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Title 3—THE PRESIDENT

Proclamation 4001

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1970

By the President of the United States of America

A Proclamation

Isolated from regular contact with society, many of our handicapped citizens lead lives of lonely frustration.

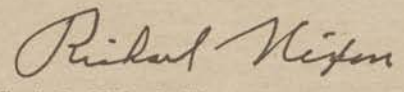
Working together, on both public and private levels, we can—and must—insure full lives for them. Together, we can topple the environmental barriers which prevent the handicapped from entering buildings or using public transportation; we can welcome back the returning disabled veterans to a life of hope; and we can bring all of our handicapped fellow citizens into the mainstream of American life.

The handicapped will not be the sole beneficiaries of this concerted effort. For the last quarter century our Nation has been enriched by using the substantial talents and energies of the disabled. For this reason, also, we must do more to reach those handicapped who have not been reached, and to offer new hope by providing increased opportunities for rehabilitation, training, and employment.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in accordance with the joint resolution of Congress approved August 11, 1945 (59 Stat. 530), designating the first full week of October of each year as National Employ the Physically Handicapped Week, do hereby call upon the people of our Nation to observe the week beginning October 4, 1970, for such purpose.

During that week I urge all the Governors of States, mayors of cities, and other public officials, as well as leaders of industry, educational and religious groups, labor, civic, veterans', agricultural, women's, scientific, professional, and fraternal organizations, and all other interested organizations and individuals, including the handicapped themselves, to participate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fifth.



[F.R. Doc. 70-12123; Filed, Sept. 9, 1970; 8:55 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 35]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

TOBACCO

Pursuant to authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respects:

1. Subsection 4(b) of the tobacco endorsement shown in § 401.141 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

(b) In lieu of the provisions of section 8(b) of the policy the following shall apply: "If at the completion of selling or otherwise disposing of the insured tobacco, a loss on a unit under the contract is probable, the insured shall give within 15 days written notice thereof to the Corporation at the office for the county but in no event shall such notice be given later than the final calendar date for the end of the insurance period: *Provided, however,* That for any unit of tobacco of type 11a, 11b, 12, 13, or 14 on which a loss is probable and the tobacco stalks are to be destroyed before such notice would otherwise be required under the contract, notice of loss shall be given the Corporation upon completion of harvest: *Provided, further,* That if any tobacco is destroyed or damaged by fire during the insurance period, such notice shall be given immediately."

2. Section 5 of the tobacco endorsement shown in § 401.141 of this chapter is amended effective beginning with the 1971 crop year by adding the following subsection (f) thereto:

(f) The tobacco stalks on any acreage of tobacco of types 11a, 11b, 12, 13, or 14 with respect to which a loss is claimed shall not be destroyed until the Corporation makes an inspection.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on August 25, 1970.

[SEAL] MORRIE S. HILL,
Acting Secretary, Federal Crop Insurance Corporation.

Approved: September 3, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-11953; Filed, Sept. 9, 1970; 8:47 a.m.]

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[S.D. 850.231]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms for 1971 Crop of Sugar Beets Not Required

The following determination is issued pursuant to section 302 of the Sugar Act of 1948, as amended.

§ 850.231 Proportionate shares for the 1971 crop of sugar beets not required.

It is determined for the 1971 crop of sugar beets that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1972, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in the Domestic Beet Sugar Producing Area for the 1971 crop.

(Sec. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Statement of bases and considerations. Section 302 of the Sugar Act, as amended, provides, in part that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

General. Sugar beet acreages were not restricted for the 1967, 1968, and 1969 crops. Plantings in 1969 totaled about 1,657,000 acres—about 10 percent greater than for the previous crop. Sugar production from the 1968 crop of 3.5 million short tons, raw value, exceeded marketings by about 400,000 tons. Production of 3.8 million tons from the 1969 crop as estimated in July 1969 at the time of the hearing on the 1970 crop suggested an inventory at the beginning of 1970 at a level much more than adequate to enable the area to meet its marketing quota and provide a normal inventory. For the 1970 crop of sugar beets, a national acreage requirement was established at 1,450,000 acres. That limit was increased to 1,550,000 acres in February 1970 to offset a part of the then apparent very low recovery of sugar from 1969 crop beets as a result of early and hard freezes during the harvest in some areas and low sucrose content in some other areas. Further sugar losses in 1969 crop beets and indications that plantings to the 1970 crop would be less than had been anticipated resulted in restrictions being removed altogether in April 1970.

The effective inventories (sugar on hand on January 1 plus that made after that date from the crop of the previous year's designation) of sugar on January 1, 1969, and January 1, 1970, were approximately 82.4 and 78.5 percent of the respective years' quotas. Legislative history suggests that an appropriate range for the effective inventory is between 82 and 90 percent of the quota.

Plantings to the 1970 crop of about 1,445,000 acres at average yields suggests that sugar production from that crop will be about 300,000 tons less than 1970 marketings and that the effective inventory as of January 1, 1971, will be reduced by that quantity.

Public hearing. At the public hearing held in Boise, Idaho, on July 29, 1970, views and recommendations were requested on the need for establishing proportionate shares for the 1971 crop. In the notice of hearing, persons recommending that proportionate shares be established were asked to include recommendations on the details of a program.

The representatives for the majority of sugar beet growers in the country recommended that proportionate shares not be established for the 1971 crop, but urged that acreage be restricted in later years if it becomes evident that production is once again at a level to adequately meet quota commitments and provide reasonable inventories, or whenever there is the possibility of excess plantings that could depress sugar beet prices. The spokesman for all of the beet sugar processors in the United States also recommended that acreage not be restricted. A producer from one growing area submitted a brief recommending permanent acreage controls as a means of protecting growers' production rights.

Determination. This determination provides that proportionate shares will not be established for farms in the Domestic Beet Sugar Producing Area for the 1971 crop of sugar beets.

The effective inventory of beet sugar on January 1, 1970, was about 2,825,000 tons. Estimated production from the unrestricted 1970 crop suggests that the inventory on January 1, 1971, will be about 300,000 tons less than a year earlier, and would represent about 70.3 percent of the

area's 1971 marketing opportunities if they are the same as this year's. That level would be well below the bottom of the range indicated as appropriate by the Congress when the Act was extended in 1965.

After a careful review of the record and the latest information available, it is determined that the production of sugar from the 1971 crop of sugar beets, in the absence of proportionate shares, will not be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: Date of publication.

Signed at Washington, D.C., on September 2, 1970.

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

[F.R. Doc. 70-11952; Filed, Sept. 9, 1970; 8:46 a.m.]

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

[Orange Reg. 22]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

On August 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13453) that consideration was being given to the following proposal, as hereinafter set forth, which would limit the handling of oranges by establishing grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This 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 proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found and determined that § 906.346 *Orange Regulation 22*, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date of September 14, 1970, was published in the FEDERAL REGISTER on August 22, 1970 (35 F.R. 13453), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 11, 1970, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges; (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (6) shipments of the current crop of such oranges are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such oranges in order to effectuate the declared policy of the act.

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of oranges from the production area are expected to begin on or about September 14, 1970. The grade and size requirements provided herein are necessary to prevent the handling on and after September 14, 1970, of any oranges of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, such oranges must be inspected and certified not more than 48 hours prior to shipment.

§ 906.346 Orange Regulation 22.

(a) Order:

(1) During the period September 14, 1970, through October 15, 1971, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or U.S. No. 2;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2$^{6}/_{16}$ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirement which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

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

Dated: September 4, 1970.

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

[F.R. Doc. 70-12004; Filed, Sept. 9, 1970; 8:51 a.m.]

[Grapefruit Reg. 22]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

On August 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13453) that consideration was being given to the following proposal, as hereinafter set forth, which would limit the handling of grapefruit by establishing grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in Lower Rio Grande Valley in Texas. This 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 proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found and determined that § 906.347 *Grapefruit Regulation 22*, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend

to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date of September 14, 1970, was published in the FEDERAL REGISTER on August 22, 1970 (35 F.R. 13453), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 11, 1970, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; (5) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (6) shipments of the current crop of such grapefruit are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such grapefruit in order to effectuate the declared policy of the act.

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about September 14, 1970. The grade and size requirement provided herein are necessary to prevent the handling on and after September 14, 1970, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, grapefruit must be inspected and certified not more than 48 hours prior to shipment.

§ 906.347 Grapefruit Regulation 22.

(a) Order:

(1) During the period September 14, 1970, through October 15, 1971, no handler shall handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title).

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

Dated: September 4, 1970.

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

[F.R. Doc. 70–12005; Filed, Sept. 9, 1970; 8:51 a.m.]

[Valencia Orange Reg. 330]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.630 Valencia Orange Regulation 330.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 8, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 11, 1970, through September 17, 1970, are hereby fixed as follows:

(i) District 1: 322,000 cartons;

(ii) District 2: 378,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: September 9, 1970.

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

[F.R. Doc. 70–12129; Filed, Sept. 9, 1970; 11:15 a.m.]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Subpart—Rules and Regulations

REPORTING SHIPMENTS OUTSIDE THE REGULATION AREA

Notice was published in the FEDERAL REGISTER issue of August 20, 1970 (35 F.R. 13292), that the Department was giving consideration to a proposed amendment of the rules and regulations (§ 913.150 of this part), hereinafter designated as Subpart—Rules and Regulations, currently in effect pursuant to the applicable provisions of the marketing agreement,

as amended, and Order No. 913, as amended (7 CFR 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Amendment was proposed by the Interior Grapefruit Marketing Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act and contribute to more effective operations under said marketing agreement and order. Therefore, said rules and regulations are hereby (1) designated as Subpart—Rules and Regulations, and (2) amended by adding a new § 913.151 to read as follows:

§ 913.151 Reporting shipments outside the regulation area.

Prior to shipment of each lot of grapefruit, the handler shall provide the Interior Grapefruit Marketing Committee, or its designated agent, a copy of the shipping manifest applicable to such lot. Such manifest shall indicate whether such fruit is to be transported to a point or points outside the regulation area or within the regulation area, and shall be certified by the handler to the committee as to the correctness of such information shown thereon.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) seasonal handling of Florida Interior District grapefruit will begin on or about September 14, 1970, and to be of maximum benefit the provisions of this amendment should become effective on that date to contribute to more effective operations under the marketing agreement and order, (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, and (3) this amendment was recommended by members of the Interior Grapefruit Marketing Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views.

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

Dated, September 4, 1970, to become effective September 14, 1970.

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

[F.R. Doc. 70–12003; Filed, Sept. 9, 1970; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

PART 121—FOOD ADDITIVES

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

2-("P-TERT"-BUTYLPHENOXY) CYCLOHEXYL 2-PROPYNYL SULFITE

1. A petition (PP 0F0910) was filed with the Food and Drug Administration by the Uniroyal Chemical Division, Uniroyal Inc., Bethany, Conn. 06525, proposing establishment of tolerances for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodities hops at 15 parts per million, apricots and strawberries at 7 parts per million, and nectarines at 4 parts per million.

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

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.259 is revised to read as follows to establish the new tolerances:

§ 120.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

Tolerances are established for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on raw agricultural commodities as follows:

15 parts per million in or on hops.

7 parts per million in or on apricots, peaches, and strawberries.

4 parts per million in or on nectarines.

3 parts per million in or on apples, pears, and plums (fresh prunes).

0.1 part per million (negligible residue) in or on walnuts.

2. A related food additive petition (FAP 0H2482) was filed with the Food and Drug Administration by the same petitioner proposing establishment of a food additive tolerance of 30 parts per million for residues of the subject insecticide in dried hops resulting from application of the insecticide to the growing raw agricultural commodity hops.

Having evaluated the data in the petition (FAP 0H2482) and other relevant material, the Commissioner concludes that such a tolerance should be established. Therefore, pursuant to provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated as cited above, Part 121, Subpart C, is amended by adding a new section as follows:

§ 121.333 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfide.

A tolerance of 30 parts per million is established for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on dried hops resulting from application of the insecticide to the raw agricultural commodity hops.

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.

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: August 31, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11970; Filed, Sept. 9, 1970; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

Sterility re Diluents and Droppers

In the FEDERAL REGISTER of August 13, 1969 (34 F.R. 13109), a notice was published proposing that the antibiotic drug regulations be amended to establish sterility as a certification requirement for all diluents and droppers packaged in combination with sterile antibiotic drugs.

Having considered the comments received in response to the proposal and

other relevant material, the Commissioner of Food and Drugs concludes that the proposal should be adopted as set forth below.

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

1. By adding two new paragraphs to § 141.1, as follows:

§ 141.1 Definitions and interpretations applicable to Part 141.

* * * * *

(c) *Sterility tests; diluents packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with an immediate container of a diluent, the immediate container of diluent shall be sterile when tested by the method prescribed in § 141.2(e)(1).

(d) *Sterility tests; droppers packaged in combination with sterile antibiotic drugs.* If a sterile antibiotic drug is packaged in combination with a dropper, such dropper shall be sterile when tested by the method prescribed in § 141.2(e)(1).

2. By revising § 141.2(e)(1) to read as follows:

§ 141.2 Sterility test methods and procedures.

* * * * *

(e) *Conduct of test*—(1) *Bacterial membrane filter method*—(i) *Sample preparation*—(a) *Antibiotic drug.* From each of 20 immediate containers, eseptically transfer approximately 300 milligrams of solids if it is not a liquid drug, or 1 milliliter by volume if it is a liquid drug, or the entire contents if the container contains less than these amounts; except that if it is a liquid drug containing penicillin in a concentration greater than 300,000 units per milliliter, use the volume that contains 300,000 units, into a sterile 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. (If it is a composite sample packaged in one immediate container in accordance with the requirements of § 141.1(b), transfer the entire contents, or approximately 6 grams, into the Erlenmeyer flask.) Stopper the flask and swirl to dissolve the drug. As soon as the sample has completely dissolved, proceed as directed in subdivision (ii) of this subparagraph. If the pooled portions from 20 containers will not dissolve completely in 200 milliliters of diluting fluid or will not filter rapidly, 400 milliliters of diluting fluid may be used or two separate tests may be performed using a pool of 10 containers for each test.

(b) *Diluent packaged in combination with a sterile drug.* Using the entire contents from each of 20 immediate containers, proceed as directed in subdivision (ii) of this subparagraph.

(c) *Sterile droppers packaged in combination with a sterile drug.* Prepare 20 clean, empty containers of approximately the same size as those in which the sterile antibiotic drug is packaged. To each container add diluting fluid A in a volume approximately the same as that of the sterile drug when it is prepared for dispensing. Cap the containers, sterilize by autoclaving at 121° C. for 20 minutes, and then allow to cool to room temperature. Aseptically open each dropper package and remove each dropper in turn. Use each aseptically to remove 1 milliliter of the fluid from a separate sterile container prepared as described above. Aseptically transfer the fluid to a 500-milliliter Erlenmeyer flask containing approximately 200 milliliters of diluting fluid A. Stopper the flask and proceed as directed in subdivision (ii) of this subparagraph.

(ii) *Test procedure.* Aseptically filter the solution through a bacteriological membrane filter. All air entering the filtering system is filtered through air filters capable of removing micro-organisms. Filter three 100-milliliter quantities of diluting fluid A through the membrane. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38 millimeter by 200 millimeter (outside dimension) test tube containing 90± 10 milliliters of sterile medium A. Incubate the tube for 7 days at 30° C.–32° C. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube containing 90± 10 milliliters of medium E. Incubate the second tube for 7 days at 22° C.–25° C.

* * * * *

3. By adding to § 146.2(c), new subparagraphs (8)(iv) and (11), as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

* * * * *

(c) * * *

(8) * * *

(iv) In the case of a sterile drug packaged in combination with containers of a sterile diluent, the sample shall be collected by taking 20 immediate containers of the diluent collected at regular intervals throughout each filling operation, except that if the diluent is sterilized after filling into containers, the representative sample shall consist of 20 immediate containers collected from each sterilizer load and each container shall be taken from a different part of each such sterilizer load. In the case of sterile drugs packaged in combination with sterile droppers, the sample shall be collected by taking 20 droppers from each sterilizer load and each dropper shall be taken from a different part of such sterilizer load.

* * * * *

(11) If such batch or any part thereof is to be packaged with a sterile diluent or sterile dropper, such request shall also be accompanied by a statement that such diluent or dropper is sterile and conforms to the requirements prescribed therefor by specific regulations.

* * * * *

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11971; Filed, Sept. 9, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-WE-32-AD; Amdt. 39-1077]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

There have been reported bonding failures between the overwing escape hatch cover and hatch handle release system that could result, during a crash and panic situation, in the loss of an overwing exit means. Since this condition is likely to develop in other Model 737 airplanes having a one-piece bonded cover and handle, an airworthiness directive is being issued to require modification of the escape hatch cover and handle.

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 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), § 89.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 737 series airplanes listed in Boeing Alert Service Bulletin 52-1034, dated July 24, 1970, or later FAA-approved revision.

Compliance required within the next 400 hours time in service after the effective date of this AD unless already accomplished.

To prevent the separation of the overwing emergency hatch handle cover from the hatch handle assembly causing confusion and possible blockage during an emergency egress, rework the hatch handle cover in accordance with Boeing Service Bulletin 52-1034, dated July 24, 1970, or later FAA-approved revision, or an equivalent rework procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective September 10, 1970.

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

Issued in Los Angeles, Calif., on August 28, 1970.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 70-11939; Filed, Sept. 9, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Allowance of Interest

Part 1499 is amended by adding at the end thereof a new § 1499.1–42 to read as follows:

§ 1499.1–42 Renegotiation Ruling No. 42: Interest expense (interprets act section 103(f); § 1459.6(b)(2) of this chapter).

(a) This ruling relates to the allowance of interest claimed as a cost by a contractor who reports both interest expense and interest income.

(b) Interest received or accrued on investments is not renegotiable. On the subject of interest paid or payable on borrowed funds, § 1459.6(b)(2) of this chapter provides as follows:

* * * if a contractor has an amount of unrestricted current funds, or marketable securities obviously in excess of the reasonable working capital needs of its business, or if there is a significant amount of assets not directly related to those operations of the contractor which result in renegotiable business, consideration will be given to these circumstances in the allocation of interest expense to renegotiable business.

(c) The fact that funds are available for investment is evidence of capital in excess of current working needs. When excess capital is used to acquire an asset on which interest is earned, instead of being used to reduce or eliminate interest-bearing debt, the interest earned is the equivalent of a return of interest paid or incurred on such debt. Considered in this manner, it offsets to a corresponding extent the amount so paid or incurred. The interest allowable as a cost in renegotiation is arrived at, therefore, by deducting interest income from interest expense and then allocating the balance in accordance with the method of allocation deemed appropriate in the particular case. It has been the consistent practice in renegotiation to "net" interest income and expense in this manner.

(d) The above rule is not affected by the fact that when the provisions of a debt instrument do not permit prepayment, free funds cannot be used to reduce the debt and thus reduce the interest payable thereon. However, the fact that such funds are available for investment indicates an excess of capital within the scope of § 1459.6(b)(2) of this chapter and supports the application of the netting procedure described above.

(e) Related to the foregoing is the matter of interest on borrowings made for purposes extraneous to the normal operating activities of the contractor. If, for example, a contractor borrows money in order to finance the purchase of an unrelated investment, interest on such borrowing is not allocable to renegotiable business and should be charged directly to nonrenegotiable business.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: September 4, 1970.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 70-11994; Filed, Sept. 9, 1970; 8:50 a.m.]

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Consolidated Renegotiation

Part 1499 is amended by adding at the end thereof of new § 1499.1–43 to read as follows:

§ 1499.1–43 Renegotiation Ruling No. 43: Consolidated renegotiation; related group; meaning of direct or indirect ownership requirement (interprets act section 105(a); § 1464.4(c) of this chapter).

(a) Section 1464.4(c) of this chapter prescribes the requirements for consolidated renegotiation of a related group. Paragraph (c) provides as follows:

(c) Stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of each corporate member of the group (except the common parent, if any), and the right to at least 80 percent of the profits of each unincorporated member of the group (except the common parent, if any), are owned directly or indirectly by one or more of the other members of the group, or by the same person or persons other than a member or members of the group.

(b) The above-quoted provision connotes a chain of stock ownership or profit entitlement, or a combination thereof, in which the requisite interest in each member of the group is held, directly or indirectly, by another member or members of the group or by the same outside person or persons.

(c) To illustrate: A, a sole proprietor doing business as A Company, is entitled to 85 percent of the profits of AB Company, a partnership composed of A and B. A also owns 80 percent of the voting power of all classes of stock and 80 percent of each class of the nonvoting stock of C Corporation; and C Corporation owns 80 percent of the comparable classes of stock of D Corporation. All except C Corporation are engaged in renegotiable business. A Company, AB Company and D Corporation request consolidation. A's interest in A Company and AB Company is direct, and his interest in D Corporation is indirect. On these facts, if all other requirements of § 1464.4 of this chapter are satisfied, A Company and AB Company may be granted consolidated renegotiation as a related group. D Corporation does not qualify for membership in the group because A owns indirectly only 64 percent of the stock of D Corporation.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: September 4, 1970.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 70-11995; Filed, Sept. 9, 1970; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-75a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Passaic River, N.J.

