FEDERAL REGISTER

VOLUME 35 • NUMBER 63

Wednesday, April 1, 1970 • Washington, D.C.

Pages 5389–5454

Agencies in this issue—

Atomic Energy Commission
Civil Aeronautics Board
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Education Office
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Power Commission
Federal Register Administrative Committee
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Food and Nutrition Service
Foreign Assets Control Office
Forest Service
Government National Mortgage Association
Housing and Urban Development Department
Indian Affairs Bureau
Interagency Textile Administrative Committee
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Library of Congress
Maritime Administration
National Park Service
National Transportation Safety Board
Post Office Department
Small Business Administration
State Department
Tariff Commission
Treasury Department

Detailed list of Contents appears inside.

Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: $6.75

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

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

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

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

Contents

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service; Food and Nutrition Service; Forest Service.

ATOMIC ENERGY COMMISSION

Proposed Rule Making

Licensing of production and utilization facilities; control of releases of radioactivity to the environment ---- 5414

CIVIL AERONAUTICS BOARD

Notices

Western Alaska Airlines, Inc., and Alaska Aircraft Leasing Co., Inc.; notice of postponement of hearing ---- 5430

COMMERCE DEPARTMENT

See also Maritime Administration.

Notices

Environmental Science Services Administration; organization and functions ---- 5429

COMMODITY CREDIT CORPORATION

Rules and Regulations

Farm storage facilities; miscellaneous amendments ---- 5397

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Domestic dates produced or packed in designated part of California; specified export outlets ---- 5396

Tomatoes grown in Lower Rio Grande Valley in Texas; expenses and rate of assessment ---- 5396

Valencia oranges grown in Arizona and designated part of California; handling limitations ---- 5395

CUSTOMS BUREAU

Rules and Regulations

Articles conditionally free, subject to reduced rate, etc.; supplies of equipment for aircraft ---- 5400

Vessels in foreign and domestic trades; coastwise transportation ---- 5400

Proposed Rule Making

IMCO model forms for use by vessels in foreign trade; proposed adoption ---- 5405

EDUCATION OFFICE

Rules and Regulations

Federal, State and private programs of low-interest loans to students in institutions of higher education; special allowances ---- 5404

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Federal airway segment; alteration ---- 5398

Restricted area and continental control area; alteration ---- 5399

Standard instrument approach procedures; correction (2 documents) ---- 5399

Proposed Rule Making

Federal airway segments:

- Proposed alteration ---- 5413
- Proposed revocation ---- 5413

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Television network programs not available to certain TV stations ---- 5416

Notices

Acceptance of late filing due to postal emergency ---- 5430

Interim procedure relating to submission of community survey showings in connection with radio and television applications ---- 5430

Space conference of International Telecommunication Union ---- 5431

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Limitations on rate of return; maximum rates of return ---- 5398

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

- Amerada Hess Corp. et al ---- 5421
- Hugoton-Anadarko Area Rate Proceeding et al ---- 5423
- Melbourne Corp. et al ---- 5420
- Northern States Power Co ---- 5423
- Southern Petroleum Exploration, Inc ---- 5418

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

CFR checklist ---- 5395

FEDERAL RESERVE SYSTEM

Proposed Rule Making

Reserves of member banks; transfers from time deposits to cover checks ---- 5416

FEDERAL TRADE COMMISSION

Rules and Regulations

Miscellaneous amendments to chapter ---- 5399

FISH AND WILDLIFE SERVICE

Rules and Regulations

Feathers of wild birds; importation; correction ---- 5404

Texas; certain national wildlife refuges; sport fishing (2 documents) ---- 5404

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

New drugs; correction ---- 5401

Proposed Rule Making

Certain crabmeats; labeling requirements ---- 5412

Enriched flour etc., identity standards ---- 5412

Notices

Carlisle Chemical Works, Inc.; withdrawal of petition for food additives ---- 5429

Chemagro Corp.; filing of petition regarding pesticides ---- 5430

Monsanto Co.; filing of petition regarding pesticides ---- 5430

FOOD AND NUTRITION SERVICE

Rules and Regulations

Pilot food certificate program regulations; miscellaneous amendments ---- 5395

FOREIGN ASSETS CONTROL OFFICE

Notices

Camel hair and cashmere; importation directly from Czechoslovakia; available certifications ---- 5425

FOREST SERVICE

Rules and Regulations

Land uses; conditions governing reserved timber rights ---- 5401

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Rules and Regulations

Power of attorney ---- 5401

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Government National Mortgage Association.

Notices

Attesting officers; designation and delegation of authority ---- 5429

(Continued on next page)

INDIAN AFFAIRS BUREAU

Rules and Regulations

Contracting officer positions; designation ... 5403

Notices

Central office personnel; revocation of delegation of authority ... 5425

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Certain cotton textiles and cotton textile products; entry or withdrawal from warehouse for consumption:
- Produced or manufactured in:
  - Government of the Hungarian People's Republic ... 5439
  - Mexico ... 5439

INTERIOR DEPARTMENT

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

INTERNAL REVENUE SERVICE

Notices

Granting of relief:
- Hoffman, Gerald Benidict ... 5424
- Muza, Ronald L ... 5424
- Strango, Dan ... 5424
- Wittenburg, Robert ... 5424
- Willis, Chester, Jr ... 5425

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Seaboard Coast Line Railroad Co.; car service ... 5404

Notices

Atchison, Topeka and Santa Fe Railway Co.; rerouting or diversion of traffic ... 5453
Certain railroads; car distribution (9 documents) ... 5452–5454
Filing of petition for declaratory order ... 5452
Fourth section applications for relief ... 5452
Motor carrier:
- Alternate route deviation notices ... 5447
- Applications and certain other proceedings (2 documents) ... 5447–5449
- Temporary authority applications ... 5450

United States Steel Corp. et al.; denial of petitions to postpone effective date of order regarding railroad freight car ownership, car utilization, distribution and rules ... 5451

LAND MANAGEMENT BUREAU

Notices

Montana; proposed withdrawal and reservation of lands ... 5426
Nevada; opening of public lands ... 5426
Wyoming; proposed withdrawal and reservation of lands ... 5426

LIBRARY OF CONGRESS

Rules and Regulations

Registration of claims to copyright; renewal applications ... 5402

MARITIME ADMINISTRATION

Notices

List of free world and Polish flag vessels arriving in Cuba since Jan. 1, 1963 ... 5427

NATIONAL PARK SERVICE

Notices

Eldorado Canyon, Lake Mead National Recreation Area; notice of intention to extend concession contract ... 5427

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Pilgrim Aviation; notice of hearing regarding accident ... 5430

POST OFFICE DEPARTMENT

Rules and Regulations

Authority delegations ... 5403
Miscellaneous amendments to chapter ... 5402

SMALL BUSINESS ADMINISTRATION

Notices

Regional Division Chiefs, Regional Counsel, District Directors, et al.; delegation of authority ... 5440

STATE DEPARTMENT

Notices

Director, Office of Munitions Control; delegation of authority ... 5423

TARIFF COMMISSION

Notices

Extension of time for filing written views regarding:
- Ampicillin ... 5446
- Panty hose ... 5446

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Transportation Safety Board.

TREASURY DEPARTMENT

See also Customs Bureau; Foreign Assets Control Office; Internal Revenue Service.

Notices

Pig iron from Norway; notice of tentative negative determination ... 5425

List of CFR Parts Affected

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

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

7 CFR

265 ---- 5395
908 ---- 5395
965 ---- 5396
987 ---- 5396
1474 ---- 5397

10 CFR

PROPOSED RULES:
20 ---- 5414
50 ---- 5414

12 CFR

526 ---- 5398
PROPOSED RULES:
204 ---- 5416

14 CFR

71 (2 documents) ---- 5398, 5399
73 ---- 5399
97 (2 documents) ---- 5399
PROPOSED RULES:
71 (2 documents) ---- 5413

16 CFR

3 ---- 5399
4 ---- 5399

19 CFR

4 ---- 5400
10 ---- 5400
PROPOSED RULES:
4 ---- 5405

21 CFR

130 ---- 5401
PROPOSED RULES:
3 ---- 5412
15 ---- 5412
17 ---- 5412

24 CFR

1600 ---- 5401

36 CFR

251 ---- 5401

37 CFR

202 ---- 5402

39 CFR

141 ---- 5402
166 ---- 5402
167 ---- 5402
812 ---- 5403

41 CFR

14H-1 ---- 5403

45 CFR

177 ---- 5404

47 CFR

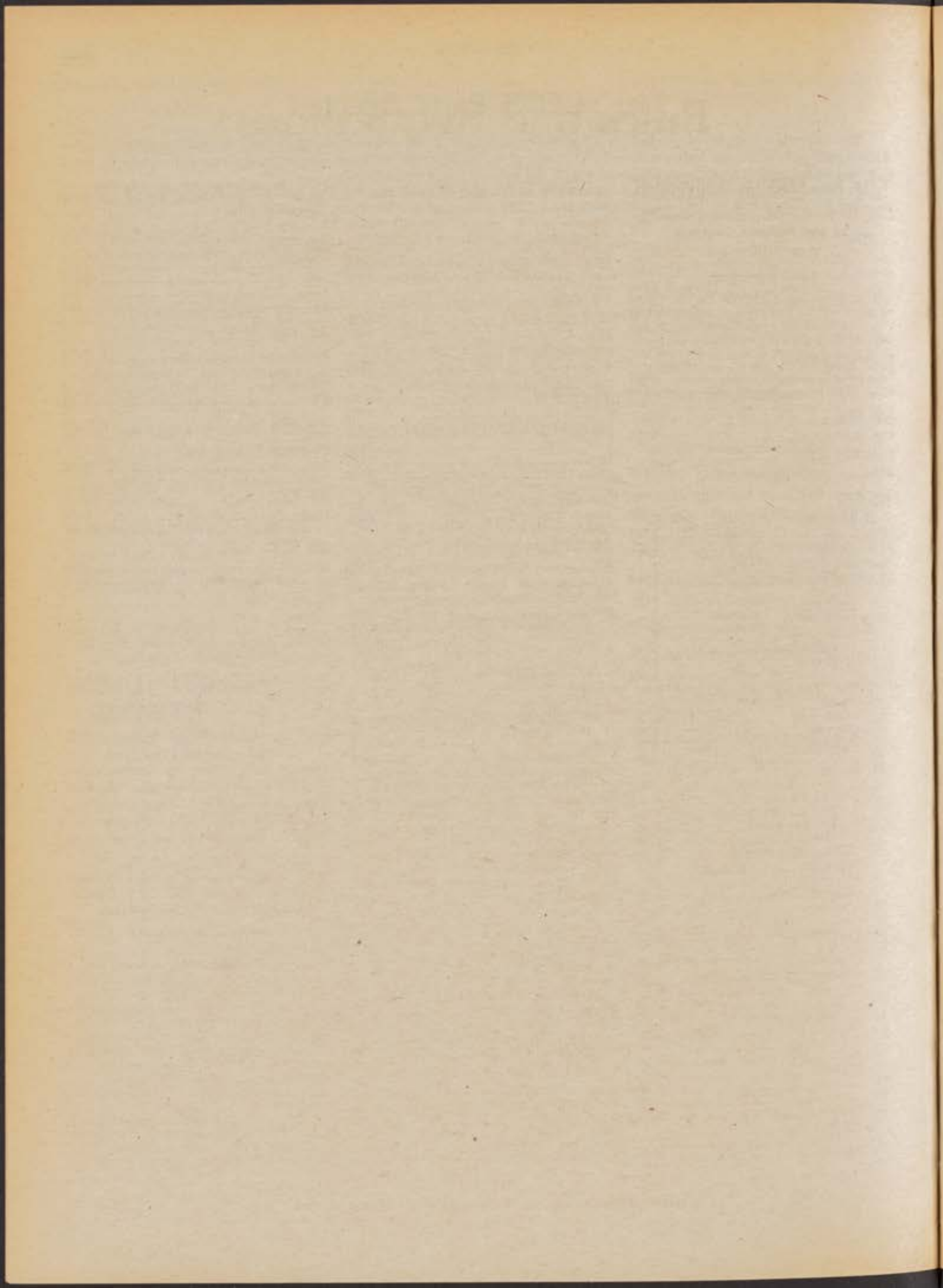
PROPOSED RULES:
73 ---- 5416

49 CFR

1033 ---- 5404

50 CFR

14 ---- 5404
33 (2 documents) ---- 5404



Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1970 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1970. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

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

CFR unit (Rev. as of Jan. 1, 1970):

CFR unit	Price
7 Parts:	
0-45	$2.75
46-51	1.75
52	3.00
945-980	1.00
981-999	1.00
1000-1029	1.50
1060-1089	1.25
1090-1119	1.25
1120-1199	1.50
1500-end	1.50
9	2.00
16 Part 150-end	2.00
18 Parts:	
1-149	2.00
150-end	2.00
21 Parts 1-119	1.75
23	.35
26 Parts:	
1 (§§ 1.0-1—1.300)	3.00
1 (§§ 1.301-1.400)	1.00
1 (§§ 1.401-1.500)	1.50
1 (§§ 1.501-1.640)	1.25
1 (§§ 1.851-1.1200)	2.00
1 (§ 1.1201-end)	3.25
300-499	1.50
500-599	1.75
600-end	.65
27	.45
28	.75
29 Part 900-end	1.25
32 Parts:	
400-589	2.00
590-699	.75
700-799	3.50
36	1.25
41 Chapters:	
1	2.75
2-4	1.00
5-5D	1.25
19-100	.75
42	1.75
44	.45
46 Parts 146-149	3.75
49 Parts:	
1-199	3.75
200-999	1.50

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 265—PILOT FOOD CERTIFICATE PROGRAM REGULATIONS

Miscellaneous Amendments

Section 265.2(d) which defines eligible foods is revised in order to test the administrative feasibility of including additional milk products which have high nutritional value with the foods eligible for purchase with the food certificates, and to test the acceptability of these products by the persons eligible for this program in some of the selected areas. This revision includes evaporated and fortified nonfat dry milk for geographic areas which begin operations after March 31, 1970, in subparagraph (1) and removes provisions for formulas and cereals prescribed by physicians from subparagraphs (2) and (3) respectively.

Section 265.12(a) relating to the disqualification of authorized stores or concerns is revised to provide automatic disqualification of such stores or concerns for the period they are disqualified from the food stamp program under the Food Stamp Act of 1964, as amended, and regulations issued pursuant thereto.

1. In § 265.2 paragraph (d) is revised to read as follows:

§ 265.2 Definitions.

* * * * *

(d) "Eligible food" means any or all of the following classes of food, as defined:

(1) *Milk.* Unflavored whole milk which meets local and State standards, fortified with Vitamin D; or lowfat milk fortified with Vitamins A and D; or skim milk fortified with Vitamins A and D; or, in geographic areas where program operations begin after March 31, 1970, which are not additions to operations in effect on that date, evaporated milk or nonfat dry milk fortified with Vitamins A and D.

(2) *Infant formula.* Concentrated or powdered infant formula preferably enriched with iron. The predominant item on the label listing of contents of the infant formula shall be a dairy or vegetable product.

(3) *Infant cereal.* Instant precooked infant cereal, preferably enriched with iron.

2. In § 265.12, paragraph (a) is revised to read as follows:

§ 265.12 Miscellaneous provisions.

