Stedytabs containing 30 milligrams dl-methamphetamine hydrochloride per sustained-release tablet; Eastern Research Laboratories Inc. (NDA 12–416).

11. Desoxyn Tablets containing 2.5 milligrams or 5 milligrams methamphetamine hydrochloride per tablet, Desoxyn Gradumet Tablets containing 5, 10, or 15 milligrams methamphetamine hydrochloride per tablet, and Desoxyn Elixir containing 20 milligrams methamphetamine hydrochloride per 30 milliliters; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 5378).

12. Drinalfa Tablets containing 5 milligrams methamphetamine hydrochloride per tablet; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 5756).

13. Bamadex Tablets containing 5 milligrams dextroamphetamine sulfate and 400 milligrams meprobamate per tablet; Lederle Laboratories Division, American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 11–280).

14. Bamadex Sequels containing 15 milligrams dextroamphetamine sulfate and 300 milligrams meprobamate per

sustained release capsule; Lederle Laboratories Division, American Cyanamid Co. (NDA 12-570).

15. Tenuate Dospan Tablets containing 75 milligrams diethylpropion hydrochloride per continuous release tablet; The William S. Merrell Co., Division of Richardson-Merrell Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 12-546).

16. Appetrol Tablets containing 5 milligrams dextroamphetamine sulfate and 400 milligrams meprobamate per tablet; Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512 (NDA 12-127).

17. Appetrol-S.R. Capsules containing 15 milligrams dextroamphetamine sulfate and 300 milligrams meprobamate per sustained release capsules; Wallace Pharmaceuticals (NDA 12-624).

18. Eskatrol Spansule containing 15 milligrams dextroamphetamine sulfate and 7.5 milligrams prochlorperazine (as the maleate) per sustained release capsule; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 12-042).

19. Racemic Desoxyephedrine Hydrochloride Tablets containing 5 milligrams dl-methamphetamine hydrochloride per tablet; High Chemical Co., 1760 North Howard Street, Philadelphia, Pa. 19122 (NDA 5-969).

20. Miller-Drine Tablets containing 10 milligrams dl-methamphetamine hydrochloride per tablet; Smith, Miller and Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902 (NDA 6-003).

21. Dexserpine "5" Tablets containing 5 milligrams dextroamphetamine sulfate and 0.1 milligram reserpine per tablet; Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 10-207).

22. Norodin Tablets containing 5 milligrams methamphetamine hydrochloride per tablet; Endo Laboratories, 1000 Steward Avenue, Garden City, Long Island, N.Y. 11533 (NDA 5-632).

23. D-O-E Tablets containing 5 milligrams methamphetamine hydrochloride per tablet; Tilden-Yates Laboratories, Inc., 295 Lafayette Street, New York, N.Y. 10012 (NDA 5-603).

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered the reports of the Academy, as well as other evidence, and concludes that there is a lack of substantial evidence of effectiveness of the methamphetamine-containing preparations for: use as an adjunct in some cases in which nervousness, tension, and irritability are combined with feelings of depression, anxiety, and lassitude; use in the management of alcoholism (acute and chronic); enuresis; nausea and vomiting of pregnancy; use as a mild analeptic in barbiturate overdosage; restoration of optimism and mental alertness in the case of depressive state of mind; and temporary or emergency use as a cerebral stimulant to decrease fatigue and increase the urge to work.

2. All the above-listed drugs are regarded as possibly effective for their claimed anorectic effects; for their claims for prolonged, continuous, or sustained release; and for all other labeled indications not listed in paragraph A1.

B. *Marketing status.* 1.a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of methamphetamine-containing drugs should be revised as needed to delete those indications described in paragraph A1 for which substantial evidence of effectiveness is lacking.

b. The holder of any previously approved new-drug application for such drug is requested to submit a supplement within 60 days after publication hereof to provide for such revised labeling. The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time. Failure to put such labeling into use may result in a proposal to withdraw approval of the new-drug application.

2.a. Holders of previously approved new-drug applications for the drugs listed above and persons marketing any of these drugs without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective.

b. For preparations claiming sustained-action, timed-release, or other delayed or prolonged effect, such data should be adequate to assure the biologic availability of the drug in the formulation which is marketed and should show that the drug is available at a rate of release which will be safe and effective and that it has the prolonged effect claimed.

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

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC reports. Any interested person may obtain a copy of a report by writing to the office named below.

Communications forwarded in response to this announcement should refer to DESI 5378 which identifies this announcement and should be directed to the attention of the following appropriate office and addressed, unless otherwise specified, to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with new-drug application number): Office of Marketed Drugs (BD-200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.
Requests for NAS-NRC reports: Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

Dated: July 30, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-10354; Filed, Aug. 7, 1970; 8:47 a.m.]

[DESI 8993]

[Docket No. FDC-D-182; NDA 8-993 etc.]

CYCLIZINE HYDROCHLORIDE AND MECLIZINE HYDROCHLORIDE PREPARATIONS FOR ORAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation; Extension of Time for Requesting Hearing

A notice was published in the FEDERAL REGISTER of July 2, 1970 (35 F.R. 10794), announcing the Food and Drug Administration's conclusions concerning the effectiveness of oral preparations of cyclizine hydrochloride and meclizine hydrochloride. The notice included the Commissioner's proposal to issue an order withdrawing approval of all new-drug applications and all amendments and supplements thereto for such drugs which provide for certain indications for which substantial evidence of effectiveness is lacking. The holders of the applications and any interested person who would be adversely affected by such an order were allowed 30 days after July 2, 1970, to file a request for a hearing.

The Commissioner of Food and Drugs has received from counsel for Chas. Pfizer & Co. a request for an extension of time for filing a request for a hearing.

Good reason therefor appearing, the notice of July 2, 1970, is hereby amended to allow requests for a hearing to be filed within 37 days after July 2, 1970.

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

Dated: August 3, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-10324; Filed, Aug. 7, 1970; 8:45 a.m.]

SHELL CHEMICAL CO.

Denial and Withdrawal of Petition for Food Additive 2,2-Dichlorovinyl Dimethyl Phosphate

In the FEDERAL REGISTER of January 13, 1970 (35 F.R. 440), notice was given of the filing of a petition (FAP 0H2477) by Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance (21 CFR Part 121) of 0.5 part per million for residues of 2,2-dichlorovinyl dimethyl phosphate in foods and beverages resulting from dispersion of 2,2-dichlorovinyl dimethyl phosphate from resin strips when used therein as an insecticide in areas where foods and beverages are prepared and served.

The petitioner subsequently amended the petition by proposing the establishment of a tolerance of 0.1 part per million for residues of 2,2-dichlorovinyl dimethyl phosphate in daily composite meals (including beverages).

Based on consideration of the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that residues from use of the strips vary considerably (from 0.5 part per million to nondetectable in individual foods) depending on such factors as number of strips used, their age, ventilation of the area, the type of food, and the time over which the food is exposed; that the plasma cholinesterase-inhibition no-effect level by oral ingestion is in the range of 1.5–2.0 milligrams for an adult; and that the maximum proposed use can result in toxicologically significant residues of a potent cholinesterase-inhibiting compound being added to the diet. The Commissioner concludes that the proposed food additive tolerance should not be established for the additional reason that the usage results in residues higher than reasonably necessary to accomplish the intended effect since the insecticide is emitted continuously, even in the absence of insects.

A letter denying the tolerance requested and stating that a notice of denial would be published in the FEDERAL REGISTER was delivered to the petitioner on July 29, 1970. On August 3, 1970, the petitioner delivered a letter to the Food and Drug Administration stating that it was withdrawing the petition.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1)(B), 72 Stat. 1786; 21 U.S.C. 348(c)(1)(B)) and under authority delegated to the Commissioner (21 CFR 2.120), the petition (FAP 0H2477) is denied and withdrawn and it is so ordered.

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

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

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

Dated: August 3, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70–10355; Filed, Aug. 7, 1970; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–336]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Hearing on Application for Construction Permit

In the matter of the Connecticut Light and Power Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., and The Millstone Point Co. (Millstone Nuclear Power Station, Unit No. 2); Docket No. 50–336.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m. local time, on September 15, 1970, in the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 06385, to consider the application filed under section 104b. of the Act by The Connecticut Light and Power Co., The Hartford Electric Light Co., Western Massachusetts Electric Co., and The Millstone Point Co. (the applicants), for a construction permit for a pressurized water nuclear reactor designed to operate initially at 2,560 megawatts (thermal) to be located at the applicants' site on the north shore of Long Island Sound and on the east side of Niantic Bay, in the town of Waterford, Conn., about 3 miles from New London, Conn.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. R. B. Briggs, Oak Ridge, Tenn.; Dr. Walter H. Jordan, Oak Ridge, Tenn.; and J. D. Bond, Esq., Derwood, Md., Chairman. Dr. Hugh C. Paxton, Los Alamos, N. Mex., has been designated as a technically qualified alternate, and Samuel W. Jensch, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the board in Room 2008, Federal Office Building No. 7, 726 Jackson Place (Entrance on 17th Street), NW., Washington, D.C., on August 25, 1970, at 2 p.m. local time, to consider the matters provided for consideration by 10 CFR 2.752 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Numbers 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a construction permit to the applicants.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for competition of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4 of the Commission's rules of practice, the board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the board will consider and initially decide, as the issues in this proceeding, Item Nos. 1

through 4 above as the basis for determining whether a construction permit should be issued to the applicants.

As they become available, the application, the proposed construction permit, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed construction permit, the ACRS report, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available at the town clerk's office in the Waterford Town Hall, 200 Boston Post Road, Waterford, Conn., for inspection by members of the public each weekday during regular business hours. Copies of the proposed construction permit, the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by August 20, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than August 20, 1970, or in the event of a postponement of the prehearing conference, at such time as the board may specify. The petition shall set forth the interest of the petitioner in the proceedings, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicants and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicants on or before August 20, 1970.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Washington, D.C., this 6th day of August 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 70-10448; Filed, Aug. 7, 1970; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22443]

CONTINENTAL AIR LINES, INC., ET AL.

Notice of Institution of Rule Making Proceeding

AUGUST 5, 1970.

Continental, Flying Tiger, and Pan American have petitioned the Board to increase the MAC minimum rates applicable on charters in foreign and overseas transportation. They have, respectively, requested that such increases become effective no later than October 1, 1969, July 1, 1970, and April 1, 1970. The July 1 date corresponds to the beginning of the fiscal year for the Department of Defense (DOD). The amount of increase requested ranges from 9 to 15 percent. Seaboard filed an answer supporting the need for an increase in the amount of 15 percent.

In the light of the matters raised by the petitions, the Board's staff has requested and received economic data from the carriers regarding their MAC operations as well as the views of DOD. These materials are now under consideration, but it is anticipated that the Board will not be in a position to take action for several weeks at the minimum. In view of the foregoing, and of the evident need to grant prompt rate relief to the carriers in the event that such relief is ultimately found warranted,[1] the Board has determined that it is in the public interest to institute a rule-making proceeding in advance of issuance of any notice of rule making in order to put all interested persons on notice that the present rates are subject to revision, effective on the date of this notice. We make no determination, at this time, as to the merits of the carrier proposals for revision of the rates nor any determination that any approved revision will in fact be made retroactive to this date. These and other matters will be issues in the rule-making proceeding.

The carriers requested that revised rates be made retroactive as early as October 1, 1969. As we pointed out in ER 629, "even assuming that we could lawfully establish rates retroactively as of a date prior to the notice of rule making, such a policy would create undue uncertainty for both carrier and user, since neither could be assured at any point in time that the rates for service would not be retroactively changed by the Board." Moreover, the Board's policy has been to make changes in MAC rates no earlier than the institution of the rule-making proceedings. The Board has applied this policy during periods in which rates were declining and believes it is not inequitable to maintain the policy in circumstances in which it is alleged that increases are needed.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10383; Filed, Aug. 7, 1970; 8:50 a.m.]

[Docket No. 21813; Order 70-8-17]

FLYING TIGER LINE, INC.

Order Regarding Petition for Extension of Carrier Discussions on Commodity Coding

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

[1] We take note of the generally poor reported financial results of the industry in recent periods.

By petition filed July 29, 1970, the Flying Tiger Line, Inc. (Flying Tiger) on behalf of itself and other petitioning air carriers requests the Board to grant authority to the petitioners and other air carriers to engage in discussions of a commodity description and numbering system for interstate and overseas application.[1]

The Board has previously granted such permission to the direct and indirect air carriers (Order 70-2-32 dated Feb. 9, 1970, as amended by Order 70-6-109 dated June 18, 1970). Pursuant to these orders, the carriers held meetings on February 12 and July 7, 1970, and additional meetings are scheduled for August 4, 5, and 18, 1970.[2] Petitioners state that they are actively engaged in a feasibility study as to the adaptability of the STCC[3] to air transportation, that significant progress has been made, and that additional time is needed to complete the project.

No person has opposed the carriers' request.

Upon consideration of the petition, the Board will grant the requested authorization. The public interest would appear to be served if the carriers can resolve a standard numbering and description system for commodities moving in air transportation, and they may not have had sufficient time to satisfy themselves or the public as to the acceptability of the rail code without a complete analysis. Such analysis is apparently well under way and additional discussion time should permit the carriers to conclude their study.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. The petition of The Flying Tiger Line Inc., et al., filed July 29, 1970, in Docket 21813 is approved;

2. The expiration date of August 8, 1970, appearing in ordering paragraph 2 of Order 70-6-109 is hereby amended to read "February 4, 1971"; and

3. All other provisions of Order 70-2-32 as amended by Order 70-6-109 shall continue unchanged.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10384; Filed, Aug. 7, 1970; 8:50 a.m.]

[1] Airlift International, Inc., American Airlines, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., Emery Air Freight Corp., National Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., join in the petition.

[2] The existing discussion authority expires with Aug. 8, 1970, and an additional discussion period of 180 days is requested.