1. The New Jersey Department of Transportation requested the Commander Third Coast Guard District to issue special operation regulations for its bridge across the Passaic River at Route 3, Rutherford, N.J. A public notice dated May 7, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Third Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of June 2, 1970 (35 F.R. 8500).

2. Interested persons were afforded an opportunity to participate in this rule making procedure through the submission of comments. One comment was received but was too general in nature to offer a constructive viewpoint. After consideration of all known factors in this case, the proposal is accepted. Accordingly 33 CFR 117.225(f)(2–b) is added to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(2–b) Passaic River, Highway Route 3 bridge at Rutherford. At least 6 hours' advance notice required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: August 31, 1970.

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

[F.R. Doc. 70-11996; Filed, Sept. 9, 1970; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 126—SECOND-CLASS BULK MAILINGS

Dispatching Second-Class Mail Matter in Bundles Outside of Sacks

Section 126.3(b)(6) of title 39, United States Code, authorizes the development of a program whereby publishers of newspapers or periodicals may prepare banded bundles of such matter, or use pallets, or place copies in various kinds of containers, in lieu of making up such publications for shipment in mail sacks. With a view to implementing this authorization, the Department published a notice of proposed rule making under date of July 23, 1970 (35 F.R. 11799), setting forth proposed basic requirements and procedures relating to such alternate shipping arrangements.

Interested persons were given 30 days within which to submit comments on the proposals. No adverse comments were received. The Department has determined to adopt the proposed regulations except that the regulations will be codified in the Code of Federal Regulations as new § 126.13 of Title 39, set out below.

Since it would be contrary to the public interest to delay implementation of the new program, these regulations are effective upon publication in the FEDERAL REGISTER.

In Part 126 new § 126.13 is added, reading as follows:

§ 126.13 Dispatching second-class matter in bundles outside of mail sacks.

(a) *Bundling restrictions.* To promote efficient processing of bundled mail through post office facilities, publishers will be required to observe the following procedures if they wish to bundle their publications:

(1) Mailers will be required to presort publications for post offices, stations and branches, using 3- and 5-digit ZIP Code separations as required by existing regulations on the makeup of second-class mail.

(2) Bundles may be developed on the same basis as sacks, and individual separations within a bundle must be appropriately wrapped or tied to maintain the identity of the separation.

(3) The weight of the bundle should not exceed 40 pounds and the minimum number of copies in a bundle should be no less than it takes to fill one third of a sack. Lesser quantities are to be included in residue sacks using ZIP Code or States separations.

(4) All bundles must be appropriately labeled on top to show destination and contents as is currently done with sacks. Similarly each separation within a bundle must be identified.

(5) Bundles must be securely bound to withstand handling without breakage or damage in transit, and in such a manner as to prevent injury to postal personnel or damage to mechanized sorting systems. If wire is used, it must have rounded edges and flat ends. Binding material is to be applied once around the girth and once around the length.

(b) *Initiating request.* Publishers who wish to dispatch their mailings in bundles outside of mail sacks must submit application to the postmaster at the office where it is to be entered. The following information must be furnished with the application:

(1) Name of publication and frequency of mailing.

(2) Identity of post offices to which direct or combination load shipments will be made (additional entry or exceptional dispatch offices).

(3) Approximate quantity of publications and number of bundles.

(4) Whether the mailer proposes to use pallets in the shipments.

(5) Mode of transportation to be used.

Postmasters will forward applications to their Regional Directors for review and approval.

(c) *Authorization.* Subsequent to the review of the operational feasibility of accepting mailings in bundles outside of mail sacks the postmaster, at the office where it is to be entered, will be informed by the Regional Director whether an application has been approved or disapproved. Notice of the decision will be sent to the publisher by the postmaster with any special instructions or comments deemed necessary.

(5 U.S.C. 301, 39 U.S.C. 501, 4351–4370)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-11993; Filed, Sept. 9, 1970; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9–5.53 — Procurement of General Purpose Automatic Data Processing Equipment and Related Items

AUTOMATIC DATA PROCESSING FUND

The purpose of this amendment to AECPR 9–5.53 is to implement the recent addition of § 101–32.403–4, *Automatic Data Processing Fund*, to FPMR 101–32.4.

The following section is added to Subpart 9–5.53:

§ 9–5.5304 Automatic Data Processing Fund.

(a) The provisions of AECPR 9–5.55, Purchase or Lease Determinations, shall be complied with prior to the submission of an inquiry to GSA concerning the possible use of the Automatic Data Processing Fund.

(b) The Office of the Controller will make the determination, referred to in FPMR 101–32.403–4(a), that funds are not readily available within the agency, e.g., when there is insufficient time to secure the necessary funds under normal budgetary procedures or to reprogram for the required funds.

(c) The Division of Contracts, after consultation with the Office of the Controller an other appropriate Headquarters offices as may be necessary, shall submit an inquiry to GSA for its determination in accordance with the provisions of FPMR 101–32.403–4 after (1) the procuring office has complied with the provisions of AECPR 9–5.55, and the cognizant Headquarters program division approves the need for the equipment but determines that it cannot provide the necessary funds; and (2) the Office of the Controller has determined that the procuring office has complied with the internal AEC management directives dealing with data processing equipment matters in the areas of the Controller's responsibilities and that funds are not available within the AEC.

(d) In those cases where GSA makes the determination that the ADP Fund will be used, the Division of Contracts, after consultation with the Office of the Controller and other appropriate Headquarters offices as may be considered necessary, will negotiate the necessary arrangements with GSA concerning such matters as the reimbursement of the Fund and the lease of the equipment from GSA.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendement is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 2d day of September 1970.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 70-11924; Filed, Sept. 9, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

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

Treaties and Other International Agreements

Order. 1. The Commission has before it the desirability of making certain editorial changes in Part 2 of its rules and regulations.

2. Authority for the amendments is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §0.261(a) of the Commission's rules. Because the amendments are editorial in nature, the prior

notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

3. *It is ordered,* Effective September 10, 1970, that Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: September 1, 1970.

Released: September 2, 1970.

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

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to September 1, 1970. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603 paragraphs (a) and (b) are amended to read as follows:

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party (other than reciprocal operating agreements for radio amateurs) are listed below:

Date	Citations	Subject
1925	IV Trenwith 4248, 4250 and 4251. TS 7424-A.	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of these Countries with Radio Broadcasting. Effected by exchange of notes Sept. and Oct., 1925. Entered into force Oct. 1, 1925.
1928 and 1929	102 LNTS 143. TS 767-A.	US-Canada Arrangement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. Continued by the arrangement contained in EAS 62.
1929	IV Trenwith 4787. HS 777-A.	US-Canada (including Newfoundland) Arrangement relating to Assignment of High Frequencies on the North American Continent. Effected by exchange of notes at Ottawa Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Originally, Cuba was also a party to this arrangement, but by virtue of notice to the Canadian Government, it ceased to be a party effective Oct. 5, 1933.)
1934	49 Stat. 3555. EAS 66.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Lima Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	48 Stat. 1876. EAS 62.	US-Canada Arrangement relative to Radio Communications between Private Experimental Stations and between Amateur Stations. Continues the arrangement contained in TS 767-A. Effected by exchange of notes at Ottawa Apr. 23, and May 2 and 4, 1934. Entered into force May 4, 1934.
1934	49 Stat. 3667. EAS 72.	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	53 Stat. 1576. TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938, for Parts I, III and IV; Apr. 17, 1939, for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 20, 1958 (TIAS 4079).
1938	54 Stat. 1675. TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.
1939	53 Stat. 2157. EAS 143.	US-Canada Arrangement governing the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.
1946	60 Stat. 1696. TIAS 1527.	US-USSR Agreement on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.
1947	61 Stat. (4) 3800. TIAS 1726.	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mc/s. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947	61 Stat. (4) 3416. TIAS 1676.	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947. Supplemented by the agreements contained in TIAS 5961 and TIAS 6750 signed Feb. 9, 1966, and Aug. 28, 1969, respectively.
1947	61 Stat. (3) 3131. TIAS 1652.	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 13, 1947. Entered into force Oct. 13, 1947.
1948	9 UST 621. TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958. Modified by the amendments contained in TIAS 6285 and in TIAS 6490 adopted by the IMCO Assembly Sept. 15, 1964, and Sept. 28, 1965, respectively.
1949	3 UST (3) 3064. TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1949	3 UST (2) 2686. TIAS 2435.	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. Amended by the agreement contained in TIAS 2705 which was signed Oct. 1, 1952.
1950	3 UST (2) 2672. TIAS 2433.	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1950 and 1951	2 UST (1) 683. TIAS 2223.	US-Liberia Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Monrovia Nov. 9, 1950, and Jan. 8, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1950	11 UST 413. TIAS 4460.	North American Regional Broadcasting Agreement (NARBA). Signed at Washington Nov. 15, 1950. Entered into force Apr. 19, 1960. Effective between United States, Canada, Cuba, Dominican Republic, and the United Kingdom of Great Britain and Northern Ireland for the Bahama Islands. Ratification on behalf of Jamaica pending.
1951	3 UST (3) 3787. TIAS 2508.	US-Canada Convention relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951 and 1952	3 UST (3) 3892. TIAS 2520.	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1951	3 UST (2) 2860. TIAS 2459.	US-Cuba Agreement concerning the Control of Electromagnetic Radiation. Effected by exchange of notes at Havana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1952	3 UST (4) 4926. TIAS 2666.	US-Canada Agreement for the Promotion of Safety on the Great Lakes by Means of Radio. The agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (3) 4443. TIAS 2594.	US-Canada Agreement relating to the Assignment of Television Frequency Channels along United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 23 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 5140. TIAS 2705.	London Revision (1952) of the London Telecommunications Agreement (1949) between the United States and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed Aug. 12, 1949.
1953	5 UST (3) 2840. TIAS 3138.	US-Canada Understanding relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes at Washington Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179. TIAS 3617.	US-Panama Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Panama July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839. TIAS 3665.	US-Costa Rica Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington Aug. 13 and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159. TIAS 3694.	US-Nicaragua Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Managua Oct. 8 and 16, 1956. Entered into force Oct. 16, 1956.
1957	12 UST 734. TIAS 4777.	US-Mexico Agreement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force June 9, 1961. Amended by the protocol contained in TIAS 6210 signed Apr. 13, 1966.

Date	Citations	Subject
1957	9 UST 1037 TIAS 4079.	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-938). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of Notifications of Radio Broadcasting Frequencies between the Pan American Union, the United States and Other Powers was signed at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.
1958	9 UST 1091 TIAS 4089.	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 16, 1958. Entered into force July 16, 1958.
1958	10 UST 2423 TIAS 4390.	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention. Signed at Geneva Nov. 29, 1958, Entered into force Jan. 1, 1960.
1959	10 UST 1449 TIAS 4295.	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 31, 1959. Entered into force Aug. 30, 1959.
1959 and 1960	11 UST 257 TIAS 4442.	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1959, and Feb. 17, 1960, and related note of Feb. 19, 1960. Entered into force Mar. 17, 1960.
1959	10 UST 3019 TIAS 4394.	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1959. Entered into force Dec. 12, 1959.
1959	12 UST 2377 TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 23, 1961. Revised by the Partial Revisions of the Radio Regulations, Geneva 1959, contained in TIAS 5603, TIAS 6332, and TIAS 6590 signed Nov. 8, 1963, Apr. 29, 1966, and Nov. 3, 1967, respectively.
1960	11 UST 1 TIAS 4399.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	16 UST 185 TIAS 5780.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force May 26, 1965. Corrections to certain annexes contained in TIAS 6284 signed Feb. 15, 1966.
1960	11 UST 2229 TIAS 4596.	US-Paraguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31, and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	17 UST 1574 TIAS 6115.	US-Uruguay Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Montevideo Sept. 12, 1961. Entered into force Sept. 26, 1966.
1961	12 UST 1695 TIAS 4888.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 23, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 411 TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 5, 1962. Entered into force May 5, 1962.
1962	13 UST 997 TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 2418 TIAS 5250.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962. The technical annex to this agreement was revised by the agreement contained in TIAS 5833 signed June 16 and 24, 1965.
1963	14 UST 817 TIAS 5360.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	15 UST 887 TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC to Allocate Frequency Bands for Space Radiocommunication Purposes. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754 TIAS 5483.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	15 UST 1705 TIAS 5646.	US-Other Governments Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964. Additionally, a Supplementary Agreement on Arbitration was done at Washington June 4, 1965. Entered into force Nov. 21, 1966.
1964	18 UST 1299 TIAS 6285.	Amendments to Articles 17 and 18 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at London Sept. 15, 1964. Entered into force Oct. 6, 1967.
1965	16 UST 821 TIAS 5816.	US-Brazil Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington June 1, 1965. Entered into force June 1, 1965.
1965	16 UST 923 TIAS 5833.	US-Canada Agreement regarding Coordination and Use of Radio Frequencies above 30 Mc/s Revising the Technical Annex to the Agreement of Oct. 24, 1962 (TIAS 5205). Effected by exchange of notes at Ottawa June 16 and 24, 1965. Entered into force June 24, 1965.
1965	16 UST 883 TIAS 5827.	US-Israel Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington July 7, 1965. Entered into force Aug. 6, 1965.
1965	19 UST 4855 TIAS 6490.	Amendment to Article 28 of the IMCO Convention (TIAS 4044). Adopted by the IMCO Assembly at Paris Sept. 28, 1965. Entered into force Nov. 3, 1968.
1965	18 UST 575 TIAS 6267.	International Telecommunication Convention. Signed at Montreux Nov. 12, 1965. Entered into force with respect to the United States May 29, 1967.
1966	17 UST 74 TIAS 5961.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947 (TIAS 1676). Signed at New York Feb. 9, 1966. Entered into force Feb. 9, 1966. Amended by the agreement contained in TIAS 6176 signed Dec. 8, 1966.
1966	18 UST 1289 TIAS 6284.	Process-Verbal of Rectification to Certain Annexes to the International Convention for the Safety of Life at Sea of June 17, 1960 (TIAS 5780). Done at London Feb. 15, 1966.
1966	18 UST 141 TIAS 6210.	US-Mexico Protocol regarding Radio Broadcasting in the Standard Broadcast Band Amending the Agreement of Jan. 29, 1957 (TIAS 4777). Signed at Mexico Apr. 13, 1966. Entered into force Jan. 12, 1967.
1966	18 UST 2091 TIAS 6332.	Partial Revision of the Radio Regulations, Geneva, 1959, Final Acts of the EARC for the Preparation of a Revised Allotment Plan for the Aeronautical Mobile (R) Service. Signed at Geneva Apr. 29, 1966. Entered into force for the United States Aug. 23, 1967, except for the frequency allotment plan contained in Appendix 27 which entered into force Apr. 10, 1970.
1966	17 UST 2319 TIAS 6176.	US-UN Agreement regarding Headquarters of the United Nations Amending the Supplemental Agreement of Feb. 9, 1966 (TIAS 5961). Effected by exchange of notes at New York Dec. 8, 1966. Entered into force Dec. 8, 1966.
1967	18 UST 365 TIAS 6244.	US-Argentina Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Buenos Aires Mar. 31, 1967. Entered into force Apr. 30, 1967.
1967	18 UST 1201 TIAS 6268.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations. Effected by exchange of notes at Ottawa Mar. 31 and June 12, 1967. Entered into force June 12, 1967. Amended by the agreement contained in TIAS 6626 signed Apr. 18, 1968, and Jan. 31, 1969.
1967	19 UST 6717 TIAS 6590.	Partial Revision of the Radio Regulations, 1959, Final Acts of the WARC to Deal with Matters relating to the Maritime Mobile Service. Signed at Geneva Nov. 3, 1967. Entered into force Apr. 1, 1969.
1968 and 1969	20 UST 7 TIAS 6626.	US-Canada Agreement relating to Pre-Sunrise Operation of Certain Standard (AM) Radio Broadcasting Stations Amending the Agreement of Mar. 31 and June 12, 1967 (TIAS 6268). Effected by exchange of notes at Ottawa Apr. 18, 1968, and Jan. 31, 1969. Entered into force Jan. 31, 1969.
1969	TIAS 6750.	US-UN Agreement regarding Headquarters of the United Nations Supplementing the Agreement of June 26, 1947, as Supplemented (TIAS 1676, 5961, 6176). Signed at New York Aug. 28, 1969. Entered into force Aug. 28, 1969.
1969	TIAS 6931.	US-Canada Agreement relating to the Operation of Radiotelephone Stations. Signed at Ottawa Nov. 19, 1969. Entered into force July 24, 1970.

(b) The applicable agreements in force between the United States and another country relating to the reciprocal granting of authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country are as follows:

Date	Citations	Subject
1964	15 UST 1787 TIAS 5649.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1965	16 UST 93 TIAS 5766.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 28 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	16 UST 165 TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	16 UST 181 TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 26, 1965. Entered into force Mar. 26, 1965.
1965	16 UST 817 TIAS 5815.	US-Portugal Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lisbon May 17 and 26, 1965. Entered into force May 26, 1965.
1965	16 UST 869 TIAS 5824.	US-Belgium Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Brussels June 15 and 18, 1965. Entered into force June 18, 1965.
1965	16 UST 973 TIAS 5836.	US-Australia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Canberra June 25, 1965. Entered into force June 25, 1965.
1965	16 UST 1160 TIAS 5860.	US-Peru Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Lima June 28 and Aug. 11, 1965. Entered into force Aug. 11, 1965
1965	16 UST 1746 TIAS 5900.	US-Luxembourg Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Luxembourg July 7 and 29, 1965. Entered into force July 29, 1965.
1965	16 UST 1131 TIAS 5856.	US-Sierra Leone Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Freetown Aug. 14 and 16, 1965. Entered into force Aug. 16, 1965.
1965	16 UST 1742 TIAS 5899.	US-Colombia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bogota Oct. 19 and 28, 1965. Entered into force Nov. 28, 1965.
1965	16 UST 2047 TIAS 5941.	US-UK Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at London Nov. 26, 1965. Entered into force Nov. 26, 1965. Supplemented by the amendment contained in TIAS 6800 which was signed Dec. 11, 1969.
1966	17 UST 328 TIAS 5978.	US-Paraguay Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Asuncion Mar. 18, 1966. Entered into force Mar. 18, 1966.
1966	17 UST 719 TIAS 6022.	US-France Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Paris May 5, 1966, with related notes of June 29 and July 6, 1966. Entered into force July 1, 1966. Modified by the amendment contained in TIAS 6711 which was signed Oct. 3, 1969.
1966	17 UST 813 TIAS 6038.	US-India Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at New Delhi May 16 and 25, 1966. Entered into force May 25, 1966.
1966	17 UST 760 TIAS 6028.	US-Israel Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington June 15, 1966. Entered into force June 15, 1966.
1966	17 UST 2426 TIAS 6189.	US-Netherlands Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at The Hague June 22, 1966. Entered into force Dec. 21, 1966.
1966	17 UST 1120 TIAS 6068.	US-Federal Republic of Germany Arrangement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bonn June 23 and 30, 1966. Entered into force June 30, 1966.
1966	17 UST 1039 TIAS 6061.	US-Kuwait Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kuwait July 19 and 24, 1966. Entered into force July 19, 1966.
1966	17 UST 1560 TIAS 6112.	US-Nicaragua Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Managua Sept. 3 and 20, 1966. Entered into force Sept. 20, 1966.
1966	17 UST 2215 TIAS 6159.	US-Panama Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Panama Nov. 16, 1966. Entered into force Nov. 16, 1966.
1966 and 1967	18 UST 525 TIAS 6259.	US-Honduras Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Tegucigalpa Dec. 29, 1966, Jan. 24 and Apr. 17, 1967. Entered into force Apr. 17, 1967.
1967	18 UST 554 TIAS 6264.	US-Switzerland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bern Jan. 12 and May 16, 1967. Entered into force May 16, 1967.
1967	18 UST 543 TIAS 6261.	US-Trinidad and Tobago Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at St. Ann's and Port of Spain Jan. 14 and Mar. 16, 1967. Entered into force Mar. 16, 1967.
1967	18 UST 361 TIAS 6243.	US-Argentina Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Buenos Aires Mar. 31, 1967, Entered into force Apr. 30, 1967.
1967	18 UST 1661 TIAS 6309.	US-El Salvador Agreement regarding Alien Ameteur Radio Operators. Effected by exchange of notes at San Salvador May 24 and June 5, 1967. Entered into force June 5, 1967.
1967	18 UST 1241 TIAS 6273.	US-Norway Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Oslo May 27 and June 1, 1967. Entered into force June 1, 1967.
1967	18 UST 1272 TIAS 6281.	US-New Zealand Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Wellington June 21, 1967. Entered into force June 21, 1967.
1967	18 UST 2499 TIAS 6348.	US-Venezuela Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Caracas Sept. 18, 1967. Entered into force Oct. 3, 1967.
1967	18 UST 2878 TIAS 6378.	US-Austria Agreement regarding Alien Amateur Radio Operators. Done at Vienna Nov. 21, 1967. Entered into force Dec. 21, 1967.
1967	18 UST 2882 TIAS 6380.	US-Chile Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Washington Nov. 30, 1967. Entered into force Dec. 30, 1967.
1967	TIAS 6766.	US-Guatemala Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Guatemala Nov. 30 and Dec. 11, 1967. Entered into force Oct. 2, 1969.
1967	18 UST 3153 TIAS 6406.	US-Finland Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Helsinki Dec. 15 and 27, 1967. Entered into force Dec. 27, 1967.
1968	19 UST 7852 TIAS 6622.	US-Monaco Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Nice and Paris Mar. 29, and Oct. 16, 1968. Entered into force Dec. 1, 1968.
1968	19 UST 4892 TIAS 6494.	US-Guyana Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Georgetown May 6 and 13, 1968. Entered into force May 13, 1968.
1968	19 UST 5994 TIAS 6553.	US-Barbados Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Bridgetown Sept. 10 and 12, 1968. Entered into force Sept. 12, 1968.
1968	19 UST 6057 TIAS 6566.	US-Ireland Agreement regarding Alien Amateur Radio Operators; Effected by exchange of notes at Dublin Oct. 10, 1968. Entered into force Oct. 10, 1968.
1968	20 UST 490 TIAS 6654.	US-Indonesia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Kjakarta Dec. 10, 1968. Entered into force Dec. 10, 1968.
1969	20 UST 773 TIAS 6690.	US-Sweden Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Stockholm May 27 and June 2, 1969. Entered into force June 2, 1969.
1969	TIAS 6711.	US-France Agreement regarding Alien Amateur Radio Operators Amending the Agreement of May 5, 1966 (TIAS 6022). Effected by exchange of notes at Paris Oct. 3, 1969. Entered into force Oct. 3, 1969.
1969	TIAS 6800.	US-UK Agreement regarding Alien Amateur Radio Operators Supplementing the Agreement of Nov. 26, 1965 (TIAS 5941). Effected by exchange of notes at London Dec. 11, 1969. Entered into force Dec. 11, 1969.
1970		US-Brazil Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Rio de Janeiro and Brasilia Jan. 26, June 19 and July 30, 1970. Entered into force June 19, 1970.