(a) Any authorized retail food or drug store or authorized wholesale food or drug concern may be disqualified from future participation by FNS for such period as FNS shall determine, if any such store or concern fails to comply with provisions of this part or any procedure or instruction issued by FNS pursuant thereto. Any authorized retail food or drug store or wholesale food or drug concern which is authorized to participate in both this program and the food stamp program under parts 1600-1603 will automatically be disqualified from participation in this program for an identical period of time if it is disqualified from participating in the food stamp program. Any appeal to the food stamp review officer shall automatically be considered an appeal under this program also, and reduction or elimination of the period of disqualification shall apply to both programs. Any store or concern shall have full opportunity to submit information, explanation, or evidence concerning any instance of noncompliance or diversion of funds before a final determination is made in such cases by FNS. Nothing in this paragraph shall preclude other action being taken by the Department or the United States, including prosecution for fraud under applicable Federal statutes. The determination by FNS shall be final unless a written request for review be filed within 10 days in accordance with paragraph (f) of this section.

* * * * *

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

Signed at Washington, D.C. on March 26, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-3909; Filed, Mar. 31, 1970; 8:46 a.m.]

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

[Valencia Orange Reg. 303, Amdt. 1]

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

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), 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 recommendation 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 rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because of the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in District 1 and in District 3.

(b) *Order, as amended.* The provisions in paragraph (b)(1) of § 908.603 (Valencia Orange Reg. 303, 35 F.R. 4745), are hereby amended by deleting therefrom all of subdivision (ii).

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

Dated March 26, 1970, to become effective March 27, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-3910; Filed, Mar. 31, 1970; 8:46 a.m.]

PART 965—TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

Notice of rulemaking regarding proposed expenses and rate of assessment, to be effective under Marketing Order No. 965 (7 CFR Part 965) regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley) was published in the FEDERAL REGISTER March 17, 1970, (35 F.R. 4638). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than March 26, 1970. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were unanimously recommended by the Texas Valley Tomato Committee, established pursuant to said marketing order, it is hereby found and determined that:

§ 965.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1970, will amount to $400.

(b) There shall be no assessments charged during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (7 CFR Part 965).

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that tomatoes have not been regulated and no assessments are being levied.

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

Dated: March 27, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-3962; Filed, Mar. 31, 1970; 8:51 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Subpart—Administrative Rules and Regulations

SPECIFIED EXPORT OUTLETS; TERMINATION OF EXISTING AUTHORIZATION FOR EXPORT TO CERTAIN COUNTRIES

The Date Administrative Committee has unanimously recommended that § 987.156 of Subpart—Administrative Rules and Regulations be revised to specify France and Belgium as export outlets for certain substandard dates of the Deglet Noor variety and prescribe grade requirements therefor, and terminate existing authorizations for export to these countries of Deglet Noor dates meeting certain other requirements. Section 987.156 is effective pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of dates produced or packed in a designated area of California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Restricted and other marketable dates of the Deglet Noor variety, meeting the applicable grade and size requirements for free dates for further processing, were recently approved for export to France and Belgium (35 F.R. 2835, 4324). These approvals are pursuant to § 978.155(a)(2). The applicable grade is slightly below U.S. Grade B (Dry). The further processing contemplated in the export approvals consists of adding moisture to give the dates the softness desired. All other processing (i.e., sorting, grading, washing, or other cleaning) necessary for the dates to meet the grade requirements must be completed prior to certification and export. Hence, the recent approvals or authorizations for the export of such restricted and other marketable dates require most of the processing of the dates to be done in this country and leaves but little to be done in France or Belgium.

The date marketing agreement and order program is designed to provide consumers with dates of good quality, properly prepared and packaged to assure a wholesome product. However, it recognizes that a country, such as one having processing and packaging facilities, may request dates which are substandard but meet its particular needs. Section 987.56 provides for the exportation of such dates to meet the needs of particular countries.

France and Belgium have date processing and packaging facilities and normally import Deglet Noor dates for processing. Importers and processors in these countries desire dates in a form to permit them to do more, if not all, of the processing. They have indicated a desire to import field-run dates for complete processing and graded, unwashed dates requiring less processing. Handlers under the California date marketing program are prepared to export, on a trial basis, a limited quantity of field-run dates of the Deglet Noor variety meeting the grade requirements hereinafter set forth. They are also prepared to export graded, unwashed dates of the Deglet Noor variety meeting the grade and size requirements hereinafter set forth. Authorizing the two categories of dates for additional processing overseas will encourage the exportation of greater quantities from the ample supply of California dates and leave less for disposition in lower priced outlets.

In view of the foregoing, the Date Administrative Committee unanimously recommended the actions hereinafter set forth.

Accordingly, based on the unanimous recommendation of the Date Administrative Committee and other information, it is hereby found that termination of presently effective authorizations (35 F.R. 2835, 4324) pursuant to § 987.155(a)(2) for the exportation of Deglet Noor dates to France and Belgium, respectively, and revision of § 987.156 to authorize, pursuant to § 987.56, export of substandard dates to France and Belgium, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, it is ordered:

1. The authorization (35 F.R. 2835) effective February 11, 1970, entitled "Finding and Approval Relative to Exportation to France of Restricted and Other Marketable Dates Certified as Meeting Grade and Size Requirements for Free Dates for Further Processing" is hereby terminated, effective April 1, 1970.

2. The authorization (35 F.R. 4324) effective March 11, 1970, entitled "Finding and Approval Relative to Exportation to Belgium of Restricted and Other Marketable Dates Certified as Meeting Grade and Size Requirements for Free Dates for Further Processing" is hereby terminated, effective April 1, 1970.

3. Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174) is amended by revising § 987.156 to read:

§ 987.156 **Disposition of substandard dates.**

(a) *Specified product outlets.* Dates of any variety inspected and certified as substandard dates, as defined in § 987.15, may be disposed of by handlers for use, or used by them, in the production of table syrup.

(b) *Specified export outlets*—(1) *Field-run dates.* During the period beginning April 1, 1970, and continuing through April 3, 1970, lots of field-run dates of the Deglet Noor variety as described in § 987.145(f)(4) that are inspected and certified in accordance with § 987.145(f)(4) as meeting the additional grade requirement prescribed in this subparagraph may be exported to France or Belgium. The additional grade requirement is that at least 85 percent, rather than 70 percent, by weight of the dates in the representative sample are sound dates.

(2) *Unwashed dates.* Beginning April 4, 1970, dates of the Deglet Noor variety certified as meeting, except for defects removable by washing, the applicable grade and size requirements of this part for free dates for further processing, may be exported to France or Belgium.

(3) *Credit against restricted obligation.* Any handler who exports any Deglet Noor dates in accordance with this paragraph shall be credited, as provided in § 987.45(f), with satisfaction of all or any part of his withholding obligation to the extent of the eligible weight of any lot exported, computed by multiplying the net weight of the dates in the lot by the percentage, as determined by the inspector, of the sound dates in the lot.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action unanimously recommended by the Date Administrative Committee must become effective as herein specified to permit handlers to take advantage of a demand for California dates in France and Belgium and make arrangements for exports to these countries; (2) this action relieves restrictions on handlers by lowering the grade requirements for dates exported to France or Belgium; and (3) handlers are aware of the interest in California dates by France and Belgium and are prepared to export under the lower restrictions immediately.

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

Dated March 30, 1970, to become effective April 1, 1970.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 70-3993; Filed, Mar. 31, 1970; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

MISCELLANEOUS AMENDMENTS

[C.C.C. Farm Storage and Drying Equipment Loan Program Regulations, Amdt. 5]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

The subpart of Part 1474, Title 7, Code of Federal Regulations published in the FEDERAL REGISTER of July 1, 1967 (32 F.R. 9510), and amended in the FEDERAL REGISTERS of December 14, 1967 (32 F.R. 17888), June 1, 1968 (33 F.R. 8221), January 24, 1969 (34 F.R. 1132), and May 30, 1969 (34 F.R. 8361), is further amended as follows:

1. In § 1474.4, paragraph (b) is revised to change the manner in which needs are determined. The revised paragraph reads as follows:

§ 1474.4 **Eligible borrowers.**

* * * * *

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however,* That in making this determination (1) production shall not be included from any acreage devoted to commodities subject to voluntary adjustment programs if the applicant fails to indicate an intention to participate in such programs, (2) 1 year's estimated production of eligible crops shall be used in determining whether the proposed drying equipment is needed, and (3) the maximum storage space for which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for the storage of eligible commodities is less than the storage capacity necessary to store 2 years' production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

2. In § 1474.5, paragraph (a) is revised to redefine the term "drying equipment." The revised paragraph reads as follows:

§ 1474.5 **Loans to purchase eligible storage or drying equipment.**

(a) *General.* Loans will be made only for the purchase, construction, erection, or installation of farm storage and drying equipment meeting the eligibility requirements in paragraph (b) of this section. The term "farm storage" means new or newly constructed conventional storage structures (cribs, bins, or building), or used storage structures (including the real estate upon which located, if any) to be purchased from CCC. The term "drying equipment" means new continuous-flow type dryers, or new drying systems with wagons or trailers as integral parts thereof, or new batch or in-store drying systems (including integral parts and equipment) using heated or unheated air, equipment which conditions or facilitates drying by aerating, circulating, or stirring the commodity, or used drying equipment (including the real estate upon which located, if any) to be purchased from CCC.

3. In § 1474.5, a new paragraph (b)(8) is inserted to permit the inclusion of essential operating equipment. The new paragraph reads as follows:

(b) *Eligibility requirements.*

* * * * *

(8) Subject to the restrictions in paragraph (c) of this section, the cost of operating equipment essential to the practical operation of the storage or drying unit may be included in a loan for storage or drying equipment.

4. In § 1474.5, paragraph (c) is revised to change and clarify the prohibition on the use of loan proceeds for certain items. The revised paragraph reads as follows:

(c) *Loan proceeds not available.* Loan proceeds shall not be available for:

(1) Labor and materials for foundations (all concrete work) and electrical wiring, external portable and transport augers, auger or elevator legs, or overhead distributing augers or systems.

(2) Storage or drying equipment for commercial use or the storing or drying of commodities which the borrower intends to purchase or to store or condition for others. Any farm storage or drying equipment which is located in working proximity to any commercial storing or drying operation shall be deemed to be a part of such operation. The foregoing does not preclude a borrower, who has qualified for a loan for drying equipment to dry his own commodities, from drying commodities for his neighbor.

5. In § 1474.8, paragraph (b) is revised to increase the amount which may be loaned on drying equipment. The revised paragraph reads as follows:

* * * * *

(b) *Amount of loan.* The amount of any loan shall not result in an aggregate outstanding balance in excess of $25,000 and shall not exceed (1) 85 percent of the net cost of the applicant's needed farm storage, (2) 85 percent of the net cost of the applicant's needed drying equipment or $5,000 whichever is the lesser, or (3) the prorated cost for the applicant's needed farm storage when a farm storage structure has a larger bushel capacity than the applicant's needed farm storage.

6. Section 1474.10 is revised to raise the interest rate. The revised section reads as follows:

§ 1474.10 Repayment of loan and acceleration of maturity date.

The principal of the loan shall be repayable in equal annual installments with interest (at an annual percentage rate of 7.5 percent) on the unpaid balance from date of disbursement or date of last repayment at 62.5 cents for each whole unit of $100 or fraction thereof (stated to the nearest 10th) for each calendar month or fraction thereof, from and including the calendar month of disbursement, or month to which interest has been paid, to but excluding the calendar month of repaymen . The first installment plus interest on the unpaid balance shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment shall be by cash, check, money order, or by deduction from the amounts of any price support loans, incentive payments, reseal storage payments, or payments for purchases by CCC which may be due the borrower: *Provided, however,* That any such deduction shall not be made until after service charges and amounts due prior lienholders have been deducted. Payment shall be applied first to accrued interest and then to principal. Each installment must be paid not later than the end of the applicable 12-month pay period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any covenants, agreements, terms, or conditions on his part to be performed under §§ 1474.1 to 1474.16 or under the loan application, promissory note, chattel mortgage, or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of a loan secured by a chattel mortgage or other security instruments, the county committee shall, upon request by the borrower, release or obtain the release of such instrument. The chairman of each county committee or the county office manager is authorized to act as agent of CCC in releasing or obtaining the release of such instruments.

(Secs. 4 and 5(b), 62 Stat. 1070-1072, as amended; 15 U.S.C. 714b, 714c(b))

Effective date: This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 27, 1970.

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

[F.R. Doc. 70-3956; Filed, Mar. 31, 1970; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,938]

PART 526—LIMITATIONS ON RATE OF RETURN

Amendment Relating to Maximum Rates of Return

MARCH 24, 1970.

Resolved that the Federal Home Loan Bank Board, upon the basis of its consideration of the desirability of amending § 526.5 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5) for the purpose of relaxing the percentage-of-savings limitation on the issuance of certain certificate accounts by member institutions, hereby amends said § 526.5 by revising subparagraph (2) of paragraph (b) thereof to read as follows, effective March 26, 1970:

§ 526.5 Maximum rate of return payable on certificate accounts of less than $100,000.

* * * * *

(b) *Percentage limitations on certificate accounts of 1 year or more.*

* * * * *

(2) No member institution may pay a return at a rate in excess of 5.75 percent per annum on a certificate account with a fixed or minimum term or qualifying period of 2 years or more but less than 4 years if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 5.75 percent per annum, would exceed 30 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts: *Provided, however,* That on and after June 26, 1970, such percentage-of-savings limitation shall be 40 percent.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91-151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further, That since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is not required; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-3961; Filed, Mar. 31, 1970; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 70-WE-9]

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

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a minor realignment to VOR Federal airway No. 148 near Denver, Colo.

The action taken herein would realign V-148 from the Denver VOR to the Kiowa, Colo., VOR via the Franktown intersection. This realignment would simplify the airway structure and coincide with the Franktown intersection. This realignment represents only a minor change in airspace alignment, and the extent of the airspace presently controlled is not altered by this action.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 28, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows:

V-148 is amended by deleting "From Denver, Colo., INT Denver 174° and Kiowa, Colo., 268° radials;" and substituting therefor "From Denver, Colo.; INT Denver 174° and Kiowa, Colo., 273° radials;"

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

Issued in Washington, D.C., on March 24, 1970.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-3895; Filed, Mar. 31, 1970; 8:45 a.m.]

[Airspace Docket No. 70-WE-17]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter the Deseret Test Center, Dugway, Utah, Restricted Area R-6402 by designating above FL 240 as joint-use airspace and to designate above FL 240 as control area.

The Department of the Army has advised the Federal Aviation Administration that sole use of Restricted Area R-6402 at and above FL 240 is no longer required. Accordingly, action is taken herein to revise the altitude designation of this restricted area to allow for joint use at and above FL 240 and to designate the Federal Aviation Administration, Salt Lake City ARTC Center as the controlling agency.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective immediately, as hereinafter set forth.

1. In § 71.151 (35 F.R. 2043) "R-6402 Deseret Test Center, Utah," is added.

2. In § 73.64 (35 F.R. 2350) Restricted Area R-6402 is amended as follows:

a. Designated altitudes—surface to FL 400; joint use at and above FL 240.

b. Controlling agency—Federal Aviation Administration, Salt Lake City ARTC Center.

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

Issued in Washington, D.C., on March 24, 1970.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-3896; Filed, Mar. 31, 1970; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10163; Amdt. 693]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 70-3004 appearing at page 4815 in the issue for Friday, March 20, 1970, in the notes following the first table on page 4819 the figure "700'" in the third line should read "2700'".