[3] STCC denotes the Standard Transportation Commodity Code developed by the Association of American Railroads and now in use by the rail carriers.

[Docket No. 20993; Order 70-8-6]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority August 4, 1970.

By Order 70-7-64, dated July 14, 1970, action was deferred with a view toward eventual approval on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA) as a result of the Second Meeting of the Cargo Traffic Procedures Committee held January 19-28, 1970, in Montreal. Among other things, the agreement proposes to amend an existing IATA resolution which provides procedures for the institution of embargoes affecting the interline carriage of cargo, and a resolution which governs charges for the preparation of air waybills by carriers.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70-7-64 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21807, R-1 and R-3 through R-5, be and hereby is approved provided that R-5, relating to embargoes on air cargo shipments, shall be subject to the following condition:

Provided that approval shall not relieve any air carrier, as defined by the Act, of its obligation to comply with Part 228 of the Board's economic regulations.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10385; Filed, Aug. 7, 1970; 8:50 a.m.]

[Docket No. 21770; Order 70-8-7]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority August 4, 1970.

By Order 70-7-91, dated July 20, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The agreement would amend an existing IATA resolution governing North Atlantic 29/45-day round-trip excursion fares.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70-7-91 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21854 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10386; Filed, Aug. 7, 1970; 8:50 a.m.]

[Docket No. 20993; Order 70-8-8]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 4, 1970.

By Order 70-6-72, dated June 11, 1970, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA) and adopted by the 26th Meeting of the Traffic Conference 1 Specific Commodity Rates Board. In general terms as it applies in air transportation, the agreement extends for a further period of effectiveness certain specific commodity rates, under current descriptions, adopted since the last meeting of the Rates Board. In addition to the cancellation of several rates, the agreement also proposes to name many rates to added points under existing commodity descriptions and to establish reduced rates under new commodity descriptions.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70-6-72 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21806 be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10387; Filed, Aug. 7, 1970; 8:50 a.m.]

[Docket No. 20993; Order 70-8-9]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority August 4, 1970.

By Order 70–7–83, dated July 17, 1970, action was deferred, with a view toward eventual approval, on a resolution incorporated in an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement would amend an existing resolution governing weight and rental charges for stalls for the carriage of live animals within the Western Hemisphere.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70–7–83 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21836 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–10388; Filed, Aug. 7, 1970; 8:50 a.m.]

[Docket No. 20291; Order 70–8–10]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority August 4, 1970.

By Order 70–7–65, dated July 14, 1970, action was deferred, with a view toward eventual approval, on a resolution incorporated in an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement relates to group inclusive tour (GIT) fares between Baltimore/Philadelphia/Washington and Kingston/Montego Bay.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70–7–65 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21837 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–10389; Filed, Aug. 7, 1970; 8:50 a.m.]

[Docket No. 20291; Order 70–8–12]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority August 4, 1970.

By Order 70–7–93, dated July 20, 1970, action was deferred, with a view toward eventual approval, on a resolution incorporated in an agreement adopted by Traffic Conference 3 of the International Air Transport Association (IATA). The agreement encompasses a new resolution relating to the sale and validity of tickets issued in Philippine currency.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 70–7–93 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21874 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–10390; Filed, Aug. 7, 1970; 8:50 a.m.]

TARIFF COMMISSION

[337–L–40]

ARTICLES COMPRISED OF PLASTIC SHEETS HAVING AN OPENWORK STRUCTURE

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on July 28, 1970, of a complaint under sections 1337 and 1337a of title 19 of the United States Code, filed on behalf of Ben Walters, Ben Walters, Inc., and Kage Co., Inc., alleging unfair methods of competition and unfair acts in the importation and sale of certain articles comprised of plastic sheets having an openwork structure which have the effect or tendency to substantially injure an industry in the United States. The unfair methods or acts are alleged to be the importation and sale in the United States of articles produced by means of a process embraced within the claim of U.S. Patent No. 2,761,177 owned by the complainant Ben Walters. The following party has been named as an importer and seller of the subject imports:

Sterling Novelty Products, Division of Glovemakers, Inc., 2701 Milwaukee Avenue, Chicago, Ill.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the tariff act (19 U.S.C. 1337(f)).

A copy of the complaint is available for public inspection at the office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than October 5, 1970. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: August 5, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70–10360; Filed, Aug. 7, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–A, Amdt. 3]

REGIONAL DIRECTOR, REGION IX

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30–A (34 F.R. 18836), as amended (34 F.R. 20076 and 35 F.R. 1073), is hereby further amended by adding Item I.I, to read as follows:

I. *Regional Director, Region IX.* * * *

I. *Section 8(a) Contracting.* 1. To enter into contracts, not exceeding $100,000, on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts;

2. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract, not exceeding $100,000, to be let by any such officer; and

3. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing, in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts.

* * * * *

Effective date: July 29, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70–10342; Filed, Aug. 7, 1970; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 503]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 3, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

447-C2-P-71—Don Swindle, doing business as Central Communications Co. (KLF524), C.P. to add a second channel to operate on 152.12 MHz at authorized location Highway No. 82, 0.5 mile east of Gainesville, Tex.

448-C2-P-71—University of North Carolina (KIR206), C.P. to replace base transmitter operating on 152.57 MHz at its authorized location Wilson Court, Chapel Hill, N.C.

457-C2-P-71—Illinois Bell Telephone Co. (KSA808), C.P. to replace base transmitter operating on 152.75 MHz and change transmitter location from 2.5 miles north of Illinois Route No. 104 and 4.6 miles east-northeast of Quincy, Ill., to 5.5 miles southwest of Fowler, Ill.

458-C2-P-71—Mobile Radio System of San Jose, Inc. (KMA741), C.P. to relocate the transmitter location at location No. 2 from Loma Prieta Mountain to near Mount Umunhum, 5.5 miles south of San Jose, Calif. Authorized frequency: 152.09 MHz.

459-C2-P-71—Mobile Radio System of San Jose, Inc. (KQZ715), C.P. to relocate the transmitter location at location No. 2 from Loma Prieta Mountain to near Mount Umunhum, 5.5 miles south of San Jose, Calif. Authorized frequency: 158.70 MHz.

495-C2-P-71—Ralph C. Parker, doing business as Ratel Communications Co. (KLF523), C.P. to replace base transmitter operating on 152.18 MHz at authorized location 500 feet north of Sherman Highway, northeast edge of Gainesville, Tex.

523-C2-MP-71—Hawaiian Telephone Co. (KRM978), Modification of C.P. to add base station to operate on 152.84 MHz at a new site identified as location No. 2: 0.47 mile north-northeast of Kailua, Kona Post Office, Hawaii.

527-C2-P-71—Central Mobilphone, Inc. (New), C.P. for a new 1-way-signaling station. Frequency 152.24 MHz. Location: 2.2 miles east of Columbia, Mo.

528-C2-P-71—Central Mobilphone, Inc. (New), C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: Old Highway No. 54, Jefferson City, Mo.

529-C2-P-(3)-71—Blacker's Communications Division, Inc. (New), C.P. for a new 2-way station with control and repeater facilities. Base frequency: 152.12 MHz and repeater frequency: 459.275 MHz to operate from location No. 1 near French John Hill, 8.5 miles south-southwest of Marsing, Idaho. Control frequency: 454.275 MHz to operate from location No. 2: 5023 Cleveland Boulevard, Caldwell, Idaho.

530-C2-P-(19)-71—Communications Industries, Inc., doing business as Mobilfone (KKG565), C.P. to change antenna location at location No. 1: From Highway No. 158, 3.5 miles from intersection of Highway No. 80, west of Midland, Tex., to U.S. Highway No. 80, approximately 2 miles southwest of Midland, Tex.; replace transmitters operating on base frequency 152.15 MHz and control frequencies 454.05, 454.25, 454.35, 454.15, and 72.14 MHz. Change antenna system operating on 152.15 MHz and reorient repeater antenna operating on 74.50 MHz operating at location No. 2: On Highway No. 181, 7.5 miles southwest of Seminole, Tex., and replace transmitters. Replace transmitters operating on 152.09 MHz (base) and 459.25 MHz (repeater) and change transmission lines; reorient repeater antenna at location No. 3: 1,200 feet south of Highway No. 302, 0.5 mile west of Notrees, Tex. Also at site identified as location No. 3 change antenna system for base frequency operating on 152.15 MHz and reorient repeater antenna and change transmitter line operating on 459.05 MHz; replace transmitters. At location No. 4: North-northwest of McCamey, King Mountain, Tex., correct coordinates to read latitude 31°12'30" N., longitude 102°15'58" W.; reorient repeater antenna and change transmission line operating on 459.35 MHz and change antenna system operating on 152.15 MHz; replace transmitters. Location No. 5: South Mountain, 2 miles south-southeast of courthouse, Big Spring, Tex., change coordinates to latitude 32°13'06" N., longitude 101°27'09" W.; replace transmitters operating on 152.15 MHz (base) and 459.15 MHz (repeater). Location No. 6: Farm Road 715, 2 miles southeast of Midland, Tex., change transmission lines and replace transmitters operating on 152.09 and 152.15 MHz.

531-C2-TC-71—Mobile Radio Dispatch Service Inc. (KEA256), Consent to transfer of control from Robert Edwards, Transferor, to Radiofone Corp., Transferee. (Two-way station at East Brunswick, N.J.)

532-C2-TC-71—Radiofone Corp. of New Jersey (KGI778) (KQZ777), Consent to transfer of control from Robert Edwards, Transferor, to Radiofone Corp., Transferee. (Stations operating at Red Bank and Mountainside, N.J.)

533-C2-P-(5)-71—General Telephone Co. of Florida (New), C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Location No. 1: Corner of Zack and Morgan Streets, Tampa, Fla. Location No. 2: Cleveland Avenue and Betty Lane, Clearwater, Fla. Location No. 3: 830 Arlington Avenue, St. Petersburg, Fla. Location No. 4: 1.5 miles west of Wimauma, Fla. Location No. 5: 404 Second Street NE., Lutz, Fla.

558-C2-P-71—William A. Chapman and George K. Chapman, doing business as Chapman Radio & Television Co. (New), C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1000 Monte Sano Boulevard, Huntsville, Ala.

559-C2-P-71—Central Telephone Co. of Illinois (New), C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Location: 416 Margaret Street, Pekin, Ill.

560-C2-P-71—Northwestern Bell Telephone Co. (New), C.P. for a new air-ground station. Base frequency: 454.975 MHz. Signaling frequency: 454.675 MHz. Location: 403 Sycamore Street, Waterloo, Iowa.

561-C2-P-71—Southern Telephone Co. (New), C.P. for a new 2-way station. Base frequency: 152.54 MHz. Location: 3,000 feet west of Highway No. 50, 2.2 miles south of Brooklyn, Mich.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

562–C2–P–71—Georgia Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequency: 454.950 MHz. Signaling frequency: 454.675 MHz. Location: 520 Oak Street, Waycross, Ga.

563–C2–P–(2)–71—Texas Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequencies: 454.825 and 454.925 MHz. Signaling frequency: 454.675 MHz. Location: 935 East Fifth Street, Colby, Kans.

564–C2–P–71—North Carolina Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequency: 454.925 MHz. Signaling frequency: 454.675 MHz. Location: 216 Rose Street, Rocky Mount, N.C.

565–C2–P–(2)–71—Texas Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequencies: 454.725 and 454.800 MHz. Signaling frequency: 454.675 MHz. Location: 500 Second Avenue North, Fargo, N. Dak.

566–C2–P–71—Texas Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequency: 454.975 MHz. Signaling frequency: 454.675 MHz. Location: 623 East 19th Street, Cedar Falls, Iowa.

567–C2–P–71—Caribe Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequency: 454.975 MHz. Signaling frequency: 454.675 MHz. Location: 0.9 mile northeast of Cerro de la Candelaria, Monte del Estado, P.R.

568–C2–P–(3)–71—Caribe Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequencies: 454.755, 454.825, and 454.875 MHz. Signaling frequency: 454.675 MHz. Location: 150 Ponce DeLeon, San Juan, P.R.

569–C2–P–71—Caribe Mobile Telephone Co. (New), C.P. for a new air-ground station. Base frequency: 454.925 MHz. Signaling frequency: 454.675 MHz. Location: Punta Mountain, Cerro de Punta, P.R.

570–C2–P–(3)–71—Empire Communications Co. (New), C.P. for a new 2-way station with control and repeater facilities. Location No. 1: Swan Lake Point, 12 miles north-northeast of Klamath Falls, Oreg., to operate on 152.12 MHz (base) and 459.25 MHz (repeater). Location No. 2: Plum Hill, 1 mile northeast of Klamath Falls, Oreg., to operate on 454.25 MHz (control).

571–C2–P–71—Herman F. Lange, doing business as South Georgia Communications Co. (KIY503), C.P. to add an additional channel to operate on 152.12 MHz at its authorized location 1322 Oglethorpe Street, Brunswick, Ga.

572–C2–P–71—Herman F. Lange, doing business as South Georgia Communications Co. (New), C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: 1322 Oglethorpe Street, Brunswick, Ga.

573–C2–P–(3)–71—Imperial Communications Corp. (KMA262), C.P. for additional channels to operate on 454.10, 454.20, and 454.30 MHz at a new site identified as location No. 3: 110 West C Street, San Diego, Calif.

574–C2–P–(4)–71—W. L. and R. L. Meadow, doing business as Jacksonville Radio Dispatch Service (KIB388), C.P. for additional channels to operate on 454.025, 454.250 MHz at its authorized location 311 West Ashley Street, Jacksonville, Fla.; 454.100 MHz to operate at a new site identified as location No. 2: northwest corner of St. Johns and 14th Street South, St. Augustine, Fla., and 454.05 MHz to operate at a new site location No. 3: 1037 10th Avenue South, Jacksonville Beach, Fla.