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Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Eufaula National Wildlife Refuge, Ala.

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

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

Public hunting of mourning doves on the Eufaula National Wildlife Refuge, Ala., is permitted only on those areas designated by signs as open to hunting. These open areas, comprising 306 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) Hunting dates and hours are as follows:

(a) Houston Tract Unit—September 26, October 3, 10, 17, 24, and 31, and November 7, 1970; 12 m. until sunset.

(b) Davis Tract Unit—December 19 and 26, 1970, January 2, 1971; and 12 m. until sunset.

(2) Each hunter must have on his person, a validated refuge hunting permit. Permits will be issued at the refuge on each day of the hunt on a first-come-first-served basis.

(3) No hunters will be permitted within hunting areas before 11:45 a.m. each day.

(4) All firearms must be encased and/or unloaded when outside designated hunting area.

(5) Each hunter who successfully takes a limit of mourning doves must leave the hunting area immediately.

(6) Retrievers used by hunters shall be under the control of the owner at all times.

(7) All hunters must check in and out of the refuge at the designated checking station.

(8) All litter (paper, empty shell boxes, etc.) must be removed by individual hunters.

(9) Wounded or dead doves falling outside the hunting area may be recovered, but firearms must be left inside hunting area.

(10) Vehicle parking will be limited to areas designated by refuge personnel.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1970.

[F.R. Doc. 70-11973; Filed, Sept. 9, 1970; 8:48 a.m.]

PART 32—HUNTING

Yazoo National Wildlife Refuge, Miss.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of squirrels and raccoons on the Yazoo National Wildlife Refuge, Miss., is permitted on all the refuge except for that area which lies within 250 yards of the refuge headquarters, personnel housing, or equipment buildings. This open area, comprising approximately 7,000 acres, is delineated on a map available at the refuge headquarters, Route 1, Hollandale, Miss. 38748, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels and raccoons, subject to the following special conditions:

(1) The open season for squirrels extends from October 12–31, 1970, Sundays excluded; and the open season for raccoons extends from December 2–18, 1970, Sundays excluded.

(2) No dogs permitted during the squirrel hunt; however, dogs may be used in the process of taking raccoons.

(3) Raccoon hunting permitted from dark to daylight only.

(4) Firearms limited to 10-gauge shotguns or smaller (buckshot and slugs prohibited), and .22-caliber rifles or pistols (rimfire only).

(5) No firearms may be discharged within 250 yards of refuge headquarters or residences.

(6) Carrying of loaded firearms in vehicles is prohibited and shooting from vehicles or shooting from or across State or county roads is prohibited.

§ 32.32 Special regulations governing the hunting of big game on national wildlife refuges.

Public hunting of deer on the Yazoo National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 7,000 acres is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State regulations governing the hunting of deer subject to the following special conditions:

(1) Open season: Archery—October 1–10 and November 2–19, 1970. Gun—December 28, 1970–January 2, 1971, Sundays excluded.

(2) Bag limit—One deer of either sex during the archery hunt. One buck with antlers 4 inches or longer during the gun hunt.

(3) Weapons. Archery—Longbows only, crossbows prohibited. No firearms permitted on the refuge during the archery hunt. Gun—Only 10-gauge, 12-gauge, 16-gauge, or 20-gauge shotguns or rifles larger than .22 caliber may be used.

(4) A refuge deer hunting permit is required for the gun hunt.

(5) Firearms may not be discharged within 250 yards of residences or the refuge headquarters. The carrying of loaded firearms in vehicles, and shooting from or across county or State roads is prohibited.

(6) All deer killed must be checked out at a refuge checking station.

(7) Hunters may enter the hunting area no earlier than 1 hour before sunrise and must depart the hunting area no later than 1 hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1971.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1970.

[F.R. Doc. 70-11975; Filed, Sept. 9, 1970; 8:48 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Species permitted to be taken: White-tailed deer, bobcat, and feral hogs.

(2) Open season: Archery—October 17–31; Gun—November 20–21 and 27–28, 1970.

(3) Bag limits: One deer of either sex. No limit on hogs and bobcats.

(4) Weapons: (A) Gun—in accordance with State regulations. (B) Archery—long bows only with a minimum pull of 40 pounds and arrows with a minimum width blade of seven-eighths inch.

(5) Shooting is not allowed from boats, vehicles, or roadways used by vehicles. Dogs and horses are not allowed, and all vehicles including Jeeps, Scouts, Tote Goats, Hondas, etc., must stay on roads and trails. Shooting hours are 30 minutes before sunrise to 30 minutes after sunset. Camping is permitted in designated areas. Hunters may enter the open hunting area at noon on the date preceding each hunt. Fires can only be built in the campsites.

(6) Deer killed during the 4 days of gun hunting must be tagged immediately upon possession with the State and Federal tags and also checked at one of the designated check stations between 7:30 a.m. and 7 p.m.

(7) Hunters may not return to hunt hogs or bobcats after they have killed a deer.

(8) No permit required for archery hunt. Permits are required for the gun hunt. Gun hunters under 18 years of age must be accompanied by an adult.

(9) All hunters must exhibit their hunting licenses, deer tag, game, and vehicle contents to Federal and State officers upon request.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

(1) Species to be taken: Squirrel, rabbit, bobcat, and feral hogs by gun and turkey by archery only.

(2) Open season: Gun Hunt—October 1–15; Archery only—October 17–31.

(3) Bag limit: One turkey of either sex, rabbits—8, and squirrels—8. No limit on bobcat and hogs.

(4) Weapons: (A) Gun—shotguns and rimfire rifles are legal. Rifles larger than .22 caliber are prohibited. (B) Long bows only with a minimum pull of 40 pounds and arrows with ⅞-inch minimum width blades.

The provisions of these special regulations supplement the regulations which govern hunting on National Wildlife Refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 29, 1970.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1970.

[F.R. Doc. 70-11974; Filed, Sept. 9, 1970; 8:48 a.m.]

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Piedmont National Wildlife Refuge, Ga., is permitted on the refuge except in those areas designated by signs as closed. The open area, comprising approximately 32,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Open season and bag limit: (a) Archery Hunt—October 1–October 11, 1970. Limit of one buck or one antlerless deer; (b) Trophy Buck Hunt—November 3–November 7, 1970. Limit of one buck with four or more points on one side; (c) Bucks Only Hunt—November 12 through November 14, 1970. Limit of one buck; Either Sex Hunts—November 28, November 30 and December 2, 1970. Limit of one buck or one antlerless deer.

(2) Additional species: Bobcats, foxes, and raccoons may be taken on all deer hunts.

(3) Buckshot, handguns, crossbows, and drug-tipped arrows may not be used or possessed. Target practice during the gun hunts is prohibited.

(4) All deer killed must be checked in at refuge headquarters on the same day they are killed and before leaving the refuge area.

(5) All hunters must check out by 4:30 p.m. of the day following each hunt period.

(6) Dogs are prohibited.

(7) Hunters are allowed on portions of the refuge open to deer hunting from 6 a.m. to 8:30 p.m. (e.d.t.) on October 1 through 11, 1970; from 5:30 a.m. to 7 p.m. (e.s.t.) on November 3–7, 12–14, 28, 30, and December 2, 1970.

(8) Camping and fires are restricted to the designated camping area in Compartment 19 which will be open on the following dates: September 25 through October 12, 1970; November 2–8, 1970; November 11–15, 1970; and November 27–December 3, 1970.

(9) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(10) Hunting is prohibited on or from county or State maintained roads within the refuge or on refuge roads open to vehicles.

(11) All refuge roads and trails are closed to vehicles of any type unless specifically designated by signs as open to vehicles. Off-road use by vehicles of any type is prohibited.

(12) Firearms containing ammunition in the magazine and/or chamber and strung bows are prohibited in and upon vehicles on all roads within the refuge.

(13) Hunters must furnish and wear either red, orange, or yellow vests, coats or coveralls during all hunts.

(14) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike or other metal object has been driven.

(15) Apprehension of a permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(16) All areas open for hunting may be visited for scouting purposes on September 26–27, 1970, during daylight hours only. Weapons and dogs are not permitted.

(17) A refuge permit is required. Hunt permits are nontransferable. Hunters for the gun hunts will be selected by computer from applications received. Applications for the gun hunts must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080. Completed applications must be in the office of the Piedmont National Wildlife Refuge by 4:30 p.m. (e.d.t.) on September 11, 1970. Only one application for each hunter is permitted. Successful applicants must have their gun hunt permits validated before going afield. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 3, 1970.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Public hunting for deer on Blackbeard Island National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,585 acres, is delineated on a map available at the refuge headquarters, Route 1, Hardeeville, S.C. 29927, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Deer of either sex may be taken during the following open periods: October 21–24, 1970; November 25–28, 1970, and December 29–31, 1970, and January 1, 1971.

(2) Hunting hours will be from daylight to 9:30 a.m. and from 3:30 p.m. to sunset daily.

(3) The season bag limit is two deer of either sex.

(4) Raccoons may also be taken during the above season.

(5) Only bows and arrows may be used. Bows must have not less than 40 pounds pull and arrows must be broadhead, seven-eighths inch or more in width. Firearms, crossbows, and mechanical bows are prohibited.

(6) Dogs are prohibited.

(7) Camping and fires will be permitted only at the designated camping area.

(8) Participants must arrange their own transportation to the island and may not enter the refuge more than 3 days in advance of each opening date.

(9) Hunters will be restricted to the camping area until the morning of the first day of each hunt period.

(10) A Federal permit is required. Permit applications must be received by the Refuge Manager, Savannah National Wildlife Refuge, Route 1, Hardeeville, S.C. 29927, by the following dates:

October 14 for the hunt beginning October 21;

November 18 for the hunt beginning November 25; and

December 21 for the hunt beginning December 29.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 31, 1970.

[F.R. Doc. 70-11976; Filed, Sept. 9, 1970; 8:46 a.m.]

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minn.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minn. is permitted from sunrise to sunset November 14 through November 15, 1970, inclusive, on all areas except those designated by closed area signs. This open area comprises 58,660 acres, is delineated on a map available at the refuge headquarters 11 miles east of Holt, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1970.

JOSEPH KOTOK,
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minn.

SEPTEMBER 1, 1970.

[F.R. Doc. 70-11942; Filed, Sept. 9, 1970; 8:46 a.m.]

PART 32—HUNTING

Audubon National Wildlife Refuge, N. Dak.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Audubon National Wildlife Refuge, N. Dak., is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sports Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunting is permitted from 12 m, c.s.t., until sunset November 6, and from sunrise until sunset November 7, through November 15, 1970.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

(3) Vehicular traffic, including the use of boats, is prohibited by hunters on the refuge during the deer season.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1970.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Colebarbor, N. Dak.

SEPTEMBER 1, 1970.

[F.R. Doc. 70-11943; Filed, Sept. 9, 1970; 8:46 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries & Wildlife.

SEPTEMBER 2, 1970.

[F.R. Doc. 70-11944; Filed, Sept. 9, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Notice of Proposed Reporting Requirement

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations, 7 CFR 912.120–912.150) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was proposed by the Indian River Grapefruit Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof. The amendment would provide that whenever any handler ships Indian River grapefruit to a destination outside the regulation area he must, prior to the shipment of such fruit, give written notification thereof to the committee or its designated agent. The notification will be the basis for computing handlers' shipments outside the regulation area, which shipments are subject to the volume regulations issued under the marketing agreement and order program.

The amendment would add a new section—§ 912.151 *Reporting shipments outside the regulation area*—to read as follows:

§ 912.151 Reporting shipments outside the regulation area.

Prior to shipment of each lot of grapefruit, the handler shall provide the Indian River Grapefruit Committee, or its designated agent, a copy of the shipping manifest applicable to such lot. Such manifest shall indicate whether such fruit is to be transported to a point or points outside the regulation area or within the regulation area, and shall be certified by the handler to the committee as to the correctness of such information shown thereon.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall 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 10th 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)).

Dated: September 4, 1970.

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

[F.R. Doc. 70–12006; Filed, Sept. 9, 1970; 8:51 a.m.]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1970, through August 31, 1971, will amount to $315,000.

(b) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at $9 per ton of olives.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended August 31, 1970, shall be carried over as a reserve in accordance with the applicable provisions of §§ 932.40 and 932.203 of the marketing agreement and order.

Terms used in the amended marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administrative Building, Washington, D.C. 20250, not later than the 10th day after the 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)).

Dated: September 4, 1970.

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

[F.R. Doc. 70–12008; Filed, Sept. 9, 1970; 8:51 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Proposed Free and Restricted Percentages and Withholding Factors for 1970–71 Crop Year

Notice is hereby given of a proposal to establish, for the 1970–71 crop year, free and restricted percentages and withholding factors applicable to marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began August 1, 1970. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Date Administrative Committee.

All persons who desire to submit written data, views, or arguments on 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 8 days after the 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)).

Estimates pertinent to the proposed volume regulation percentages and withholding factors for Deglet Noors and Zahidis are as follows:

Factors	Deglet Noor	Zahidi
	1,000 pounds	
1. Production of marketable dates (1970–71 crop)	28,052	1,466
2. Plus: Handler carryover of marketable dates not certified "free" or "restricted" (July 31, 1970)	16,482	902
3. Total available supply of marketable dates subject to regulation	44,534	2,368
4. Trade demand for free dates [1]	17,000	1,300
5. Plus: Allowance for desirable handler carryover to assure date supplies for early free demand, exports, and product sales (July 31, 1971)	17,000	650
6. Less: Certified handler carryover of free dates (July 31, 1970)	1,490	44
7. Requirements for free dates	32,510	1,906
8. Supply of marketable dates in excess of requirements for free dates (Item 3–Item 7)	12,024	462

[1] The Date Administrative Committee included no countries other than the United States and Canada in trade demand.

On the basis of the foregoing estimates, free and restricted percentages, and a withholding factor for Deglet Noor dates of 73 percent, 27 percent, and 37 percent, respectively, and for Zahidi dates of 80 percent, 20 percent, and 25 percent, respectively, appear appropriate for the 1970–71 crop year.

The total available 1970–71 marketable supply of Halawys and Khadrawys is estimated at 0.8 million pounds, and approximates estimated trade demand requirements for both varieties. Hence, a free percentage of 100 percent is proposed for each of these two varieties.

The proposal is as follows:

§ 987.218 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1970, and ending July 31, 1971, as follows: (a) Deglet Noor variety dates: Free percentage, 73 percent; restricted percentage, 27 percent; and withholding factor, 37 percent; (b) Zahidi variety dates: Free percentage, 80 percent; restricted percentage, 20 percent; and withholding factor, 25 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: September 3, 1970.

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

[F.R. Doc. 70-12007; Filed, Sept. 9, 1970; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR Part 30]

FOREIGN TRADE STATISTICS

Domestic Carriers' Participation in Procedures Permitting Waiver of Authentication of Shipper's Export Declarations for Selected Shipments

Existing regulations of the Bureau of the Census and the Office of Export Control restrict participation in the NAR procedure to exporting air and water carriers. Moreover, existing regulations provide that Shipper's Export Declarations presented under the NAR procedure must be in the possession of the exporting carrier prior to loading the cargo. It is now proposed that the pertinent regulations be amended to provide for the participation in these procedures by domestic air carriers delivering export cargo to an exporting air carrier at the port of export and moreover to provide that the Shipper's Export Declarations must be in the possession of the exporting carrier prior to departure, rather than prior to loading.

In addition, existing regulations provide that under the NAR procedures, exporting carriers shall be responsible for the completeness and accuracy of the following items of information on the Shipper's Export Declaration: Port of exportation, name and flag of exporting air or vessel carrier, foreign port of unloading, bill of lading (or air waybill) numbers, method of transportation, and pier or airport where the goods are laden. It is now proposed to amend the pertinent regulations to provide that exporting carriers shall have responsibility for the completeness and accuracy of these same items of information (except for bill of lading or air waybill numbers, not required under regular procedures) on all Shipper's Export Declarations whether or not submitted under the NAR procedures and whether or not authenticated.

To effect the changes in reporting procedures described above, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below. Interested persons may submit such written data, views or arguments as they may desire to the Director of the Bureau of the Census, Washington, D.C. 20233, for a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

These proposed regulations are to be issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35–2A, April 8, 1969, 34 F.R. 6703.

1. The third sentence § 30.12 is amended to read as follows:

§ 30.12 Time and place Shipper's Export Declarations required to be presented.

* * * For shipments by vessel or air to foreign countries, except Canada, the Shipper's Export Declaration must be presented to the Customs Director for authentication in accordance with the procedure outlined in § 30.14(a), and an authenticated copy of the Shipper's Export Declaration delivered to the exporting carrier prior to exportation. * * *

2. Section 30.22(c) is amended to read as follows:

§ 30.22 Requirements for the filing of Shipper's Export Declarations by departing carriers.

* * * * *

(c) The exporting carrier shall be responsible for the accuracy of the following items of information (where required) on the declaration: Port of exportation, name and flag of vessel of air carrier, foreign port of unloading, method of transportation, and pier or airport where the goods are laden.

* * * * *

3. Section 30.42(a) is amended to read as follows:

§ 30.42 Authorization for waiver of the requirements for advance presentation and authentication of Shipper's Export Declarations.

(a) General procedure:

(1) Scope:

(i) Notwithstanding the provisions of Subparts A and B of this part, the procedures set forth in subparagraphs (1) through (5) of this paragraph may be utilized in lieu of the requirements relating to advance presentation and authentication of Shipper's Export Declarations for general license shipments made by air or water carriers and destined to Country Groups T, V, and X, as defined in Supplement No. 1 to Part 370 of the Export Control Regulations (Parts 368–399 of this title). Under this procedure Shipper's Export Declarations may be delivered to the exporting carrier or his shipping agent at the port of export, or to a domestic airline at or near the point of origin of the cargo for delivery to the exporting airline, without first having been authenticated by the Customs Office. (For purposes of this regulation, a "domestic airline" is one that holds a certificate of public convenience and necessity issued by the Civil Aeronautics Board for scheduled service.)

(ii) Except as otherwise required by the Export Control Regulations, only two copies of the Shipper's Export Declaration need be prepared by the exporter or his agent and delivered to the exporting carrier before the departure of the exporting carrier. In preparing Shipper's Export Declarations in accordance with this procedure exporters or their agents shall show in the upper

right corner in the space provided for Customs Authentication Number, "NAR", which will signify that no authentication is required.

(2) Direct delivery of the Shipper's Export Declaration to the exporting carrier:

(i) The exporting carrier shall check the declaration for completeness (i.e., see that all appropriate spaces on the Shipper's Export Declaration are completed) of: Name of exporter, agent of exporter, ultimate consignee, intermediate consignee, foreign port of unloading, place and country of ultimate destination, marks and numbers, commodity description, number and kind of packages, general license symbol, destination control statement, shipping weight, indication of "D" or "F," Schedule B number, net quantity (when required), value at port of exportation, bill of lading or air waybill number(s), and signature, and see that such information is not inconsistent with other records or information as may be available to the carrier. If the declaration appears incomplete or inconsistent, except with respect to the items enumerated in the following sentence, the exporting carrier shall return it to the exporter or his agent to be checked, completed, or corrected, and returned to the exporting carrier before exportation.

(ii) The exporting carrier shall be responsible for the accuracy of the following items of information on the declaration: Port of exportation, name and flag of vessel or air carrier, foreign port of unloading, bill of lading or air waybill number(s), method of transportation, and pier or airport where the goods are laden.