[Reg. Docket No. 10163, Amdt. 693]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 70-3004 appearing at page 4815 in the issue for Friday, March 20, 1970, make the following changes:

1. On page 4824, second table, in the column headed "Missed approach," the last line should read "Chart: Water tank 555' on airport.".

2. On page 4824, third table, first line, the figure "806" should read "860".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the date of their publication in the Federal Register.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart G—Reports of Compliance

1. Section 3.61(a) is amended to read as follows:

§ 3.61 Reports of compliance.

(a) In every proceeding in which the Commission has issued an order, pursuant to the provisions of section 5 of the Federal Trade Commission Act or section 11 of the Clayton Act, as amended, and except as otherwise specifically provided in any such order, each respondent named in such order shall file with the Commission, within 60 days after service thereof, or within such other time as may be provided by the order or the rules in this chapter, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Commission such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where the order prohibits the use of a false advertisement of a food, drug, device, or cosmetic which may be injurious to health because of results from its use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, or where the order was issued under the Flammable Fabrics Act, or in any other case where the circumstances so warrant, the order may provide for an interim report stating whether and how respondents intend to comply to be filed within 10 days after service of the order. When court review of an order of the Commission is pending, the respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run de novo from the final judicial determination, except that if no petition for certiorari has been filed following affirmance of the order of the Commission by a court of appeals, the compliance report shall be due the day following the date on which the time expires for the filing of such petition. The Commission will review such reports of compliance and will advise each respondent whether the actions set forth therein evidence compliance with the Commission's order.

PART 4—MISCELLANEOUS RULES

2. In § 4.9, paragraphs (e)(10) and (f) are amended, and new paragraph (g) is added as follows:

§ 4.9 Public records.

* * * * *

(e) * * *

(10) Notices and proposed forms of complaint and order under § 2.31 of this chapter, agreements containing orders after acceptance by the Commission, and assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter);

* * * * *

(f) Reports of compliance and all supplemental materials in connection therewith, filed pursuant to the rules in this chapter or to a provision in an order of the Commission, and reports of compliance filed pursuant to assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter), except as provided in § 4.9(g), shall be available at the principal office of the Commission for inspection and copying by the public when received, unless at such time the filing party requests confidentiality in whole or in part and submits satisfactory reasons therefor, and the Commission, with due regard for statutory restrictions, its rules and the public interest, grants the request.

(g) Reports of compliance and supplemental materials filed in connection with Commission orders requiring divestitures or establishment of business enterprises or facilities, save those otherwise specifically dealt with in §§ 3.61(e) and 4.9(e)(13) of this chapter, shall be confidential until the last such divestiture or establishment of a business enterprise or facility, as required by a particular order, has been finally approved by the Commission. At the time each such report is submitted the filing party may request continuing confidentiality in

whole or in part and submit satisfactory reasons therefor, and the Commission with due regard for statutory restrictions, its rules and the public interest will pass upon such request.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: March 23, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-3955; Filed, Mar. 31, 1970; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 70-73]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

Section 309 of the Tariff Act of 1930, as amended, relates to the exemption from duties and internal-revenue taxes in certain circumstances on supplies and equipment for certain vessels and aircraft. Subsection (d) of that section provides (1) that the privileges granted by the section and section 317 of the Tariff Act of 1930, as amended, in respect of aircraft registered in a foreign country shall be allowed only if the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States, (2) that such privileges shall not apply when the Secretary of Commerce has advised that a foreign country has or will discontinue the allowance of such privileges.

On the basis of findings and advices received from the Secretary of Commerce, Treasury decisions have been issued extending to the aircraft of foreign countries privileges reciprocal to those found by the Secretary of Commerce to be extended to aircraft registered in the United States.

To incorporate in the regulations a listing of the foreign countries entitled to free withdrawal privileges under sections 309 and 317 of the Tariff Act and the Treasury decisions extending or limiting such privileges, 10.59 is amended by adding a new paragraph (f) as follows:

§ 10.59 Exemption from customs duties and internal-revenue tax.

* * * * *

(f) Pursuant to section 309(d) of the Tariff Act of 1930, as amended, the Department of Commerce has found and advised the Secretary of the Treasury of the foreign countries which allow privileges to aircraft registered in the United States substantially reciprocal to those described in sections 309 and 317 of the Tariff Act of 1930, as amended.[57a] Advices also have been received of changes and limitations of privileges allowed. In accordance with these advices, Treasury decisions are issued extending to the aircraft of foreign countries free withdrawal privileges reciprocal to those found by the Secretary of Commerce to be extended by those countries to aircraft registered in the United States or making changes in such privileges on the basis of new findings. Listed below by countries are the Treasury decisions issued pursuant to such findings which are currently in effect:

Country	Treasury Decisions(s)	Exceptions, if any, as noted—
Argentina	54925 (1)	Applicable only as to aircraft equipment, spare parts, and supplies other than fuel and lubricants.
Australia	54747 (1)	Not applicable to ground equipment.
Bahamas	52798 (3)	
Belgium	52846 (2)	
Bermuda	49944 (4)	
Brazil	53281 (2)	
Canada	69-149 69-245	Not applicable to ground equipment during period May 1 to September 16, 1969, inclusive.
Chile	66-128 (2)	
Costa Rica	53658 (1)	
Denmark	51966 (3)	
Dominican Republic	54522 (1)	
Ecuador	52510 (4)	
El Salvador	54675 (1)	
Finland	69-120 (2)	
France	67-96 (1)	Not applicable to tobacco products under section 317 of the tariff act. Not applicable to ground equipment.
Federal Republic of Germany.	69-150	Not applicable to ground equipment.
Greece	54847 (1)	
Iceland	67-265 (1)	
India	55155 (1)	
Ireland	55291 (1)	
Israel	52831 (3)	
Italy	69-223	Not applicable to ground equipment.
Jamaica	69-231	Not applicable to ground equipment.
Japan	53550 (1)	
Lebanon	53902 (1)	
Mexico	54506 (5)	
Netherlands	52494 (2)	
Nicaragua	54640 (1)	
Norway	51966 (3)	
Pakistan	55416 (1)	
Panama	55453 (1)	
Peru	52911 (2)	
Portugal	68-107 (1)	Not applicable to ground equipment.
South Africa	69-162	Not applicable to ground equipment.
Spain	54522 (2)	
Sweden	51966 (3)	
Switzerland	56047	
Trinidad and Tobago.	56441 (1)	
Union of Soviet Socialist Republics.	67-123 (1)	
United Kingdom	69-176	Not applicable to ground equipment.
Venezuela	55435 (1)	

Part 10 is amended by adding footnote 57a to read as follows:

[57a] Section 4221, title 26, United States Code, provides for exemption from manufacturers' excise taxes on articles for use on qualified aircraft, including aircraft registered in a foreign country if the Secretary of Commerce has advised that such country allows substantially reciprocal privileges in respect of aircraft registered in the United States. Advices received from the Secretary of Commerce under this statute are published in Internal Revenue Bulletins.

(Secs. 309, 317, 46 Stat. 690, as amended, 696, as amended; 19 U.S.C. 1309, 1317)

Section 10.65(b) is amended by changing the period at the end to a comma and adding: "nor shall it be granted to aircraft of foreign registry of a country for which there is not in effect a finding and advice by the Department of Commerce under section 309(d), Tariff Act of 1930, as amended, that such country allows privileges to aircraft registered in the United States substantially reciprocal to those described in section 317, Tariff Act of 1930, as amended. See section 10.59(f)."

(Secs. 317, 624, 46 Stat. 696, as amended, 759; 19 U.S.C. 1317, 1624)

Effective date. This amendment shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: March 18, 1970.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 70-3919; Filed, Mar. 31, 1970; 8:47 a.m.]

[T.D. 70-74]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Greece extends to vessels of the United States, in ports of Greece, privileges reciprocal to those provided in § 4.93(a)(1) of the Customs Regulations, with respect to empty cargo vans, empty lift vans, and empty shipping tanks. Therefore, vessels of the Government of Greece are permitted to transport coastwise empty cargo vans, empty lift vans, and empty shipping tanks under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, § 4.93(b)(1) of the Customs Regulations is amended by the insertion of "Greece" in appropriate alphabetical order in the list of countries in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883.)

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

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: March 18, 1970.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 70-3920; Filed, Mar. 31, 1970; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

ABBREVIATED NEW-DRUG APPLICATIONS FOR CYCLAMATE-CONTAINING PRODUCTS

In F.R. Doc. 70-3370 appearing on page 5008 in the issue for Tuesday, March 24, 1970, the date "April 1, 1970" in § 130.43 (d) is incorrect and is changed to read "June 1, 1970".

Dated: March 25, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-3905; Filed, Mar. 31, 1970; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

PART 1600—GENERAL

Power of Attorney

1. The powers of attorney heretofore granted to Messrs. J. L. Dacus, Lawrence V. Daniels, Joseph J. Dunne, B. B. Fincher, and William F. W. Jones, in 24 CFR 1600.11 are revoked; § 1600.11(c) is amended by revoking subparagraphs (6), (7), (9), (10), and (15) thereof.

2. Messrs. Bert C. Gilbert, Norbert C. Greene, John R. Hayes, R. P. Martin, B. Rhodes, Jr., and T. J. Swanson, Jr., are granted the powers of attorney set forth in 24 CFR 1600.11; § 1600.11(c) is amended by adding at the end thereof the following subparagraphs:

(26) Bert C. Gilbert, of Los Angeles, Calif.

(27) Norbert C. Greene, of Philadelphia, Pa.

(28) John R. Hayes, of Chicago, Ill.

(29) R. P. Martin, of Dallas, Tex.

(30) B. Rhodes, Jr., of Atlanta, Ga.

(31) T. J. Swanson, Jr., of Atlanta, Ga.

(Sec. 309, National Housing Act; 12 U.S.C. 1723a; sec. 3.03 of GNMA Bylaws, 35 F.R. 2606, Feb. 5, 1970)

Issued at Washington, D.C., March 25, 1970.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[F.R. Doc. 70-3925; Filed, Mar. 31, 1970; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

Conditions Governing Reserved Timber Rights

Section 251.14 of Part 251, Chapter II, Code of Federal Regulations, is revised to read as follows:

§ 251.14 Conditions, rules and regulations to govern exercise of timber rights reserved in conveyance to the United States.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, in conveyance of lands to the United States under authorized programs of the Forest Service, where owners reserve the right to enter upon the conveyed lands and to cut and remove timber and timber products, said reservations shall be subject to the following conditions, rules and regulations which shall be expressed in and made a part of the deed of conveyance to the United States and such reservations shall be exercised thereunder and in obedience thereto:

(1) Whoever undertakes to exercise the reserved rights, hereinafter called operator, shall give prior written notice to Forest Service and shall submit satisfactory evidence of authority to exercise such rights. Operator shall repair, replace, or restore any improvements owned by the United States or its permittees, damaged or destroyed by the timber operations and he shall restore the land to a condition safe and reasonably serviceable for authorized programs of Forest Service.

(2) In cutting and removing timber and timber products and in locating, constructing and using mills, logging roads, railroads, chutes, landings, camps, or other improvements, no unnecessary damage shall be done to the air, water and soil resources, and to young growth or to trees left standing. All survey monuments and witness trees shall be preserved.

(3) All trees, timber or timber products of species or sizes not specifically reserved which are unnecessarily cut, damaged, or destroyed by operator shall be paid for at double the usual rates charged in the locality for sales of similar National Forest timber and timber products.

(4) Slash and debris resulting from the cutting, removal, or processing of timber or timber products, or from construction operations, shall be disposed of or otherwise treated by methods acceptable to the Forest Service. Such treatment or disposal shall comply with known air and water quality criteria and standards and include necessary preparatory work such as fireline constructing and snag falling. The timing of log removal and preparatory work shall not unnecessarily delay slash disposal or treatment.

(5) Operator is authorized to construct and maintain buildings, facilities, and other improvements, including roads needed to log the reserved timber. Construction and maintenance plans, designs, and location shall be approved in writing by Forest Service before construction is started.

(6) All buildings, camps, equipment, and other structures or improvements shall be removed from the lands within 6 months from date of completion or abandonment of the operation, unless relieved by Forest Service by issuance of a special-use permit. Otherwise such buildings, camps, equipment, and other structures or improvements shall become the property of the United States, but this does not relieve operator of liability for the cost of removal and restoration of the site.

(7) Nothing in this section shall be construed to exempt operator from any requirements of the laws of the States in which situated; nor from compliance with or conformity to any requirement of any law which later may be enacted and which otherwise would be applicable.

(8) While operations are in progress, operator, his employees, any subcontractors, and their employees, shall take all reasonable and practicable action in the prevention and suppression of fire, and shall be available for service in the suppression of all fires within the reserved area. On any fire not caused by negligence on the part of the operator, Forest Service shall pay operator at fire-fighting rates common in the area or at prior agreed rates for equipment or manpower furnished by operator.

(9) Only one cutting shall be made on any portion of the area on which timber is reserved. Forest Service may permit the cutting of special products, or products the cutting of which is seasonal, on any portion of the area in advance of the cutting of the chief products of the reserved timber. Each reservation of timber shall include a specific period of time within which material may be removed.

(10) Forest Service shall have the right to use any road constructed under the authority of this timber reservation for any and all purposes in connection with the protection and administration of the National Forest.

(11) Operator shall take all reasonable precautions to prevent pollution of the air, soil, and water, in operation hereunder.

(12) All activities by operator in the reserved area shall be conducted in a safe, orderly, and workmanlike manner.

(13) For the protection of streamcourses, the following measures shall be observed by operator: Culverts or bridges will be required on temporary roads at all points where it is necessary to cross streamcourses. Such facilities shall be of sufficient size and design to provide unobstructed flow of water. Equipment will not be operated in streamcourses except at designated crossings and as essential

to construction or removal of culverts and bridges. Any stream that is temporarily diverted must be restored to the natural course as soon as practicable, and in any event prior to a major runoff season.

(14) Operator shall perform currently, as weather and soil conditions permit, the following erosion control work on portions of the reserved area where logging is in progress or has been completed: Construct cross-ditches and water-spreading ditches where staked or otherwise marked on the ground by Forest Service; after a temporary road has served operator's purpose, operator shall remove culverts and bridges, eliminate ditches, out-slope and cross-drain roadbed and remove ruts and berms to the extent necessary to stabilize fills and otherwise minimize erosion; operator shall avoid felling into, yarding in, or crossing natural meadows; and operations will not take place when soil and water conditions are such that excessive damage will result.

(b) The conditions, rules, and regulations set forth in subparagraphs (1) through (14) of this section shall not apply to reservations contained in conveyances of land to the United States under the act of March 3, 1925, as amended (43 Stat. 1133, 64 Stat. 82, 16 U.S.C. 555).

(c) In cases where a State, or an agency, or a political subdivision thereof, reserves timber rights for the cutting and removal of timber and timber products, in the conveyance of land to the United States under authorized programs of the Forest Service and there are provisions in the laws of such State or in conditions, rules and regulations promulgated by such State, agency or political subdivision thereof, which the Chief, Forest Service, determines are adequate to protect the interest of the United States in the event of the exercise of such reservation, the Chief, Forest Service, is hereby authorized, in his discretion, to subject the exercise of the reservation to such statutory provisions or such conditions, rules, and regulations in lieu of the the conditions, rules and regulations set forth in subparagraphs (1) through (14) of paragraph (a) of this section. In that event, such statutory provisions or such conditions, rules and regulations shall be expressed in and made a part of the deed of conveyance to the United States and the reservation shall be exercised thereunder and in obedience thereto.