575–C2–P–(2)–71—Comex, Inc. (KCI295), C.P. for additional transmitters to operate on 43.22 MHz (1-way-signaling) at new sites identified as location No. 2: Swenson's Quarry, Rattlesnake Hill, Concord, N.H. and location No. 3: Hyland Hill, approximately 5 miles northwest of Keene, N.H.

Corrections

194–C2–P–(4)–71—Allegheny Mobile Communications (KGA252), Correct identification of new site to read location No. 4. All other terms in exact accordance with Report No. 502, dated July 27, 1970.

8744–C2–P–(5)–70—Mobile Radio-Telephone Service, Inc. (KDE252), Correct call sign to read KOE252 and base frequency 152.08 MHz to read 152.06 MHz. All other terms in exact accordance with Report No. 498, dated June 29, 1970.

RURAL RADIO SERVICE

524–C1–P–71—South Georgia Communications Co. (New), C.P. for a new rural subscriber station. Subscriber and location: Grayfield Lodge, Cumberland Island, Ga. Frequency: 158.61 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

449–C1—P–71—Southern Bell Telephone & Telegraph Co. (KIB25), C.P. to add frequency 6034.2 MHz toward Lovejoy, Ga. Station location: 51 Ivy Street NE., Atlanta, Ga.

450–C1–P–71—Southern Bell Telephone & Telegraph Co. (KVU79), C.P. to add frequencies 6286.2 MHz toward Forsyth and 6226.9 MHz toward Atlanta, Ga. Station location: 2.5 miles southeast of Lovejoy, Ga.

451–C1–P–71—Southern Bell Telephone & Telegraph Co. (KIB41), C.P. to add frequencies 6078.6 MHz toward Thomaston and 5974.8 MHz toward Lovejoy, Ga. Station location: 1 mile northwest of Forsyth, Ga.

452–C1–P–71—Southern Bell Telephone & Telegraph Co. (KIB43), C.P. to add frequencies 6315.9 MHz toward Warm Springs and 6301.0 MHz toward Forsyth, Ga. Station location: Approximately 6.9 miles north-northwest of Thomaston, Ga.

453–C1–P–71—Southern Bell Telephone & Telegraph Co. (KVU80), C.P. to add frequencies 6123.1 MHz toward Rehobeth and 6034.2 MHz toward Thomaston, Ga. Station location: Approximately 2.9 miles south-southwest of Warm Springs, Ga.

454–C1–P–71—Southern Bell Telephone & Telegraph Co. (KVU81), C.P. to add frequencies 6375.2 MHz toward Columbus and 6286.2 MHz toward Warm Springs, Ga. Station location: Approximately 2.5 miles south-southeast of Rehobeth, Ga.

455–C1–P–71—Southern Bell Telephone & Telegraph Co. (KIO59), C.P. to add frequency 6034.2 MHz toward Rehobeth, Ga. Station location: 405 13th Street, Columbus, Ga.

460–C1–P–71—Southwestern Bell Telephone Co. (KKZ85), C.P. to add frequencies 4090 and 4170 MHz toward Liverpool R, Tex. Station location: 25th Street and Avenue I, Galveston, Tex.

461–C1–P–71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 6.2 miles east-southeast of Liverpool, Tex. Frequencies: 3730 and 3810 MHz toward Galveston and 4050 and 4130 MHz toward Texas City, Tex.

462–C1–P–71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 620 Fifth Avenue North, Texas City, Tex. Frequencies: 3770 and 3850 MHz toward Liverpool, Tex.

463–C1–P–71—North State Telephone Co., Inc. (New), C.P. for a new station to be located at Former Navy Buildings, Point McIntyre, Alaska. Frequencies: 2110.6 MHz toward Dead Horse Airport and Prudhoe Bay Airstrip, Alaska, for frequency 2111.8 MHz.

464–C1–P–71—North State Telephone Co., Inc. (New), C.P. for a new station to be located at Dead Horse Airport, Alaska. Frequency: 2179.4 MHz toward Point McIntyre, Alaska.

465–C1–P–71—North State Telephone Co., Inc. (New), C.P. for a new station to be located at Prudhoe Bay Airstrip, Alaska. Frequency: 2178.2 MHz toward Point McIntyre, Alaska.

29 C.P. applications to be part of a proposed data communications service across the United States.

File No., applicant, call sign and particulars

466–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6152.8 MHz toward Cuesta Peak, Calif., and 6152.8 MHz toward Broadcast Peak, Calif. Location: San Antonio Hill, 1.7 miles east of Casmalia, Calif.

467–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6404.8 MHz toward Lonestar Mountain, Ariz., and 6404.8 MHz toward Pinal Peak, Ariz. Station location: 2.8 miles north of Fort Thomas, Ariz.

468–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 5945.2 MHz toward Jacks Mountain, N. Mex., and 6404.8 MHz toward Lonestar Mountain, Ariz. Station location: 6.7 miles southwest of Duncan, Ariz.

469–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6345.5 MHz toward Wilson Ranch, Tex., and 6345.5 MHz toward Mayfield Station, Tex. Station location: 13.7 miles northeast of Rock Springs, Tex.

470–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6152.8 MHz toward Walnut Spring, Tex., and 6152.8 MHz toward Rock Springs, Tex. Station location: 16.7 miles north of Leakey, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

471–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6404.8 MHz toward Bandera, Tex., and 6404.8 MHz toward Wilson Ranch, Tex. Station location: 6.3 miles northeast of Vanderpool, Tex.

472–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6404.8 MHz toward Santa Rita, Tex., and 6404.8 MHz toward Sterling City, Tex. Station location: 15.3 miles northwest of Mertzon, Tex.

473–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6152.8 MHz toward Magruder Ranch, Tex., and 6152.8 MHz toward Robert Lee, Tex. Station location: 13 miles south of Sterling City, Tex.

474–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6404.8 MHz toward Sterling City, Tex., and 6404.8 MHz toward Norton, Tex. Station location: 11.5 miles southwest of Robert Lee, Tex.

475–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6152.8 MHz toward Robert Lee, Tex., and 6152.8 MHz toward Tokeen, Tex. Station location: 0.8 mile northwest of Norton, Tex.

476–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6404.8 MHz toward Norton, Tex., and 6404.8 MHz toward Rowden, Tex. Station location: 2 miles south-southwest of Tokeen, Tex.

477–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6152.8 MHz toward Tokeen, Tex., and 6152.8 MHz toward Sipe Springs, Tex. Station location: 3.2 miles east-southeast of Rowden, Tex.

478–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6404.8 MHz toward Rowden, Tex., and 6404.8 MHz toward Lingleville, Tex. Station location: 2 miles north-northeast of Sipe Springs, Tex.

479–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6152.8 MHz toward Sipe Springs, Tex., and 6152.8 MHz toward Comanche Peak, Tex. Station location: 6.5 miles north-northwest of Lingleville, Tex.

480–C1–P–71—Data Transmission Co. (New), C.P. for new station operating on frequencies 6404.8 MHz toward Lingleville, Tex., and 6404.8 MHz toward Burleson, Tex. Station location: 4.5 miles south of Granburg, Tex.

481–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6345.5 MHz toward Pine Log Mountain, Ga., and 6404.8 MHz toward Pink Mountain, Ga. Station location: 2.2 miles northeast of Holcomb, Ga.

482–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6152.8 MHz toward Oakway, S.C., and 6152.8 MHz toward Tryon Mountain, N.C. Station location: 3 miles northeast of Pickens, S.C.

483–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6375.2 MHz toward Olive Grove, N.C., and 6404.8 MHz toward New Hope, N.C. Station location: 1.2 miles east of Hickory, N.C.

484–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6152.8 MHz toward Sauratown Mountain, N.C., and 6093.5 MHz toward Smith Mountain, Va. Station location: 2.5 miles west of Stones Store, Va.

485–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6152.8 MHz toward Smith Mountain, Va., and 6152.8 MHz toward Tower Hill, Va. Station location: Lawyers, 2 miles southeast of City Farm, Va.

486–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 10,935 MHz toward Richmond, Va., and 10,935 MHz toward Ferncliff, Va. Station location: Vontay, 1.7 miles northeast of Oilville, Va.

487–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6404.8 MHz toward Wolfpit Mountain, Va., and 6315.9 MHz toward Watery Mountain, Va. Station location: 2.3 miles east southeast of Brightwood, Va.

488–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6152.8 MHz toward Kabletown, Va., and 6004.5 MHz toward Front Mountain, Pa. Station location: 2 miles west of Clear Springs, Md.

489–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 10,935 MHz toward Overview, Pa., and 10,935 MHz toward Eagle Peak, Pa. Station location: 1.3 miles northwest of Palmyra, Pa.

490–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 11,545 MHz toward Hope, N.J., and 11,545 MHz toward Middletown, N.Y. Station location: 1.6 miles west-northwest of Beemerville, N.J.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

491–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 10,935 MHz toward Beemerville, N.J., and 10,935 MHz toward Cragsmoor, N.Y. Station location: 3 miles west of Middletown, N.Y.

492–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6404.8 MHz toward Noyes Hill, Mass., and 6404.8 MHz toward Clove Mountain, N.Y. Station location: 3.5 miles southeast of Canaan, Conn.

493–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 11,545 MHz toward West Farms, Mass., and 6152.8 MHz toward Canaan, Conn. Station location: 2.2 miles northwest of Tolland Center, Mass.

494–C1–P–71—Data Transmission Co. (New), C.P. for a new station operating on frequencies 6404.8 MHz toward West Farms, Mass., and 6404.8 MHz toward Worcester, Mass. Station location: 2.7 miles north-northeast of Belchertown, Mass.

File No., application, call sign, and nature of application

121–C1–R–71—Illinois Bell Telephone Co. (WAN84), Renewal of Developmental license expiring Aug. 26, 1970. Term: Aug. 26, 1970 to Aug. 26, 1971.

526–C1–P–71—Northwestern Bell Telephone Co. (KAS70), C.P. to add frequencies 10,795 and 11,115 MHz toward Shoreview, Minn., a new point of communication. Station location: 224 South Fifth Street, Minneapolis, Minn.

534–C1–P–71—Central Telephone Co. (KYN51), C.P. to add frequency 6123.1 MHz toward Christmas Tree Pass, Nev. Station location changed from Fort Mohave to Southpoint, 2.5 miles southwest of Bullhead City, Ariz.

535–C1–P–71—Central Telephone Co. (KYN49), C.P. to add frequency 6375.1 MHz toward Fort Mohave (now named Southpoint). Station location: Christmas Tree Pass, approximately 12 miles northwest of Bullhead City, Ariz.

556–C1–P–71—First Colony Telephone Co. (New), C.P. for a new station to be located at Central Office Building, U.S. Route 60, 15 miles northwest of Amherst, Va. Frequency: 11,055 MHz toward Cole Mountain, Va.

557–C1–P–71—First Colony Telephone Co. (KJX22), C.P. to add frequency 11,465 MHz toward Allwood, Va. Station location: 8.5 miles south-southwest of Montebello, Va. (Cole Mountain).

576–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station at Cedar Point, 30 miles east-southeast of Hagerman, N. Mex., at latitude 33°00′45″ N., longitude 103°52′25″ W. Frequencies: 3970 and 4130 MHz on azimuth 305°00′.

577–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station at 110 South Richardson Street, Roswell, N. Mex., at latitude 33°23′34″ N., longitude 104°31′26″ W. Frequencies: 3850 and 4010 MHz on azimuth 124°39′ and 3830 and 3990 MHz on azimuth 291°08′.

578–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station on Boy Scout Mountain, 4.6 miles northwest of Arabela, N. Mex., at latitude 33°37′20″ N., longitude 105°14′24′ W. Frequencies: 3790 and 3950 MHz on azimuth 110°44′ and 3810 and 3970 MHz on azimuth 336°19′.

579–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station 2 miles northeast of Corona, N. Mex., at latitude 34°16′40″ N., longitude 105°35′12″ W. Frequencies: 3850 and 4010 MHz on azimuth 156°07′ and 6360.0 and 6182.4 MHz on azimuth 322°55′.

580–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station at Sandia Crest, 8.1 miles southeast of Bernalillo, N. Mex., at latitude 35°12′44″ N., longitude 106°-26′59″ W. Frequencies: 5930.4 and 6108.6 MHz on azimuth 142°26″ and 6049.0 and 6167.6 MHz on azimuth 234°43′.

581–C1–P–71—Western Tele-Communications, Inc. (New), C.P. for a new station in Albuquerque, N. Mex., at latitude 35°05′19″ N., longitude 106°39′43″ W. Frequencies: 6301.0 and 6419.1 MHz on azimuth 54°36′.

(Informative: Applicant proposes to provide a "Low Cost Customized" communications System between Albuquerque, N. Mex., and other points, including El Paso, Tex.)

American Telephone & Telegraph. Three C.P. applications to provide an additional pair of Type TD–2 telephone channels between Amboy Center and Utica, N.Y.

592–C1–P–71—American Telephone & Telegraph (KEE74), Add freqeuncy 3870 MHz toward Deerfield, N.Y. Station location: 2.5 miles east of Amboy Center, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

591–C1–P–71—American Telephone & Telegraph (KEA52), Add frequencies 3910 MHz toward Amboy Center and Utica, N.Y. Station location: 4.8 miles east-northeast of Deerfield, N.Y.

590–C1–P–71—American Telephone & Telegraph (KEE76), Add frequency 3870 MHz toward Deerfield, N.Y. Station location: 280 Genesee Street, Utica, N.Y.

The following Renewal Applications for the term ending August 1, 1975, have been received in accordance with the Commission Order, FCC 69–778, released July 18, 1969.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER) AND LOCAL TELEVISION TRANSMISSION SERVICE

The Chesapeake & Potomac Telephone Company of Virginia:

Call Sign	*Location*
KIX 54	Greens Knob, Va.
KIX 55	Roanoke, Va.
KJK 33	Petersburg, Va.