(3) Delivery of the Shipper's Export Declaration to a participating domestic air carrier for subsequent delivery to the exporting air carrier at the port of export:

(i) Where the Shipper's Export Declaration is delivered to a domestic air carrier participating in these procedures for delivery to an exporting air carrier at the port of export, the domestic air carrier shall have the same responsibilities for checking the declaration as set forth for exporting carriers in subparagraph (2) of this paragraph. If the declaration appears incomplete or inconsistent, with respect to any of the items except those enumerated in subparagraph (2)(ii) of this paragraph, the domestic carrier shall return it to the exporter or his agent to be checked, completed, or corrected and returned to the domestic carrier before delivery of the merchandise to the exporting carrier.

(ii) The domestic air carrier shall insert the airline and airport code (from the Airline Guide) immediately below the NAR designation in the Customs Authentication box on the Shipper's Export Declaration to indicate the accepting airline and the airport at which the Shipper's Export Declarations were received and reviewed.

(iii) Two copies of the Shipper's Export Declaration shall be delivered by the domestic air carrier to the exporting air carrier.

(iv) Upon receipt from a domestic carrier the exporting air carrier shall complete or correct those items on the Shipper's Export Declaration peculiarly within its own knowledge (i.e., those items enumerated in subparagraph (2)(ii) of this paragraph) when, due to emergencies or other factors, the information has changed since review by the domestic air carrier, or where such information is otherwise determined to be incomplete or incorrect.

(4) In addition, exporting carriers will insure that the bill of lading or air waybill number shown on the manifest is inserted in the box provided on the Shipper's Export Declaration, before submission of the manifest and accompanying Shipper's Export Declarations to Customs.

(5) For shipments covered by unauthenticated Shipper's Export Declarations accepted by carriers under these provisions, manifests must show the notation "NAR" (no authentication required) and related bill of lading or air waybill number; and prior to submission of the manifest to Customs, such Shipper's Export Declarations shall be separated from those Shipper's Export Declarations which have been authenticated.

* * * * *

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

I concur: August 19, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-11947; Filed, Sept. 9, 1970; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL AND OUTSIDE SALESMAN EXEMPTIONS

Status of Certain Employees; Notice of Hearing

Section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)), provides an exemption from the minimum wage and overtime pay requirements of the Act for any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman, as such terms are defined and delimited by regulations of the Secretary of Labor. The Administrator of the Wage and Hour Division of the Department of Labor has been delegated the authority to issue such regulations (34 F.R. 1203), which are published in 29 CFR Part 541. These regulations contain specific tests relating to duties and responsibilities which must be met by an employee to qualify for the exemption.

The Fair Labor Standards Amendments of 1966 made the Act applicable for the first time to employees in hospitals, nursing and rest homes, and other residential care establishments, thereby bringing within the Act various paramedical employees in occupations for which no guidelines currently exist with respect to the exemption. In order that Regulations, Part 541, remain current, the Wage and Hour Division proposes to consider incorporating therein guidelines for use in determining the status of such employees under the exemption.

Consideration is also being given to the status under the exemption of employees in occupations in the data processing field. Employees are identified by a multitude of titles, including program operator, programer, systems analyst, and many others. They have varied experience and training, and perform a variety of tasks which are difficult to measure in terms of their significance and importance to management.

Additionally, the Wage and Hour Division is considering whether the term "professional" should properly be limited to the learned and artistic professions, or whether it should include certain highly paid occupations (i.e., highly skilled technicians in the electronics and aerospace industries) which are not in a field of science or learning or which are learned primarily through extensive experience and on-the-job training rather than through a "prolonged course of specialized intellectual instruction and study."

The regulations require payment at a specified minimum weekly rate (on a salary or fee basis, as stipulated) to a bona fide executive, administrative, or professional employee, but there is no minimum weekly earnings test for a bona fide outside salesman. In order to insure that outside salesmen be afforded a minimum standard of living in line with the remedial purposes of the Fair Labor Standards Act, and that exploitation of certain lower paid members of this group of employees be prevented, consideration is being given to the possibility of amending 29 CFR Part 541, by including therein a minimum weekly earnings test for outside salesmen.

Notice is hereby given of a public hearing to be held beginning at 10 a.m. on December 1, 1970, in Conference Rooms 216 A through D of the Department of Labor Building at 14th Street and Constitution Avenue NW., Washington, D.C., before a hearing examiner to be designated for that purpose, at which interested persons may submit oral data, views, or arguments concerning the areas mentioned above.

With respect to the paramedical and data processing employees, testimony should include a discussion of: (1) A clearer definition of "prolonged course of specialized intellectual instruction and study," (2) whether those who have had such a course perform activities substantially different or more difficult than those having a lesser degree of training, (3) the extent to which such employees consistently exercise discretion and judgment of substantial importance, as opposed to engaging in merely routine or mechanical work or making analyses

based on the results of standardized tests, (4) specific examples of what would be considered as exempt or nonexempt duties, and (5) any other matters which would be of assistance in clarifying these occupations.

Testimony regarding the outside salesman question should be addressed to the problem of whether 29 CFR 541.5 should be amended to include therein a minimum earnings test for outside salesmen. Testimony favoring the institution of such a salary test should include comments as to the dollar amount of such a test, the basis of computation (salary, draw against commissions, etc.), and time period for such test (weekly, monthly, etc.).

Interested persons shall, not later than 30 days prior to the hearing, file with the Administrator of the Wage and Hour Division, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.
2. The subject matter or matters to be discussed.
3. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.
4. The approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Administrator at the above address at any time prior to the hearing, or they may be filed at the hearing.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentations to matters pertinent to the proposals. Upon completion, the hearing examiner shall certify the record to me for consideration and review.

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

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

[F.R. Doc. 70-12018; Filed, Sept. 9, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

FOLPET

Certain Tolerances in or on Raw Agricultural Commodities

A tolerance of 15 parts per million was established (June 17, 1969; 34 F.R. 9437) for residues of the fungicide folpet in or on the raw agricultural commodity citrus fruit on an interim basis, pending evaluation of new data on the transmission of residues of the fungicide to meat and milk, from feeding cattle with dried citrus pulp of such treated citrus fruit. A review has been made of the new data submitted and has revealed the following:

1. No detectable residues of the fungicide were present in dried citrus pulp made from treated fruit containing up to 50 parts per million of the fungicide.
2. There is no transfer of residues of folpet to meat and milk from the feed use of dried citrus pulp.
3. Toxicity evidence presented shows folpet to be nonteratogenic.

The U.S. Department of Agriculture concurs with the proposed amendment.

Based on consideration given additional new data submitted and other relevant material, the Commissioner of Food and Drugs concludes that the interim tolerance of 15 parts per million establish for residues of folpet in citrus fruits should be made a permanent tolerance. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 120.191 be amended by deleting the paragraph "15 parts per million in or on citrus * * *" and by revising the paragraph "15 parts per million in or on cucumbers * * *" to read as follows:

§ 120.191 Folpet; tolerances for residues.

* * * * *

15 parts per million in or on citrus fruits, cucumbers, garlic, melons, onions (dry bulb), pumpkins, summer squash, winter squash.

Any person who has registered, or submitted an application for the registration of, an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed in this document may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408 (e) of the act.

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

Dated: August 31, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11969; Filed, Sept. 9, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 70-69A]

NEW LONDON HARBOR, CONN.

Anchorage Grounds; Cancellation of Notice of Proposed Rule Making

1. The FEDERAL REGISTER of May 22, 1970 (35 F.R. 7902), contained a notice of a proposal to designate an anchorage ground for use of U.S. Navy submarines in Long Island Sound, approximately 2½ miles south-southeast of New London Ledge Light. A number of comments received in response to this notice objected to this designation because of the considerable boating activity in the area.

2. The notice of the proposed anchorage ground published in the FEDERAL REGISTER of May 22, 1970, is withdrawn.

Dated: September 2, 1970.

R. E. HAMMOND,
Chief, Office of Operations.

[F.R. Doc. 70-11997; Filed, Sept. 9, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 18878; RM-979]

FREQUENCY MODULATED MICROWAVE RADIO RELAY SYSTEMS

Calculation of Necessary Bandwidth and Measurement of Occupied Bandwidth; Order Extending Time for Filing Comments

1. The Commission is in receipt of a request from the Utilities Telecommunications Council (UTC), asking that the time for filing comments and reply comments in this proceeding be extended.

2. UTC refers to difficulties it has incurred in preparing comments in this proceeding because of the necessity to resolve certain engineering considerations. The petitioner also states that due to these difficulties, it will not be able to place comments in final form for filing by the present September 2, 1970, deadline.

3. In view of the difficulties outlined by the petitioner and in view of the Commission's desire that time be afforded to ensure adequate study of the issues involved, it is felt that good cause has been shown for an extension of time, and that a grant of the petition would be in the public interest.

4. *Accordingly, it is ordered,* That the request of the Utilities Telecommunications Council is granted, and that the time for filing comments and reply com-

ments in this proceeding is extended from September 2, 1970, and September 14, 1970, to September 10, 1970, and September 22, 1970, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.251(b) of the Commission's rules.

Adopted: September 2, 1970.

Released: September 3, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HENRY GELLER,
General Counsel.

[F.R. Doc. 70-12011; Filed, Sept. 9, 1970; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18984; FCC 70-950]

TELEVISION BROADCAST STATIONS

Table of Assignments; Pittsburg and Concord, Calif.

In the matter of amendment of § 73.606(b) of the Commission's rules, Table of Assignments, Television Broadcast Stations (Pittsburg and Concord, Calif.); Docket No. 18984, RM-1466.

1. Notice of proposed rule making is hereby given concerning the above-captioned matter, amendment of § 73.606(b) of the Commission's rules by changing the assignment of Channel 42 from Pittsburg to Concord, Calif. The change is sought in a petition filed on June 16, 1969, by Television Communications, Inc., and Watson Communications Systems, Inc., dba TV Hill, permittee of Station KCFT on Channel 42, authorized at Concord under the "15 mile rule" (§ 73.607(b)).[1] The two cities are about 8 miles apart, both in Contra Costa County, of which Concord is said to be the largest city (neither is the county seat).

2. Channel 42 was originally assigned to Pittsburg, east of Concord, because it is farther from San Francisco, where numerous UHF channels were and are assigned. Thus assignment at Pittsburg appeared to give greater flexibility of site location for this and other stations than if the channel were assigned at Concord. However, the Concord reference point is more than the required minimum mileage separation with respect to all pertinent stations and unoccupied assignments (about 24 miles from San Francisco), and assignment of the channel to that city would not be inappropriate. This is particularly true, as petitioner points out, now that the transmitter locations of the San Francisco stations on Channels 32, 38, and 44 have been established. KCFT itself is located some 4 miles north of Concord.

3. Petitioner urges that the reassignment is appropriate both because the station using the channel is authorized for Concord, and because that city is now considerably larger than Pittsburg. It is noted that whereas in 1950 the Census populations of Concord and Pittsburg were respectively 6,953 and 12,763, in 1960 the former was much larger, 36,208 compared to 19,162, and a State estimate for 1968 shows 83,900 compared to 20,900. It is asserted that the reassignment of the channel in the rules would simply give recognition to the actual usage of the channel, and would have "substantial economic and public relation advantages, extremely important to a UHF station," including aiding in "market recognition" and recognition by organizations such as ARB and Nielson. It is asserted that the dividing line between the San Francisco and Sacramento "areas of dominant influence" (ADI) used by ARB passes through Concord, and that there are advantages in having the channel assignment on the actual boundary line rather than at Pittsburg, which is definitely in the Sacramento ADI.

4. Without here passing on the merits of the proposal or the various contentions in support of it, we note that the proposed channel reassignment would accord with the actual use of the assignment, represent an assignment to a larger community, and present no technical problems now that other pertinent assignments are used at specific locations. Accordingly, we invite comments on the reassignment of Channel 42 from Pittsburg to Concord, Calif., as requested in the petition.

5. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.606(b) of the Commission's rules, Table of Assignments, Television Broadcast Stations, by assigning Channel 42 to Concord and deleting the assignment at Pittsburg, both in California.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before October 16, 1970, and reply comments on or before October 26, 1970. All such submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: September 2, 1970.

Released: September 4, 1970.

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

[F.R. Doc. 70-12012; Filed, Sept. 9, 1970; 8:51 a.m.]

[1] The station was authorized in 1965, to a different owner; it operated briefly during 1966 and has since been silent. Following bankruptcy and trusteeship, the station permit is now held by petitioner.

[2] Commissioner H. Rex Lee absent.

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 3]

HOME OWNERS INSURANCE COMPANY

Termination of Authority To Qualify as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Home Owners Insurance Company, Chicago, Illinois, under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated, effective August 31, 1970.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by Home Owners Insurance Company.

Dated: September 4, 1970.

[SEAL] H. A. RABSON,
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 70-11999; Filed, Sept. 9, 1970; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 1, 1970.

Notice of a Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior application Los Angeles 0166694 for the Mojave-Dry Canyon Land and Wildlife Management area was published as F.R. Doc. 62-3997 on pages 3936 and 3937 of the issue for April 25, 1962, and the corrections thereto appearing as F.R. Doc. 62-4758 on pages 4708 and 4709 of the issue for May 17, 1962, and F.R. Doc. 63-4654 on page 4377 of the issue for May 2, 1963; and application Los Angeles 0162121 for the Rattlesnake Canyon Wildlife Management area was published as F.R. Doc. 62-4999 on page 4891 of the issue for May 24, 1962. The applicant agency has canceled its applications involving the lands described in the FEDERAL REGISTER publications referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2351 (formerly Part 2311), such lands at 10 a.m. on October 19, 1970, will be relieved of the segregative effect of the above-mentioned applications.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-11941; Filed, Sept. 9, 1970; 8:46 a.m.]

[New Mexico 6286]

NEW MEXICO

Notice of Continuance of Classification of Public Lands for Transfer Out of Federal Ownership; Correction

SEPTEMBER 2, 1970.

F.R. Doc. 70-10419, which appeared in the FEDERAL REGISTER issue of Wednesday, August 12, 1970, at pages 12782 and 12783 is hereby corrected as follows:

The land description in Unit 30-02-74 under T. 6 S., R. 4 W., "Sec. 22 lots 1 to 5 inclusive, SE¼NE¼ and W½SE¼;" is corrected to "Sec. 22, lots 1 to 5, inclusive, SW¼NE¼ and W½SE¼;".

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-11972; Filed, Sept. 9, 1970; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. B-486]

RICHARD FRANCIS HAMMOND

Notice of Loan Application

SEPTEMBER 4, 1970.

Richard Francis Hammond, School Street, Harrington, Maine 04643, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 30-foot length overall wood vessel to operate in the fishery for lobsters.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-11985; Filed, Sept. 9, 1970; 8:49 a.m.]

[Docket No. B-488]

ALBION L. KENNEY, SR.

Notice of Loan Application

SEPTEMBER 4, 1970.

Albion L. Kenny, Sr., West Jonesport, Maine 04649, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 36-foot length overall wood vessel to operate in the fishery for lobsters, shrimp, and groundfish.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-11986; Filed, Sept. 9, 1970; 8:49 a.m.]

[Docket No. S-511]

SHERMAN WAYNE SAPPINGTON

Notice of Loan Application

SEPTEMBER 4, 1970.

Sherman Wayne Sappington, Post Office Box 561, Brookings, Oreg. 97415, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 43.2-foot registered length wood vessel to operate in the fishery for Dungeness crab, shrimp, bottomfish, and albacore.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of

1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-11987; Filed, Sept. 9, 1970; 8:49 a.m.]

[Docket No. B-490]

MELVIN R. SPOFFORD

Notice of Loan Application

SEPTEMBER 4, 1970.

Melvin R. Spofford, Clark Point Road, Southwest Harbor, Maine 04679, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 34-foot length overall fiberglass vessel to operate in the fishery for lobsters, scallops, shrimp, and groundfish.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-11988; Filed, Sept. 9, 1970; 8:49 a.m.]

[Docket No. B-487]

EDWARD B. THORBJORNSON

Notice of Loan Application

SEPTEMBER 4, 1970.

Edward B. Thorbjornson, 534 Old County Road, Rockland, Maine 04841, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 55-foot length overall wood vessel to operate in the fishery for groundfish, whiting, and shrimp.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-11989; Filed, Sept. 9, 1970; 8:50 a.m.]

[Docket No. G-375]

A. IRVING TORMALA AND EDNA E. TORMALA

Notice of Loan Application

SEPTEMBER 4, 1970.

A. Irving Tormala and Edna E. Tormala, Route 4, Box 431 A, Fort Myers, Fla. 33901, have applied for permission to transfer the operations of their 72.1-foot registered length steel vessel purchased with the aid of a fisheries loan, from the fishery for shrimp, tuna, thread herring, scaled sardine, and Spanish sardine to the fishery for shrimp, tuna, thread herring, scaled sardine, Spanish sardine, and spiny lobsters.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[F.R. Doc. 70-11990; Filed, Sept. 9, 1970; 8:50 a.m.]

[Docket No. G-470]

JOHNSON TRAWLERS, INC.

Notice of Loan Application

SEPTEMBER 4, 1970.

Johnson Trawlers, Inc., Post Office Box 221, Coden, Ala. 36523, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 64.5-foot registered length steel vessel to operate in the fishery for shrimp.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above entitled application is being considered by the Bureau of Commerical Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief, Division of Financial Assistance.

[F.R. Doc. 70-11992; Filed, Sept. 9, 1970; 8:50 a.m.]

[Docket No. C-323]

SANFORD E. AND DONALD L. TWITCHELL

Notice of Loan Application

SEPTEMBER 4, 1970.

Sanford E. Twitchell and Donald L. Twitchell, 1110 Cornell Drive, Santa Rosa, Calif. 95405, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 37.5-foot length overall ferro-cement vessel to operate in the fishery for salmon, albacore, and bottomfish.

Notice is hereby given pursuant to section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121, as amended; 16 U.S.C. 742c), and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will

cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-11991; Filed, Sept. 9, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5414V]

CERTAIN DRUG PRODUCTS CONTAINING 3-NITRO-4-HYDROXYPHENYLARSONIC ACID

Drugs for Veterinary 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 preparations:

1. Hog-Gain, Medicated Premix; contains 1.25 percent 3-nitro-4-hydroxyphenylarsonic acid, niacin, potassium iodide 0.11 percent, dicalcium phosphate, copper sulfate 8.7 percent, iron sulfate, cobalt sulfate, manganese sulfate, and zinc sulfate; by Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616.

2. Ren-O-Sal; each tablet contains 36 milligrams of 3-nitro-4-hydroxyphenylarsonic acid; by Salsbury Laboratories.

3. Doe's 3-Nitro Mix For Hogs; the mix contains 0.0025 percent of 3-nitro-4-hydroxyphenylarsonic acid; by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

4. Dr. Salsbury's Pig-Scour Tablets; each tablet contains 400 milligrams of 3-nitro-4-hydroxyphenylarsonic acid; by Dr. Salsbury's Laboratories, Charles City, Iowa 50616.

5. 3-Nitro-10 Medicated Premix; contains 10 percent 3-nitro-4-hydroxyphenylarsonic acid; by Salsbury Laboratories.

6. 3-Nitro-20 Medicated Premix; contains 20 percent 3-nitro-4-hydroxyphenylarsonic acid; by Salsbury Laboratories.

7. 3-Nitro-50 Medicated Premix; contains 50 percent 3-nitro-4-hydroxyphenylarsonic acid; by Salsbury Laboratories.

8. 3-Nitro-80 Medicated Premix; contains 80 percent 3-nitro-4-hydroxyphenylarsonic acid; by Salsbury Laboratories.

9. 3-Nitro W; each 1 ounce pouch contains 21.7 grams of monosodium 3-nitro-4-hydroxyphenylarsonate; by Dr. Salsbury Laboratories.

The Academy evaluated this drug as: (1) Effective for improved feed efficiency for swine, chickens, and turkeys; (2) effective for treatment of swine dysentery (hemorrhagic enteritis or bloody scours); (3) effective for improved pigmentation in chickens and turkeys; (4) probably effective for faster weight gains in swine, chickens, and turkeys, however, the label claim for stimulation of growth should be "will result in faster weight gains and improved feed efficiency under appropriate conditions"; (5) probably not effective for coccidiosis; (6) more information is needed on control of cecal coccidiosis; and (7) not effective for necrotic enteritis in swine.

The Academy stated: (1) The claim for bloody scours should be changed to "swine dysentery"; (2) more information is needed with regard to claims for use in lambs and with regard to the combination of an arsenical drug and trace elements; (3) a caution statement should be required to state "excessive consumption of this product may cause leg weakness and nerve damage"; and (4) when drugs are administered in feed or water for therapeutic claims, the label should warn that treated animals must actually consume enough medicated water or medicated feed to provide a therapeutic dose under the conditions that prevail and, as a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water or feed.

The Food and Drug Administration concurs with the Academy's findings; however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holder of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS-NRC reports. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 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, 512, 52 Stat. 1050-51, as amended, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 27, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11968; Filed, Sept. 9, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-118]

DETERMINATION OF NEED FOR LEGISLATION TO IMPOSE LIABILITY FOR COST OF REMOVAL OF HAZARDOUS SUBSTANCES

Notice of Study Required by Water Quality Improvement Act of 1970

The Water Quality Improvement Act of 1970 (Public Law 91-224), requires the President to submit to the Congress not later than November 1, 1970, recommendations on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities, including financial responsibility requirements. An accelerated study is required which shall include methods and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for enforcement and recovery of costs incurred by the United States. By Executive Order No. 11548 (35 F.R. 11671) the Secretary of Transportation has been delegated the authority to conduct the study in consultation with the Secretary of the Interior.