All regulations heretofore issued by the Secretary of Agriculture to govern the exercise of timber rights reserved in conveyance of lands to the United States under authorized programs of Forest Service shall continue to be effective in the cases to which they are applicable, but are hereby superseded as to timber rights hereafter reserved in conveyances under such programs.

(30 Stat. 35, as amended, 16 U.S.C. 551, interprets or applies 36 Stat. 961, as amended, 16 U.S.C. 513-519, 42 Stat. 465, as amended, 16 U.S.C. 485, 486, and 50 Stat. 525, as amended, 7 U.S.C. 1011, 70 Stat. 1034, and 76 Stat. 1157) (78 Stat. 897)

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

T. K. COWDEN,
Assistant Secretary of Agriculture.

MARCH 26, 1970.

[F.R. Doc. 70-3911; Filed, Mar. 31, 1970; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Renewal Applications

In confirmation of a procedure heretofore authorized and given effect by the Register of Copyrights in a number of cases, § 202.17 of Chapter II of Title 37 of the Code of Federal Regulations is amended by adding a new paragraph (c) reading as follows:

§ 202.17 Renewals.

* * * * *

(c) Whenever a renewal applicant has cause to believe that a formal application for renewal (form R), if sent to the Copyright Office by mail, might not be received in the Copyright Office before the expiration of the time limits provided by 17 U.S.C. section 24, he may apply for renewal registration by means of a telephone call, telegram, or other method of telecommunication. An application made by this method will be accepted if: (1) The message is received in the Copyright Office within the specified time limits; (2) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; and (3) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired.

(Sec. 207, 61 Stat. 666; 17 U.S.C. 207)

Dated: March 27, 1970.

ABRAHAM L. KAMINSTEIN,
Register of Copyrights.

Approved:

L. QUINCY MUMFORD,
Librarian of Congress.

[F.R. Doc. 70-3927; Filed, Mar. 31, 1970; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 141—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 166—SPECIAL DELIVERY

PART 167—SPECIAL HANDLING

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows: I. Sections 141.1, paragraph (a) and 141.2 paragraph (a)(1) are amended to update the list of adhesive stamps and stamped envelopes available.

§ 141.1 Stamps (adhesive).

(a) *Adhesive stamps available.*

Purpose	Form	Denomination and Prices
Ordinary postage	Single or sheet	1, 2, 3, 4, 5, 6, 8, 10, 12, 13, 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Books	20 5-cent ($1),[1] 32 6-cent and 8 1-cent ($2).
	Coil of 100	5,[1] 6, and 25 cents; (Dispenser to hold coils of 100 stamps may be purchased for 5 cents additional.)
	Coils of 500 and 3,000	1, 5, and 6 cents.
	Coils of 3,000	2,[1] 25 cents.
Commemorative stamps	Single or sheet	Various denominations as announced.
Airmail postage (for use on airmail only, see par. (b) of this section).	Single or sheet	8, 10, 15, 20, and 25 cents. $1 airlift.
	Books	40 10-cent ($4).
	Coils of 100, 500, and 3,000.	10 cents.
Precanceled postage	Single or sheet, coils of 500 and 3,000.	Available to permit holders only. (See part 142.)
Postage-due (for post office use only)	Single or sheet	1, 2, 3, 4, 5, 6, 7, 8, 10, 30, and 50 cents; $1 and $5.
Special delivery (see part 166)	Single or sheet	45 cents. Good only for special delivery fee.

[1] Will be discontinued when stock is exhausted.

§ 141.2 Plain envelopes, postal cards, and aerogrammes.

(a) *Plain stamped envelopes*—(1) *Envelopes available.*

Kind	Size	Denomination	Item No.	Less than 500	500	1,000
		Cent		*Each*		
Regular	6¾	6	661	$0.08	$33.55	$67.10
	10	6	161	.08	34.20	68.40
Window	6¾	6	662		34.00	68.00
	10	6	162		34.85	69.70
Precanceled	6¾	1.6	633		11.55	23.10
	10	1.6	133		12.20	24.40
Airmail	6¾	10	604	.12	53.75	107.50
	10	10	104	.12	54.40	108.80

NOTE: The corresponding Postal Manual sections are 141.11 and 141.211.

II. Section 166.1(b) is amended to conform with the United States Code in the preferential handling to the extent practicable in the handling of special delivery mail.

§ 166.1 Description of special delivery.

* * * * *

(b) *Transporting and delivering.* Special delivery mail is given preferential handling to the extent practicable in dispatch and transportation. Payment of a special delivery fee does not insure safety of delivery or provide for the payment of indemnity. Money or other valuables sent special delivery should be registered also. Insured, certified, and COD mail may be sent special delivery.

NOTE: The corresponding Postal Manual section is 166.12.

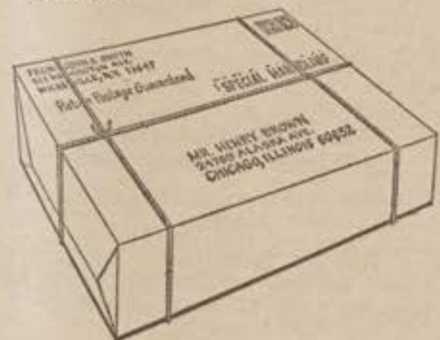
III. Section 167.1 is amended to update provisions of dispatch and transportation of special handling parcels; and § 167.3 is amended by correcting the wording in the illustration.

§ 167.1 Description of special handling.

Special handling service is available for third- and fourth-class mail only, including that which is insured or sent c.o.d. It provides preferential handling to the extent practicable in dispatch and transportation, but does not provide special delivery. Special handling parcels are delivered as parcel post is ordinarily delivered, on regular scheduled trips. The special handling fee (or special-delivery fee) must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

§ 167.3 Marking of parcels.

Mailers should mark the words "Special Handling" preferable above the name of the addressee and below the stamps as illustrated:



NOTE: The corresponding Postal Manual sections are 167.1 and 167.3.

(5 U.S.C. 301, 39 U.S.C. 501, 507, 2503, 6006–6008)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-3819; Filed, Mar. 31, 1970; 8:45 a.m.]

PART 812—DELEGATIONS OF AUTHORITY

Redelegation

Section 812.4 is amended to authorize regional directors and certain others to redelegate any authority vested in them under certain specific conditions:

§ 812.4 Redelegation.

(a) Except as otherwise prohibited by law, or by a regulation that expressly prohibits redelegation or by the terms of the delegation:

(1) The head of a bureau or office at headquarters may redelegate any authority vested in him.

(2) A regional director may redelegate any authority vested in him subject to the following:

(i) Issuance of letters of proposed adverse action against postmasters and the making of the initial decision in an adverse action proceeding involving postmasters may not be redelegated;

(ii) Redelegation to members of a regional office staff must be consistent with the current regional organizational structure; and

(iii) Redelegation to postmasters in his region requires the prior approval of the head of the appropriate bureau or office at headquarters.

(3) A Director, Postal Data Center, may redelegate any authority vested in him.

(4) Heads of other field installations may redelegate any authority vested in them.

(b) Other subordinate officers or employees in bureaus or offices at headquarters and in field installations may not delegate any authority vested in them without the prior approval of the head of a bureau or office at headquarters, or head of the field installation, as appropriate, except when power of redelegation is granted in the delegation of authority.

NOTE: The corresponding Postal Manual section is 812.4.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

MARCH 26, 1970.

[F.R. Doc. 70-3901; Filed, Mar. 31, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

PART 14H-1—GENERAL

Designation of Contracting Officer Positions

MARCH 25, 1970.

On page 533 of the FEDERAL REGISTER of January 15, 1970 (35 F.R. 533), was published an amendment to § 14H–1.451–2(a)(1) of Title 41 of the Code of Federal Regulations. Chapter 14H of 41 CFR contains the Bureau of Indian Affairs Procurement Regulations (BIAPR). Section 14H–1.451.2(a)(1) designates contracting officer positions in the headquarters office. Pursuant to the authority contained in the act of November 2, 1921, C. 115, 42 Stat. 208 (25 U.S.C. 13) and 41 CFR 14–1.008, 41 CFR 14H–1.451–2(a)(1) is being amended to reflect the elimination of one of the positions previously designated as a contracting officer in the headquarters office.

It is the general policy of the Bureau of Indian Affairs to allow time for interested parties to take part in the public rulemaking process. However, because this amendment involves internal Bureau proceedings, the rulemaking process will be waived under the exception provided in subsection (b)(3)(A) of 5 U.S.C. 553.

Section 14H–1.451–2(a)(1) of 41 CFR 14H is hereby amended to read as as follows:

§ 14H–1.451–2 Designation of contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions:

(1) Headquarters Office Officials:

(i) Associate Commissioner for Support Services.

(ii) Director of Operating Services.

(iii) Chief, Division of Property and Supply Management.

(iv) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.

(v) Chief, Plant Management Engineering Center, Littleton, Colo.

(vi) Executive Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

(vii) Property and Supply Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

* * * * *

Effective date. This amendment will become effective on the date of its publication in the FEDERAL REGISTER.

C. C. CARSHALL,
Acting Commissioner.

[F.R. Doc. 70-3898; Filed, Mar. 31, 1970; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Paragraph (c) of § 177.4 *Special allowances*, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period January 1, 1970 through March 31, 1970, inclusive.

As so amended § 177.4 reads as follows:

§ 177.4 **Special allowances.**

* * * * *

(c) *Promulgation of special allowances.* * * *

(3) For the period January 1, 1970 through March 31, 1970, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 2 percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: March 27, 1970.

JAMES E. ALLEN, Jr.,
Assistant Secretary, Commissioner of Education.

Approved: March 30, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-3997; Filed, Mar. 31, 1970; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order 1033, Amdt. 1]

PART 1033—CAR SERVICE

Seaboard Coast Line Railroad Co. Authorized To Operate Over Tracks of Georgia Rail Road & Banking Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of March 1970.

Upon further consideration of Service Order No. 1033 (34 F.R. 13278) and good cause appearing therefor:

It is ordered, That: § 1033.1033 *Service Order No. 1033.* (Seaboard Coast Line Railroad Company authorized to operate over tracks of the Georgia Rail Road & Banking Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1970.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4) and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-3941; Filed, Mar. 31, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Anahuac National Wildlife Refuge, Tex.

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

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

TEXAS

ANAHUAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Anahuac National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 30 acres of inland water and 7 miles of shoreline, are delineated on maps available at refuge headquarters, Anahuac, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for inland water sport fishing on the refuge extends from April 1, 1970, through October 1970 inclusive.

(2) Boats and floating devices may not be used for fishing on inland waters.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

RUSSEL W. CLAPPER,
Refuge Manager, Anahuac National Wildlife Refuge, Anahuac, Tex.

MARCH 25, 1970.

[F.R. Doc. 70-3914; Filed, Mar. 31, 1970; 8:47 a.m.]

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Tex.

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

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 6 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted on interior waters except Nicks and Salt Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

RUSSELL W. CLAPPER,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.

MARCH 25, 1970.

[F.R. Doc. 70-3915; Filed, Mar. 31, 1970; 8:47 a.m.]

PART 14—IMPORTATION OF FEATHERS OF WILD BIRDS

Allocation of Annual Import Quotas

Correction

In F.R. Doc. 70-3594 appearing at page 5123 in the issue for Thursday, March 26, 1970, the word "if" in the second line of § 14.3(a) should read "of".

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 4]

IMCO MODEL FORMS FOR USE BY VESSELS IN FOREIGN TRADE

Notice of Proposed Rule Making

To implement the Convention on Facilitation of International Maritime Traffic ratified by the United States on March 17, 1967 (18 UST 411, TIAS 6251), it is proposed, insofar as is possible under existing law, to substitute four of the six standardized model forms developed by the Intergovernmental Maritime Consultative Organization (IMCO), each 8½ inches wide and 11 inches long, for certain customs forms presently used in connection with the arrival and departure of vessels in foreign trade. The present combined form of passenger and crew list, customs and immigration Form I-418, will remain in use, however, pending further study as to whether the separate IMCO forms of Passenger List and Crew List satisfy the requirements of all Government agencies concerned.

The proposed new forms and the forms they will replace are as follows:

Proposed form	*Replaces*
Customs Form 1301, "General Declaration."	Customs Form 1385, "Permit to Proceed." Proposed customs Form 1301 also will provide space for certain necessary information formerly found on customs Form 3221, "Certificate on Vessel Proceeding to Another Port with Foreign Cargo," which is no longer in use.
Customs Form 1302, "Cargo Declaration."	Customs Form 1374, "Outward Foreign Manifest," and customs Forms 7527-A and 7527-B, "Inward Foreign Manifest."
Customs Form Stores Declara- 1303, "Ship's tion."	No printed form— declaration required to be furnished by master.
Customs Form 1304, "Crew's Effects Declaration."	No printed form—declaration required to be furnished by master.

Because the model forms do not provide for the oath of the master required by statute in certain circumstances, it is also proposed to establish a form of "Master's Oath on Entry of Vessel in Foreign Trade," to be designated customs Form 1300. This form will replace customs Form 3251, "Master's Oath on Entry of Vessel from Foreign Port," and the oaths presently found on customs Forms 1374 and 1385.

It is proposed therefore, to amend the Customs Regulations to establish customs Forms 1300, 1301, 1302, 1303, and 1304 and to provide for their use; to abolish customs Forms 1374, 1385, 3251, 7527-A, and 7527-B; to delete references to customs Form 3221; and to state certain procedural changes made necessary by the foregoing.

Notice is hereby given that it is proposed to amend various sections in 19 CFR Part 4 under authority of section 251 of the Revised Statutes (19 U.S.C. 66), section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), section 301 of title 5 of the United States Code, and the statutes cited in the proposed amendments. The amendments are set forth in tentative form as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

ARRIVAL AND ENTRY OF VESSELS

Section 4.7 is amended to read:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

(a) The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest, as required by section 431, Tariff Act of 1930 (19 U.S.C. 1431),[14] and by this section. The manifest shall be legible and complete; and if in a foreign language, a translation in English shall be furnished with the original and with any required copies. The manifest shall consist of a General Declaration, customs Form 1301, and the following documents: (1) Cargo Declaration, customs Form 1302, (2) Ship's Stores Declaration, customs Form 1303, (3) Crew's Effects Declaration, customs Form 1304, or, optionally, a copy of the Crew List, customs and immigration Form I-418, to which are attached crewmembers' declarations on customs Forms 5129, (4) Crew List, customs and immigration Form I-418, (5) Passenger List, customs and immigration Form I-418, and, (6) when required by paragraph (d), the master's declaration, customs Form 3415. Any document which is not required may be omitted from the manifest provided the word "None" is inserted in items 17-22 of the General Declaration, as appropriate.

(b) The original and one copy of the manifest shall be ready for production on demand.[15] The master shall deliver the original and one copy of the manifest to the boarding officer.[16] If the vessel is to proceed from the port of arrival to other U.S. ports with residue foreign cargo or passengers, an additional copy of the manifest shall be presented for certification as a traveling manifest (see § 4.85). The district director may require an additional copy or additional copies of the manifest, but a reasonable time shall be allowed for the preparation of any copy which may be required in addition to the original and one copy.