New York Telephone Co.:

KA 4148	Mobile TV-Pickup.
KB 9810	Mobile TV-Pickup.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

Correction

380–C1–P–71—Navajo Communications Co. (New), Correct frequencies to read: 1791.0 MHz toward Navajo National Monument, and 1729.0 MHz toward Black Mesa, Ariz.

383–C1–P–71—Navajo Communications Co. (New), Correct location to read: Graveyard Junction 3,000 feet west of Tuba City and correct frequencies to read: 4564.5 and 4448.5 MHz toward Elden and 7814.3 and 7932.7 MHz toward Preston Mesa, Ariz.

All other terms of both applications same as indicated in Report No. 502, dated July 27, 1970.

Major Amendment

2926–C1–P–70—Data Transmission Co. (New), Change frequency toward South San Francisco to 10,915 MHz; change frequency toward Mount Chual to 6404.8 MHz.

2927–C1–P–70—Data Transmission Co. (New), Change frequency toward San Bruno to 11,365 MHz.

2928–C1–P–70—Data Transmission Co. (New), Change frequency toward San Bruno Mountain to 6152.8 MHz; change frequency toward Fremont Peak to 6152.8 MHz.

2929–C1–P–70—Data Transmission Co. (New), Change frequency toward Mount Chual to 6375.2 MHz; delete point of communication at Call Mountain and change frequency to 6404.8 MHz toward new point of communication at Calandra, Calif.

2931–C1–P–70—Data Transmission Co. (New), Delete point of communication at Call Mountain and change frequency to 6152.8 MHz toward new point of communication at Fremont Peak; change frequency toward Cuesta Peak to 6152.8 MHz.

2932–C1–P–70—Data Transmission Co. (New), Change frequency toward Calandra to 6404.8 MHz; delete point of communication at Broadcast Peak and change frequency to 6404.8 MHz toward new point of communication at San Antonio Hill, Calif.

2933–C1–P–70—Data Transmission Co. (New), Delete point of communication at Cuesta Peak and change frequency to 6404.8 MHz toward new point of communication at San Antonio Hill; change frequency to 6404.8 and 10,875 MHz toward Frazier Mountain.

2934–C1–P–70—Data Transmission Co. (New), Change frequency toward Broadcast Peak to 6034.2 and 11,605 MHz; change frequency toward Mount Lukens to 6093.5 and 11,605 MHz.

2935–C1–P–70—Data Transmission Co. (New), Change frequency toward Frazier Mountain to 6345.5 and 10,875 MHz; change frequency toward Modjeska Peak to 6404.8 MHz; change frequency toward Beverly Hills to 6404.8 MHz.

2936–C1–P–70—Data Transmission Co. (New), Change frequency toward Mount Lukens to 6152.8 MHz.

2937–C1–P–70—Data Transmission Co. (New), Change frequency toward Toro Peak to 11,605 MHz; change frequency toward Mount Lukens to 6152.8 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2938–C1–P–70—Data Transmission Co. (New), Change frequency toward Modjeska Peak to 10,875 MHz; change frequency toward Black Butte to 6404.8 MHz.

2940–C1–P–70—Data Transmission Co. (New), Change frequency toward San Miguel to 6345.5 MHz.

2941–C1–P–70—Data Transmission Co. (New), Change frequency toward Toro Peak to 6152.8 MHz; change frequency toward Quartz Peak to 6123.1 MHz.

2942–C1–P–70—Data Transmission Co. (New), Change frequency toward Telegraph Pass to 6375.2 MHz; change frequency toward Black Butte to 6375.2 MHz.

2943–C1–P–70—Data Transmission Co. (New), Change frequency toward Oatman Mountain to 6093.5 MHz; change frequency toward Quartz Peak to 6093.5 MHz.

2944–C1–P–70—Data Transmission Co. (New), Change frequency toward White Tank Mountain (name change only) to 6375.2 MHz; change frequency toward Telegraph Pass to 6375.2 MHz.

2945–C1–P–70—Data Transmission Co. (New), Change frequency toward Oatman Mountain to 6152.8 MHz; change frequency toward Mount Ord to 6152.8 MHz; change frequency toward Phoenix to 11,565 MHz.

2946–C1–P–70—Data Transmission Co. (New), Change frequency toward White Tank Mountain to 10,915 MHz.

2947–C1–P–70—Data Transmission Co. (New), Change frequency toward White Tank Mountain (name change only) to 6404.8 MHz.

2948–C1–P–70—Data Transmission Co. (New), Delete point of communication at Lonestar Mountain and change frequency to 6152.8 MHz toward new point of communication at Fort Thomas, Ariz.

2949–C1–P–70—Data Transmission Co. (New), Delete point of communication at Pinal Peak and change frequency to 6152.8 MHz toward new point of communication at Fort Thomas, Ariz.; delete point of communication at Jack's Mountain and change frequency to 6152.8 MHz toward new point of communication at Duncan, Ariz.

2950–C1–P–70—Data Transmission Co. (New), Delete point of communication at Lonestar Mountain and change frequency to 6256.5 MHz toward new point of communication at Duncan, Ariz.

2952–C1–P–70—Data Transmission Co. (New), Change frequency toward Anthony Gap to 6152.8 MHz.

2953–C1–P–70—Data Transmission Co. (New), Change frequency toward Aden Hills to 6404.8 MHz.

2954–C1–P–70—Data Transmission Co. (New), Change frequency toward El Capitan to 6152.8 MHz.

2955–C1–P–70—Data Transmission Co. (New), Change frequency toward Escondida Tank to 6404.8 MHz; change frequency toward Corral Peak to 6404.8 MHz.

2956–C1–P–70—Data Transmission Co. (New), Change frequency toward El Capitan to 6152.8 MHz; change frequency toward Levinson to 6152.8 MHz.

2957–C1–P–70—Data Transmission Co. (New), Change frequency toward Corral Peak to 6404.8 MHz.

2958–C1–P–70—Data Transmission Co. (New), Change frequency toward Sierra Madera to 6152.8 MHz.

2959–C1–P–70—Data Transmission Co. (New), Change frequency toward Pecos Peak to 6404.8 MHz; change frequency toward East Mesa to 6404.8 MHz; change frequency toward Thorn Ranch to 6345.5 MHz.

2960–C1–P–70—Data Transmission Co. (New), Change frequency toward Sierra Madera to 6093.5 MHz; change frequency toward Richland to 6093.5 MHz.

2961–C1–P–70—Data Transmission Co. (New), Change frequency toward Thorn Ranch to 6345.5 MHz; change frequency toward Government Canyon to 6345.5 MHz.

2962–C1–P–70—Data Transmission Co. (New), Change frequency toward Richland to 6093.5 MHz; change frequency toward East Fork to 6093.5 MHz.

2963–C1–P–70—Data Transmission Co. (New), Change frequency toward Government Canyon to 6345.5 MHz; delete point of communication at Mayfield Ranch and change frequency to 6345.5 MHz toward new point of communication at Mayfield Station, Tex.

2964–C1–P–70—Data Transmission Co. (New), Change location to Mayfield Station 20.5 miles northwest of Rock Springs, Tex.; change frequency to 6093.5 MHz toward new point of communication at Rock Springs, Tex., and 6093.5 MHz toward East Fork, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2968–C1–P–70—Data Transmission Co. (New), Change location to 4.6 miles northwest of Bandera, Tex.; change frequency toward Rio Medina to 6152.8 MHz; change frequency to 6152.8 MHz toward new point of communication at Walnut Spring, Tex.

2969–C1–P–70—Data Transmission Co. (New), Delete point of communication at D'Hanis and change frequency to 6404.8 MHz toward new point of communication at Bandera, Tex.

2971–C1–P–70—Data Transmission Co. (New), Change frequency toward Sierra Madera to 6152.8 MHz; change frequency toward King Mountain to 6152.8 MHz.

2972–C1–P–70—Data Transmission Co. (New), Change frequency toward East Mesa to 6404.8 MHz; delete point of communication at Ector Peak and change frequency to 6404.8 MHz toward new point of communication at Santa Rita, Tex.

2973–C1–P–70—Data Transmission Co. (New), Change location to Santa Rita, 1.7 miles southwest of Best, Tex.; change frequency to 6152.8 MHz toward King Mountain, Tex., and 6152.8 MHz toward new point of communication at Magruder Ranch, Tex.

2984–C1–P–70—Data Transmission Co. (New), Delete frequency 6093.46 MHz and point of communication at Mineral Wells, Tex.

2985–C1–P–70—Data Transmission Co. (New), Change frequency toward Cedar Hill to 6152.8 MHz; add frequency 6152.8 MHz toward new point of communication at Comanche Peak.

2986–C1–P–70—Data Transmission Co. (New), Change frequency toward Burleson to 6404.8 MHz; change frequency toward Bristol to 6404.8 MHz; change frequency toward Dallas to 6345.5 MHz.

2987–C1–P–70—Data Transmission Co. (New), Change frequency toward Cedar Hill to 6093.5 MHz.

2988–C1–P–70—Data Transmission Co. (New), Change frequency toward Cedar Hill to 6152.8 MHz; change frequency toward Stockard to 6152.8 MHz.

2989–C1–P–70—Data Transmission Co. (New), Change frequency toward Bristol to 6404.8 MHz; change frequency toward Montalba to 6404.8 MHz.

2990–C1–P–70—Data Transmission Co. (New), Change frequency toward Russell to 6152.8 MHz.

2991–C1–P–70—Data Transmission Co. (New), Change frequency toward Montalba to 6404.8 MHz; change frequency toward Mossy Grove to 6404.8 MHz.

2992–C1–P–70—Data Transmission Co. (New), Change frequency toward Russell to 6152.8 MHz; delete point of communication at Willis and change frequency to 6152.8 MHz toward new point of communication at Keenan, Tex.

2993–C1–P–70—Data Transmission Co. (New), Change location to 2.5 miles west of Keenan, Tex.; change frequency to 6404.8 MHz toward Mossy Grove, Tex., to 6404.8 MHz toward Spring, Tex.

2994–C1–P–70—Data Transmission Co. (New), Delete point of communication at Willis and change frequency to 6152.8 MHz toward new point of communication at Keenan, Tex.; change frequency toward Houston to 6152.8 MHz.

2995–C1–P–70—Data Transmission Co. (New), Change frequency toward Spring, Tex., to 6404.8 MHz.

2996–C1–P–70—Data Transmission Co. (New), Change frequency toward Jim Ned Lookout to 6063.8 MHz.

2999–C1–P–70—Data Transmission Co. (New), Change frequency toward Rush Springs to 6404.8 MHz.

3000–C1–P–70—Data Transmission Co. (New), Change frequency toward Velma to 6152.8 MHz; change frequency toward Bridge Creek to 6123.1 MHz.

3001–C1–P–70—Data Transmission Co. (New), Change frequency toward Rush Springs to 6375.2 MHz.

3002–C1–P–70—Data Transmission Co. (New), Change frequency toward Guthrie to 6152.8 MHz; change frequency toward Oklahoma City to 5974.8 MHz.

3003–C1–P–70—Data Transmission Co. (New), Change station location to No. 2 Park Avenue, Oklahoma City, Okla. Change frequency toward El Reno to 6404.8 MHz.

3004–C1–P–70—Data Transmission Co. (New), Change frequency toward El Reno to 6404.8 MHz.

3005–C1–P–70—Data Transmission Co. (New), Change frequency toward Camp Creek to 6152.8 MHz.

3006–C1–P–70—Data Transmission Co. (New), Change frequency toward Perry to 6404.8 MHz; change frequency toward Waresha Creek to 6404.8 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3007–C1–P–70—Data Transmission Co. (New), Change frequency toward Camp Creek to 6152.8 MHz; change frequency toward Owasso to 6152.8 MHz.

3008–C1–P–70—Data Transmission Co. (New), Change station location to 2.5 miles northeast of Owasso, Okla. Change frequency toward Waresha Creek to 6404.8 MHz; change frequency toward Pryor to 6256.5 MHz.

3011–C1–P–70—Data Transmission Co. (New), Change frequency toward Arma to 6152.8 MHz.

3012–C1–P–70—Data Transmission Co. (New), Change frequency toward Redings Mill to 6404.8 MHz; change frequency toward Savonburg to 6404.8 MHz.

3013–C1–P–70—Data Transmission Co. (New), Change frequency toward Arma to 6152.8 MHz; change frequency toward Kincaid to 6152.8 MHz.

3014–C1–P–70—Data Transmission Co. (New), Change frequency toward Savonburg to 6404.8 MHz.

3015–C1–P–70—Data Transmission Co. (New), Change frequency toward Olathe to 6404.8 MHz.

3016–C1–P–70—Data Transmission Co. (New), Change frequency toward Paola to 6152.8 MHz.

3017–C1–P–70—Data Transmission Co. (New), Change frequency toward Blair to 6404.8 MHz.

3018–C1–P–70—Data Transmission Co. (New), Change frequency toward Leavenworth to 6093.5 MHz; change frequency toward Odessa to 6093.5 MHz.

3019–C1–P–70—Data Transmission Co. (New), Change frequency toward Nashua to 6286.2 MHz.

3020–C1–P–70—Data Transmission Co. (New), Change frequency toward Nashua to 6286.2 MHz.

3022–C1–P–70—Data Transmission Co. (New), Change frequency toward Tipton to 6152.8 MHz.

3023–C1–P–70—Data Transmission Co. (New), Change frequency toward Sedalia to 6404.8 MHz; change frequency toward Ashland to 6286.2 MHz.

3024–C1–P–70—Data Transmission Co. (New), Change frequency toward St. Aubert to 6152.8 MHz.

3025–C1–P–70—Data Transmission Co. (New), Change frequency toward Ashland to 6404.8 MHz; change frequency toward Hermann to 6404.8 MHz.

3026–C1–P–70—Data Transmission Co. (New), Change frequency toward St. Aubert to 6152.8 MHz; change frequency toward Fox Creek to 6152.8 MHz.