The study task forces are aligned to afford simultaneous approach of the main areas of interest in the multi-industry problem to be studied. These forces are directing study in preparation for a symposium of interested persons and representatives of various public and private groups that may be affected by any resulting legislation. The symposium will commence at the Jung Hotel, 1500 Canal Street, New Orleans, La., at 9 a.m. on September 14, 1970, and will continue through September 15 and 16, 1970. Agendas and invitations to attend the symposium have been given wide distribution.

The symposium will be conducted informally with panels addressing such questions as:

a. Technical matters such as definitions, substance classifications, short- and long-term detrimental effects of hazardous substance pollution.

b. Prevention and recovery techniques and equippage (currently used and proposed), detection, neutralization.

c. Legal and economic matters including liability for removal, limits of liability, cost of spill prevention and control measures, reporting of spills, recovery of removal costs.

The impact which study of this subject may have upon industry and upon our environment requires wide-spread response to the symposium invitation. The symposium is open to the public and all interested parties are invited to attend. Further information concerning the symposium may be obtained by a telephone call to Office of the Commandant (202–426–1483). Those who are unable to attend are invited to submit written comments to the Commandant, U.S. Coast Guard, Room 8228, 400 Seventh Street SW., Washington, D.C. 20591, by September 21, 1970.

Dated: September 4, 1970.

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

[F.R. Doc. 70–11966; Filed, Sept. 9, 1970; 8:48 a.m.]

[CGFR 70–111]

1970 AMERICA'S CUP RACES, NEWPORT, R.I.

Special Regulations

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by the Act of April 28, 1908, as amended (sec. 1, 35 Stat. 69, 46 U.S.C. 454), section 6(b)(1) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(b)(1)) and 49 CFR 1.46(b), I hereby affirm for publication in the FEDERAL REGISTER the special local regulations for the 1970 America's Cup Races to be held at Newport, R.I., issued by W. B. Ellis, Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District. Since the first race is scheduled for September 15, 1970, and these local regulations have already been published in the First Coast Guard District Local Notice to Mariners, good cause exists for making these local regulations effective in less than 30 days after publication in the FEDERAL REGISTER. The special local regulations read as follows:

SPECIAL LOCAL REGULATIONS FOR THE 1970 AMERICA'S CUP RACES, NEWPORT, R.I.

These regulations are issued to provide control over the America's Cup Races and to insure safety of life and property in the race area. (Authority 46 U.S.C. 454, 33 CFR Part 100). Penalties up to $500 for violations of these regulations may be awarded (46 U.S.C. 457). Enforcement will be by U.S. Coast Guard vessels and helicopters.

1. *Effective period.* These regulations are effective 1100 until the conclusion of each race daily commencing on September 15, 1970, and on each day thereafter that a race is conducted until the completion of the regatta.

2. *Applicable area.* These regulations are applicable within a 5-mile radius of the special purpose lighted bell buoy, painted orange and white horizontal stripes, marked "AC", in approximate position 7 miles bearing 143° T (157.5° mag.) from Brenton Reef Light Tower (USC&GS Chart 1210). This area is indicated on the chartlet on the reverse hereof. (This chartlet is not being reproduced in the FEDERAL REGISTER, but copies may be obtained from the Office of the Commander First Coast Guard District; J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.)

3. *Race course and restricted area.* The triangular race area will be marked by the foregoing special purpose buoy and two U.S. Navy tugs. The race will start at the buoy with the first leg oriented directly into the wind and follow the course diagram indicated on the reverse hereof. The diamond shaped restricted area around the race course will be marked by anchored U.S. Coast Guard or U.S. Navy vessels. During the progress of the race the patrol vessels will proceed around the perimeter of the restricted area.

4. *Spectator craft.* All spectator craft and other vessels operating in the area within 5 miles of the special purpose buoy shall:

A. Keep clear of the restricted area.

B. Prior to the start of the race, remain at least 100 yards to the leeward of the line of patrol vessels.

C. Remain at least 100 yards outside the column of patrol vessels when proceeding around the restricted area.

D. Vessels over 100 feet in length must remain 500 yards outside of the restricted area except for the purpose of anchoring.

E. Comply with the instructions of the U.S. Coast Guard patrol vessels and helicopters. Small patrol boats will be equipped with sirens and flashing blue lights.

F. Be alert for disabled craft and persons falling overboard.

G. Exercise caution when operating in congested areas.

Dated: September 4, 1970.

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

[F.R. Doc. 70–11998; Filed, Sept. 9, 1970; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22539; Order 70–9–24]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of September 1970.

By tariff revisions marked to become effective September 19, 1970,[1] American Airlines, Inc. (American), proposes to increase regular and discount fares on its New York-Boston, Syracuse, Washington, Rochester, and Buffalo segments. The present and proposed coach fares before tax are as follows:

City pair	Present coach fare	Proposed coach fare
New York–Boston	$20.37	$24.07
New York–Buffalo	26.85	29.63
New York–Rochester	24.07	26.85
New York–Syracuse	21.30	25.00
New York–Washington	22.22	25.00

First-class fares would be set at 125 percent of the revised coach fares, and discount fares would bear the same percentage relationship to normal fares as under the present structure. The coach fares are arrived at by adding fixed dollar amounts to existing fares, based on a mileage block formula which produces greater increases as the mileage involved decreases. American states that the purpose of its proposal is to test the effect on traffic fare increases in short-haul markets, and to eliminate the losses it is now experiencing in these particular markets. American alleges that for the month of May 1970, it operated at high load factors in the five markets selected for the test, but still experienced a loss of $503,400. The carrier estimates that the fare revisions will increase annual revenues by approximately $6.6 million, and that it will realize a total operating profit of about $594,000 annually.

On August 14, 1970, American filed systemwide fare revisions for effect October 15, 1970.[2] The instant proposal and that filed for effectiveness October 15 utilize the same approach in arriving at fares. In light of the pendency of American's system proposal, we do not believe it would be appropriate to make a decision on the merits of American's very limited proposal at this time. Accordingly, we are herein suspending those fares. The Board contemplates reaching its decision with respect to the general fare revisions of American and other carriers within the month, at which time it will consider also the proposal herein suspended.

Upon consideration of all relevant matters, the Board has determined that the fares proposed by American may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that these proposals should be suspended pending investigation.

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

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 136.

[2] Pursuant to Order 70–7–128, July 28, 1970.

hereto,[2] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including December 17, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

3. A copy of this order will be filed with the aforesaid tariffs and be served on American Airlines, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-12009; Filed, Sept. 9, 1970; 8:51 a.m.]

[Docket No. 22340]

CONTINENTAL AIR LINES, INC.

Notice of Prehearing Conference Regarding Container Rates for B-747 Aircraft

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 24, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Louis W. Sornson.

Bureau Counsel and complainants should file information and evidence requests with the Examiner, Continental, and with each other, on or before September 18, 1970.

Dated at Washington, D.C., September 3, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-12010; Filed, Sept. 9, 1970; 8:51 a.m.]

[Docket No. 22350]

WORLD AIRWAYS, INC., AND PAKISTAN INTERNATIONAL AIRLINES CORP.

Notice of Proposed Approval

Joint application of World Airways, Inc. and Pakistan International Airlines Corp. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 22350.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority on September 11, 1970. Prior to that date, interested persons may file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., September 4, 1970.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

Joint application of World Airways, Inc., and Pakistan International Airlines Corp. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 22350.

By application filed July 9, 1970, World Airways, Inc. (World), and Pakistan International Airlines Corp. (PIA), request that the Board disclaim jurisdiction over, or in the alternative, approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) an agreement whereby World will dry-lease to PIA a Boeing 707-373C aircraft.

World is a U.S. supplemental air carrier.[1] PIA holds Board authority as a foreign air carrier, pursuant to Board Order E-16850, May 24, 1961, but at present engages only in foreign transportation within Pakistan and between Pakistan and various European, Asian and Middle-East countries, conducting scheduled transportation with Boeing jet aircraft. PIA has recently sold four Triton aircraft, purchased three new Boeing 707 aircraft, and leased one additional Boeing aircraft from World to meet its present needs.[2] PIA now requires one additional Boeing 707 aircraft to provide additional cargo services between East and West Pakistan and between Karachi and London.

The agreement involves the lease of one B-707-373C aircraft for a period of 3 years and 9 months commencing on September 14, 1970. The aircraft initially delivered is to be replaced with a substitute Boeing aircraft on or about June 30, 1971. Rental will at the rate of $85,000 per month, adjustable upwards in the event that the lessee, PIA, shall give notice of earlier termination of the lease.[3] PIA will have complete and exclusive control of the aircraft, providing its own crew, fuel, and so forth, under the terms of the "dry" lease.

Applicants state that the aircraft involved in the present lease represents approximately 7.4 percent of the total value of World's aircraft, spare engines and parts, that World presently has only one other aircraft under lease to PIA and that the combined value of the two aircraft would represent no more than 14.8 percent of the total current value of World's aircraft and spare engines. In support for the alternative request for approval, it is submitted that World's lease of the subject aircraft will not interfere with any of World's current or projected commitments under its military or commercial contracts, and that approval of the instant lease agreement will not result in the control of an air carrier engaged in air transportation, nor will it result in creating a monopoly or tend to restrain competition. Moreover, the applicants contend that the rent payments will be of benefit to World, as well as to the United States in its balance of payments position.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that the lease involves a substantial part of the properties of World and, therefore, is subject to section 408 of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that the lease will enable PIA to expand its present services without depriving World of aircraft necessary to meet its own commitments.[4] In addition, the subject lease is substantially identical to the lease approved by the Board in Order 70-8-44 (supra). Under all the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

1. The subject lease by PIA of a Boeing 707-373C aircraft and related parts and spare engines from World be and it hereby is approved; and

2. To the extent not granted, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective upon issuance and the filing of such petitions shall not stay its effectiveness.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-12079; Filed, Sept. 9, 1970; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18951-18955; FCC 70-917]

OKLAHOMA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Oklahoma Broadcasting Co., Tulsa, Okla., Docket

[2] Filed as part of the original document.

[4] Vice Chairman Gillilland and Member Adams dissenting and issuing a statement which is filed as part of the original document.

[1] Orders E-23350, E-24237, and E-24242.

[2] Approved by Order 70-8-44.

[3] PIA has the option of terminating the lease on June 14, 1971, June 14, 1972, or June 14, 1973.

[4] The application indicates that, as of June 30, 1970, World owned 15 aircraft including six Boeing 727's and nine Boeing 707's.

No. 18951, File No. BPH–4175, requests: 98.5 mc, No. 253; 25 kw.; 860 feet; Oklahoma Broadcasting Co., The Village, Okla., Docket No. 18952, File No. BPH–4179, requests: 107.7 mc, No. 299; 100 kw.; 1340 feet; Southwestern Sales Corp., Tulsa, Okla., Docket No. 18953, File No. BPH–4995, requests: 98.5 mc, No. 253; 100 kw.(H); 100 kw.(V); 439.5 feet; All American Broadcasting Corp., Oklahoma City, Okla., Docket No. 18954, File No. BPH–6288, requests: 107.7 mc, No. 299; 58.49 kw.(H); 58.49 kw.(V); 284 feet; and KTOK Radio, Inc., Oklahoma City, Okla., Docket No. 18955, File No. BPH–6373, requests: 107.7 mc, No. 299; 100 kw.(H); 100 kw.(V); 418 feet; for construction permits.

1. The Commission has before it (a) the above-captioned and described applications; (b) "Petition to Deny" the Oklahoma Broadcasting Co. ("Oklahoma Broadcasting") application for Tulsa filed by the licensee of station KRAV (FM), Tulsa, Okla.; (c) Oklahoma Broadcasting's "Opposition to Petition to Deny"; (d) KRAV(FM)'s "Reply to Opposition to Petition to Deny"; (e) KRAV (FM)'s "Amendment to Petition to Deny"; (f) Oklahoma Broadcasting's "Reply to Amendment to Petition to Deny"; and (g) related pleadings and correspondence.[1]

2. The application of Oklahoma Broadcasting for The Village, and the applications of All American Broadcasting Corp., and KTOK Radio, Inc., for Oklahoma City are mutually exclusive as are the applications of Oklahoma Broadcasting and Southwestern Sales Corp. for Tulsa.[2] The two groups of applications are being considered together because Oklahoma Broadcasting proposes to operate its two proposals jointly with (in effect as satellites of) its present Ada, Okla., FM station.

3. KRAV(FM) maintains that it has the requisite standing to petition under section 309 of the Communications Act of 1934, as amended, for the denial of Oklahoma Broadcasting's Tulsa proposal by virtue of the economic impact which a grant would have upon its station. We agree that KRAV(FM) has standing—FCC v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

4. KRAV(FM) alleges in its pleadings that the financial situation for FM stations in Tulsa is such that the entrance of a new station into the market would result in a loss of broadcasting service to the public. Supporting this allegation with various factual data, petitioner thereby attempts to raise a Carroll issue—Carroll Broadcasting Co. v. F.C.C., 103 U.S. App. D.C. 346, 258 F.2d 440, 19 RR 2066 (1958). In that case the court of appeals declared that the fact that the play of economics means the ascendancy of one station and the decline or fall of another is of no moment to the public, whose only interest is in service. Thus, a petitioner, in order to raise a Carroll issue, must provide support for the proposition that the economic impact would be such as to materially affect service to the public. KRAV(FM) was given an opportunity to provide such a showing by answering a series of questions propounded in a letter from the Commission's staff. In response, KRAV(FM) filed an amendment to the petition in which it answered seven of the 12 questions asked in the letter and sought to explain the reasons for not answering the other five questions. Absent is reasonably precise information concerning the total advertising potential of the area, the number of businesses that do not now advertise on the radio, which public service programs might have to be shifted to another time segment or discontinued, the cost of carrying these programs and the savings that would be realized by shifting or discontinuing them, the effect which a grant of the application would have on the program format and policies of the station, and the specific relationship between the assumed loss of revenues and the withdrawal of particular programs. KRAV(FM)'s justification for these omissions is that the questions it did not answer are relevant only in a small community where broadcasters are "on an equal competitive footing."

5. In essence, KRAV(FM) has taken the position that as an independent FM station in the market it has been sustaining serious losses and that its ability to generate the revenues necessary to survival would be adversely affected by the three-station network proposal as outlined in the Oklahoma Broadcasting applications. In response, Oklahoma Broadcasting questions the probative value of KRAV(FM)'s assertions and takes the view that the station's lack of capitalization and poor management has led to whatever difficulties it has encountered.

6. In terms of the feared impact on KRAV(FM) of the Oklahoma Broadcasting proposal for Tulsa,[3] the information we have been provided is now quite stale and since it was submitted, the picture for KRAV(FM) and for FM stations generally, has changed dramatically. Contrasted with the figures first provided, revenues for independent FM stations generally, even as of 1968, had more than tripled with a similar increase in the Tulsa market. KRAV(FM)'s revenue has shown a marked growth and in an 11-station radio market, the addition of one more FM station ordinarily would not be expected to have a great impact. Whatever may once have been the case, none of the currently available information even suggests the likelihood of serious economic consequences for any of the 6 AM or 5 FM stations currently operating in Tulsa. Even less does it suggest that the impact, if any, would be reflected in the ability of KRAV(FM) to provide public service programing. In view of the nature of the market, the vast improvement in the position of FM stations there and elsewhere, and the paucity or even absence of documentation from KRAV(FM), we find no basis for the requested Carroll issue.

7. KRAV(FM) also has alleged that Oklahoma Broadcasting is not financially qualified, has opposed its request for waiver of § 73.210 of the rules, has questioned whether the proposed programming of Oklahoma Broadcasting would serve the needs and interests of the Tulsa area, and alleged that the proposed joint operation of three FM stations in the State by Oklahoma Broadcasting raises a multiple-ownership question. The first three of these points are discussed separately below, but as to the last, because the 1 mv/m contours of the three proposed Oklahoma Broadcasting stations would not overlap, no multiple-ownership issue as such is presented by the proposed joint operation. Nevertheless, the proximity of the three stations' contours would preclude them from significantly increasing facilities without causing 1 mv/m overlap in violation of § 73.240 (a)(1) of the Commission's rules. Although not raised by KRAV(FM), this matter is of such importance as to require us on our own motion to specify an issue to determine whether these proposals represent fair, efficient, and equitable uses of the channels within the meaning of section 307(b) of the Communications Act of 1934, as amended.

8. According to its applications, which have been amended several times since the filing of KRAV(FM)'s pleadings,[4] Oklahoma Broadcasting Co. would require $70,651[5] to conduct and operate its proposed stations for 1 year without reliance on revenues. This total consists of down payment on equipment for the Tulsa station, $6,000; down payment on equipment for The Village station, $5,000; first-year payments, including interest, on the Tulsa station, $2,680; first-year payments, including interest, on The Village station, $2,233; interests for both stations, $4,500; miscellaneous for both stations, $2,108; excess of costs over the manufacturer's letter of credit for The Village station, $4,930; and first-year operating costs for both stations, $43,200.

[1] The petition to deny was originally filed by George Robert Kravis, II trading as Boston Broadcasting Co. However, the Commission subsequently approved an assignment by Kravis to his father, Raymond F. Kravis, who in turn, by letter adopted the petition and subsequently filed the amendment to it.

[2] In addition to the above-captioned applications, a mutually exclusive application for Tulsa has been filed by American Christian College, Inc. Since this application has not been on file for the required 30 days, it will not be discussed in this document but will be considered in a subsequent order after expiration of the 30-day waiting period.

[3] Such fears have not been voiced regarding the impact of the competing application for Tulsa filed by All American Broadcasting.

[4] Because of the changes wrought by these amendments and in view of our determination that an issue is required, infra, no purpose would be served by discussing the specific allegations made by KRAV–FM.

[5] Arriving at a total for the costs involved is complicated by the fact that Oklahoma Broadcasting's financial arrangements are premised on its proposed joint operation of three stations and the fact that one of its applications, for Ada, Okla., has already been granted. The amounts mentioned represent what appear to be the costs applicable to the two remaining proposals.

To meet this requirement, applicant relies on existing capital, new capital, loans, a manufacturer's deferred credit plan, revenues, etc. Applicant's balance sheet as of November 1, 1967, shows cash and/or liquid assets of $6,630. In addition, the parent corporation, Eastern Oklahoma Television Co., is prepared to subsidize applicant; its balance sheet as of September 30, 1967, shows net cash and/or liquid assets of $22,610. A bank loan, dated July 1, 1964, with support from the officers dated November 10, 1967, is available in the amount of $40,000. A personal loan in the amount of $35,000, dated September 22, 1965, is also said to be available, but, because the lender's balance sheet does not show sufficient funds to meet the commitment, no credit can be given for this loan. The small difference between the total of the above items is to come from the parent corporation's revenues. However, the relied-upon documentation is not current and an issue, as a result, will be specified.

9. According to its application, Southwestern Sales Corp., would require $126,000 to construct and operate its proposed station for 1 year without reliance on revenues. This total consists of equipment, $66,000, and working capital, $60,000. To meet this requirement, applicant relies on cash and/or liquid assets in the amount of more than $470,000. Moreover, the market value of applicant's investments, taken at cost, is indicated to be more than $2 million. However, the balance sheet in question is out of date and an issue to determine the continued availability of these funds will be specified.

10. According to its application, KTOK Radio, would require $92,975 to construct and operate its proposed station for 1 year without reliance on revenues. This total consists of equipment, $59,475; miscellaneous, $3,500; and operating costs, $30,000. To meet this requirement, applicant relies on profits from existing operations. Because applicant's balance sheet showed current liabilities to be $33,000 in excess of current assets, no reliance can be placed on the $26,700 in cash listed on the balance sheet. Although applicant's profit from existing operations exceeded $175,000, the $75,000 from profits which applicant has earmarked for use in financing its needs is not sufficient. Moreover, the financial information available is out of date and as a result, a financial issue will be specified.

11. According to its application, All American Broadcasting Corporation would require $50,750 to construct and operate its proposed station for 1 year without reliance on revenues. This total consists of down payment on equipment, $9,000; first-year payments on equipment, including interest, $10,350; land, $4,000; buildings, $1,000; miscellaneous, $3,000; operating costs, $23,400. To meet this requirement, applicant relies on a manufacturer's deferred payment plan, existing capital, and new capital. Applicant's balance sheet shows cash and liquid assets (including prepaid expenses) in the amount of $4,130, but the balance sheet is not current. In addition, applicant claims $58,170 in new capital in the form of stock subscriptions. However, because of the lack of documentation of the ability of many of the subscribers to meet their commitments, credit can be given for only $2,000 of the subscriptions. Accordingly, a financial issue is required.

12. In Suburban Broadcasters, 30 F.C.C. 951 (1961), our Public Notice of August 22, 1968, FCC 68-847. 13 RR 2d 1903, and City of Camden (WCAM), 18 F.C.C. 2d 412, 16 RR 2d 555 (1969), and more recently in our [5a] Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. None of the applicants (except KTOK Radio) appear to have contacted a representative cross-section of its area and none at all have adequately provided the comments received regarding community problems obtained from such contacts, nor have they adequately indicated the specific programs proposed in response to specific community problems. Thus, we are unable at this time to determine whether any of the applicants is aware of and responsive to the needs of its community, and Suburban issues are required against all of the applicants.