(c) No passenger list or crew list shall be required in the case of a vessel arriving from Canada, otherwise than by sea, at a port on the Great Lakes or their connecting or tributary waters.[18a]

(d)(1) The master of a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, as each port of first arrival from a foreign country shall declare on customs Form 3415 any equipment, repair parts, or material purchased for the vessel, or any expense for repairs incurred, in a foreign country,[18b] within the purview of section 466, Tariff Act of 1930, as amended (19 U.S.C. 257). If no equipment has been purchased or repairs made, a declaration to that effect shall be made on customs Form 3415.

(2) If the vessel is of more than 500 gross tons, the declaration shall include a statement that no work in the nature of a rebuilding or alteration which might give rise to a reasonable belief that the vessel may have been rebuilt within the meaning of the second proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), has been effected which has not been either previously reported or separately reported simultaneously with the filing of such declaration.

(3) The declaration shall be ready for production on demand and for inspection by the boarding officer and shall be presented as part of the original manifest when formal entry of the vessel is made.

(4) The district director shall notify the U.S. Coast Guard vessel documentation officer at the home port of the vessel of any work in the nature of a rebuilding or alteration, including the construction of any major component of the hull or superstructure of the vessel, which comes to his attention.

(Secs. 431, 439, 465, 581(a), 583, 46 Stat. 710, as amended, 712, as amended, 718, 747, as amended, 748, as amended, secs. 2, 3, 70 Stat. 544, as amended; 19 U.S.C. 1431, 1439, 1465, 1581(a), 1583, 46 U.S.C. 883a, 883b)

Part 4 is amended to add a new § 4.7a reading as follows:

§ 4.7a Inward foreign manifest; information required; alternative forms.

The forms designated by § 4.7(a) as comprising the inward foreign manifest shall be completed as follows:

(a) *General Declaration*. In addition to the other information required, the General Declaration shall show (1) in item No. 11, the maximum draft on arrival, and (2) in item No. 15, the number of passengers disembarking.

(b) *Cargo Declaration*. The original Cargo Declaration shall list all the inward foreign cargo on board regardless

of the port of discharge. The copy shall list only the cargo manifested for the port of arrival. Vessels arriving in ballast or without foreign cargo shall not be required to present a Cargo Declaration as part of the manifest provided the following notation is made in item No. 13 of the General Declaration:

Vessel in ballast and/or no foreign cargo for discharge at this or any other domestic port.

In addition to the other information required, the Cargo Declaration shall show (1) in item No. 5, the foreign port of lading and the date on which the vessel sailed from that port, and (2) in item No. 7, immediately below the "description of goods," the name of the consignee. Item No. 2 shall show the intended port of discharge of the cargo listed on that page of the Cargo Declaration in lieu of the "Port where report is made." The goods described in items Nos. 6, 7, and 8 shall be referable to the respective bills of lading. A vertical space of at least 1 inch (six typewriter spaces) shall be left blank between each entry for customs use. If the Cargo Declaration comprises more than one page, item No. 10 shall be completed only on the last page.

(c) *Ship's Stores Declaration*. Articles to be retained aboard as sea or ship's stores, required by section 432, Tariff Act of 1930,[17] to be separately specified shall be listed on the Ship's Stores Declaration, customs Form 1303. Less than whole packages of sea or ship's stores may be described as "sundry small and broken stores."

(d) *Crew's Effects Declaration*. (1) All articles on board the vessel, whether or not dutiable or subject to prohibitions or restrictions, acquired abroad by officers and members of the crew, except such articles as are exclusively for use on the voyage or which have been duly cleared through customs in the United States, shall be specified on the Crew's Effects Declaration, customs Form 1304. The signature of the officer or crewmember is not required, but the serial number of the Declaration and Entry of Crewmember for Imported Articles, customs Form 5123, prepared and signed by any officer or crewmember who intends to land articles in the United States, or the word "None," shall be shown in item No. 7 opposite the respective crewmember's name.

(2) If the crewmembers' declarations are on customs Form 5129, the master, in lieu of describing the articles on customs Form 1304, shall furnish a Crew List, customs and immigration Form I-418, endorsed as follows:

I certify that this list, with its supporting crewmembers' declarations, is a true and complete manifest of all articles on board the vessel acquired abroad by myself and the officers and crewmembers of this vessel, other than articles exclusively for use on the voyage or which have been duly cleared through customs in the United States.

Master

The Crew List on Form I-418 shall show, opposite the crewmember's name, his shipping article number and, in column 5, the declaration number. If the crewmember has nothing to declare, the word "None" shall be placed opposite his name instead of a declaration number.

(3) For requirements concerning the preparation of customs Forms 5123 and 5129, see, respectively, §§ 23.4(a) and 10.22 (a) and (b) of this chapter.

(e) *Crew List*. The Crew List shall be completed in accordance with the requirements of the Immigration and Naturalization Service, U.S. Department of Justice (8 CFR Part 251).

(f) *Passenger List*. (1) The Passenger List shall be completed in accordance with § 4.50 and with the requirements of the Immigration and Naturalization Service, U.S. Department of Justice (8 CFR Part 231), and the following certification shall be placed on its last page:

I certify that Customs baggage declaration requirements have been made known to incoming passengers; that any required Customs baggage declarations have been or will simultaneously herewith be filed as required by law and regulation with the proper Customs officer; and that the responsibilities devolving upon this vessel in connection therewith, if any, have been or will be discharged as required by law or regulation before the proper Customs officer. I further certify that there are no steerage passengers on board this vessel (46 U.S.C. 151-163).

Master

(2) If the vessel is carrying steerage passengers, the reference to steerage passengers shall be deleted from the certification, and the master shall comply with the requirements of § 4.50.

(3) If there are no steerage passengers aboard upon arrival, the listing of the passengers may be in the form of a vessel "souvenir passenger list," or similar list, in which the names of the passengers are listed alphabetically and to which the certificate referred to in subparagraph (1) of this paragraph is attached.

(Secs. 431, 432, 439, 453, 465, 497, 498, 584, 46 Stat. 710, as amended, 712, as amended, 716, 718, 728, as amended, 748, as amended, sec. 9, 22 Stat. 189, as amended, R.S. 4573; 19 U.S.C. 1431, 1432, 1439, 1453, 1465, 1497, 1498, 1584, 46 U.S.C. 158, 674)

Section 4.8 is amended to read:

§ 4.8 Preliminary entry.

If it is desired that any vessel having on board inward foreign cargo, passengers, or baggage shall discharge or take on cargo, passengers, or baggage before the vessel has been formally entered, preliminary entry shall be made by compliance with § 4.30 and execution by the master of the Master's Certificate on Preliminary Entry on customs Form 1300 or of a certificate stamped or the General Declaration, customs Form 1301, by the boarding officer and conforming to the wording of the certificate on customs Form 1300.[18]

(Secs. 448, 486, 46 Stat. 714, 725, as amended; 19 U.S.C. 1448, 1486)

Section 4.9 is amended to read:

§ 4.9 Formal entry.

(a) The formal entry, of an American vessel from a foreign port or place shall be in accordance with section 434, Tariff Act of 1930 (19 U.S.C. 1434.[19] The formal entry of a foreign vessel arriving within the limits of any customs collection district shall be in accordance with section 435, Tariff Act of 1930 (19 U.S.C. 1435).[20] The required oath on entry shall be executed on customs Form 1300 or on a certificate conforming thereto stamped or printed on the General Declaration, customs Form 1301.

(b) Upon the entry of an American vessel, the master shall present to the district director of customs, in addition to the crew lists required under § 4.7(a), the certified copy of the Crew List on customs and immigration Form I-418 obtained, in accordance with the provisions of § 4.68(a), upon the last previous clearance outward from the United States. The master shall deposit his register or frontier enrollment with the district director before or at the time of entry. The register may be returned upon request to the master of a vessel of less than 100 gross tons engaged in taking out fishing parties.

(c) The master of any foreign vessel shall exhibit his register to the district director on or before the entry of the vessel. After the net tonnage has been noted, the master may deliver it to the consul of the nation to which such vessel belongs, in which event he shall file with the district director the certificate required by section 435 of the tariff act. If not delivered to the consul, the register shall be deposited in the customhouse.[21]

(d) The master of every vessel required to make entry shall present on entry the pratique required by the pertinent regulations of the U.S. Public Health Service and shall pay all required fees and penalties incurred.

(e) The master, licensed deck officer, or purser may appear in person at the customhouse to enter the vessel; or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representatives of the master.

(Secs. 434, 435, 46 Stat. 711, as amended, sec. 366, 58 Stat. 705. R.S. 4576, as amended; 19 U.S.C. 1434, 1435, 42 U.S.C. 269, 46 U.S.C. 677)

Section 4.12 is amended to read:

§ 4.12 Correction of cargo declaration.

(a) District directors of customs shall notify masters or agents of vessels of overages or shortages of merchandise on customs Form 5931. The discrepancies shall be resolved promptly by the master or agent; and the customs Form 5931 shall be returned to the district director with the completion thereon of a shortage certificate,[22] a post entry,[23] or other suitable explanation of the corrective action taken (see § 4.34). Unless the district director is satisfied that the discrepancies were the result of clerical error or other mistake and that there has been no loss to the revenue, applicable penalties under section 584, Tariff Act of 1930,

as amended (19 U.S.C. 1584), shall be assessed. For the purpose of assessing such penalties, the value of the merchandise shall be computed as prescribed in § 23.12 of this chapter. The fact that the master or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

(b) A correction in the Cargo Declaration part of the inward manifest shall not be required in the case of bulk merchandise if the district director is satisfied that the difference between the manifested quantity and the quantity unladed, whether the difference constitutes an overage or a shortage, is an ordinary and usual difference properly attributable to absorption of moisture, temperature, faulty weighing at the port of lading, or other similar reason. A correction in the Cargo Declaration shall not be required because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the Cargo Declaration of the importing vessel when the quantity and description of the merchandise in such packages are correctly given.

(Secs. 440, 584, 46 Stat. 712, as amended, 748, as amended; 19 U.S.C. 1440, 1584)

In § 4.14, paragraph (a) is amended to read:

§ 4.14 Equipment and repairs to American vessels.

(a) The master's declaration on customs Form 3415 required by § 4.7(d)(1), covering equipment, repair parts, or material acquired, or expense for repairs incurred, in a foreign country, within the purview of section 466, Tariff Act of 1930, as amended, shall be filed, whether or not the items, or any of them, may be exempt from entry as stated in paragraph (b)(1), of this section.

* * * * *

TONNAGE TAX AND LIGHT MONEY

In § 4.20, paragraph (f) is amended to read:

§ 4.20 Tonnage taxes.

* * * * *

(f) For the purpose of computing tonnage tax, the net tonnage of a vessel stated in the vessel's marine document shall be accepted unless (1) such statement is manifestly wrong, in which case the net tonnage shall be estimated, pending admeasurement of the vessel, or the tonnage reported for her by any recognized classification society may be accepted, or (2) an appendix is attached to the marine document showing a net tonnage ascertained under the so-called "British rules" or the rules of any foreign country which have been accepted as substantially in accord with the rules of the United States, in which case the tonnage so shown may be accepted and the date the appendix was issued shall be noted on the tonnage tax certificate, customs Form 1002, and on the master's oath, customs Form 1300 or customs Form 1301, as appropriate. For the purpose of computing tonnage tax on a vessel with a tonnage mark and dual tonnages, the higher of the net tonnages stated in the vessel's marine document or tonnage certificate shall be used unless the customs officer concerned is satisfied by report of the boarding officer, statement or certificate of the master, or otherwise that the tonnage mark was not submerged at the time of arrival. Whether the vessel has a tonnage mark, and if so, whether the mark was submerged on arrival, shall be noted on customs Form 1300 by the boarding officer.

* * * * *

LANDING AND DELIVERY OF CARGO

Section 4.33 is amended to read:

§ 4.33 Diversion of cargo.

(a) If an emergency exists at the port of destination and authority under section 449, Tariff Act of 1930 (19 U.S.C. 1449), is desired for a district director to permit a vessel which has entered with imported merchandise or baggage shown by the Cargo Declaration to be destined to his port to proceed to another port of entry in accordance with the residue cargo bond procedure, the owner or the agent of the vessel shall make written application for such authorization, stating the reasons and agreeing to hold the district director and the Government harmless for such diversion. Merchandise and baggage unladen at the second port under these circumstances may be (1) entered in the same manner as other imported merchandise and baggage, (2) treated as unclaimed, or (3) reladen without entry for transportation to its original destination.

(b) The Cargo Declaration of a vessel may be changed at any time following entry of the vessel to substitute domestic ports for either other domestic or foreign ports as ports of discharge of the merchandise covered thereby. A written application for the diversion shall be made by the master, owner, or agent of the vessel to the district director at the port where the vessel is located, after entry of the vessel at that port. An amended Cargo Declaration under oath in such number of copies as the district director may require for local customs purposes covering the merchandise which it is desired to divert shall be furnished in support of the application. Wherever possible, the application for diversion shall be made on the amended Cargo Declaration. The certified traveling manifest shall not be altered or added to in any way by the master or agent. When an application to divert to another port for discharge is approved by a district director, he shall securely attach an approved copy of the application and a copy of the amended Cargo Declaration to the traveling manifest.

(c) If, as the result of a strike or other emergency at a U.S. port for which inward foreign cargo is manifested, it is desired to retain the cargo on board the vessel for discharge at a foreign port but with the purpose of having the goods returned to the United States, an application to amend the vessel's Cargo Declaration under a procedure like that described in paragraph (b) of this section, except to substitute a foreign for the domestic port named as the port of discharge, may be made by the master, owner, or agent of the vessel. If the application is approved, it shall thereafter be handled in the same manner as an application made under paragraph (b) of this section. However, before approving the application, the district director is authorized to require such bond as he deems necessary to insure the export control laws and regulations are not circumvented.

(Sec. 449, 46 Stat. 714; 19 U.S.C. 1449)

Section 4.34 is amended to read:

§ 4.34 Prematurely discharged, overcarried, and undelivered cargo.

(a) On written application of the owner or agent of a vessel, the district director (1) may permit inward foreign cargo remaining on the dock, which was prematurely landed and left behind by the importing vessel, to be reladen on board the next available vessel of the same line for forwarding to the destination shown on the Cargo Declaration of the importing vessel, provided the importing vessel actually entered the port of destination of the prematurely landed cargo; or (2) may permit merchandise not landed at destination and overcarried to another domestic port through error or on account of an emergency to be returned in the importing vessel, or in another vessel of the same line, to the destination shown on the Cargo Declaration of the importing vessel, provided that vessel actually entered the port of such destination.

(b) Cargo so stowed as to be inaccessible upon arrival at destination may be retained on board, carried forward to another domestic port or ports, and returned to the port of destination in the importing vessel, or in another vessel of the same line, in the same manner as other overcarried cargo.

(c) When it is desired that prematurely landed cargo, overcarried cargo, or cargo so stowed as to be inaccessible be forwarded to destination by the importing vessel or by another vessel of the same line in accordance with paragraph (a) or (b) of this section, a written application therefor shall be filed with the district director by the owner or agent of the vessel. Such application shall be supported by a Cargo Declaration in such number of copies as the district director may require. Whenever practicable, the application shall be made on the face of the Cargo Declaration below the description of the merchandise. The application shall specify the vessel on which the cargo was imported (even though the forwarding to destination is by another vessel of the same line) and all ports of departure and dates of sailing of the importing vessel, and shall be stamped and signed to show its approval.