3027–C1–P–70—Data Transmission Co. (New), Change frequency toward Hermann to 6404.8 MHz; change frequency toward St. Louis to 6404.8 MHz.

3028–C1–P–70—Data Transmission Co. (New), Change frequency toward Fox Creek to 6152.8 MHz.

3029–C1–P–70—Data Transmission Co. (New), Change frequency toward Barada to 6152.8 MHz; change frequency toward Leavenworth to 6152.8 MHz.

3030–C1–P–70—Data Transmission Co. (New), Change frequency toward Paul to 6256.5 MHz; change frequency toward Blair to 6404.8 MHz.

3031–C1–P–70—Data Transmission Co. (New), Change frequency toward Mills to 6152.8 MHz.

3032–C1–P–70—Data Transmission Co. (New), Change frequency toward Paul to 6345.5 MHz; change frequency toward Omaha to 6404.8 MHz.

3033–C1–P–70—Data Transmission Co. (New), Change frequency toward Mills to 6152.8 MHz.

3034–C1–P–70—Data Transmission Co. (New), Change frequency toward Sharon to 6152.8 MHz.

3035–C1–P–70—Data Transmission Co. (New), Change frequency toward Dedham to 6404.8 MHz; change frequency toward Shelby to 6404.8 MHz; change frequency toward Adair to 6345.5 MHz.

3036–C1–P–70—Data Transmission Co. (New), Change frequency toward Sharon to 6093.5 MHz.

3037–C1–P–70—Data Transmission Co. (New), Change frequency toward Adair to 6286.2 MHz.

3038–C1–P–70—Data Transmission Co. (New), Change frequency toward Middle River (name change only) to 6093.5 MHz

3039–C1–P–70—Data Transmission Co. (New), Change frequency toward Sherwood to 6152.8 MHz; change frequency toward Sharon to 6152.8 MHz.
3040–C1–P–70—Data Transmission Co. (New), Change frequency toward Dedham to 6404.8 MHz.
3041–C1–P–70—Data Transmission Co. (New), Change frequency toward Webb to 6152.8 MHz.
3042–C1–P–70—Data Transmission Co. (New), Change frequency toward Storm Lake to 6404.8 MHz; change frequency toward Fairville to 6404.8 MHz.
3043—C1–P–70—Data Transmission Co. (New), Change frequency toward Thompson to 6152.8 MHz; change frequency toward Webb to 6152.8 MHz.
3045–C1–P–70—Data Transmission Co. (New), Change frequency toward Waseca to 6152.8 MHz; change frequency toward Northwood to 5974.8 MHz.
3046–C1–P–70—Data Transmission Co. (New), Change frequency toward Montgomery to 6404.8 MHz; change frequency toward Freeborn to 6404.8 MHz.
3047–C1–P–70—Data Transmission Co. (New), Change frequency toward Waseca to 6152.8 MHz; add frequency 6093.5 MHz toward Minneapolis.
3048–C1–P–70—Data Transmission Co. (New), Change frequencies toward Montgomery to 6404.8 and 6345.5 MHz.
3049–C1–P–70—Data Transmission Co. (New), Change frequency toward Bailey to 6404.8 MHz; change frequency toward Freeborn to 6226.9 MHz.
3050–C1–P–70—Data Transmission Co. (New), Change frequency toward Harmony to 6152.8 MHz; change frequency toward Northwood to 6152.8 MHz.
3051–C1–P–70—Data Transmission Co. (New), Change frequency toward Waukon to 6345.5 MHz; change frequency toward Bailey to 6404.8 MHz.
3052–C1–P–70—Data Transmission Co. (New), Change station location to 3.5 miles northnortheast of Waukon, Iowa. Change frequency toward Harmony to 6093.5 MHz.
3054–C1–P–70—Data Transmission Co. (New), Change frequency toward Highland to 6404.8 MHz; change frequency toward Brooklyn to 6404.8 MHz; change frequency toward Madison to 6345.5 MHz.
3055–C1–P–70—Data Transmission Co. (New), Change frequency toward Blue Mounds to 6034.2 MHz.
3056–C1–P–70—Data Transmission Co. (New), Change frequency toward Blue Mounds to 6152.8 MHz; change frequency toward Rock Grove to 6152.8 MHz.
3057–C1–P–70—Data Transmission Co. (New), Change frequency toward Brooklyn to 6404.8 MHz; change frequency toward Rockford to 6375.2 MHz.
3058–C1–P–70—Data Transmission Co. (New), Change frequency toward Como to 6004.5 MHz.
3060–C1–P–70—Data Transmission Co. (New), Change frequency toward Como to 6004.5 MHz; change frequency toward Milwaukee to 5945.2 MHz.
3062–C1–P–70—Data Transmission Co. (New), Change frequency toward Blue Mounds to 6152.8 MHz; change frequency toward Seneca to 6152.8 MHz.
3063–C1–P–70—Data Transmission Co. (New), Change frequency toward Wheaton to 6345.5 MHz.
3065–C1–P–70—Data Transmission Co. (New), Change frequency toward Beatrice to 6404.8 MHz; change frequency toward Wheaton to 6375.2 MHz.
3066–C1–P–70—Data Transmission Co. (New), Change frequency toward Tinley Park to 6152.8 MHz.
3067–C1–P–70—Data Transmission Co. (New), Change frequency toward Tinley Park to 6152.8 MHz; change frequency toward Medaryville to 6152.8 MHz.
3068–C1–P–70—Data Transmission Co. (New), Change frequency toward Beatrice to 6404.8 MHz; change frequency toward Delong to 6404.8 MHz.
3069–C1–P–70—Data Transmission Co. (New), Change frequency toward Medaryville to 6152.8 MHz; change frequency toward Gilead to 6152.8 MHz.
3070–C1–P–70—Data Transmission Co. (New), Change frequency toward Delong to 6404.8 MHz; change frequency toward Wawpecong to 6404.8 MHz.
3071–C1–P–70—Data Transmission Co. (New), Change station location to 1.8 miles west of Wawpecong, Ind.; change frequency toward Gilead to 6152.8 MHz; change frequency toward Tetersburg to 6152.8 MHz.
3072–C1–P–70—Data Transmission Co. (New), Change frequency toward Wawpecong to 6286.2 MHz; change frequency toward Eden to 6286.2 MHz.

3073–C1–P–70—Data Transmission Co. (New), Change frequency toward Indianapolis to 10935 MHz.
3074–C1–P–70—Data Transmission Co. (New), Change frequency toward Eden to 11545 MHz.
3075–C1–P–70—Data Transmission Co. (New), Change frequency toward Eden to 6375.2 MHz; change frequency toward Taylor Hill to 6404.8 MHz.
3076–C1–P–70—Data Transmission Co. (New), Change frequency toward Greenwood to 6152.8 MHz; change frequency toward New Philadelphia to 6123.1 MHz; change frequency toward Greensburg to 6152.8 MHz.
3077–C1–P–70—Data Transmission Co. (New), Change frequency toward Taylor Hill (name change only) to 6404.8 MHz; change frequency toward Penntown to 6404.8 MHz.
3078–C1–P–70—Data Transmission Co. (New), Change frequency toward Greensburg to 6152.8 MHz; change frequency toward New Baltimore to 10,935 MHz.
3079–C1–P–70—Data Transmission Co. (New), Change frequency toward Penntown to 11,545 MHz; change frequency toward Maineville to 5974.8 MHz.
3083–C1–P–70—Data Transmission Co. (New), Change frequency toward Columbus to 6404.8 MHz.
3084–C1–P–70—Data Transmission Co. (New), Change frequency toward Yatesville to 6152.8 MHz.
3085–C1–P–70—Data Transmission Co. (New), Change frequency toward Lanesville to 6404.8 MHz; change frequency toward Taylor Hill to 6256.5 MHz.
3086–C1–P–70—Data Transmission Co. (New), Change frequency toward Garrett to 6152.8 MHz; change frequency toward New Philadelphia to 6152.8 MHz; change frequency toward Louisville to 10,935 MHz.
3087–C1–P–70—Data Transmission Co. (New), Change station location to Commonwealth Building, Fourth and Broadway, Louisville, Ky.; change frequency toward Lanesville to 11,545 MHz.
3088–C1–P–70—Data Transmission Co. (New), Change frequency toward Lanesville to 6404.8 MHz; change frequency toward Layman Knob to 6404.8 MHz.
3089–C1–P–70—Data Transmission Co. (New), Change frequency toward Garrett to 6152.8 MHz.
3090–C1–P–70—Data Transmission Co. (New), Change frequency toward Layman Knob to 6375.2 MHz; change frequency toward Pilot Knob to 6404.8 MHz.
3091–C1–P–70—Data Transmission Co. (New), Change frequency toward Nick to 6152.8 MHz.
3093–C1–P–70—Data Transmission Co. (New), Change frequency toward Kelley Creek to 6152.8 MHz; change frequency toward Cross Keys to 6093.5 MHz; change frequencies toward Nashville Rp. to 6123.1 and 6063.8 MHz.
3094–C1–P–70—Data Transmission Co. (New), Change frequencies toward Short Mountain to 6375.2 and 6315.9 MHz; change frequencies toward Nashville to 6404.8 and 6345.5 MHz.
3095–C1–P–70—Data Transmission Co. (New), Change frequencies toward Nashville Rp. to 6152.8 and 6093.5 MHz.
3096–C1–P–70—Data Transmission Co. (New), Change frequency toward Short Mountain to 6404.8 MHz; change frequency toward Langford Brook to 6345.5 MHz.
3097–C1–P–70—Data Transmission Co. (New), Change frequency toward Cross Keys to 6093.5 MHz; change frequency toward Crowson Creek to 6152.8 MHz.
3098–C1–P–70—Data Transmission Co. (New), Change frequency toward Langford Brook to 6404.8 MHz.
3099–C1–P–70—Data Transmission Co. (New), Change frequency toward Crowson Creek to 5974.8 MHz.
3101–C1–P–70—Data Transmission Co. (New), Change frequency toward Nixon to 5945.2 MHz; change frequency toward Grand Junction to 6152.8 MHz.
3102–C1–P–70—Data Transmission Co. (New), Change frequency toward Ramer to 6404.8 MHz; change frequency toward Fisherville Lake to 6404.8 MHz.
3103–C1–P–70—Data Transmission Co. (New), Change frequency toward Grand Junction to 6152.8 MHz; change frequency toward Memphis to 6152.8 MHz.
3104–C1–P–70—Data Transmission Co. (New), Change frequency toward Fisherville Lake to 6286.2 MHz.
3105–C1–P–70—Data Transmission Co. (New), Change frequency toward Fairyland to 6404.8 MHz; change frequency toward Short Mountain to 6404.8 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3106–C1–P–70—Data Transmission Co. (New), Change frequency toward Dug Mountain (name change only) to 6152.8 MHz; change frequency toward Kelley Creek to 6152.8 MHz.

3107–C1–P–70—Data Transmission Co. (New), Change frequency toward Pine Log Mountain to 6286.2 MHz; change frequency toward Fairyland to 6404.8 MHz.

3108–C1–P–70—Data Transmission Co. (New), Change frequency toward Lindale to 6152.8 MHz; delete point of communication at Rocky Face Mountain and change frequency to 6034.2 MHz toward new point of communication at Dug Mountain; delete point of communication at Pink Mountain and change frequency to 6152.8 MHz toward new point of communication at Holcomb, Ga.

3109–C1–P–70—Data Transmission Co. (New), Change frequency toward Pine Log Mountain to 6256.5 MHz; change frequency toward Atlanta to 6256.5 MHz.

3110–C1–P–70—Data Transmission Co. (New), Change frequency toward Sweetwater Creek to 5945.2 MHz.

3112–C1–P–70—Data Transmission Co. (New), Change frequency toward Lindale to 6034.2 MHz.

3113–C1–P–70—Data Transmission Co. (New), Change frequency toward Pine Grove to 6226.9 MHz.

3114–C1–P–70—Data Transmission Co. (New), Change frequency toward Whitney to 6093.5 MHz.

3115–C1–P–70—Data Transmission Co. (New), Change frequency toward Chalkville to 6315.9 MHz.

3116–C1–P–70—Data Transmission Co. (New), Delete point of communication at Pine Log Mountain and change frequency to 6152.8 MHz toward new point of communication at Holcomb, Ga.

3117–C1–P–70—Data Transmission Co. (New), Change frequency toward Pink Mountain to 6404.8 MHz; delete point of communication at Tryon Mountain and change frequency to 6404.8 MHz toward new point of communication at Pickens, S.C.

3118–C1–P–70—Data Transmission Co. (New), Delete point of communication at Oakway and change frequency to 6404.8 MHz toward new point of communication at Pickens, S.C.; change frequency toward Olive Grove to 6226.9 MHz.

3119–C1–P–70—Data Transmission Co. (New), Change frequency toward Tryon Mountain to 5974.8 MHz; delete point of communication at New Hope and change frequency to 6123.1 MHz toward new point of communication at Hickory, N.C.

3120–C1–P–70—Data Transmission Co. (New), Change frequency toward Olive Grove to 6375.2 MHz; change frequency toward Charlotte to 6197.2 MHz.

3122–C1–P–70—Data Transmission Co. (New), Delete point of communication at Olive Grove and change frequency to 6152.8 MHz toward new point of communication at Hickory, N.C.; change frequency toward Sauratown Mountain to 6093.5 MHz.

3123–C1–P–70—Data Transmission Co. (New), Change frequency toward New Hope to 6404.8 MHz; delete point of communication at Smith Mountain and change frequency to 6345.5 MHz toward new point of communication at Stones Store, Va.

3124–C1–P–70—Data Transmission Co. (New), Delete point of communication at Sauratown Mountain and change frequency to 6345.5 MHz toward new point of communication at Stones Store, Va., delete point of communication at Tower Hill and change frequency to 6404.8 MHz toward new point of communication at Lawyers, Va.