13. Applicant Oklahoma Broadcasting has requested a waiver of § 73.210 of the rules, which requires that the main studio of a station be located in the community to which the station is licensed or at the transmitter site, and that certain percentages of the station's programs must originate from the main studio. Proposing to locate the main studio for all three stations at its present Ada, Okla., studio, Oklahoma Broadcasting seeks to justify the waiver by citing the poor financial performance of FM facilities, which it would attempt to avoid by blanketing a large part of Oklahoma with common programing. This approach, applicant argues, would reach many more listeners at a much lower cost than would operation of the three stations separately. Petitioner KRAV (FM) responds that this approach slights the local community involved by failing to provide it an outlet for local self-expression. KRAV(FM) thus touches upon the policy behind § 73.210. The location of the main studio is an integral part of the broadcaster's responsibility to its community. For, without an easily accessible studio, local citizens are deprived of adequate attention to their needs and views. Report and Order, FCC 50-1441.

14. Oklahoma's answer is only partly responsive: it argues that the fact that no main studio will be located in Tulsa (or in The Village) does not necessarily mean that no local programing will originate there. Oklahoma contends that local programing will be "electronically possible" through the facilities in Tulsa and in The Village. Just what this is supposed to mean is never made clear. Not in dispute is the fact that the main portion of the programing for all three stations will originate in the Ada studio. Oklahoma argues further that the cities it proposes to serve essentially form one community, with common broadcasting needs and interests. This, substantially, was the argument made and rejected in Suburban Broadcasters, supra, where an applicant requested a station in Elizabeth, N.J., but submitted for it a program format that was almost identical to those submitted by the same applicant for stations in Alameda, Calif., and Berwyn, Ill. The Commission required the applicant to ascertain the needs and interests of the Elizabeth community as a separate and distinct entity. Broadcasting facilities are expected to serve the needs and interests of the communities they are located in, and while there may indeed be points in common, it is manifestly impossible for the needs and interests of three separate communities to be identical. A waiver of § 73.210 of the rules could be granted only if Oklahoma Broadcasting could show how the public interest benefits of its proposal outweighed these vital local service considerations, or, how they could be satisfied utilizing the approach it urges. This it has not done. Although, Oklahoma Broadcasting is not entitled as a matter of right to a hearing on this matter, we believe that under the present circumstances it is appropriate to specify an issue to determine whether the sought-for waiver can be justified.

15. Oklahoma Broadcasting proposes extensive duplication of its Ada FM station and KTOK Radio proposes 21 percent duplication of its companion AM station while the other applicants propose independent operation or only slight duplication. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. When duplicated programing is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

16. Finally, we note that Oklahoma Broadcasting proposes use of the Oklahoma City channel in nearby The Village. Although 1 mv/m service would be provided to Oklahoma City, the proposal would not cover Oklahoma City with a 3.16 mv/m signal.[6] In view of the fact that The Village and Oklahoma City are vastly different in population and the fact that if Oklahoma Broadcasting utilized Oklahoma City for its proposal, there would be overlap of its 1 mv/m

[5a] Proposed.

[6] The two Oklahoma City applicants also fail (by a minor degree) to cover the entire city with 3.16 mv/m signal, but in view of the community's vast size there is ample justification for waiver of the applicable coverage requirements (as has been done for various stations there) in the event that either of these applications is granted.

contours, we believe that a Berwick issue is required to determine whether the proposal is realistically for The Village or for another, larger community, namely, Oklahoma City. These respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

17. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues.

(1) To determine whether Oklahoma Broadcasting Co. has available the $72,757 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(2) To determine whether Southwestern Sales Corp. has available the $126,000 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(3) To determine whether KTOK Radio, Inc., has available the $92,975 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(4) To determine whether All American Broadcasting Corp. has available the $50,750 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

(5) To determine the efforts made by Oklahoma Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which applicant proposes to meet those needs and interests.

(6) To determine the efforts made by Southwestern Sales Corp. to ascertain the community needs and interests of the area to be served and the means by which applicant proposes to meet those needs and interests.

(7) To determine the efforts made by KTOK Radio, Inc., to ascertain the community needs and interests of the area to be served and the means by which applicant proposes to meet those needs and interests.

(8) To determine the efforts made by All American Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which applicant proposes to meet those needs and interests.

(9) To determine the extent to which duopoly considerations would preclude future expansion of Oklahoma Broadcasting Co.'s station in Ada, Okla., and/or its proposed stations in Tulsa and/or The Village, and in light of evidence adduced in response to this question, whether either of these proposals represents fair, efficient, and equitable uses of the channels within the meaning of section 307(b) of the Communications Act of 1934, as amended.

(10) To determine whether the public interest would be served by granting waivers of § 73.210 of the Commission's rules as requested by Oklahoma Broadcasting Co.

(11) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective Oklahoma City channel proposals together with the availability of other primary aural services in such areas.

(12) To determine whether the proposal of Oklahoma Broadcasting Co. would realistically provide a transmission service for the Village, Okla., or for another larger community.

(13) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the Oklahoma City channel proposals would best provide a fair, efficient, and equitable distribution of radio service.

(14) To determine, in the event it is concluded that a choice between the Oklahoma City channel applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

(15) To determine which of the Tulsa proposals would, on a comparative basis, better serve the public interest.

(16) To determine which of the Oklahoma City channel proposals would, on a comparative basis, best serve the public interest.

(17) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permits should be granted.

18. *It is further ordered,* That, if either of the Oklahoma City proposals is granted, the permit shall specify that the provisions of § 73.315(a) of the Commission's rules are waived to permit a signal level of less than 3.16 mv/m over the entire city of Oklahoma City, Okla.

19. *It is further ordered,* That, the petition to deny filed by KRAV(FM) is granted to the extent indicated and in all other respects is denied.

20. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person, or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

21. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 26, 1970.

Released: September 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12014; Filed, Sept. 9, 1970; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 28 to Byproduct, Source, and Special Nuclear Material License No. 04-03766-01. The license authorizes Nuclear Engineering Co., Inc., to receive, process, package, store, and dispose of byproduct, source, and special nuclear material by burial in the soil and in the ocean. This amendment deletes authorization for disposal by burial in the ocean.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Dated at Bethesda, Md., September 2, 1970.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 70-11967; Filed, Sept. 9, 1970; 8:48 a.m.]

[1] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting.

FEDERAL LABOR RELATIONS COUNCIL

FEDERAL LABOR-MANAGEMENT RELATIONS PROGAM

Notice of Hearing

Notice is hereby given of public hearings commencing at 9 a.m., October 7, 1970, to be held in Hearing Room A, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C., before the members of the Council or their designated representatives. Employees and labor organization representatives, Federal agency officials, experts in labor-management relations and other interested groups and persons may appear and be heard with respect to the questions of what the Federal labor-management relations program under Executive Order 11491 has accomplished, where it is deficient and what adjustments are necessary or appropriate to insure the continued vitality of the program in the public interest. Applications to appear and testify at the hearing should be received by the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415, not later than September 18, 1970. The applicant should state his name (and the name of the organization or agency which he represents, if any) and address, and indicate his interest in the matter and the amount of time desired. Any person, organization or Federal agency may also file a written statement (in triplicate) with the Federal Labor Relations Council not later than October 9, 1970.

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

For the Council.

W. V. GILL,
Executive Director.

[F.R. Doc. 70-11948; Filed, Sept. 9, 1970; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, INC., AND PUERTO RICO-VIRGIN ISLANDS TRAILER SERVICE, 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 for approval by:

A. C. Novacek, Senior Vice President, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020

Agreement No. DC-50 between Seatrain Lines, Inc., and Puerto Rico-Virgin Islands Trailer Service, Inc., provides for the transportation of cargo under through bills of lading between U.S./Atlantic ports and ports in the Virgin Islands with transshipment at San Juan, P.R. The through rates and terms of transportation will be combination rates of those separately published by Seatrain Lines, Inc., between Atlantic ports and Puerto Rico and those separately published by Puerto Rico-Virgin Islands Trailer Service, Inc., between Puerto Rico and the Virgin Islands. All shipments pursuant to this agreement moving from Atlantic ports will be delivered by Seatrain Lines, Inc., to the Puerto Rico-Virgin Islands Trailer Service, Inc., terminal at San Juan. Either party may terminate this agreement upon 30 days' return notice to the other party.

The agreement should become effective upon the approval of the Commission pursuant to section 15, Shipping Act, 1916.

Dated: September 4, 1970.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[F.R. Doc. 70-12016; Filed, Sept. 9, 1970; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-205 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 28, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 13, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-205	Sun Oil Co	33	12	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Heyser Field, Victoria County, Tex., RR. District No. 2).	$14,307	8-10-70	9-10-70	2-10-71	16.6623	19.0	RI69-257.
	do	261	21	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Placedo et al. Fields, Victoria and Refugio Counties, Tex., RR. District No. 2).	451,015	8-10-70	9-10-70	2-10-71	15.05625	19.0	RI70-450.
RI71-206	Phillips Petroleum Co	431	10	Trunkline Gas Co. (Alta Loma-Hitchcock Field, Galveston County, Tex., RR. District No. 3).	6,129	8-10-70	9-10-70	2-10-71	19.0	23.0863	
	do	318	9	Trunkline Gas Co. (Alta Loma-Hitchcock Area, Galveston and Brazoria Counties, Tex., RR. District No. 3).	311,716	8-10-70	9-10-70	2-10-71	20.0	23.0863	
RI71-207	First National Bank in Dallas, Trustee.	2	4	South Texas Natural Gas Gathering Co. (Northeast Thompsonville Field, Jim Hogg County, Tex., RR. District No. 4).	15,057	8-10-70	10-1-70	3-1-71	15.05625	16.06	
RI71-208	Phillips Petroleum Co	417	12	Florida Gas Transmission Co. (East White Point and Nueces Bay Fields, San Patricio and Nueces Counties, Tex., RR. District No. 4).	25,725	8-14-70	9-14-70	2-14-71	15.0	18.5	
RI71-209	Texaco, Inc	315	4	Panhandle Eastern Pipe Line	----------	8-10-70	9-10-70	Accepted	15.0	----------	
		315	5	Co. (Northwest Midwell Field, Cimarron County, Okla., Panhandle Area).	1,685	8-10-70	9-10-70	2-10-71	15.0	18.0	
RI71-210	Continental Oil Co	306	4	Arkansas Louisiana Gas Co. (Red Oak Field, Latimer and Le Flore Counties, Okla., Other Area).	3,197	8-12-70	9-12-70	2-12-71	15.0	16.015	
RI71-211	Gulf Oil Corp	297	3	Panhandle Eastern Pipe Line Co. (Einsel Field, Kiowa County, Kans.).	500	8-11-70	10-1-70	3-1-71	15.0	16.0	
RI71-212	Mobil Oil Corp	301	13	Panhandle Eastern Pipe Line Co. (Guymon-Hugoton (Deep) Field, Texas County, Okla., Panhandle Area).	821	8-12-70	9-12-70	[1] 2-12-71	18.7	19.515	RI70-463.
RI71-213	Hassie Hunt Trust	39	4	Texas Eastern Transmission Corp. (Northeast Lisbon Field, Claiborne Parish, North Louisiana).	550	8-10-70	9-10-70	2-10-71	18.75	19.0	
RI71-214	Atlantic Richfield Co	225	17	Michigan Wisconsin Pipe Line Co. (Gingrich No. 1-36 Unit, Woodward County, Okla., Panhandle Area).	3,402	8-13-70	9-13-70	[2] 2-13-71	17.0	20.0	
RI71-215	Aikman Bros. Corp	11	2	Michigan Wisconsin Pipe Line Co. (North Quinlan Field, Woodward County, Okla., Panhandle Area).	8,100	8-10-70	9-10-70	2-10-71	17.0	20.0	
RI71-216	The Bradley Producing Corp.	4	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla., Panhandle Area).	2,105	8-10-70	9-15-70	2-15-71	20.43	22.945	
RI71-217	N. H. Wheless	1	9	Plateau Natural Gas Co. (Hugoton Gas Field, Stevens County, Kans.).	14,856	8-10-70	9-10-70	2-10-71	12.0	13.0	
	do	2	2	Panhandle Eastern Pipe Line Co. (Hugoton Gas Field, Stevens County, Kans.).	7,059	8-10-70	9-10-70	2-10-71	11.0	13.0	
RI71-218	Terra Resources, Inc	2	12	Natural Gas Pipeline Co. of America (Panhandle Field, Carson County, Tex., RR. District No. 10).	780	8-14-70	9-16-70	2-16-71	13.2	14.2	
RI71-219	Texaco, Inc	355	2	Cities Service Gas Co. (South Bishop Field, Ellis County, Okla., Panhandle Area).	2,821	8-17-70	10-21-70	3-21-71	17.0	18.0	
RI71-220	Apache Corp	23	6	Transwestern Pipeline Co. (Bradford, Tonkawa, and Parnell Fields, Lipscomb and Ochiltree Counties, Tex., RR. District No. 10).	56,250	8-17-70	9-17-70	2-17-71	17.0	20.0	
RI71-221	Phillips Petroleum Co	412	3	Panhandle Eastern Pipe Line Co. (Carthage Area, Texas County, Okla., Panhandle Area).	61,500	8-13-70	11-1-70	4-1-71	17.0	18.0	
RI71-222	Union Oil Co. of California	82	3	Natural Gas Pipeline Co. of America (Thomas Area, Dewey and Custer Counties, Okla., Other Area).	25	8-13-70	9-13-70	2-13-71	15.0	16.0	
RI71-223	Pan American Petroleum Corp.	516	4	Texas Gas Transmission Corp. (North Shongaloo-Red Rock Field, Webster Parish, North Louisiana).	21,900	8-13-70	9-13-70	[3] 2-13-71	18.75	19.75	

See footnotes at end of table.

APPENDIX—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-224...	Continental Oil Co.	178	8	Transwestern Pipeline Co. (Maljamar Area, Lee County, N. Mex., Permian Basin Area).	$29,910	8-12-70	9-12-70	2-12-71	18.0	20.0	
	do	252	9	El Paso Natural Gas Co. (Spraberry Field, Upton and Reagan Counties, Tex., RR. District No. 7-C, Permian Basin Area).	43	8-12-70	9-12-70	2-12-71	18.3105	19.0	
	do	261	7	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex., RR. District No. 8, Permian Basin Area).	329	8-12-70	9-12-70	2-12-71	15.2588	16.276	
	do	333	3	El Paso Natural Gas Co. (Red Hills Area, Lea County, N. Mex., Permian Basin Area).	642	8-12-70	9-12-70	2-12-71	18.48	19.60	
RI71-225...	Belco Petroleum Corp.	1	34	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	4,348	7-30-70	8-30-70	1-30-71	16.0	18.79	
					115,830	7-30-70	8-30-70	1-30-71	17.0	19.97	
					56,520	7-30-70	8-30-70	1-30-71	18.0	21.14	
	do	2	22	do	4,348	7-30-70	8-30-70	1-30-71	16.0	18.79	
					115,830	7-30-70	8-30-70	1-31-71	17.0	19.97	
					56,520	7-30-70	8-30-70	1-31-71	18.0	21.14	
	do	3	20	El Paso Natural Gas Co. (Big Piney Field (East La Borge) Fields, Sublette and Lincoln Counties, Wyo.).	39,060	7-30-70	8-30-70	1-31-71	16.0	18.79	
					346,970	7-30-70	8-30-70	1-31-71	18.0	21.14	

*All rates are at a pressure base of 14.65 p.s.i.a., except the sale by Hassie Hunt Trust under its FPC Gas Rate Schedule No. 39 to Texas Eastern which is upon a pressure base of 15.025 p.s.i.a.

[1] A request for waiver of notice and 1 day suspension is denied.
[2] A request for waiver of notice and 1 day suspension is denied.
[3] A request for waiver of notice and 1 day suspension is denied.

[F.R. Doc. 70-11798; Filed, Sept. 9, 1970; 8:45 a.m.]

[Docket No. E-7513]

DUKE POWER CO.

Notice of Proposed Rate Schedule Changes

AUGUST 31, 1970.

Take notice that on August 19, 1970, Duke Power Co. (Company) filed rate schedule changes for sales to municipalities, investor-owned utilities and cooperatives. Based on 1969 test year the rate changes proposed will increase revenue from sales to municipalities and investor-owned utilities by $3,341,757, or about 20 percent, and revenues from sales to cooperatives by $628,969 or about 7 percent; averaging about 16 percent for all resale classes of service. The date on which the rate changes are proposed to become effective is October 21, 1970.

The Company cites as justification for the rate increase that the Company's operating expenses, especially fuel expenses, and the cost of new capital have risen so much more rapidly than revenue, that the Company's rate of return has become inadequate. The Company maintains that the current net earnings are insufficient to enable it to attract new capital on reasonable terms.

Copies of the filing have been served on customers, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said application, should, on or before September 18, 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11925; Filed, Sept. 9, 1970; 8:45 a.m.]

[Docket No. CS70-32, etc.]

FIVE RESOURCES, INC., ET AL.

Findings and Order; Correction

AUGUST 27, 1970.

Five Resources, Inc., Docket No. CS70-32; Ormand Industries, Inc. (formerly Ryan Consolidated Petroleum Corp.), Docket No. CS66-137; and Shell Oil Co., Dockets Nos. CI61-1491 and G-5018.

In the findings and order after statutory hearing issuing small producer certificate of public convenience and necessity, amending orders issuing certificate, making successor co-respondent, redesignating proceeding, and requiring filing of agreement and undertaking, issued April 7, 1970, and published in the FEDERAL REGISTER April 17, 1970 (35 F.R. 6297), caption; line 16; paragraph (6), line 4; and paragraph (H), line 2: Substitute "G-5018" in lieu of "G-16254".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11955; Filed, Sept. 9, 1970; 8:47 a.m.]

[Project 503]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Idaho Power Co. (correspondence to: James E. Bruce, Vice President and Secretary, Idaho Power Co., Box 70, Boise, Idaho 83707) for Project No. 503, known as the Swan Falls Project located on the Snake River, in Ada and Owyhee Counties, Idaho.

Licensee seeks amendment of license Article 19 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This formula would be substituted for the straight 6 percent rate of return provision presently specified by Article 19.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to

the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11926; Filed, Sept. 9, 1970; 8:45 a.m.]

[Project 18]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Co. (correspondence to: James E. Bruce, Vice President and Secretary, Idaho Power Co., Box 70, Boise, Idaho 83707) for constructed Project No. 18, known as Twin Falls, located on the Snake River in Twin Falls and Jerome Counties, Idaho.

Licensee seeks amendment of license Article 25 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times 1½ , or 6 percent, whichever is greater. This formula would be substituted for the straight 6 percent rate of return provision presently specified by Article 25.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11956; Filed, Sept. 9, 1970; 8:47 a.m.]

[Project 2055]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Co. (correspondence to: James E. Bruce, Vice President and Secretary, Idaho Power Co., Box 70, Boise, Idaho 83707) for constructed Project No. 2055, known as the C. J. Strike Project, located on the Snake River in Elmore, Owyhee, Ada, and Canyon Counties, Idaho.

Licensee seeks amendment of license Article 24 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This formula would be substituted for the straight 6 percent rate of return provision presently specified by Article 24.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11957; Filed, Sept. 9, 1970; 8:47 a.m.]

[Project 2061]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Co. (correspondence to: James E. Bruce, Vice President and Secretary, Idaho Power Co., Box 70, Boise, Idaho 83707) for constructed Project No. 2061, known as Lower Salmon Falls, located on the Snake River in Gooding and Twin Falls Counties, Idaho.

Licensee seeks amendment of license Article 24 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This formula would be substituted for the straight 6-percent rate of return provision presently specified by Article 24.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11958; Filed, Sept. 9, 1970; 8:47 a.m.]

[Project 1971]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Co. (correspondence to: James E. Bruce, Vice President and Secretary, Idaho Power Co., Box 70, Boise, Idaho 83707) for Project No. 1971, known as the Hells Canyon Project, located on the Snake River in Washington and Adams County, Idaho, and Malheur, Baker, and Wallowa Counties, Oreg.

Licensee seeks amendment of license Article 24 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings

of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This formula would be substituted for the straight 6-percent rate of return provision presently specified by Article 24.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11959; Filed, Sept. 9, 1970; 8:47 a.m.]

[Project 1975]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Idaho Power Co. (correspondence to: James E. Bruce, Vice President and Secretary, Idaho Power Co., Box 70, Boise, Idaho 83707) for constructed Project No. 1975, known as the Bliss Project, located on the Snake River, in Elmore, Twin Falls, and Gooding Counties, Idaho.

Licensee seeks amendment of license Article 24 to incorporate a more flexible rate of return limitation on project net investment upon which surplus earnings of the project would be based and amortization reserves established and maintained pursuant to section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This formula would be substituted for the straight 6 percent rate of return provision presently specified by Article 24.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11960; Filed, Sept. 9, 1970; 8:47 a.m.]

[Docket No. CP71-38]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application

SEPTEMBER 2, 1970.