(d) One copy of the Cargo Declaration shall be certified by customs for use as a substitute traveling manifest for the prematurely landed or overcarried cargo being forwarded as residue cargo,

whether or not the forwarding vessel is also carrying other residue cargo. If the application for forwarding to the destination required by paragraph (c) of this section is made on the Cargo Declaration, the new substitute traveling manifest shall be stamped to show the approval of the application. If the application is on a separate document, a copy thereof stamped to show its approval shall be attached to the substitute traveling manifest. An appropriate cross-reference shall be placed on the original traveling manifest to show that the vessel has one or more substitute traveling manifests. A permit to proceed endorsed on customs Form 1301 issued to the vessel transporting to destination the prematurely landed or overcarried cargo shall make reference to the nature of such cargo, identifying it with the importing vessel.

(e) A vessel with such prematurely landed or overcarried cargo on board shall comply upon arrival at each intermediate port and at destination with all the requirements of this Part 4 relating to foreign residue cargo for domestic ports. The substitute traveling manifest, carried forward from port to port by the oncarrying vessel, shall be finally surrendered at the port where the last portion of the prematurely landed or overcarried cargo is discharged.

(f) Merchandise shipped from a domestic port, but undelivered at the foreign destination and brought back, shall be manifested as "Undelivered—To be returned to original foreign destination," if such return is intended. The district director may issue a permit to retain such merchandise on board, or he may, upon written application of the steamship company, issue a permit on customs Form 6043 allowing such merchandise to be transferred to another vessel for return to the original foreign destination. No charge shall be made against the vessel bond. The items shall be remanifested outward and an explanatory reference of the attending circumstances and compliance with export requirements noted.

(g) Unless merchandise which has been prematurely landed or overcarried is forwarded in accordance with paragraph (a) of this section within 30 days from the date of landing, such cargo shall be appropriately entered for customs clearance or for forwarding in bond; otherwise, it shall be sent to general order as unclaimed. If the merchandise is entered for customs clearance at the port of unlading, or if it is forwarded in bond, other than by the importing vessel or by another vessel of the same line, the importing carrier shall file a Cargo Declaration in duplicate listing the cargo. The district director shall retain the original and shall forward the duplicate to the district director at the originally intended port of discharge.

In § 4.38, paragraph (b) is amended to read:

§ 4.38 Release of cargo.

* * * * *

(b) When packages of merchandise bear marks or numbers which differ from those appearing on the Cargo Declaration of the importing vessel for the same packages and the importer or a receiving bonded carrier, with the concurrence of the importing carrier, makes application for their release under such marks or numbers, either for consumption or for transportation in bond under an entry filed therefor at the port of discharge from the importing vessel, the district director may approve the application upon condition (1) that the contents of the packages be identified with an invoice or transportation entry as set forth below and (2) that the applicant furnish at his own expense any bonded cartage or lighterage service which the granting of the application may require. The application shall be in writing in such number of copies as may be required for local customs purposes. Before permitting delivery of packages under such an application, the district director shall cause such examination thereof to be made as will reasonably identify the contents with the invoice filed with the consumption entry. If the merchandise is entered for transportation in bond without the filing of an invoice such examination shall be made as will reasonably identify the contents of the packages with the transportation entry.

(Secs. 448, 505, 46 Stat. 714, 732; 19 U.S.C. 1448, 1505)

In § 4.41, paragraph (a) is amended to read:

§ 4.41 Cargo of wrecked vessel.

(a) Any cargo landed from a vessel wrecked in the waters of the United States or on the high seas shall be subject at the port of entry to the same entry requirements and privileges as the cargo of a vessel regularly arriving in the foreign trade. In lieu of a Cargo Declaration to cover such cargo, the owner, underwriter (if the merchandise has been abandoned to him), or the salvor of the merchandise shall make written application for permission to enter the wrecked cargo, and any such applicant shall be regarded as the consignee of the merchandise for customs purposes.[18]

* * * * *

(Secs. 310, 483, 46 Stat. 690, 721; 19 U.S.C. 1310, 1483)

PASSENGERS ON VESSELS

§ 4.50 [Amended]

In § 4.50, paragraph (a) is amended by substituting "4.7(a)" for "4.7(c)."

FOREIGN CLEARANCES

In § 4.61, paragraphs (a) and (b)(2) are amended to read:

§ 4.61 Requirements for clearance.

(a) Application for clearance for a vessel intending to depart for a foreign port shall be made by filing a General Declaration, customs Form 1301, by or on behalf of the master at the customhouse. In addition to the other information required, the General Declaration shall show (1) in item No. 11, the vessel's maximum draft on departure, and (2) in item No. 15, the number of passengers embarked. The master, licensed deck officer, or purser may appear in person to clear the vessel, or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master. Clearance shall be granted on customs Form 1378.

(b) * * *

(2) Outward Cargo Declarations; shippers' export declarations (4.63).

* * * * *

Section 4.62 is amended to read:

§ 4.62 Accounting for inward cargo.

Inward cargo discrepancies shall be accounted for and adjusted by correction of the Cargo Declaration, but the vessel may be cleared and the adjustment deferred if the discharging officer's report has not been received. (See § 4.12.)

Section 4.63 is amended to read:

§ 4.63 Outward cargo declaration; shippers' export declarations.

(a) No vessel shall be cleared directly for a foreign port, or for a foreign port by way of another domestic port or other domestic ports (see § 4.87(b)), unless there has been filed with the district director at the port from which clearance is being obtained an outward foreign manifest on customs Form 1302 (Cargo Declaration) covering all the cargo laden aboard the vessel at that port, together with such export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce, or unless the vessel is cleared on the basis of an incomplete Cargo Declaration as provided for in § 4.75.

(b) The number of the export declaration covering each shipment for which an authenticated export declaration is required shall be shown on the Cargo Declaration in the marginal column headed "B/L No." The value of each shipment for which an export declaration is not required shall be shown in item No. 9.

(c) The list of cargo may be shown on bills of lading, cargo lists, or other commercial forms, provided the Cargo Declaration is completely executed on customs Form 1302, except for particulars as to cargo; and provided also that the commercial forms are securely attached to the customs form in such manner as to constitute one document; that they are incorporated by suitable reference on the face of the form such as "Cargo as per attached commercial forms;" and that there is shown on the face of each such commercial form the information required by customs Form 1302 for the cargo covered by that form and if an export declaration is not required, the value of the shipment covered by that form.

(d) For each shipment to be exported under an entry or withdrawal for exportation or for transportation and exportation, the Cargo Declaration or commercial document attached to the Cargo Declaration and made a part thereof in

accordance with paragraph (c) of this section shall clearly show for such shipment the number, date, and class of such customs entry or withdrawal (i.e., T. & E., Wd. T. & E., I.E., Wd. Ex., or Wd. T., as applicable) and the name of the port where the entry or withdrawal was filed if other than the port where the merchandise is laden for exportation.

(e) The master's oath shall be properly executed on customs Form 1300, or on customs Form 1301 if printed or stamped thereon, before the Cargo Declaration is accepted. If the oath is printed or stamped on customs Form 1301, it shall conform in all respects to the oath on clearance found on customs Form 1300.

(R.S. 4197, as amended, 4199, 4198, 46 U.S.C. 91, 93, 94)

Section 4.75 is amended to read:

§ 4.75 Incomplete cargo declaration; incomplete export declarations; bond.

(a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete outward foreign manifest on customs Form 1302 (Cargo Declaration) [106] or all required shippers' export declarations, [107] the district director may accept in lieu thereof an incomplete Cargo Declaration on customs Form 1302 if there is on file in his office a bond on customs Form 7567 or 7569 executed by the vessel owner or some other person as attorney in fact of he vessel owner. The form shall be appropriately modified to indicate that it is an incomplete Cargo Declaration, and the oath on clearance on customs Form 1300 or 1301 (see § 4.63(e)) shall be required to be executed.

(b) Not later than the fourth business day after clearance [108] from each port in the vessel's itinerary, the master, or the vessel's agent on behalf of the master, shall deliver to the district director at each port a complete Cargo Declaration (customs Form 1302) of the cargo laden at such port together with duplicate copies of all required shippers' export declarations for such cargo. The oath of the master or agent on customs Form 1300 or 1301 (see § 4.63(e)) shall be properly executed before acceptance.

(c) During any period covered by a finding by the President under section 1 of the Act of June 15, 1917, as amended (50 U.S.C. 191), that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbance or threatened disturbances of the international relations of the United States, no vessel shall be cleared for a foreign port until a complete Cargo Declaration and all required export declarations have been filed with the district director, unless clearance in accordance with paragraphs (a) and (b) of this section is authorized by the Commissioner of Customs. [109]

(R.S. 4197, as amended; 46 U.S.C. 91)

COASTWISE PROCEDURE

In § 4.81, paragraphs (d) and (e) are amended to read:

§ 4.81 Reports of arrivals and departures in coastwise trade.

* * * * *

(d) The traveling Crew's Effects Declaration, customs Form 1304, or customs and immigration Form I-418 with attached customs Form 5129, referred to in § 4.85 (b), (c), and (e) shall be deposited with the district director upon arrival at each port in the United States and finally surrendered to the boarding officer or district director at the port where the vessel first departs directly for a foreign port.

(e) Before any foreign vessel shall depart in ballast, or solely with articles to be transported in accordance with § 4.93, from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration, customs Form 1301, in duplicate. Articles to be transported in accordance with § 493 shall be manifested on a Cargo Declaration, customs Form 1302, as required by § 4.93(c). Three copies of the Cargo Declaration in such case shall be filed with the district director. The required oath shall be executed on customs Form 1300 or 1301 (see § 4.63(e)). When the district director grants the permit by making an appropriate endorsement on the General Declaration, customs Form 1301 (see § 4.85(b)), the duplicate copy, together with two copies of any Cargo Declaration, customs Form 1302, covering articles to be transported in accordance with § 4.93, shall be returned to the master. The traveling Crew's Effects Declaration and all unused crewmembers' declarations on customs Form 5123 or 5129 shall be placed in a sealed envelope addressed to the customs boarding officer at the next domestic port and returned to the master for delivery. The master shall execute a receipt for all unused crewmembers' declarations which are returned to him. Within 24 hours after arrival at the next U.S. port the master shall report his arrival to the district director. He shall make entry within 48 hours by filing with the district director the permit to proceed on customs Form 1301 received at the previous port, a newly executed General Declaration, a Crew's Effects Declaration of all unentered articles acquired abroad by crewmembers which are still on board, a Ship's Stores Declaration in duplicate of the stores remaining on board, both copies of the Cargo Declaration covering articles transported in accordance with § 4.93, and the document of the vessel. The required oath shall be executed on customs Form 1300 or 1301 (see § 4.63 (e)). The Traveling Crew's Effects Declaration and all unused crewmembers' declarations on customs Form 5123 or 5129 returned at the prior port to the master shall be delivered by him to the boarding officer.

* * * * *

Section 4.82 is amended to read:

§ 4.82 Touching at foreign port while in coastwise trade.

(a) A vessel under unlimited register or frontier enrollment and license which, during a voyage between ports in the United States, touches at one or more foreign ports and there discharges or takes on merchandise, passengers, baggage, or mail [112] shall obtain a permit to proceed or clearance at each port of lading in the United States for the foreign port or ports at which it is intended to touch. The Cargo Declaration shall show only the cargo for foreign destination. (See §§ 4.61 and 4.87.)

(b) The master shall also present to the district director a coastwise manifest (Cargo Declaration), customs Form 1302, in triplicate of the merchandise to be transported via the foreign port or ports to the subsequent ports in the United States. It shall describe the merchandise and show the marks and numbers of the packages, the names of the shippers and consignees, and the destinations. The district director shall certify the two copies and return them to the master. Merchandise carried by the vessel in bond under a transportation entry and manifest, customs Form 7512, shall not be shown on the coastwise Cargo Declaration.

(c) Upon arrival from the foreign port or ports at the subsequent port in the United States, a report of arrival and entry of the vessel shall be made, and tonnage taxes shall be paid unless the vessel is under a frontier enrollment and license. The master shall present Cargo Declarations in accordance with § 4.7 and the certified copies of the coastwise Cargo Declaration.

(d) All merchandise on the vessel upon its arrival at the subsequent port in the United States is subject to such customs examination and treatment as may be necessary to protect the revenue. Any article on board which is not identified to the satisfaction of the district director, by the coastwise Cargo Declaration or otherwise, as part of the coastwise cargo, shall be treated as imported merchandise. [113]

(R.S. 3126, 3127, 2793, as amended, 4318, as amended; 19 U.S.C. 293, 294; 46 U.S.C. 123, 258)

In § 4.84, paragraphs (a), (c), and (d) are amended to read:

§ 4.84 Trade with noncontiguous territory.

(a) No foreign vessel shall depart from a port in noncontiguous territory of the United States for any other port in noncontiguous territory or for any port in any State or the District of Columbia, nor from any port in any State or the District of Columbia for any port in noncontiguous territory, until a clearance for the vessel has been granted. Such a clearance shall be granted in accordance with the applicable provisions of § 4.61, except that customs Form 1378 shall be modified by striking out "to a foreign port" and substituting "to noncontiguous territory of the United States" or "to the United States" as the case may be, unless the vessel is simultaneously engaged in one or more of the transactions listed in § 4.90(a) (4), (5), or (6). In the latter case, clearance shall be granted only on customs Form 1301

(see § 4.90(b)). When merchandise is laden on a foreign vessel in noncontiguous territory of the United States other than Puerto Rico for transportation on that vessel to a port in any State, the District of Columbia, or noncontiguous territory of the United States, and when this transportation is not forbidden by the coastwise laws, the merchandise may be laden and shipped without shipper's export declarations.

* * * * *

(c) No vessel which is not required to clear but which is transporting merchandise from a port in any State or the District of Columbia to any noncontiguous territory of the United States (including Puerto Rico), or from Puerto Rico to any State or the District of Columbia or any other noncontiguous territory of the United States, shall be permitted to depart without filing a complete Cargo Declaration, when required by regulations of the Bureau of the Census (15 CFR, Part 30), and all required shipper's export declarations, unless before the vessel departs and approved bond is filed for the timely production of the required documents, as specified in § 30.24 of those regulations (15 CFR 30.24). The oath (see § 4.63(e)) required at the time of clearance is not required to be taken to obtain permission to depart.

(d) Upon Arrival of a vessel of the United States at a port in any State, the District of Columbia, or Puerto Rico from a port in noncontiguous territory of the United States other than Puerto Rico, the master shall report its arrival within 24 hours and shall prepare, produce, and file Cargo Declarations in the form and manner and at the times specified in §§ 4.7 and 4.9 but shall not be required to make entry. If the vessel proceeds directly to another port in any State, the District of Columbia, or Puerto Rico, the master shall prepare, produce, and file Cargo Declarations in the form and manner and at the times specified in § 4.85, but no permit to proceed shall be required for the purposes of this paragraph. No cargo shall be unladen from any such vessel until Cargo Declarations have been filed and a permit to unlade has been issued in accordance with the procedure specified in § 4.30.

* * * * *

(Secs. 433, 435, 437, 46 Stat. 711, R.S. 4197, as amended, 4367, 4368, 27A, 72 Stat. 1736; 19 U.S.C. 1433, 1435, 1437, 46 U.S.C. 91, 313, 314, 883-1)

Section 4.85 is amended to read:

§ 4.85 Vessels with residue cargo for domestic ports.