3125–C1–P–70—Data Transmission Co. (New), Delete point of communication at Smith Mountain and change frequency to 6404.8 MHz toward new point of communication at Lawyers, Va.; change frequency toward Wolfpit Mountain to 6404.8 MHz.

3126–C1–P–70—Data Transmission Co. (New), Change frequency toward Tower Hill to 6152.8 MHz; delete point of communication at Watery Mountain and change frequency to 6152.8 MHz toward new point of communication at Brightwood, Va.; delete point of communication at Sandy Hook and change frequency to 10,935 MHz toward new point of communication at Ferncliff, Va.

3127–C1–P–70—Data Transmission Co. (New), Change location to 3.9 miles southwest of Ferncliff, Va.; change frequency to 11,545 MHz toward new point of communication at Vontay, Va., and 11,545 MHz toward Wolfpit Mountain, Va.

3128–C1–P–70—Data Transmission Co. (New), Delete point of communication at Sandy Hook and change frequency to 11,545 MHz toward new point of communication at Vontay, Va.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3129–C1–P–70—Data Transmission Co. (New), Delete point of communication at Wolfpit Mountain and change frequency to 6063.8 MHz toward new point of communication at Brightwood, Va.; change frequency toward Kabletown to 6152.8 MHz.

3130–C1–P–70—Data Transmission Co. (New), Change frequency toward Watery Mountain to 6404.8 MHz; delete point of communication at Front Mountain and change frequency to 6404.8 MHz toward new point of communication at Clear Springs, Va.

3131–C1–P–70—Data Transmission Co. (New), Change frequency toward Kabletown to 11,525 MHz; change frequency toward Darnestown to 11,525 MHz.

3132–C1–P–70—Data Transmission Co. (New), Change frequency toward Wheaton to 10,915 MHz.

3134–C1–P–70—Data Transmission Co. (New), Change frequency toward Wheaton to 10,955 MHz; change frequency toward Baltimore to 10,795 MHz.

3135–C1–P–70—Data Transmission Co. (New), Change frequency toward Oakland Mills to 11,525 MHz.

3136–C1–P–70—Data Transmission Co. (New), Change frequency toward Overview to 6404.8 MHz; delete point of communication at Kabletown and change frequency to 6375.2 MHz toward new point of communication at Clear Springs, Md.; change frequency toward Crystal Spring to 11,665 MHz.

3137–C1–P–70—Data Transmission Co. (New), Change frequency toward Front Mt. to 10,975 MHz; change frequency toward Downey to 10,975 MHz.

3138–C1–P–70—Data Transmission Co. (New), Change frequency toward Crystal Spring to 11,665 MHz; change frequency toward Jones Mill to 11,665 MHz.

3139–C1–P–70—Data Transmission Co. (New), Change frequency toward Downey to 10,975 MHz; change frequency toward Arona to 10,975 MHz.

3140–C1–P–70—Data Transmission Co. (New), Change frequency toward Jones Mill to 11,665 MHz; change frequency toward Pittsburgh to 6152.8 MHz.

3141–C1–P–70—Data Transmission Co. (New), Change frequency toward Arona to 6375.2 MHz; change frequency toward Georgetown to 6345.5 MHz.

3142–C1–P–70—Data Transmission Co. (New), Change frequency toward Pittsburgh to 6093.5 MHz; change frequency toward Salem to 6152.8 MHz.

3143–C1–P–70—Data Transmission Co. (New), Change frequency toward Georgetown to 6404.8 MHz; change frequency toward Shalersville to 6404.8 MHz.

3144–C1–P–70—Data Transmission Co. (New), Change frequency toward Salem to 6152.8 MHz; change frequency toward Cleveland to 6152.8 MHz.

3145–C1–P–70—Data Transmission Co. (New), Change frequency toward Shalersville to 6375.2 MHz; change frequency toward Amherst to 6375.2 MHz.

3146–C1–P–70—Data Transmission Co. (New), Change frequency toward Cleveland to 6152.8 MHz; change frequency toward Castalia to 6152.8 MHz.

3147–C1–P–70—Data Transmission Co. (New), Change frequency toward Amherst to 6375.2 MHz; change frequency toward Williston to 6404.8 MHz.

3148–C1–P–70—Data Transmission Co. (New), Change frequency toward Castalia to 6152.8 MHz; change frequency toward Oldport to 6152.8 MHz.

3149–C1–P–70—Data Transmission Co. (New), Change frequency toward Williston to 6404.8 MHz; change frequency toward Detroit to 6404.8 MHz.

3150–C1–P–70—Data Transmission Co. (New), Change frequency toward Oldport to 6152.8 MHz.

3151–C1–P–70—Data Transmission Co. (New), Delete point of communication at Eagle Peak and change frequency to 11,545 MHz toward new point of communication at Palmyra, Pa.; change frequency toward Front Mountain to 5974.8 MHz.

3152–C1–P–70—Data Transmission Co. (New), Change frequency toward Palmerton to 6152.8 MHz; delete point of communication at Overview and change frequency to 11,545 MHz toward new point of communication at Palmyra, Pa.

3153–C1–P–70—Data Transmission Co. (New), Change frequency toward Eagle Peak to 11,525 MHz; change frequency toward Guthriesville to 11,525 MHz.

3154–C1–P–70—Data Transmission Co. (New), Change frequency toward Welsh Mountain to 10,795 MHz.

3155–C1–P–70—Data Transmission Co. (New), Change frequency toward Guthriesville to 11,605 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

3156-C1-P-70—Data Transmission Co. (New), Change frequency toward Sugartown to 11,075 MHz.

3157-C1-P-70—Data Transmission Co. (New), Change frequency toward Eagle Peak to 6404.8 MHz; delete point of communication at Hackettstown and change frequency to 6404.8 MHz toward new point of communication at Hope, N.J.

3158-C1-P-70—Data Transmission Co. (New), Change station location and frequencies to 6152.8 MHz toward Palmerton, Pa., and 10,935 MHz toward new point of communication at Beemerville, N.J. Station location: 7 miles east of Hope, N.J.

3159-C1-P-70—Data Transmission Co. (New), Delete point of communication at Hackettstown and change frequency to 11,545 MHz toward new point of communication at Middletown, N.Y.; delete point of communication at Mount Everett and change frequency to 6404.8 MHz toward new point of communication at Clove Mountain, N.Y.; change frequency toward Cold Springs to 11,345 MHz.

3160-C1-P-70—Data Transmission Co. (New), Change frequency toward Cragsmoor to 11,135 MHz; change frequency toward East Irvington to 11,135 MHz.

3161-C1-P-70—Data Transmission Co. (New), Change frequency toward Cold Spring to 11,345 MHz; change frequency toward New York to 11,345 MHz.

3162-C1-P-70—Data Transmission Co. (New), Change frequency toward East Irvington to 11,135 MHz.

3163-C1-P-70—Data Transmission Co. (New), Change location to Clove Mountain 3 miles southwest of Camby, N.Y. Change frequency to 6152.8 MHz toward new point of communication at Canaan, Conn., and 6152.8 MHz toward Cragsmoor, N.Y.

3164-C1-P-70—Data Transmission Co. (New), Delete point of communication at Mount Everett and change frequency to 10,935 MHz toward new point of communication at Noyes Hill, Mass.; delete point of communication at Wachusetts Mountain and change frequency to 6152.8 MHz toward new point of communication at East Hill, Mass.; change frequency toward Talcot Mountain to 10,935 MHz.

3165-C1-P-70—Data Transmission Co. (New), Change frequency toward West Farm to 11,545 MHz; change frequency toward Hartford to 11,545 MHz.

3166-C1-P-70—Data Transmission Co. (New), Change frequency toward Talcot Mountain to 10,935 MHz.

3167-C1-P-70—Data Transmission Co. (New), Change location to Worcester, Mass., 1.3 miles east of Paxton, Mass.; change frequencies to 6152.8 MHz toward new point of communication at East Hill, Mass., and 11,135 MHz toward Nobscot Hill, Mass.

3168-C1-P-70—Data Transmission Co. (New), Delete point of communication at Wachusetts Mountain and change frequency to 11,345 MHz toward new point of communication at Worcester, Mass.; change frequency toward Boston to 11,345 MHz.

3169-C1-P-70—Data Transmission Co. (New), Change frequency toward Nobscot Hill to 11,135 MHz.

(Informative: In all cases of Major Amendments, other particulars are the same as reported on public notice dated Dec. 15, 1969.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

456-C1-TC-(23)-71—West Texas Microwave Co. Consent to transfer of control from: WTM Microwave, Inc., Transferor, to: Citizens Financial Corp. Transferee. Twenty-Three Stations:

Call		Call	
KLU86	Aledo, Tex.	KZI26	Abernathy, Tex.
KLU87	Mineral Wells, Tex.	KZI27	Anson, Tex.
KLU88	Brackeen Ranch, Tex.	KZI28	Stamford, Tex.
KLU89	Breckenridge, Tex.	KLR75	Estes Ranch, Tex.
KLU91	Davis Ranch, Tex.	KZS70	Seminole, Tex.
KTQ80	Sweetwater, Tex.	KZS71	Brownfield, Tex.
KTQ81	Colorado City, Tex.	KKT90	Levelland, Tex.
KTR33	Snyder, Tex.	KKU85	Midland, Tex.
KTR34	Griffins Creek, Tex.	WAY37	Cotton Center, Tex.
KTR35	Pleasant Valley, Tex.	WAY38	McClurg Farm, Tex.
KYS49	Big Spring, Tex.	WAY39	Jennings Farm, Tex.
KZI25	Lubbock, Tex.		

496-C1-TC-(6)-71—Tower Communications Systems Corp. Consent to transfer of control from: Tower Communications, Inc., Transferor to: Communications Properties, Inc., Transferee. Stations:

Call		Call	
KQA33	South Portsmouth, Ohio.	KQO41	Coshocton, Ohio.
KQA36	Ball Knob (southwest of Chillicothe, Ohio).	KQO42	Shanesville, Ohio.
KQO40	St. Louisville, Ohio.	KQO43	New Philadelphia, Ohio.

536-C1-P-71—Racom, Inc. (KYZ86), C.P. to add frequency 6019.3 MHz toward Waterville, Maine. Station location: 3 miles east of Livermore Falls, Maine.

INTERNATIONAL FIXED PUBLIC PRESS SERVICE

446-C3-ML-71—Press Wireless, Inc. Modification of license to add frequency 20,795.4 KHz with 0.8A and 0.8F emission at its station located at Brentwood, N.Y.

[F.R. Doc. 70-10311; Filed, Aug. 7, 1970; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1238]

REGIS F. KRAMER ASSOCIATES

Order of Revocation

On July 27, 1970, Regis F. Kramer, President of Regis F. Kramer Associates surrendered its Independent Ocean Freight Forwarder License No. 1238 for cancellation effective August 4, 1970.

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:

It is ordered, That the Independent Ocean Freight Forwarder License No. 1238 of Regis F. Kramer Associates be and is hereby revoked effective August 4, 1970, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Regis F. Kramer Associates, Post Office Box 91202, Los Angeles, Calif. 90009.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 70-10375; Filed, Aug. 7, 1970; 8:49 a.m.]

AMERICAN MAIL LINE, LTD., AND ALASKA STEAMSHIP 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 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. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9710–1 between the above captioned lines would modify the basic transshipment agreement between the two to include Korea within the scope of the agreement.

Dated: August 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–10376; Filed, Aug. 7, 1970; 8:49 a.m.]

AMERICAN MAIL LINE, LTD., AND FOSS ALASKA LINE, INC.

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. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9872–1 between the above captioned lines would modify the basic transshipment agreement between the two to include Korea within the scope of the agreement.

Dated: August 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–10377; Filed, Aug. 7, 1970; 8:49 a.m.]

MARYLAND PORT AUTHORITY AND TERMINAL SHIPPING CO.

Notice of Agreement Filed

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

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

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

Notice of agreement filed for approval by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2, Pratt Street, Baltimore, Md. 21202.

Agreement No. T–2440 between the Maryland Port Authority and Terminal Shipping Co. (Company), is a 1 year lease of Pier 1, Clinton Street Marine Terminal, Baltimore, Md. The premises will be used solely as a waterfront cargo terminal and other uses as are incidental and related thereto. Certain areas within the Pier 1 area, including the electric gantry cranes located on the south apron, are excluded from the terms of the agreement. As rental, Company will pay all dockage and wharfage fees collected at the facility, subject to a $50,000 advance payment for each quarter. Dockage and wharfage will be assessed in accordance with the rates published in the Baltimore Marine Terminal Association Tariff.

Dated: August 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–10378; Filed, Aug. 7, 1970; 8:49 a.m.]

PENINSULAR & ORIENTAL STEAM NAVIGATION CO. ET AL.

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:

Stuart S. Dye, Esquire, Kirlin, Campbell and Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9883 establishes a cooperative working arrangement between Peninsular & Oriental Steam Navigation Co.; Furness, Withy & Co., Ltd.; Ocean Steam Ship Co., Ltd.; and British and Commonwealth Shipping Co., Ltd.; which would permit the parties to initiate a containership service in selected U.S. trades. In order to accomplish this objective the parties intend to develop the service through Overseas Containers Ltd., a corporation incorporated in London of which the parties to the instant agreement are stockholders, by (1) utilizing or employing such container vessels as they may agree, (2) undertaking the construction and procurement of containerships, containers, related equipment and other facilities necessary to the operation of Overseas Containers Ltd., and (3) coordinating the withdrawal of their conventional break-bulk vessels

from such trade or trades serviced by Overseas Containers Ltd.

Dated: August 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10379; Filed, Aug. 7, 1970; 8:49 a.m.]

UNITED PHILIPPINE LINES, INC., AND SEATRAIN LINES, INC.

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. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement No. 9884 between United Philippine Lines, Inc., and Seatrain Lines, Inc., provides for a through billing arrangement covering the transportation of cargo from Puerto Rico to Japan, Hong Kong, and the Republic of the Philippines with transshipment at New York, Baltimore, Norfolk, or Charleston in accordance with the terms and conditions of the agreement.