Take notice that on August 20, 1970, McCulloch Interstate Gas Corp. (applicant), 6151 West Century Boulevard, Los Angeles, Calif. 90017, filed in Docket No. CP71-38 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during calendar year 1970, and the operation of budget-type gas-purchase facilities to enable applicant to attach to its pipeline system natural gas which will be purchased from authorized independent producers or similar sellers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities are to be utilized for the attachment of new or expanded supplies of natural gas in various producing areas generally coextensive with applicant's certificated system as well as handling increased deliverability from existing sources and insuring the orderly depletion of reserves.

The total cost of the proposed facilities will not exceed a maximum of $128,000, and no single project will exceed the cost of $32,000, and will be financed from working funds and short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11961; Filed, Sept. 9, 1970; 8:47 a.m.]

[Docket No. CP71-39]

CITY OF MIRAMAR, FLA., AND FLORIDA GAS TRANSMISSION CO.

Notice of Application

SEPTEMBER 2, 1970.

Take notice that on August 24, 1970, the City of Miramar (applicant), Post Office Box 3838, Miramar, Fla. 33023, filed an application pursuant to section 7(a) of the Natural Gas Act and Part 156 of the regulations thereunder for an order directing Florida Gas Transmission Co. (respondent), to establish physical connection of its transmission facilities with the facilities proposed to be constructed and acquired by applicant, as hereinafter described, and as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire the three presently existing gas systems which now serve the portions of the built-up area of the city; to wit, City Gas Co. serving approximately 635 customers with natural gas, United Utilities Corp. serving approximately 690 customers with L.P. gas, and Miramar Gas Co. serving L.P. gas to approximately 640 customers. Some 1,770 customers are supplied with bottled L.P. gas from 14 companies operating in the city.

It is further proposed, after this acquisition, to convert the two L.P. gas systems to natural gas, and construct a system for supplying natural gas to the remainder of the developed area of the city, with provision for extension of the system as future growth demands.

Applicant's estimated third-year requirement of natural gas is 144,850 Mcf at 14.73 p.s.i.a. The estimated cost of the facilities proposed to be constructed, including an estimated cost of $755,000 for purchase of the three aforementioned systems, will be $1,650,000. Applicant

proposes to finance this cost by means of revenue bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. 70-11932; Filed, Sept. 9, 1970; 8:45 a.m.]

[Project 1967, etc.]

NEKOOSA-EDWARDS PAPER CO. ET AL.

Notice of Application for Transfer of Licenses for Constructed Project

SEPTEMBER 2, 1970.

Nekoosa-Edwards Paper Co. and Great Northern Nekoosa Corp., Transferors and Nekoosa Edwards Paper Co., Inc.; Projects Nos. 1967, 2255, 2291, 2292, 2498, and 2499.

Public notice is hereby given that application for approval of transfer of licenses for the above-designated projects has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the above-named transferors and transferee.

The projects covered by the application and their respective locations are as follows:

Project Nos.	Name of project	Location	River
1967	Lower Power Mill.	Portage County, Wis.	Wisconsin.
2255	Centralia	Wood County, Wis.	Do.
2291	Port Edwards	do	Do.
2292	Nekoosa	do	Do.
2498	Hewittville Hydroelectric Project.	St. Lawrence County, N.Y.	Raquette.
2499	Unionville Hydroelectric Project.	do	Do.

According to the application, the properties of Nekoosa-Edwards Paper Co., including the projects herein involved, were transferred following a merger consummation first to Great Northern Paper Co., the surviving corporation to the merger (the name of which was changed to Great Northern Nekoosa Corp.) and immediately thereafter the properties were transferred by the latter to Nekoosa Edwards Paper Co., Inc., a Wisconsin corporation and wholly owned subsidiary of Great Northern Nekoosa Corp.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11927; Filed, Sept. 9, 1970; 8:45 a.m.]

[Project 1855]

NEW ENGLAND POWER CO.

Notice of Application for New License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for a new license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by New England Power Co. (correspondence to: Richard B. Dunn, General Counsel, Turnpike Road, Westboro, Mass. 01581) for its constructed Project No. 1855, known as the Bellows Falls Project, located on the Connecticut River in Cheshire and Sullivan Counties, N.H., near Walpole, Charlestown, Claremont, and Cornish, and in Windham and Windsor Counties, Vt., near Rockingham, Springfield, Weathersfield, and Windsor.

The existing Bellows Falls Project consists of: (1) A concrete gravity dam about 643 feet long and 30 feet high having a gated spillway; (2) a pool extending 26 miles upstream with a surface area of 2,804 acres at normal elevation 291.63 feet; (3) a power canal about 1,700 feet long; (4) a tailrace about 900 feet long; (5) a powerhouse containing three generating units, each rated at 13,600 kw.; and (6) all other facilities and interests appurtenant to the operation of the project.

Recreation facilities at the project consist of: Existing-public access and free use of facilities for picknicking, fishing, hiking, and boat launching; and proposed—include expansion of the existing facilities, development of a 63-acre peninsula for playgrounds, picknicking, fishing, boating, and hiking, plus swimming facilities following pollution abatement, development of 85.9 acres for recreation, and preservation of 59.0 acres as natural areas for public enjoyment and use. Applicant leases to the Bellows Falls Historical Society the Frank Adams Mills for use as a public museum.

According to the application: (1) The market for the project power is in applicant's service area in Massachusetts, New Hampshire, and Rhode Island and project output would continue to be utilized on applicant's New England Power system—a part of the New England Regional system (NEPEX); (2) the estimated net investment is approximately $6,400,000 as of December 31, 1969, and the fair value would not be less than the net investment figure, plus severance damages—an unknown figure until it is determined whether or not, among other factors, all or part of the project would be taken over; and (3) annual taxes paid to State and local governments in 1969 amounted to $885,551.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11962; Filed, Sept. 9, 1970; 8:47 a.m.]

[Docket No. E-7423]

OTTER TAIL POWER CO.

Notice of Application

SEPTEMBER 2, 1970.

Take notice that on June 28, 1968 and July 18, 1969, the Federal Power Commission issued orders pursuant to section 204 of the Federal Power Act authorizing Otter Tail Power Co. to issue short-term promissory notes to banks and commercial paper dealers in an aggregate principal amount not to exceed $12 million outstanding at any one time. All notes to be issued before December 31, 1971, and having a final maturity date of not later than December 31, 1972.

On August 26, Otter Tail Power Co. (Applicant) filed an application requesting that the Commission's orders of June 28, 1968 and July 18, 1969 be modified to the extent that the Applicant be authorized to increase the aggregate principal amount of notes to be issued to $14 million. All other terms and conditions of the Commission's orders are to remain the same.

The net proceeds from the notes will be used to provide general funds for the company's construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11963; Filed, Sept. 9, 1970; 8:47 a.m.]

[Docket No. CP71-41]

PACIFIC GAS TRANSMISSION CO.

Notice of Application

SEPTEMBER 2, 1970.

Take notice that on August 24, 1970, Pacific Gas Transmission Co. (Applicant), 245 Market Street, San Francisco, Calif., filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to deliver exchange volumes of natural gas in accordance with the Emergency Exchange Agreement, dated July 8, 1970, between Applicant, El Paso Natural Gas Co. (El Paso) and Pacific Gas and Electric Co. (PG and E), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Under this agreement, Applicant proposes to deliver to El Paso at an existing interconnection near Stanfield, Oreg., between the date it is authorized to begin deliveries and April 30, 1970, such quantities of gas up to 100,000 Mcf per day as El Paso may request and as PG and E may determine from day to day it can temporarily postpone receiving at the California-Oregon border. Applicant further proposes to deliver to PG and E at the California-Oregon border between May 1, 1971, and September 30, 1971, gas at the rate of 50,000 Mcf per day or such other volumes as may be agreed upon from time to time, until the total quantities of gas so delivered shall equal 150 percent of the quantity of exchange gas theretofore received by El Paso.

Applicant states that its application is dependent upon issuance of authorization to El Paso to exchange natural gas with Applicant under the above-mentioned Emergency Exchange Agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11928; Filed, Sept. 9, 1970; 8:45 a.m.]

[Docket No. RI64-452]

AINSLIE PERRAULT ET AL.

Order Amending Order Making Successor Co-respondent

SEPTEMBER 1, 1970.

By order issued June 26, 1970, in Docket No. G-2640 et al., the Commission amended the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket No. CI62-988 by authorizing Petroleum Corporation of Texas to continue as operator the sale of natural gas to El Paso Natural Gas Co. theretofore authorized in said docket to be made pursuant to Ainslie Perrault (Operator), et al., FPC Gas Rate Schedule No. 2. Said rate schedule was redesignated as Petroleum Corporation of Texas (Operator), et al., FPC Gas Rate Schedule No. 36. The rate under Perrault's rate schedule at the time that Petroleum Corporation of Texas assumed the position of operator was in effect subject to refund in Docket No. RI64-452. In the form required by § 157.24(a) of the regulations under the Natural Gas Act, which accompanied the application to amend, Petroleum Corporation of Texas indicated that it intended to assume the total refund obligation from the time that the increased rate was made effective subject to refund. Accordingly, concurrently with the amendment of the certificate, Petroleum Corporation of Texas was made a co-respondent in the proceeding pending in Docket No. RI64-452 and required to file an agreement and undertaking to assure the refund of all amounts collected by Ainslie Perrault and itself in excess of the amount determined to be just and reasonable in said proceeding.

By letter of July 28, 1970, Petroleum Corporation of Texas advises that it intends to be responsible for the refund of only these amounts collected by itself subject to refund. Copies of the division order and operating agreement accompanying said letter do not reveal any intention to assume a greater refund obligation than that required by § 154.92(d)(3) of the regulations under the Natural Gas Act. Prior to the date of the order amending the certificate and making Petroleum Corporation of Texas co-respondent, Petroleum Corporation of Texas had filed a general undertaking to assure the refund of amounts collected by it in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order making Petroleum Corporation of Texas co-respondent in the proceeding pending in Docket No. RI64-452 should be amended as hereinafter ordered.

The Commission orders: In lieu of the refund obligations imposed by the order issued June 26, 1970, in Docket No. G-2640 et al., Petroleum Corporation of Texas (Operator) et al., shall be responsible for the refund of only those amounts collected by itself pursuant to its FPC Gas Rate Schedule No. 36 on or after June 1, 1965, in excess of the amount determined to be just and reasonable in Docket No. RI64-452. Such refund shall be assured by the general undertaking of Petroleum Corporation of Texas on file with the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11930; Filed, Sept. 9, 1970; 8:45 a.m.]

[Docket No. E-7545]

SAN DIEGO GAS & ELECTRIC CO.

Notice of Application

SEPTEMBER 2, 1970.

Take notice that on July 1, 1970, as subsequently supplemented on July 17 and 21, 1970, San Diego Gas & Electric Co. (applicant) incorporated under the laws of the State of California, with its principal place of business at San Diego, Calif., filed an application in Docket No. E-7545 for an order pursuant to section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Mexico. The energy proposed to be exported will be sold to the Comision Federal de Electricidad de Mexico, an agency of the Republic of Mexico (Mexican Agency) in accordance with the provisions of certain contracts filed as exhibits to the application. The transmission will be at a rate not to exceed 60 megawatts. The energy proposed to be exported will be

delivered to the Mexican Agency by means of applicant's three temporary interconnections located at the international border between the United States and Mexico. Applicant has filed application in Docket No. E–7544 pursuant to Executive Order No. 10485 dated September 3, 1953, for a permit authorizing operation of such interconnections.

The Mexican Agency will utilize the energy purchased for emergency and economy flow purposes in Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–11933; Filed, Sept. 9, 1970; 8:45 a.m.]

[Project 2535]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Application for Amendment of License for Constructed Project

SEPTEMBER 2, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Electric & Gas Co. (correspondence to: Arthur M. Williams, Jr., Senior Vice President, South Carolina Electric & Gas Co., Post Office Box 390, Columbia, S.C.), for constructed Project No. 2535, known as the Stevens Creek Project, located on the Savannah River in Columbia County, Ga., in the vicinity of Evans and Appling, and in Edgefield County, S.C., in the vicinity of Morgana and Edgefield.

Licensee seeks to amend license Article 8 to incorporate a more flexible rate of return upon which surplus earnings of the project would be based and amortization reserves established and maintained under the provisions of section 10(d) of the Federal Power Act. Licensee seeks to have the rate of return related to the company's weighted average annual embedded long-term debt cost rate times 1½, or 6 percent, whichever is greater. This formula would be substituted for the straight 6 percent rate of return provision presently specified in Article 8.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–11929; Filed, Sept. 9, 1970; 8:45 a.m.]

[Docket No. RP71–4 etc.]

SOUTHERN NATURAL GAS CO.

Order Suspending Revised Tariff Sheets Providing for Hearing and Consolidating Proceedings

AUGUST 31, 1970.

On July 30, 1970, Southern Natural Gas Co. (SNG) filed three revised tariff sheets to its FPC Gas Tariff Sixth Revised Volume No. 1.[1] The tendered tariff sheets propose that authorized overrun deliveries of gas to SNG's Rate Schedule CD–3 customer would be billed at the rate contained in SNG's Rate Schedule AO–3 (authorized overrun). At present, authorized overrun gas delivered to the Rate Schedule CD–3 customer is billed at the commodity rate under that schedule. SNG requests that the revised tariff sheets be made effective September 1, 1970.

Under its existing tariff, authorized overrun gas delivered to SNG's other contract demand rate schedule in Zone 3, OCD–3, is billed the AO–3 rate. SNG states that the proposed change is necessary to make Rate Schedule AO–3 apply to all authorized overrun deliveries in Zone 3 under its contract demand rate schedules and thus eliminate the discrimination in the present rate schedules between the OCD–3 and CD–3 customers.

Under the tariff sheets presently in effect subject to refund in Dockets Nos. RP70–5 and RP70–16, OCD–3 customers are charged 30.14 cents per MM b.t.u. for authorized overrun gas during the summer months (April–October) and 38.12 cents per MM b.t.u. during the winter months (November–March) while a purchaser under CD–3 is charged 26.15 cents per MM b.t.u. (CD–3 commodity charge) for authorized overrun gas for the entire year. Since SNG's AO–3 rate is higher than the CD–3 commodity rate, the effect of Southern's proposed tariff change is to increase the price for overrun gas under Rate Schedule CD–3. Southern states that the proposed change would increase the rate to its only CD–3 customer, La Grange, Ga., by $4,667 per year.

On August 10, 1970, the city of La Grange, Ga., filed a protest to SNG's proposed tariff changes requesting that we deny SNG's proposal or, in the alternative, set the matter for hearing. In support of its protest La Grange argues, inter alia, the adverse economic effect of SNG's proposal upon La Grange. The city estimates that under the proposed change it would pay about $5,000 more for its gas in the 1969–70 contract year and approximately $9,500 more in the 1970–71 contract year. La Grange also states that it has contracted with Deering-Milliken, Inc., to deliver gas at a rate of 32 cents per Mcf and that under SNG's proposal it would be paying 38.12 cents for this gas in the winter months. The city estimates that it would lose about $38,800 during the winter months under this proposal. La Grange states that, "it is ironic to the officials of the city of La Grange that this request for a tariff change has not been made until Deering-Milliken, Inc., formerly served directly by Southern, has elected to buy gas from the city of La Grange now." La Grange alleges that SNG's proposed tariff change is discriminatory to the city and would preclude the city from competing with SNG for large industrial loads located within the city.

Review of SNG's proposed tariff sheets and La Grange's protest thereto, indicates that issues have been raised which require development in evidentiary proceedings. The proposed tariff changes have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. In the interest of expedition we shall order that this matter be consolidated with the SNG rate increase proceeding pending at Docket No. RP70–5 et al. and shall prescribe dates for the service of evidence on the issues presented. Hearings on the issues raised by Docket No. RP71–4 shall be a part of the hearings scheduled to commence October 8, 1970, in Docket No. RP70–5.

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 be 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) SNG's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until February 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

[1] Alternate 11th Revised Sheet No. 23, 1st Revised Sheet No. 26.1 and 3d Revised Sheet No. 26E.

(B) Docket No. RP71-4 is hereby consolidated with the proceedings in Docket No. RP70-5 et al. and the following dates are hereby set for the service of evidence on the issue(s) raised in Docket No. RP71-4:

September 11—SNG Direct Evidence.
September 21—Answering Evidence by any interested party.
September 30—SNG Rebuttal Evidence.

By the Commission.

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

[F.R. Doc. 70-11936; Filed, Sept. 9, 1970; 8:46 a.m.]

[Docket No. CP71-40]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 2, 1970.

Take notice that on August 24, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, Tex. 77001, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to sell up to 16,176,471 Mcf (at 15.025 p.s.i.a.) of natural gas during the period from November 1, 1970 to November 1, 1971, to Consolidated Gas Supply Corp. (Supply Corporation) and to sell up to 13,235,294 Mcf of natural gas during the same period to Iroquois Gas Corp. (Iroquois), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that up to 36,262 Mcf per day will be sold to Iroquois and sales of up to 44,320 Mcf per day are to be made to Supply Corporation at a price of 47.93 cents per Mcf. Applicant further states that the service proposed is dependent upon the issuance of authorization to import natural gas from Canada as requested by applicant in Docket No. CP70-229, which application is now pending before the Commission and wherein applicant proposes to purchase up to 30,000,000 Mcf (at 14.73 p.s.i.a.) of natural gas from Trans-Canada Pipeline, Ltd. on an interruptible basis between November 1, 1970, and November 1, 1971.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-11964; Filed, Sept. 9, 1970; 8:47 a.m.]

[Docket No. RP71-6]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 3, 1970.

Take notice that on September 1, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), tendered for filing proposed changes in its FPC Gas Tariff, Eighth Revised Volume No. 1 to become effective October 17, 1970. If, however, the Commission suspends Tennessee's proposed rate changes, it further requests that the suspension period end no later than February 28, 1970. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $108,396,100 annually, based on sales for the 12-month period ending May 31, 1970, as adjusted. Rates would be increased under all rate schedules.

Tennessee states that in the period since its rates were last determined there have been substantial increases in cost in virtually every aspect of pipeline operations and the increase in rates is necessary to permit it to recover the cost of service for the test period based on actual costs for the 12 months ended May 31, 1970, as adjusted. The reasons which Tennessee sets forth for the revenue deficiency giving rise to its proposed rate increase include: (1) Increase in rate of return to 9 percent; (2) increases in cost of materials, supplies, wages, and services required to operate and maintain Tennessee's pipeline; (3) increase in property, payroll, and State income taxes; (4) increase in the cost of purchased gas; (5) increase in Tennessee's composite book depreciation rate for gas transmission plant and certain other plant; and (6) return to normalization accounting for liberalized depreciation in determining Federal income taxes in the cost of service and cessation of the amortization of the balance in Account 282 for Accumulated Deferred Income Taxes—Liberalized Depreciation.

Tennessee's filing consists of two alternative sets of revised tariff sheets, the first of which contains a purchased gas adjustment clause with interrelated gas suppliers' refund provision which it states will equitably reflect in monthly billings the current unit cost of purchased gas actually being incurred. Tennessee requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations Under the Natural Gas Act and does not waive the terms of that section for purposes of Tennessee's filing, the Commission accept for filing the Alternative Revised Tariff Sheets, which are identical except that they do not contain a purchased gas adjustment provision.

In its filing Tennessee also proposes changes in other Tariff provisions. These changes include: (1) The charge for late payment of bills to be increased from 5 percent per annum to the current prime interest rate (Chase Manhattan Bank, N.A.); (2) change in the Tariff pressure base from 15.025 p.s.i.a. to 14.73 p.s.i.a.; (3) change in the format of the Tariff to consolidate all similar rate schedules to eliminate unnecessary repetition; (4) modification of definitions of the terms "day" and "month" in the Tariff; (5) reduction of the period of preservation of metering records from 3 years to 1 year; (6) revision of the GS Rate Schedule to include an unauthorized overrun penalty identical to such provision in the G Rate Schedule; (7) clarification of the language excusing buyers under the GS Rate Schedules from certain obligations when extraordinary demands are caused by breaks in the buyer's facilities; (8) deletion of the states of Maine and Vermont from the definition of the boundry for Tennessee's Zone 6 since Tennessee's pipeline does not extend into those states; (9) cancellation of its Seller's Option Service Rate Schedules SO-3 and SO-5 and its Surplus Interruptible Service Rate Schedules (SR) for all zones.

Copies of the filing were served on Tennessee's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 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 protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance

with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-11965; Filed, Sept. 9, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 4, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 559), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed August 26, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From New York, N.Y., over Interstate Highway 87 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 87 at White Plains, N.Y., thence over Interstate Highway 87 to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 1 via Dedham and North Attleboro, Mass., to Providence, R.I., thence over Rhode Island Highway 3 to Westerly, R.I., thence over U.S. Highway 1 via Port Chester, N.Y., to New York, N.Y., and (2) from Hartford, Conn., over U.S. Highway 5 to junction Worthington Ridge Road north of Berlin, Conn., thence over Worthington Ridge Road via Berlin, Conn., to junction U.S. Highway 5 south of Berlin, Conn., thence over U.S. Highway 5 to Meriden, Conn., thence over U.S. Highway 5 and Alternate U.S. Highway 5 to New Haven, Conn., and return over the same routes.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11979; Filed, Sept. 9, 1970; 8:49 a.m.]