(a) Any foreign vessel or vessel of the United States under register or frontier enrollment and license, arriving from a foreign port with cargo or passengers manifested for ports in the United States other than the port of first arrival, may proceed with such cargo or passengers from port to port, provided a vessel bond (customs Form 7567 or 7569) in a suitable amount is on file with the district director at the port of first entry.[115] No additional bond shall be required at subsequent ports of entry. Before the vessel departs from the port of first arrival, the master shall obtain from the district director a certified copy of the complete inward foreign manifest (hereinafter referred to as the traveling manifest).[116] The certified copy shall have a legend similar to the following endorsed on the General Declaration, customs Form 1301:

---------------------------- ------------
Port Date

Certified to be a true copy of the original inward foreign manifest.

Signature and title

(b) Before a vessel proceeds from one domestic port to another with cargo or passengers on board as described in paragraph (a) of this section, the master shall present to the district director at such port of departure an application in triplicate on customs Form 1301 for a permit to proceed to the next port. The required oath shall be executed on customs Form 1300 or 1301 (see § 4.63 (e)). When a district director grants the permit on customs Form 1301, the following legend shall be endorsed on the form:

---------------------------- ------------
Port Date

Permission is granted to proceed to the port named in item 6.

Signature and title

The duplicate shall be attached to the traveling manifest and the triplicate (the permit to proceed to be delivered at the next port) shall be returned to the master, together with the traveling manifest[116] and the vessel's document, if on deposit. If no inward foreign cargo or passengers are to be discharged at the next port, that fact shall be indicated on customs Form 1301 by inserting "To load only" in parentheses after the name of the port to which the vessel is to proceed. The traveling Crew's Effects Declaration covering articles acquired abroad by officers and members of the crew, together with the unused crewmembers' declarations prepared for such articles, shall be placed in a sealed envelope addressed to the customs boarding officer at the next port and given to the master for delivery.

(c) Upon the arrival of a vessel at the next and each succeeding domestic port with inward foreign cargo or passengers still on board, the master shall report arrival and make entry within 24 hours. To make such entry, he shall deliver to the district director the vessel's document, the permit to proceed, the traveling manifest,[117] and the traveling Crew's Effects Declaration, together with the crewmembers' declarations received on departure from the previous port. The master shall also present an abstract manifest consisting of (1) a newly executed General Declaration, (2) a Cargo Declaration and a Passenger List, in such number of copies as may be required for local customs purposes, of any cargo or passengers on board manifested for discharge at that port, (3) a Crew's Effects Declaration in duplicate of all unentered articles acquired abroad by officers and crewmembers which are still on board, (4) a Ship's Stores list in duplicate of the sea or ship's stores remaining on board, and (5) if applicable, the Cargo Declaration required by § 4.86(b). If no inward foreign cargo or passengers are to be discharged the Cargo Declaration or Passenger List may be omitted from the abstract manifest, and the following legend shall be placed on the General Declaration:

Vessel on an inward foreign voyage with residue cargo/passengers for ------------. No cargo or passengers for discharge at this port.

The required oath shall be executed on customs Form 1300 or 1301 (see § 4.63 (e)). The traveling manifest, together with a copy of the newly executed General Declaration, shall serve the purpose of a copy of an abstract manifest at the port where it is finally surrendered.

(d) If preliminary entry is desired, the abstract manifest described in paragraph (c) of this section shall be ready for presentation to the boarding officer, and preliminary entry shall be made in accordance with § 4.8.

(e) The traveling manifest shall be surrendered to the district director at the final domestic port of discharge of the cargo, except that if residue foreign cargo remains on board for discharge at a foreign port or ports, the traveling manifest shall be surrendered at the final port of departure from the United States. However, it shall not be surrendered at the port from which the vessel departs for another U.S. port, via an intermediate foreign port, under § 4.89 if residue foreign cargo remains on board for discharge at a subsequent U.S. port. The traveling Crew's Effects Declaration shall be finally surrendered to the district director at any port from which the vessel will depart directly for a foreign port.

(Secs. 439, 442, 443, 444, 623, 46 Stat. 712, as amended, 713, 759, as amended; 19 U.S.C. 1439, 1442, 1443, 1444, 1623)

Section 4.86 is amended to read:

§ 4.86 Intercoastal residue cargo procedure; optional ports.

(a) When a vessel arrives at an Atlantic or Pacific coast port from a foreign port or ports with residue cargo for delivery at a port or ports on the opposite coast or on the Great Lakes, or where such arrival is at a port on the Great Lakes with residue cargo for delivery at a port or ports on the Atlantic or Pacific coasts, or both, and the master, owner, or agent is unable at that time to designate the specific port or ports of discharge of that residue, the Cargo Declaration filed on entry in accordance with § 4.7(b) shall show such cargo as destined for "optional ports, Atlantic coast," "optional ports, Pacific coast," or "optional ports, Great Lakes coast," as the case may be. The traveling manifest shall be similarly noted.

(b) Upon arrival of the vessel at the first port on the next coast, the master,

owner, or agent shall designate the port or ports of discharge of residue cargo, as required by section 431, Tariff Act of 1930, as amended (19 U.S.C. 1431). For this purpose, he shall furnish with the other papers required upon entry a Cargo Declaration in original only of inward foreign cargo remaining on board for discharge at optional ports on that coast, and the Cargo Declaration shall designate the specific ports of intended discharge for that cargo. The traveling manifest shall be amended to agree with that Cargo Declaration so as to show the newly designated ports of discharge on that coast and shall be used to verify the abstract Cargo Declarations surrendered at subsequent ports on that coast.

(Secs. 442, 443, 444, 46 Stat. 713; 19 U.S.C. 1442, 1443, 1444)

Section 4.87 is amended to read:

§ 4.87 Vessels proceeding foreign via domestic ports.

(a) Any foreign vessel or vessel of the United States under register or frontier enrollment and license may proceed from port to port in the United States to lade cargo or passengers for foreign ports.

(b) When applying for a clearance from the first and each succeeding port of lading, the master shall present to the district director a General Declaration (customs Form 1301) in duplicate and a Cargo Declaration on customs Form 1302 of all the cargo laden for export at that port. The General Declaration shall clearly indicate all previous ports of lading. The required oath shall be executed on customs Form 1300 or 1301 (see § 4.63(e)).

(c) Upon compliance with the applicable provisions of § 4.61, the district director shall grant the permit to proceed by making the endorsement prescribed by § 4.85(b) on the General Declaration. One copy shall be returned to the master, together with the vessel's document if on deposit. The traveling Crew's Effects Declaration, together with any unused crewmembers' declarations, shall be placed in a sealed envelope addressed to the customs boarding officer at the next domestic port and returned to the master.

(d) On arrival at the next and each succeeding domestic port, the master shall report arrival within 24 hours. He shall also make entry within 48 hours by presenting the vessel's document, the permit to proceed on customs Form 1301 received by him upon departure from the last port, a crew's effects declaration in duplicate listing all unentered articles acquired abroad by officers and crew of the vessel which are still retained on board, and a ship's stores declaration in duplicate of the stores remaining aboard. The master shall also execute a general declaration. The required oath shall be on customs Form 1300 or 1301 (see § 4.63(e)). The traveling crew's effects declaration, together with any unused crewmembers' declarations returned to the master at the prior port, shall be delivered by him to the district director.

(e) Clearance shall be granted at the final port of departure from the United States in accordance with § 4.61.

(f) If a complete manifest on customs Form 1302 (Cargo Declaration) and all required shipper's export declarations are not available for filing before departure of a vessel from any port, clearance on customs Form 1301 (customs Form 1378 at the last port) may be granted in accordance with § 4.75, subject to the limitation specified in paragraph (c) of that section.

(g) When the procedure outlined in paragraph (f) of this section is followed at any port, the owner or agent of the vessel shall deliver to the district director at that port within 4 business days after the vessel's clearance [113] a Cargo Declaration on customs Form 1302 and the export declarations to cover the cargo laden for export at that port.

(Secs. 433, 435, 437, 439, 442, 443, 444, 46 Stat. 711, 712, as amended, 713, R.S. 4197, as amended, 4367, 4368; 19 U.S.C. 1433, 1435, 1437, 1439, 1442, 1443, 1444, 46 U.S.C. 91, 313, 314)

In § 4.88, paragraph (c) is amended to read:

§ 4.88 Vessels with residue cargo for foreign ports.

* * * * *

(c) If the vessel clears directly foreign from the first port of arrival, cargo brought from foreign ports and retained on board may be declared on the outward foreign manifest, customs Form 1302 (Cargo Declaration), by the insertion of the following statement:

All cargo declared on entry in this port as cargo for discharge at foreign ports and so shown on the Cargo Declaration part of the inward foreign manifest filed upon entry has been and is retained on board.

If any such cargo has been landed, the outward foreign manifest on customs Form 1302 (Cargo Declaration), shall describe each item of the cargo from a foreign port which has been retained on board.

* * * * *

Section 4.89 is amended to read:

§ 4.89 Vessels in foreign trade proceeding via domestic ports and touching at intermediate foreign ports.

(a) A vessel proceeding from port to port in the United States in accordance with § 4.85, § 4.86, or § 4.87 may touch at an intermediate foreign port or ports to lade or discharge cargo or passengers. In such a case the vessel shall obtain clearance from the last port of departure in the United States before proceeding to the intermediate foreign port or ports at which it is intended to touch. The outward foreign manifest on customs Form 1302 (Cargo Declaration) shall show the cargo for such foreign destination in the manner provided in § 4.88(c).

(b) The master shall also present to the district director the Cargo Declaration or Cargo Declarations required by § 4.85, § 4.86, or § 4.87, and obtain a permit to proceed to the next port in the United States at which the vessel will touch.

(c) Upon arrival at the next port in the United States after touching at a foreign port or ports, a report of arrival and entry shall be made. The Cargo Declaration part of the inward foreign manifest filed at time of entry shall list the cargo laden at the intermediate foreign port or ports.

(d) The master shall also present to the district director the permit to proceed and the Cargo Declarations from the last previous port in the United States as provided for in §§ 4.85, 4.86, or 4.87.

(Secs. 433, 435, 437, 439, 442, 443, 444, 622, 623, 46 Stat. 711, 712, as amended, 713, 759, as amended, R.S. 4197 as amended, 4367, 4368; 19 U.S.C. 1433, 1435, 1437, 1439, 1442, 1443, 1444, 1622, 1623, 46 U.S.C. 91, 313, 314)

In § 4.90, paragraph (b) is amended to read:

§ 4.90 Simultaneous vessel transactions.

* * * * *

(b) When a vessel is engaged simultaneously in two or more such transactions, the master shall indicate each type of transaction in which the vessel is engaged in his application for clearance on customs Form 1301. The master shall conform simultaneously to all requirements of these regulations with respect to each transaction in which the vessel is engaged.

* * * * *

Section 4.91 is amended to read:

§ 4.91 Diversion of vessel; transshipment of cargo.

(a) If any vessel granted a permit to proceed from one port in the United States for another such port as provided for in §§ 4.81(c), 4.85, 4.87, or 4.88 is, while en route, diverted to a port in the United States other than the one specified in the permit to proceed (customs Form 1301),[122] the owner or agent of the vessel immediately shall give notice of the diversion to the district director who granted the permit, informing him of the new destination of the vessel and requesting him to notify the district director at the latter port. Such notification by the district director shall constitute an amendment of the permit previously granted, shall authorize the vessel to proceed to the new destination, and shall be filed by the district director at the latter port with the Form 1301 submitted on entry of the vessel.

(b) If any vessel cleared from a port in the United States for a foreign port as provided for in § 4.60 is diverted, while en route, to a port in the United States other than that from which it was cleared, the owner or agent of the vessel immediately shall give notice of the diversion to the district director who granted the clearance, informing him of the new destination of the vessel and requesting him to notify the district director at the latter port. Such notification by the district director shall constitute a permit to proceed coastwise, and shall authorize the vessel to proceed to the new destination. On arrival at the new destination, the master shall report arrival within 24 hours. He shall

also make entry within 48 hours by presenting (1) the vessel's document, (2) the foreign clearance on Form 1378 granted by the district director at the port of departure, (3) a certificate that when the vessel was cleared from the last previous port in the United States there were on board cargo and/or passengers for the ports named in the foreign clearance certificate only and that additional cargo or passengers (have) (have not) been taken on board or discharged since such clearance was granted (specifying the particulars if any passengers or cargo were taken on board or discharged), (4) a crew's effects declaration in duplicate of all unentered articles acquired abroad by the officers and crew of the vessel which are still retained on board, and (5) a ship's stores declaration in duplicate of the stores on board.

(c) In a case of necessity, a district director may grant an application on customs Form 3171 of the owner or agent of an established line for permission to transship all cargo and passengers from one vessel of the United States to another such vessel under customs supervision, if the first vessel is transporting residue cargo for domestic or foreign ports or is on an outward foreign voyage or a voyage to noncontiguous territory of the United States, and is following the procedure prescribed in § 4.85, § 4.87, or § 4.88. When inward foreign cargo or passengers are so transshipped to another vessel, a separate traveling manifest (Cargo Declaration or passenger list) shall be used for the transshipped cargo or passengers, whether or not the forwarding vessel is also carrying other residue cargo or passengers. An appropriate cross-reference shall be made on the separate traveling manifest to show whether any other traveling manifest is being carried forward on the same vessel.

In § 4.93, paragraph (c) is amended to read:

§ 4.93 Coastwise transportation of containers by certain vessels; procedures.

* * * * *

(c) Any Cargo Declaration required to be filed under this part by any foreign vessel shall describe any article mentioned in paragraph (a) of this section laden aboard and transported from one United States port to another, giving its identifying number or symbols, if any, or such other identifying data as may be appropriate; the names of the shipper and consignee, and the destination. The Cargo Declaration shall include a statement (1) that the articles specified in subparagraph (1) of paragraph (a) of this section are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade; or (2) that the stevedoring equipment and material (subparagraph (2) of paragraph (a) of this section) is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade.

(Sec. 27, 41 Stat. 999, as amended; 46 U.S.C. 883)

Part 4 is amended to add a new § 4.99 reading as follows:

§ 4.99 Forms; substitution.

Customs Forms 1300, 1301, 1302, 1303, and 1304 may be printed by private parties provided the forms so printed conform to the official forms in size (except that such forms may be up to 14 inches in length), wording, arrangement, style, size of type, and paper specifications. The instructions found on the reverse of the customs forms may be omitted, although such instructions must be followed.

Sample copies of proposed customs Forms 1300, 1301, 1302, 1303, and 1304 have been filed with this notice in the Office of the Federal Register and may be obtained from the office of any regional commissioner of customs.

Before action is taken on these proposed amendments, consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 60 days from the date of the publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 18, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-3968; Filed, Mar. 31, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

LABELING REQUIREMENTS FOR CERTAIN CRABMEATS

Notice of Informal Hearing Regarding Proposed Revision

In the FEDERAL REGISTER of April 12, 1969 (34 F.R. 6441), a notice was published proposing a revision of § 3.34, a policy statement regarding the labeling of certain crabmeats. Thirty days were provided for filing comments, and this was extended to June 11, 1969, by a notice published May 27, 1969 (34 F.R. 8205).