Dated: August 5, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-10380; Filed, Aug. 7, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-267]

ARKANSAS LOUISIANA GAS CO.

Order Granting Interventions Prescribing Procedure, and Setting Date for Prehearing Conference

AUGUST 3, 1970.

Arkansas Louisiana Gas Co. (Arkla) filed an application in Docket No. CP70-267 on May 4, 1970, pursuant to section 7(c) of the Natural Gas Act, for authorization to construct natural gas facilities during 1970-74, to operate natural gas facilities, and also to operate in interstate commerce portions of Arkla's existing Lawton, Ada, and McAlester intrastate systems which will be subject to this Commission's jurisdiction after connection to the proposed facilities, all as more fully set forth in the application and the notice of application issued May 11, 1970, and published in the FEDERAL REGISTER May 16, 1970 (35 F.R. 7673). That notice set June 2, 1970, as the date by which petitions to intervene or notices of intervention were to be filed.

A notice of intervention in support of the application was filed May 28, 1970, by the State Corporation Commission of the State of Kansas.

Petitions to intervene were timely filed by Natural Gas Pipeline Company of America (Natural) and Oklahoma Natural Gas Co. (Oklahoma Natural) on June 1, 1970, and by Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) and Panhandle Eastern Pipe Line Co. (Panhandle) on June 2, 1970. An untimely petition to intervene was filed June 22, 1970, by Transwestern Pipeline Co. (Transwestern).

Only Oklahoma Natural and Panhandle specifically ask that hearings be held in this docket. They and Natural, in its response filed June 25, 1970, to Arkla's answer to the petitions to intervene filed June 11, 1970, raise basic questions concerning the overall public convenience and necessity of Arkla's proposal: The adequacy of gas reserves, economic feasibility, the availability of better alternative supply sources for Arkla, and the existence of adequate markets. In addition, all petitioners raise a common observation—that Arkla's proposed facilities will be located in close proximity to their own supply systems and sources of gas in the Anadarko Basin where, as indicated by Panhandle, Natural, and Oklahoma Natural, new gas is difficult to obtain at this time.

Arkla opposes the petition of Oklahoma Natural (an intrastate pipeline but a jurisdictional producer) saying the intervention is based upon a self-serving desire to limit the competition for new gas and upon a parochial interest in providing gas for a limited Oklahoma market which is, Arkla argues, an interest not protected by the Natural Gas Act, citing Pennsylvania v. West Virginia, 262 U.S. 553, 597-598 (1923), and FPC v. Hope Natural Gas Co., 320 U.S. 591, 607-611 (1944). Also, Arkla generally objects to the other petitions on the grounds that "an interstate pipeline company has no recognizable interest in blocking entry of another pipeline company into a gas supply area", American Louisiana Pipe Line Company, 13 FPC 807 (1954) and Texas Illinois Natural Gas Pipeline Co., 21 FPC 397 (1959), and that the only interest petitioners allege is an anti competitive desire to exclude Arkla from the Anadarko Basin supply area.

We do not believe Arkla's objections are well taken. As noted above, three of the five petitioners, including Oklahoma Natural, have raised some traditional issues regarding the public convenience and necessity of the project. Further, Natural points out in its response, filed June 25, 1970, that in American Louisiana, supra, it was not clear that if the application then before the Commission were to be denied, that the existing pipelines would purchase the gas otherwise committed to the proposed project. Here, however, all petitioners note that the presence of Arkla in the Anadarko Basin might serve to restrict their ability to supply their existing customers with natural gas. Their interest in this proceeding does not appear to be merely the self-serving desire to limit the entry of competitors, an interest which could not alone result in a denial of the application and therefore an insufficient ground on which to permit intervention (see Texas Illinois, supra, at p. 398). But more fundamentally their interest pertains to the proper allocation of allegedly inadequate gas supplies, an issue of interest to each petitioner, none of whom are adequately represented by any other party to these proceedings.

Transwestern's petition is opposed by Arkla on the same grounds which it set forth in opposing the other interventions—that Transwestern has no recognizable interest. Arkla also states Transwestern did not comply with § 1.8 (c) of the Commission's rules by failing to raise any issues in its petition concerning Arkla's application. For the reasons noted above, particularly the fact that Transwestern's supply source is located in proximity to Arkla's proposed supply facilities in an area where gas supply is allegedly deficient, its intervention is justified to protect its own and its consumers' interests. Finally, it does not appear that Transwestern's intervention would interrupt or delay the proceedings, and it appears that good cause exists for permitting such late intervention.

The Commission finds:

(1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate

under the circumstances in the administration of the Natural Gas Act.

(2) Although Transwestern's petition to intervene was not timely filed, good cause exists for permitting such intervention.

(3) The expeditious disposition of this proceeding will be furthered by the submission of Arkla's case-in-chief on or before September 14, 1970.

(4) The expeditious disposition of this proceeding will be furthered by convening a prehearing conference in these proceedings on September 29, 1970.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the applicants shall serve copies of their filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(C) The case-in-chief of Arkla, including prepared testimony and exhibits, shall be filed upon all parties on or before September 14, 1970.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.d.t., on September 29, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426 for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicants, the Commission staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(E) 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 on a date to be fixed by the presiding examiner in accordance with paragraph (D) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the matters involved in and the issues presented by such application.

By the Commission.

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

[F.R. Doc. 70-10321; Filed, Aug. 7, 1970; 8:45 a.m.]

[Docket No. CS71-3, etc.]

J. H. McCAMMON ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JULY 30, 1970.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 21, 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

Docket No.	Date filed	Name of applicant
CS71-3	7-10-70	J. H. McCammon, Box 1321, San Angelo, Tex. 76901.
CS71-4	7-15-70	E. D. Anderson, Post Office Box 18446, Dallas, Tex. 75218
CS71-5	7-10-70	Robert T. Brown, Post Office Box 8022, Dallas, Tex. 75205.

[F.R. Doc. 70-10314; Filed, Aug. 7, 1970; 8:45 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. RP70-39]

SOUTH GEORGIA NATURAL GAS CO.

Order Permitting Tracking Purchased Gas Increase and Suspending Proposed Revised Tariff Sheets Pending Effectiveness of Supplier Rate Increase

JULY 30, 1970.

South Georgia Natural Gas Co. (South Georgia), on June 16, 1970, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] to become effective on August 1, 1970. South Georgia requests waiver of § 154.63(b)(3) of our regulations to permit the filing of the proposed tariff sheets.

The proposed changes in rates would result in an estimated increase in jurisdictional revenues of $278,517 annually, based on sales volumes for the 12-month period ended May 31, 1969, as adjusted. This is in addition to the increased jurisdictional revenues of $1,386,703 which is presently being collected, subject to refund, under Docket No. RP70-7 and Docket No. RP70-17. The subject rate increase tracks the rate increase filed by South Georgia's supplier, Southern Natural Gas Co., on June 16, 1970, in Docket No. RP70-38. Southern Natural requested an effective date of August 1, 1970, for its proposed rate increase.

South Georgia proposes an effective date of August 1, 1970, the requested effective date of Southern Natural's increase or such later date as the Commission may prescribe for Southern in Docket No. RP70-38.

South Georgia has not submitted statements L, M, and N pursuant to § 154.63(b)(3) relating to material to be submitted for a major rate increase, claiming that the proposed new rate increase was filed to compensate only for an increase in the cost of purchased gas and that there has been no material change in the company's facilities, sales volumes, and cost of service other than the cost of purchased gas since its filing on September 30, 1969, of increased rates in Docket No. RP70-7, which filing included all statements required by the Commission's regulations for a major rate increase.

Since the requested increase is a tracking of purchased gas costs from South Georgia's supplier, it is appropriate that the suspension period be coextensive with Southern Natural's in Docket No. RP70-38 which was suspended until January 1, 1971.

The Commission finds: Good cause exists for waiving § 154.63(b)(3) of the Commission's regulations to permit the filing of the proposed revised tariff sheets.

The Commission orders:

(A) Section 154.63(b)(3) of the Commission's regulations under the Natural Gas Act is hereby waived to permit the filing of the instant tariff sheets.

(B) The revised tariff sheets are hereby suspended and their use deferred

[1] 18th Revised Sheet No. 5; 17th Revised Sheet No. 6; Ninth Revised Sheet No. 9; Eighth Revised Sheet No. 11; 12th Revised Sheet No. 12B.

until January 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That South Georgia shall not make the increase proposed herein effective prior to the date that the increased rates proposed by Southern Natural in Docket No. RP70–38 are made effective.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–10316; Filed, Aug. 7, 1970; 8:45 a.m.]

[Docket No. RP70–38]

SOUTHERN NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

JULY 29, 1970.

Southern Natural Gas Co. (Southern) on June 16, 1970, filed proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1,[1] to become effective on August 1, 1970. The proposed rate changes would increase jurisdictional revenues by $16,293,437 annually, based on volumes for the 12-month period ended February 28, 1970, as adjusted. This increase is above the rate increase being collected by Southern subject to refund, if any, in Dockets Nos. RP70–5 and RP70–16. The proposed increase would be applicable to all of Southern's jurisdictional customers, and no changes are proposed in the form of the rate schedules or in the general terms and conditions.

Southern states the principal reasons for the proposed rate increase are: (1) The need for an increase in book depreciation at composite rates of 4½ percent on onshore facilities and 5 percent on offshore facilities; (2) increases in cost of financing which the company says give rise to the need for a 9-percent rate of return on transmission properties and a 12-percent rate of return on production properties; (3) increases in operation maintenance expenses due to, among other things, increases in salaries, wages, and other employee benefits; (4) increases in the cost of supplies, materials, and services for the pipeline; (5) increases in the cost of connecting additional gas supplies and (6) increases in State and local taxes.

Review of the rate filing indicates that the issues therein raised require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

At the prehearing conference hereinafter ordered, we contemplate that all parties will be fully prepared to discuss the stipulation of noncontroverted facts, the definition of issues to be tried, as well as any other substantive and procedural problems involved in this proceeding. The parties are expected to fully effectuate the intent of § 2.59 of the Commission's rules of practice and procedure. In the exercise of the authority delegated to him under § 1.27 of the rules, the Presiding Examiner, in the exercise of his discretion, may determine, which issues, if any, shall be heard in an initial phase of the hearing; and set dates for service of testimony and exhibits by staff and intervenors, the rebuttal evidence of the applicant and commencement of cross-examination, which will serve to proceed with such hearing as expeditiously as feasible.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that a hearing be held concerning the lawfulness of the rates and charges contained in Southern's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above suspended, and the use thereof be deferred as herein provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with a prehearing conference on August 20, 1970, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon Southern's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until January 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Presiding Examiner Dyer Justice Taylor or any other designated by the Chief Examiner for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purpose expressed in this order.

(D) At the hearing on August 20, 1970, Southern's prepared testimony (Statement P) filed and served July 1, 1970, together with its entire rate filing as submitted and served on June 16, 1970, be admitted to the record as Southern's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Southern's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–10315; Filed, Aug. 7, 1970; 8:45 a.m.]

[1] Proposed Revised Tariff Sheets: Sixth Revised Sheet No. 11J; Seventh Revised Sheets Nos. 8A, 8D, 11H, 15A, 15D, 26A, and 26D; Eighth Revised Sheet No. 30; 11th Revised Sheets Nos. 9, 16, 23, and 27.

[Docket No. CP70–275]

TENNESSEE GAS PIPELINE

Notice of Petition to Amend

JULY 31, 1970.

Take notice that on July 24, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP70–275 a petition to amend the order issued in said docket on June 22, 1970, by changing the nature of certain storage service, all as more fully set forth in the petition to amend in this proceeding which is on file with the Commission and open to public inspection.

By the aforementioned order of July 22, 1970, petitioner was authorized to render storage service on an interim basis to Orange and Rockland Utilities Inc., with such service being at 11,200 Mcf on a daily basis and 1,640,000 Mcf for the total winter season. The interim service was for 1 year.

Petitioner now seeks to render such storage service on a long term basis and to render an interim 1 year storage service to Iroquois Gas Corp. for the 1970–71 winter with a Daily Storage Quantity of 30,600 Mcf and a Winter Storage Quantity of 3,060,000 Mcf.

Petitioner states that the storage service proposed to each of these customers will be rendered under the terms and conditions of petitioner's presently effective Rate Schedule SS–E.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–10317; Filed, Aug. 7, 1970; 8:45 a.m.]

[Docket No. CP71-20]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 31, 1970.

Take notice that on July 27, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP71-20 an application pursuant to section 7(b) of the Natural Gas Act for permission to abandon by sale certain natural gas facilities used in the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization to abandon a 6-inch delivery line commencing at a point of its MLV 267-1 on its Main Line No. 200-1 in the town of Hopkinton, Middlesex County, Mass., and extending a total distance of 4.718 miles to a point in the town of Ashland, Middlesex County, Mass., at its Framingham Tie-Over Meter Station. Applicant proposes to abandon such facilities by sale to Worcester Gas Light Co. at a price equal to applicant's original book cost less the depreciation accrued thereon as of the closing date.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 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 permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10318; Filed, Aug. 7, 1970; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 90]

PORTION OF NAVAL AUXILIARY LAND FIELD, CHARLESTOWN, R.I.

Transfer of Property

Pursuant to section 2 of Public Law 537, 8t0h Congress, approved May 19, 1949 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Boston Regional Office, dated July 16, 1970, the property known as a portion of the Naval Auxiliary Land Field, Charlestown, R.I., consisting of 27.5 acres of unimproved land, and more particularly described in said letter, has been transferred to the Department of the Interior.

2. The above-described property was transferred for wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: August 4, 1970.

WILLIAM P. WOLF,
Acting Assistant Commissioner, Office of Real Property Disposal.