[Notice 29]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 4, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 104004 (Deviation No. 37), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017, filed August 10, 1970, amended August 27, 1970. Carrier's representative: John P. Tynan, 69-20 Fresh Pond Road, Ridgewood, N.Y. 11227. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to junction Tennessee Highway 48, thence over Tennessee Highway 48 to junction Tennessee Highway 13, thence over Tennessee Highway 13 to junction unnumbered highway (Tarsus Road), thence over unnumbered highway to junction Tennessee Highway 149, thence over Tennessee Highway 149 to Cumberland City, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over Tennessee Highway 12 to junction Tennessee Highway 49, thence over Tennessee Highway 49 to Erin, Tenn., thence over Tennessee Highway 149 to Cumberland City, Tenn., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11980; Filed, Sept. 9, 1970; 8:49 a.m.]

[Notice 83]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 4, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 99905 (Sub-No. 3) (Republication), filed November 5, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished this issue. Applicant: CLAYTON MILLER, doing business as DEL REYE VAN & STORAGE, 4941 West Rosecrans Avenue, Hawthorne, Calif. 90250. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. The modified procedure has been followed in this proceeding, and a supplemental order of the Commission, Operating Rights Board, dated August 7, 1970, and served August 27, 1970, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods between points in Kern, Los Angeles, Orange, Riverside, San Diego, San Luis Obispo, Santa Barbara, San Bernardino, and Ventura Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Because it is possible that other parties who have relied upon the notice of the application as previously published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority

actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133443 (Republication), filed December 24, 1968, published in the FEDERAL REGISTER issue of January 30, 1969, and Feburary 13, 1970, and republished this issue. Applicant: VANCOUVER FAST FREIGHT, INC., 304 Columbia Street, Vancouver, Wash. 98660. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. The modified procedure has been followed in this proceeding and a Report and Order of the Commission, Division 1, acting as an Appellate Division, upon further proceedings, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of shipping cartons (other than corrugated) from the plantsite of Weyerhaeuser Co. at Vancouver, Wash., to points in Oregon (except points in Josephine, Jackson, and Coos Counties, Oreg.), restricted to the transportation of traffic originating at the said plantsite, and (2) of pulpboard and paperboard from Springfield, Oreg., to the plantsite of Weyerhaeuser Co. at Vancouver, Wash., restricted to the transportation of traffic destined to the said plantsite. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen the proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced

No. MC 133787 (Sub-No. 2) (Republication), filed December 8, 1970, published in the FEDERAL REGISTER issue of January 22, 1970, and republished this issue. Applicant: D & O—FAIRCHILD, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. The modified procedure has been followed in this proceeding and a Second Supplemental Order of the Commission, Operating Rights Board, dated August 7, 1970, and served August 27, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of paper and paper articles as defined in Appendix XI of *Description in Motor Carrier Certificates*, 61 M.C.C. 209, 289–91, between Longview and Yakima, Wash., on the one hand, and, on the other, points in Idaho. Because it is possible that other parties who have relied upon the notice of the application as previously published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 7647 (Notice of Filing of Petition for Modification of Certificate), filed August 19, 1970. Petitioner: J. & S. TRUCKING SERVICE, INC., Linden, N.J. Petitioner's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Petitioner holds a certificate in No. MC 7647 authorizing the transportation by motor vehicle, over irregular routes, of: General commodities, except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Union, Middlesex, Monmouth, Somerset, Essex, Morris, Passaic, and Ocean Counties, N.J. By the instant petition, petitioner seeks modification of its certificate to read as follows: "Between New York, N.Y., and those points in New Jersey within 5 miles of New York, N.Y., and all of any New Jersey municipality any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Union, Middlesex, Monmouth, Somerset, Essex, Morris, Passaic, and Ocean Counties, N.J." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 112288 (Sub-No. 5), filed August 18, 1970. Applicant: YARBROUGH TRANSFER COMPANY, a corporation, 1500 Doune Street, Winston-Salem, N.C. 27107. Applicant's representative: H. Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Retail store delivery service*, from Winston-Salem, N.C., to points within a radius of 25 miles thereof; (2) *heavy commodities*, between points in North Carolina; (3) *personal effects and property* used or to be used in a dwelling when a part of the equipment or supply of such dwelling; *furniture, fixtures, equipment* and the *property of stores, offices, museums, institutions, hospitals, or other establishments* when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and *articles* including objects of art, displays, and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, between points throughout North Carolina; applicant states that this authority does not include materials used in the manufacture of furniture and the manufactured products hauled to or from such manufacturing plants; and (4) *general commodities* (except those requiring equipment); (a) between point in Forsyth County, N.C.; (b) from points in Forsyth County, N.C., to points in the counties of Buncombe, Rutherford, Cleveland, Wilkes, Iredell, Mecklenburg, Surry, Rockingham, Franklin, Guilford, Rowan, Davidson, Randolph, Union, Vance, Granville, Durham, Lee, Moore, Richmond, Hoke, Cumberland, Robeson, Halifax, Pitt, Beaufort, Lenoir, Craven, New Hanover, and Pasquotank, N.C.; and (c) from points in the aforesaid counties to points in Forsyth County, N.C. NOTE: Applicant states it proposes to tack at common points with existing authorities. The instant application is a matter directly related to No. MC–F–10928, published in the FEDERAL REGISTER issue of August 28, 1970. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10920. (Correction) (KISSICK TRUCK LINES, INC.—Purchase—ACTIVE MOTOR SERVICE CO.), published in August 19, 1970 issue of the FEDERAL REGISTER on page 13237. This correction to show vendee is authorized to operate as a *common carrier* in *Missouri, Illinois, Iowa, Kansas, Nebraska, and Oklahoma* in lieu of Ohio, Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

No. MC–F–10935. Authority sought for purchase by SHAWMUT TRANSPORTATION CO., INC., Charlam Drive, Braintree, Mass. 02184, the operating

rights of CARSON EXPRESS, INC., PHILIP STROME assignee for the benefit of Creditors of CARSON EXPRESS, INC., 73 Washington Street, Salem, Mass. 01970 and FEDERAL MOTOR TRANSPORTATION CO., Charlam Drive, Braintree, Mass. 02184, and for acquisition by MARVIN LAMPERT, EUGENE LAMPERT, and LAWRENCE LAMPERT also of Braintree, Mass. 02184, of control of such rights through the purchase. Applicants' attorneys: Edward Alfano, 2 West 45th Street, New York, N.Y. 10036 and Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Operating rights sought to be transferred: Under a certificate of registration, in No. MC–99595 Sub-1, covering the transportation of general commodities as a common carrier, in interstate commerce, solely within the State of Massachusetts; *general commodities*, excepting, among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and New Bedford, Mass., between New Bedford, Mass., and Providence, R.I.; *copper, brass, bronze, and scrap materials thereof, and copper, brass, and bronze tubing, fittings, pipe, rods, and lining*, as a *common carrier*, over irregular routes, between New Bedford and Taunton, Mass., on the one hand, and, on the other, points and places in Rhode Island and those in that part of Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along U.S. Highway 202 to junction Massachusetts Highway 32, and thence along Massachusetts Highway 32 to the Massachusetts-Connecticut State line. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York and Connecticut. Application has been filed for temporary authority under section 210a(b). NOTE: SHAWMUT TRANSPORTATION CO., INC., presently controls FEDERAL MOTOR TRANSPORTATION CO. MC–51006 Sub-5, is a matter directly related.

No. MC–F–10937. Authority sought for puchase by TRI-STATE MOTOR TRANSIT CO., Post Office Box 133, Interstate Business Route 44, Joplin, Mo. 64801, of a portion of the operating rights and property of AR-DEES ALASKA TRUCK LINES, INC., Post Office Box 3124, 1515 East Ivy, St. Paul, Minn. 55106. Applicants' attorney and representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112, and Robert F. Downs, Post Office Box 337, Hardin, Mont. Operating rights sought to be transferred: *General commodities*, excepting, among others, Classes A and B explosives, but not excepting, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Minneapolis and Duluth, Minn., Minot, N. Dak., and Seattle, Wash., on the one hand, and, on the other, points in Alaska except points in the Alaska Panhandle located east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) boundary line. Vendee is authorized to operate as a *common carrier* in all States except Hawaii. Application has been filed for temporary authority under section 210a(b). NOTE: Finance Docket No. 26326 is a matter directly related.

No. MC–F–10938. Authority sought for purchase by SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801, of the operating rights of MINNESOTA TRUCKING, INC., 266 Third Avenue SE., St. Paul, Minn. 55112, and for acquisition by MYRON G. SAMMONS, also of Missoula, Mont., of control of such rights through the purchase. Applicant's attorney: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Farm implements, parts and attachments*, other than farm tractors and self-propelled farm machinery, as a *contract carrier*, over irregular routes, from Hopkins, Minn., to points in Kansas, Montana, Nebraska, North Dakota, and South Dakota, from Hopkins, Minn., to points in Colorado, Idaho, Oregon, Utah, Washington, and Wyoming, with restrictions. Vendee is authorized to operate as a *common carrier* in Washington, Idaho, Montana, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Oregon, Utah, Wyoming, Wisconsin, Michigan, Colorado, California, Nevada, and Kansas. Application has been filed for temporary authority under section 210a(b). NOTE: MC–124692 Sub-73 is a matter directly related.

MOTOR CARRIER OF PASSENGERS

No. MC–F–10936. Authority sought for control by ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. 12401, of NEWBURGH BEACON BUS CORP., Route 32, Newburgh, N.Y. 12550, and for acquisition by LOUIS H. VAN GONSIC, 75 Valentine Avenue, Kingston, N.Y. 12401 and JOHN J. VAN GONSIC, JR., Round Lake Road, Rhinebeck, N.Y. 12572, of control of NEWBURGH BEACON BUS CORP., through the acquisition by ADIRONDACK TRANSIT LINES, INC. Applicants' attorney: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: Passengers and their baggage, and express mail, and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between East Fishkill, N.Y., and Newburgh, N.Y., serving all intermediate points. ADIRONDACK TRANSIT LINES, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, North Carolina, South Carolina, Missouri, Florida, Louisiana, Tennessee, Arizona, California, Montana, Texas, Mississippi, Wyoming and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–11981; Filed, Sept. 9, 1970; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 4, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 2807 Sub 2, filed August 11, 1970. Applicant: PORTLAND EXPRESS, INC., Post Office Box 183, Portland, Tenn. 37148. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, commodities in bulk, and articles which because of size or weight require special equipment, between Nashville, Tenn., and points in Montgomery County, Tenn., as follows: from Nashville via U.S. Highway 41A to the Montgomery County line, serving all intermediate points on said U.S. Highway 41A, and operating over any and all roads and highways in Montgomery County, and return over same routes. Said authority to be used in conjunction with applicant's present authority. Both intrastate and interstate authority sought.

HEARING: Thursday October 1, 1970 at 9:30 a.m., C1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. H–5042, filed August 17, 1970. Applicant: CLA-MAR, INC., 1001 South Madison Avenue, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, Iowa 52501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, between Cedar Rapids and Ottumwa, Iowa, over U.S. Highway 149 from Cedar Rapids to the junction of U.S. Highway 63 about 5 miles west of Hedrick, Iowa, thence over U.S. Highway 63 to Ottumwa, Iowa, serving the intermediate points of Amana, Fairfax, Hedrick, Martinsburg,

North English, Parnell, Sigourney, South English, Walford, Webster, and Williamsburg, as well as all other points intermediate to the above points located on the said highways; and the off-route points of Conroy, Delta, Fremont, Hayesville, High Amana, Highland Center (Railroad named Highland), Homestead, Middle Amana, Oskaloosa, Rose Hill, Rutledge, South Amana, and the U.S. Naval Aviation Base (known also as Ottumwa Airport). Both intrastate and interstate authority sought.

HEARING: Tuesday, November 10, 1970, 10 a.m. at the Office of the Commission, Des Moines, Iowa. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 30519, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11978; Filed, Sept. 9, 1970; 8:49 a.m.]

[Notice 145]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 3, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 404 TA), filed August 31, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160, 53141, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from Norwalk, Ohio, to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Alsport, Inc., 84 Whittlesey, Norwalk, Ohio 44857 (Robert M. Warner, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 83217 (Sub-No. 48 TA), filed August 31, 1970. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, 57104, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Grand Forks, N. Dak., to points in Nebraska, Kansas, South Dakota, Missouri, Minnesota, and Iowa, for 180 days. Supporting shipper: Western Potato Service, Inc., Post Office Box 1391, Grand Forks, N. Dak. 58201; Gene Graves, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 84759 (Sub-No. 5 TA), filed August 26, 1970. Applicant: WILLIAM E. GOODMAN, doing business as MILLER BROTHERS TRUCK LINE, Post Office Box 1169, Salmon, Idaho 83467. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Butte, Mont., to Salmon, Idaho, and return for operating convenience only from Butte over U.S. Highway 91 to Divide, Mont., thence over Montana Highway 43 to U.S. Highway 93 at Lost Trail Pass thence U.S. Highway 93 to Salmon and return over same route serving no intermediate points, for 180 days. NOTE: Applicant is to be tacked to presently existing authority. Supporting shippers: Thrasher Furniture, Salmon, Idaho; Goodman Equipment and Supply, Salmon, Idaho; Warren Harris Wholesale, Box 580, Salmon, Idaho. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho, 83702.

No. MC 105566 (Sub-No. 22 TA), filed August 27, 1970, Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, 1507 Independence, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books, magazines, catalogues, advertising matter, telephone directories, and book pages*, from Crawfordsville, Ind., to points in California, for 180 days. Supporting shipper: R. R. Donnelley & Sons, Co., 2223 Martin Luther King Drive, Chicago, Ill. 60616. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 110525 (Sub-No. 984 TA), filed August 31, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyrite cinders*, in bulk, in tank vehicles, from Claymont, Del., to Alsen, N.Y., for 150 days. Supporting shipper: Marquette Cement Manufacturing Co., 20 North Wacker Drive, Chicago, Ill. 60606. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 113362 (Sub-No. 193 TA), filed August 31, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cough drops, candy, and confectionery*, from Poughkeepsie, N.Y., to Chicago, Ill., for 180 days. NOTE: Applicant indicates intent to tack with its MC-113362 Sub 53 authorizing service to Rockford, Ill.; Cleveland, Ohio, and Detroit, Mich. Supporting shipper: Warner-Lambert Pharmaceutical Co., Morris Plains, N.J. 07950. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 118127 (Sub-No. 16 TA), filed August 27, 1970. Applicant: HALE DISTRIBUTING COMPANY, INC., 914 South Vail Avenue, Montebello, Calif. 90640. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat products*, from points in New Hampshire and Massachusetts to Seattle, Wash., and Alameda, Calif., for 150 days. Supporting shipper: Foster's of Manchester, 409-413 Elm Street, Manchester, N.H. 03105. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North, Los Angeles, Calif. 90012.

No. MC 118159 (Sub-No. 99 TA), filed August 27, 1970. Applicant: EVERETT LOWRANCE, INC., Post Office Box 10216, 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass* from Brooklyn, N.Y., to points in Louisiana; (2) *cocoa* from Chicago, Ill., to points in Louisiana, for 180 days. Supporting shipper: S & G Construction Co., Shreveport, La. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission,

Bureau of Operations, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124078 (Sub-No. 452 TA), filed August 31, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Medusa Portland Cement Co. at Wampum, Pa., to points in Indiana, Michigan, New York, Ohio, and West Virginia, for 150 days. Supporting shipper: Medusa Portland Cement Co., Box 5668, Cleveland, Ohio 44101 (R. M. Richie, Manager of Distribution). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125918 (Sub-No. 8 TA) (Correction), filed August 13, 1970, published in the FEDERAL REGISTER issue of August 27, 1970, and republished in part corrected, this issue. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. NOTE: The purpose of this partial republication is to show 150 duration of days, in lieu of 180 days. The rest of the application remains as previously published.

No. MC 126111 (Sub-No. 1 TA), filed August 31, 1970. Applicant: LYLE W. SCHAETZEL, doing business as SCHAETZEL TRUCKING COMPANY, 2436 Algoma Boulevard, Oshkosh, Wis. 54901. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sweetened condensed whole and skim milk*, in bulk, in tank vehicles, from Fond du Lac, Wis., to Philadelphia, Pa., for the account of the Borden Co., Inc., doing business as Galloway-West Co., Fond du Lac, Wis., for 180 days. Supporting shipper: Galloway-West Co., Post Office Box 987, Fond du Lac, Wis. 54935 (John H. Look, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128190 (Sub-No. 7 TA), filed August 27, 1970. Applicant: FREMONT CONTRACT CARRIERS, INC., Post Office Box 765, 1106 Cuming, Fremont, Nebr. 68025. Applicant's representative: Earl H. Scudder, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Winterizing closure panels*, from Fremont, Nebr., to points in Virginia, Kentucky, Missouri, Kansas, Colorado, Utah, Nevada, California, Oregon, Washington, Idaho, Wyoming, Montana, North Dakota, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, West Virginia, Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine, including points on the international boundary line between the United States and Canada (except Alaska and Hawaii), for 150 days. NOTE: Applicant intends to interline at points on the international boundary for service to Canada and to tack with Canadian authority if obtained. Supporting shippers: Kelly Klosure Systems, Post Office Box 443, Fremont, Nebr. 68025; Nebraska Steel Co., Post Office Box 309, Fremont, Nebr. 68025. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Building, 106 South 15th Street, Omaha, Nebr. 68102.

No. MC 134884 TA (Correction), filed August 10, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished in part corrected, this issue. Applicant: EDWARD C. DIETSCH, doing business as FARWEST FURNITURE TRANSPORT, 6840 12th Street SE., Renton, Wash. 98055. Applicant's representative: Alan F. Wohlestetter, 1 Farragut Square South, Washington, D.C. 20006. NOTE: The purpose of this partial republication is to show No. MC 134884, in lieu of No. MC 134212 (Sub-No. 2). The rest of the application remains as previously published.

No. MC 134883 TA, filed August 31, 1970. Applicant: VIP EXPRESS SERVICE, INC., doing business as MILES EXPRESS, 311 Northwest 72d Terrace, Miami, Fla. 33150. Applicant's representative: Richard B. Austin, 5720 Southwest 17th Street, Miami, Fla. 33155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Photographic supplies*, from points in Dade County, Fla., to points in Dade, Broward, and Palm Beach Counties, Fla., for 180 days. Supporting shipper: Eastman Kodak Co. (Southeast Regional Distribution Center), Rochester, N.Y. 14650. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11982; Filed, Sept. 9, 1970; 8:49 a.m.]

[Notice 585]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 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-72319. By order of August 31, 1970, the Motor Carrier Board approved the transfer to Jones Transfer, Inc., 709 East Milwaukee Street, Spencer, Iowa 51301, of certificates Nos. MC-114862 and MC-114862 (Sub-No. 2) issued September 14, 1962, and April 7, 1966, respectively, to James Thompson, doing business as Jones Transfer, 709 East Milwaukee Street, Spencer, Iowa 51301, authorizing the transportation of malt beverages from and to specified points in Wisconsin, Nebraska, Iowa, Illinois, and Minnesota, and household goods between points in Iowa within 50 miles of Spencer, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, South Dakota, and Nebraska.

No. MC-FC-72328. By order of September 1, 1970, the Motor Carrier Board approved the transfer to Pegony Truck Rental, Inc., Mineola, N.Y., of the operating rights in permit No. MC-127480 (Sub-No. 3), issued May 16, 1969, to Lampert Trucking, Inc., Commack, N.Y., authorizing the transportation of wearing apparel and piece goods, between Garden City Park, N.Y., on the one hand, and, on the other, points in that part of the New York, N.Y., commercial zone as defined by the Commission in commercial zones and terminal areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the act (the "exempt" zone). The operations authorized are restricted to the transportation of traffic originating at or destined to the plantsite of Sidney Gould Co., Ltd., Garden City Park, N.Y., and limited to a transportation service to be performed, under a continuing contract, or contracts with Sidney Gould Co., Ltd. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorneys for applicants.

No. MC-FC-72332. By order of September 1, 1970, the Motor Carrier Board approved the transfer to Transamerica Transport, Inc., Dallas, Tex., of certificate of registration No. MC-99931 (Sub-No. 3), issued July 16, 1970, to Associated Transport Company of Texas, Inc., Houston, Tex., evidencing a right to engage in transportation in interstate commerce as described in Specialized Motor Carrier's Certificate No. 7399, issued April 6, 1970, by the Railroad Commission of Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11983; Filed, Sept. 9, 1970; 8:49 a.m.]

[Notice 585A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 4, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

MC-FC-72364. By application filed September 3, 1970, APOLLO WAREHOUSING CORPORATION, 285 Terminal Avenue, West Clark N.J. 07066, seeks temporary authority to lease the operating rights of BLUE FLEET TRANSPORTATION, INC., Third Street, and Jacobus Avenue, South Kearny, N.J. 07032, under section 210a(b). The transfer to APOLLO WAREHOUSE CORPORATION, of the operating rights of BLUE FLEET TRANSPORTATION, INC., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70-11984; Filed, Sept. 9, 1970; 8:49 a.m.]

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