[F.R. Doc. 70-10356; Filed, Aug. 7, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 5, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42020—*Pulpwood from specified points in Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-174), for interested rail carriers. Rates on pulpwood, in carloads, as described in the application, from specified points in Oklahoma, to Shreveport, La., when destined to Zee, La.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 15 to Southwestern Freight Bureau, agent, tariff ICC 4899.

FSA No. 42021—*Class and commodity rates from and to Cove Lake, Tenn.* Filed by O. W. South, Jr., agent (No. A6188), for interested rail carriers. Rates on property moving on class and commodity rates, between Cove Lake, Tenn., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10363; Filed, Aug. 7, 1970; 8:48 a.m.]

[Notice 128]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 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 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 330 TA), filed July 27, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 5000, 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Connecticut, Delaware, Washington, D.C., Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York,

Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at plantsites and facilities of Wilson-Sinclair and destined to the above-specified States, for 180 days. Supporting shipper: A. N. Brent, Wilson-Sinclair Co., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 94350 (Sub-No. 272 TA), filed July 27, 1970. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell H. King (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements from AABCO Industries, located at Gaffney, S.C., to points east of the Mississippi River, for 180 days. Supporting shipper: AABCO Industries, Inc., Gaffney, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 94350 (Sub-No. 273 TA), filed July 27, 1970. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture from Lawrenceville, Va., to points east of the Mississippi River with return of said undercarriages, for 180 days. Supporting shipper: Diversified Structures, Inc., Lawrenceville, Va. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 107882 (Sub-No. 18 TA), filed July 28, 1970. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin;* (1) between Denver, Colo., on the one hand, and on the other, Richmond, Va.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; Fort Knox, Ky.; Nashville and Memphis, Tenn.; and (2) between Philadelphia, Pa.; West Point and New York, N.Y., on the one hand, and on the other, Richmond, Va.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; New Orleans, La.; Little Rock, Ark.; Oklahoma City, Okla., El Paso, Houston, San Antonio, and Dallas, Tex.; Fort Knox, Ky. and Nashville and Memphis, Tenn., for 150 days. Supporting shipper: General Services Administration, Transportation and Communications Service, Washington, D.C. 20405. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 116077 (Sub-No. 300 TA), filed July 27, 1970. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77023. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank type vehicles, from Caddo Parish, La., to points in Arkansas, Mississippi, and Texas, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Olin Corp., 120 Long Ridge Road, Stamford, Conn. 06904. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 126822 (Sub-No. 37 TA), filed July 27, 1970. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: 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: *Hides, skins, and pieces thereof*, from Napa and Santa Cruz, Calif.; Chicago and Waukegan, Ill.; Middlesboro, Ky.; Dover-Foxcroft, Maine; Red Wing, Minn.; Salem, Va.; Parsons, W. Va.; and Milwaukee, Wis., for 180 days. Supporting shipper: Colorado By-Products Co., 4400 Brighton Boulevard, Denver, Colo. 80216. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127539 (Sub-No. 15 TA), filed July 27, 1970. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11 Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from plantsite and Storage Facility of Kraft Foods at Portland, Oreg., to Aberdeen, Vancouver, Chehalis, Tacoma, Seattle, Everett, Walla Walla, Pasco, Bellevue, Yakima, and Spokane, Wash., for 150 days. Supporting shipper: Kraft Foods, 2660 Newhall Street, Post Office Box 3219, San Francisco, Calif. 94119. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133221 (Sub-No. 3 TA), filed July 17, 1970. Applicant: OVERLAND CO., INC., Route 1, Box 406A, Lawrenceville, Ga. 30245. Applicant's representative: Paul M. Daniel, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic products* (except in bulk), from the plantsite and warehouse facilities of The Dow Chemical Co. at Lawrence and Scioto Counties, Ohio, to points in Alabama, Delaware, Florida, Georgia, Illinois (except points in the Chicago commercial zone), Iowa, Louisiana, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New York (except points in the Buffalo, N.Y. commercial zone), North Carolina, Pennsylvania (except points on and west of U.S. Highway 219), South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia, for 150 days. Supporting shipper: The Dow Chemical Co., 2030 Dow Center, Midland, Mich. 48640. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133655 (Sub-No. 36 TA), filed July 27, 1970. Applicant: TRANS-NATIONAL TRUCK INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Harley E. Laughlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined, from Great Bend, Kans., to points in Massachusetts, New York, New Jersey, Pennsylvania, North Carolina, Florida, Connecticut, South Carolina, Virginia, and Georgia, for 150 days. Supporting shipper: J. M. Thies, President, Thies Packing Co., Inc., Post Office Box 49, Great Bend, Kans. 67530. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 133937 (Sub-No. 4 TA), filed July 27, 1970. Applicant: CAROLINA CARTAGE COMPANY, INC., Box 1075, 654 Keith Drive, Greenville, S.C. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between the Atlanta Municipal Airport and points in South Carolina (except Anderson, Greenville, Oconee, Pickens, and Spartanburg Counties), for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 134720 (Sub-No. 1 TA), filed July 27, 1970. Applicant: MAX L. FAIRCHILD, Box No. 65, Hamilton, Mont. 59840. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, Mont. 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and fresh fruits, and vegetables*, otherwise exempt under section 203(b)(6) of the Act, when moving with bananas, from Seattle, Wash.; San

Diego and Los Angeles, Calif., to the port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, Mont., for 180 days. Supporting shipper: Macdonalds Consolidated, Ltd.) 14040, 125 Avenue, Edmonton, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134789 TA, filed July 27, 1970. Applicant: WILBER C. SHAFFER AND TYRONE FROEMKE, a partnership, doing business as TAB TRANSPORTATION COMPANY, 1010 South Hooper Avenue, Los Angeles, Calif. 90021. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gratings or footwalks*—aluminum, fiberglass, or steel; *aluminum scaffolding, scaffolds, tressles, or sections; aluminum lineal shapes; stainless steel sink frames; tables*—knock-down, aluminum; *hardware* iron, steel or aluminum; *ladders*, aluminum, step or extension; ladders, plastic, step or extension; *plumbing—plumbers fittings*, steel or plated; *plastic articles* 2 to 4 pounds per cubic foot; *aluminum boats; floating dock*—aluminum, plastic or wood less than 5 pounds per cubic foot and more than 5 pounds per cubic foot; *houses or buildings* aluminum or steel; *wood with or without canvas* knocked down in panels, for 180 days. Supporting shipper: R. D. Werner Co., Inc., Box 580, Greenville, Pa. 16125. Send protests to: Philip Yalowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134791 (Sub-No. 1 TA), filed July 27, 1970. Applicant: WALKIE & SONS, LTD., 3330 East 54th Avenue, Denver, Colo. 80216. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and except meats in vehicles equipped with mechanical refrigeration); and *containers (packaging supplies)*, between points in Colorado on the one hand, and on the other hand points in California, New Mexico and Texas; under a continuing contract with Red Seal, Snack Foods Division, Pet, Inc., for 180 days. Supporting shipper: Red Seal, Snack Foods Division, Pet, Inc., Post Office Box 7125, Park Hill Station, Denver, Colo. 80207. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10364; Filed, Aug. 7, 1970; 8:48 a.m.]

[Notice 569]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 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-72271. By order of July 31, 1970, the Motor Carrier Board approved the transfer to Yellow Coach Lines, Inc., Bristol, Va., of the operating rights in certificate No. MC-108963 issued June 30, 1965, to Fuller Bus Line, Inc., Bristol, Va., authorizing the transportation of passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Bristol, Va.-Tenn., and Saltville, Va., serving all intermediate points; between Abingdon, Va., and Damascus, Va., serving all intermediate points; between junction U.S. Highway 11 and Virginia Highway 609 and Glade Spring, Va., serving all intermediate points, and between Cedarville, Va., and Meadowview, Va., serving all intermediate points. Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660; attorney for applicants.

No. MC-FC-72260. By order of August 3, 1970, the Motor Carrier Board approved the transfer to Clayton L. Pearson and Diane Pearson, doing business as Pearson Trucking Co., Wakonda, S. Dak., the certificate No. MC-24625 issued to M. L. Sorenson, doing business as M. L. Sorenson Trucking Co., Wakonda, S. Dak., authorizing the transportation of: Livestock, household goods, emigrant movables, agricultural commodities, farm implements, feed, and seed, between specified points in South Dakota and Iowa. Martin Weeks, attorney, National Bank of South Dakota Building, Vermillion, S. Dak. 57069.

No. MC-FC-72282. By order of July 29, 1970, the Motor Carrier Board approved the transfer to Owenton Express, Inc., Owenton, Ky., of a portion of the operating rights set forth in certificate No. MC-99859 (Sub-No. 3), issued August 23, 1966, in the name of Robert O'Nan, doing business as O'Nan Transportation Co., Carrollton, Ky., and acquired by transferor herein pursuant to No. MC-FC-72129, which was consummated June 23, 1970, authorizing the transportation of general commodities, with the usual exceptions, between specified points in Kentucky. Carl V. Hurst, Post Office Box E, Bowling Green, Ky. 42101, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10365; Filed, Aug. 7, 1970; 8:48 a.m.]

[Notice 568]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 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-71966. By order of July 30, 1970, the Motor Carrier Board approved the transfer to Orange Belt Stages, a corporation, Visalia, Calif., of the certificate and certificate of registration in Nos. MC-98713 (Sub-No. 3) and MC-98713 (Sub-No. 5) issued January 11, 1966, and May 25, 1964, respectively, to Thoburn S. Haworth, Ruth Healy Haworth, Bryan W. Haworth, and Margaret Haworth, a partnership, doing business as Orange Belt Stages, Visalia, Calif., authorizing the transportation of passengers and their baggage, and express, newspapers and mail in the same vehicle with passengers, between Famoso, Calif., and Paso Robles, Calif., serving all intermediate points, and between various points in California as specified in Decision No. 52614 dated February 7, 1956, as amended in Decision No. 58565 dated June 8, 1959, issued by the Public Utilities Commission of California. Craig McAtee, 601 California Street, San Francisco, Calif. 94108, attorney for applicants.

No. MC-FC-71980. By order of July 29, 1970, the Motor Carrier Board approved the transfer to Philip A. Tremblay, doing business as Robidoux Trucking Co., Post Office Box 485, Jaffrey, N.H. 03452, of the operating rights in certificate No. MC-42568 issued August 29, 1952, to Delphis P. Robidoux, doing business as Leon W. Priest, 74 Oak Street, Jaffrey, N.H. 03452, authorizing the transportation of shooks and lumber, from points in Jaffrey Township, N.H., to specified points in New York, Massachusetts, and Vermont; machinery and tacks, between points in Jaffrey Township, N.H., on the one hand, and, on the other, specified points in Massachusetts; household goods as defined by the Commission, between points in Jaffrey Township, N.H., on the one hand, and, on the other, points in Massachusetts and New

York, and livestock, between points in Jaffrey Township, N.H., on the one hand, and, on the other, points in Massachusetts and Vermont.

No. MC–FC–72246. By order of July 31, 1970, the Motor Carrier Board approved the transfer to Henry A. Butterworth, doing business as Butterworth & Sons, Fairfield, Conn., of the operating rights in certificate No. MC–124523 issued April 30, 1964, to AAA Air-Express, Inc., Milford, Conn., authorizing the transportation of general commodities, with exceptions, between Bridgeport, Hamden, Norwalk, and Waterbury, Conn., on the one hand, and, on the other, New York International (Kennedy) and La Guardia Airports, New York, N.Y., and Newark Airport, N.J. Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117, attorney for applicants.

No. MC–FC–72270. By order of July 29, 1970, the Motor Carrier Board approved the transfer to Super M Foods Delivery, Inc., Linden, N.J., of the operating rights in permits Nos. MC–7832, MC–7832 (Sub-No. 1), MC–7832 (Sub-No. 3), MC–7832 (Sub-No. 5), MC–7832 (Sub-No. 6), MC–7832 (Sub-No. 8), and MC–7832 (Sub-No. 9) issued June 28, 1962, April 17, 1963, May 14, 1963, May 5, 1966, May 10, 1966, November 14, 1968, and April 17, 1970, respectively, to Sam Lowenstein and Stanley Lowenstein, a partnership, doing business as Super M Foods Delivery, New York, N.Y., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from, to, and between specified points in New York, Connecticut, New Jersey, New Hampshire, Rhode Island, and Massachusetts. Mr. Bert Collins, 140 Cedar Street, New York, N.Y. 10006, practitioner for applicants.

No. MC–FC–72278. By order of July 29, 1970, the Motor Carrier Board approved the transfer to Direct Transport, Inc., Richmond, Va., of the operating rights in permit No. MC–29748 issued September 14, 1962, to Woodfin Brothers, Inc., Richmond, Va., authorizing the transportation of specified commodities from Richmond, Va., to points in Virginia, North Carolina, and South Carolina. W. R. Gambill, 536 Granite Avenue, Richmond, Va. 23226, attorney for applicants.

No. MC–FC–72281. By order of July 27, 1970, the Motor Carrier Board approved the transfer to R. J. Glass, Inc., Newry, Pa., of the operating rights in permit No. MC–134033, issued May 12, 1970, to John Tretinik, Jr., Brownsville, Pa., authorizing the transportation of: (1) magnetite, in bags, for the account of Mineral Mills, Inc., in Stowe Township, Allegheny County, Pa., to Widen, Winifrede, Morgantown, Grant Town, Dola, and Dawmont, W. Va., Ann Arbor, Jackson, and Ypsilanti, Mich., and St. Clairsville, Jacobsburg, East Springfield, Cleveland, and Gypsum, Ohio; and (2) magnetite, in bags, and in bulk, in tank vehicles, for the account of the same shipper, and from the same origin point above, to points in that part of West Virginia on and north of U.S. Highway 33, and that part of Ohio on and east of U.S. Highway 21, both (1) and (2) subject to restriction. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219, attorney for applicant.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–10300; Filed, Aug. 6, 1970; 8:49 a.m.]

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