In response, varied comments were received and several persons requested a public hearing. Although there is no statutory provision for a formal hearing in this matter, the Commissioner of Food and Drugs concludes that an informal hearing should be scheduled. Accordingly, an informal hearing will be held at 2 p.m., April 24, 1970, Room 1409, Building FB-8, 200 C Street SW., Washington, D.C. 20204. Interested persons are invited to appear and present their views regarding the subject proposal.

Documentary evidence may be presented at or before the hearing, whether or not appearance is intended. Mailed documentary evidence should be addressed to the Associate Commissioner for Compliance (CC-1), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20852.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i)(1), 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343(i)(1), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 24, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-3903; Filed, Mar. 31, 1970; 8:46 a.m.]

[21 CFR Parts 15, 17]

CEREAL FLOURS AND RELATED PRODUCTS AND BAKERY PRODUCTS

Enriched Flour, Enriched Self-Rising Flour, and Enriched Bread Identity Standards; Proposal To Increase Required Minimum and Maximum Iron Levels

A. Notice is given that a petition has been jointly filed by the American Bakers Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, and the Millers' National Federation, National Press Building, 529 14th Street NW., Washington, D.C. 20004, proposing that the standards of identity for enriched flour, enriched self-rising flour, and enriched bread be amended to increase the required minimum and maximum levels of iron (Fe) fortification per pound of these foods.

1. The petitioners propose that iron (Fe) be required at a level of not less than 50 milligrams and not more than 60 milligrams per pound of enriched flour (21 CFR 15.10) and enriched self-rising flour (21 CFR 15.60), and

2. They propose that iron (Fe) be required at a level of not less than 32 milligrams and not more than 38 milligrams per pound of enriched bread and enriched rolls (21 CFR 17.2).

Grounds given in support of the proposed amendments are that: (1) Iron is presently a required nutrient in the above-identified foods and may be added only in forms that are harmless and assimilable; (2) substantial agreement has been reached among nutritional and medical authorities regarding the need for the addition of larger amounts of iron to the American dietary; (3) circumstances required for the indorsement of the addition of nutrients to foods by the joint statement of the Council on Foods and Nutrition of the American Medical Association and the Food and Nutrition Board of the National Academy

of Sciences—National Research Council are all met with respect to the increased level of iron proposed to be added to flour and bakery products by the petitioners; (4) further enrichment of flour and bread would provide a convenient and practical way to increase iron intake of the American population; and (5) the proposed increased levels of iron would be adequate to furnish the levels of iron now recommended for all segments of the American population without creating any safety hazard for those segments of the population whose iron requirements are met by the present levels of fortification.

1. Accordingly, it is proposed that §§ 15.10(a), 15.60(a), and 17.2(a) be revised to read as follows:

§ 15.10 Enriched flour; identity; label statement of optional ingredients.

Enriched flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.1, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 50 milligrams and not more than 60 milligrams of iron (Fe);

* * * * *

§ 15.60 Enriched self-rising flour; identity; label statement of optional ingredients.

Enriched self-rising flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for self-rising flour by § 15.50, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 50 milligrams and not more than 60 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

* * * * *

§ 17.2 Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.

(a) Each of the foods enriched bread, enriched rolls, enriched buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread by § 17.1 (a) and (c), except that:

(1) Each such food contains in each pound not less than 1.1 milligrams and not more than 1.8 milligrams of thiamine, not less than 0.7 milligram and not more than 1.6 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacinamide, and not less than 32 milligrams and not more than 38 milligrams of iron (Fe).

* * * * *

Due to a cross-reference, amendment of § 15.10 would have the effect of similarly amending the standard for enriched bromated flour (§ 15.30).

2. The standards of identity for enriched flour and enriched self-rising flour contain a statement that limits the forms of iron (Fe) and calcium that may be used to those that are harmless and assimilable, but the standard for enriched bread does not contain such a statement. The same limitation should apply to enriched bread. Therefore, the Commissioner of Food and Drugs proposes on his own initiative that § 17.2 also be amended by inserting a statement that iron (Fe) and calcium may be added only in forms which are harmless and assimilable.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: March 18, 1970.

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

[F.R. Doc. 70-3892; Filed, Mar. 31, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-EA-3]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 57 segment between Falmouth, Ky., and the Moss, Ohio, Intersection.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the revocation of V-57 segment between Falmouth and the Moss Intersection. The latest IFR peak-day traffic survey shows only two aircraft operations on this airway segment, and it has been determined that this segment is no longer required for air traffic control purposes.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 24, 1970.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-3893; Filed, Mar. 31, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-11]

ALTERATION OF FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. V-6 north alternate and V-443 east alternate.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal

docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. In V-6 a north alternate would be designated between Cleveland, Ohio, and Youngstown, Ohio, via the Cleveland VORTAC 081° T (084° M) and Youngstown VORTAC 285° T (290° M) radials.

2. In V-443 the east alternate between Tiverton, Ohio, and Cleveland, Ohio, would be realigned via the Tiverton VOR 028° T (031° M) and Cleveland VORTAC 138° T (141° M) radials.

The above airway changes would improve the handling of air traffic in the Cleveland terminal area. Proposed revised procedures would require that traffic from the east of Cleveland be cleared via the intersection of the Youngstown VORTAC 285° T (290° M) and Akron 348° T (352° M) radials. Traffic from the south of Cleveland would be cleared via the intersection of the Tiverton VOR 028° T (031° M) and Cleveland 138° T (141° M) radials.

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

Issued in Washington, D.C., on March 24, 1970.

T. McCormack,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-3894; Filed, Mar. 31, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 20, 50]

CONTROL OF RELEASES OF RADIOACTIVITY TO THE ENVIRONMENT

Notice of Proposed Rule Making

Statement of considerations. The Atomic Energy Commission has under consideration amendments to its regulation, 10 CFR Part 20, "Standards for Protection Against Radiation", to improve the framework for assuring that reasonable efforts are made by all Commission licensees to continue to keep exposures to radiation and releases of radioactivity in effluents as low as practicable and amendments to 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to specify design and operating requirements to minimize quantities of radioactivity released in gaseous and liquid effluents from light-water-cooled nuclear power reactors. The proposed amendments to Part 50 would be applicable only to light-water-cooled nuclear power reactors as discussed below.

Basis for AEC standards. Releases of radioactive materials in effluents by Commission licensees are currently regulated under the provisions of 10 CFR 20.106 which apply to all uses of byproduct, source, and special nuclear material licensed by the Commission. These provisions are based on radiation protection guides recommended by the Federal Radiation Council (FRC) and approved by the President. The Commission maintains close consultation, and will continue to consult, with the FRC, the National Council on Radiation Protection and Measurements, and the International Commission on Radiological Protection.

Since 1959 official guidance for control of exposures to radiation has been provided to Federal agencies through recommendations of the FRC, approved by the President. The FRC was established in 1959 by Executive order and by an amendment to the Atomic Energy Act of 1954 (42 U.S.C. 2021(h)). The FRC is directed to advise the President "* * * with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States". The basic recommendations of the FRC are generally consistent with those of the National Council on Radiation Protection and Measurements (NCRP) and the International Commission on Radiological Protection (ICRP). The FRC recommendations include a radiation protection guide for the genetic exposure of the entire population at a level not quite twice the average natural background radiation level and for a whole body exposure of individuals in the population at a level about five times the average natural background radiation. The guides are set well below the level at which detectable biological effects from exposure to radiation are expected to occur. The FRC states in Report No. 1 dated May 13, 1960, that the guides give appropriate consideration to the requirements of health protection and the beneficial uses of radiation and atomic energy.

Guidance on low radiation doses. The FRC added to the numerical guidance on maximum limits the further guidance that "every effort should be made to encourage the maintenance of radiation doses as far below this guide as practicable". Similar statements are also included in NCRP and ICRP recommendations.

The Commission has always subscribed to the general principle that, within radiation protection guides, radiation exposures to the public should be kept as low as practicable. This general principle has been a central one in the field of radiation protection for many years. Current reviews of reactor licensing applications include reviews of provisions to limit and control radioactive effluents from the plants.

Experience has shown that licensees have generally kept exposures to radiation and releases of radioactivity in effluents to levels well below the Part 20 limits. Specifically, experience with licensed light water cooled nuclear power reactors to date shows that radioactivity in water and air effluents has been kept at low levels—for the most part less than a few percent of the limits specified in 10 CFR Part 20. Resultant exposures to the public living in the immediate vicinity of operating power reactors have usually been small fractions of FRC guides. The Commission believes that, in general, the releases of radioactivity in effluents from the light water cooled power reactors now in operation have been within ranges that may be considered "as low as practicable." The Commission also believes that, as a result of advances in reactor technology, further reduction of those releases can be achieved. The results to date are attributable, in part, to steps to assure the integrity of the nuclear fuel, to the design of waste treatment systems to control and contain radioactivity, and to procedures and methods to limit releases of radioactive material to unrestricted areas in effluent water and air. The AEC's total regulatory program includes not only the standards and limits in 10 CFR Part 20, but other regulations as well, various restrictions on plant design, and restrictions on operation included in individual operating licenses.

In connection with the proposed amendments set out below and in the light of progress in fuel element technology and in waste treatment and handling systems, the Commission plans to consult with the nuclear power industry, persons engaged in applicable research and development prorgams, and other competent groups to determine the feasibility of developing more definite criteria for design objectives and means for keeping releases of radioactivity in effluents from light-water-cooled power reactors during normal operations, including expected operational occurrences, "as low as practicable".

Control of exposures from several different sources. The Commission expects that releases of radioactive material in effluents from light-water-cooled nuclear power reactors under the present system of regulation will continue to be low. At the same time, the Commission recognizes that there will be a marked increase in the number and size of nuclear power reactors in operation in the future, and that other activities that contribute radiation exposure to the public can be expected to increase.

Design objectives for light-water-cooled power reactors. The proposed amendments to Part 50 set out below are intended to give appropriate regulatory effect, with respect to radioactivity in effluents from light-water-cooled power reactors, to the guidance of the FRC that radiation doses should be kept as far below the radiation protection guides as practicable. As in the past, an application for a permit to construct a light-water-cooled power reactor would be required to include a description of equipment to be installed to maintain control over radioactive materials in effluents during normal reactor operations, including expected operational occurrences. In addition, in the case of an application filed on or after the effective date of the proposed amendments, the application would be required to identify the design objectives, and the means to

be employed, for keeping levels of radioactive material released in effluents as low as practicable. As in current practice the Commission would review the proposed design of the reactor, including the waste treatment equipment and the description of procedures for the maintenance and use of the equipment, to determine whether the required design objectives are met.

Each license authorizing operation of a light-water-cooled power reactor would include technical specifications which would require adherence to operating procedures for control of effluents and the maintenance and use of equipment installed in the waste treatment system, and the submission of semiannual reports containing information on quantities of radioactive material released. If quantities released during the reporting period are unusual for normal reactor operations, including expected operational occurrences, the licensee would be required to cover this specifically in its report. The effluent release data submitted by licensees would be compiled by the Commission and made available to the public. The Commission would review in its inspection and enforcement program the effectiveness of the maintenance and operating procedures used by licensees in meeting the objective of reducing, to the extent practicable, the quantities of radioactivity released in air and water effluents.

On the basis of existing technology and past operating experience the Commission expects that light-water-cooled power reactor waste treatment systems designed and operated in accordance with the requirements set forth in the proposed amendments to Part 50 will help to assure that releases from light-water-cooled nuclear power reactors will generally not exceed a few percent of the annual maximum limits specified in Part 20 and in license conditions, and that radiation exposures to the public resulting from the normal operations of light-water-cooled power reactors will not exceed small fractions of exposures from natural background radiation and of FRC radiation protection guides.

Need for flexibility of operation. It is necessary that light-water-cooled power reactors designed for generation of electricity have a very high degree of reliability. Operating flexibility is necessary to take into account some variation in the small quantities of radioactivity, as a result of expected operational occurrences, which may temporarily result in levels of radioactive effluents in excess of the low levels normally released, but still within the maximum limits specified in Part 20.

Monitoring. The Commission will continue to evaluate exposures to the public from releases of radioactivity in effluents from nuclear power reactors. Reactor licensees are presently required to carry out monitoring programs designed not only to determine levels of radioactivity in effluents released from the plant but also to detect significant increases in levels of radioactivity in the environment. The licensee is required to report these data to the Commission on a periodic basis. In addition, the Commission, the U.S. Public Health Service and several States carry out independent environmental surveillance programs. These programs are designed to detect and evaluate increases in environmental levels that may be significant to human exposure.

Research and development. The Commission and the nuclear power industry have for many years carried out research and development programs in the development of waste treatment and handling systems for limiting radioactive material in effluent air and water. The Commission will continue to encourage and support research and development programs which contribute to the ability of the nuclear power industry to minimize releases of radioactivity to the environment.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 20 and 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments and suggestions received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. A new paragraph (c) is added to § 20.1 of 10 CFR Part 20 to read as follows:

§ 20.1 Purpose.

* * * * *

(c) In accordance with recommendations of the Federal Radiation Council, approved by the President, persons engaged in activities under licenses issued by the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954, as amended, should, in addition to complying with the requirements set forth in this part, make every reasonable effort to maintain radiation exposures and releases of radioactive materials in effluents to unrestricted areas as far below the limits specified in this part as practicable.

2. A new § 50.34a is added to 10 CFR Part 50 to read as follows:

§ 50.34a Design objectives for equipment to control releases of radioactive material in effluents—light-water-cooled power reactors.

(a) An application for a permit to construct a light-water-cooled power reactor shall include a description of the equipment to be installed to maintain control over radioactive materials in gaseous and liquid effluents produced during normal reactor operations, including expected operational occurrences. In the case of an application filed on or after ____________,[1] the application shall also identify the design objectives, and the means to be employed, for keeping levels of radioactive material in effluents to unrestricted areas as low as practicable.

(b) Each application for a permit to construct a light-water-cooled power reactor shall include:

(1) A description of the equipment to be installed pursuant to paragraph (a) of this section;

(2) An estimate of:

(i) Curie quantities of radionuclides expected to be released annually to unrestricted areas in liquid effluents produced during normal reactor operations; and

(ii) Curie quantities of radioactive noble gases, halides and particulates expected to be released annually to unrestricted areas in gaseous effluents produced during normal reactor operations;

(3) A description of the provisions for packaging, storage, and shipment offsite of solid waste containing radioactive materials resulting from treatment of gaseous and liquid effluents and from other sources.

(c) Each application for a license to operate a light-water-cooled power reactor shall include a description of procedures for the control of gaseous and liquid effluents and for the maintenance and use of equipment installed in radioactive waste systems pursuant to paragraph (a) of this section.

3. A new § 50.36a is added to 10 CFR Part 50 to read as follows:

§ 50.36a Technical specifications on effluents from light-water-cooled power reactors.

(a) In order to keep releases of radioactive material to unrestricted areas during normal reactor operations, including expected operational occurrences, as low as practicable, each license authorizing operation of a light-water-cooled power reactor will include technical specifications that, in addition to requiring compliance with applicable provisions of § 20.106 of this chapter, require:

(1) That operating procedures developed pursuant to § 50.34a(c) for the control of effluents be established and followed and that equipment installed in the radioactive waste system, pursuant to § 50.34a(a), be maintained and used.

(2) The submission of a report to the Commission within 30 days after January 1 and July 1 of each year specifying total quantities of radioactive material released to unrestricted areas in liquid and gaseous effluents during the previous 6 months of operation and such other information on releases as may be required to estimate exposures to the public resulting from effluent releases. If quantities of radioactive materials released during the reporting period are unusual for normal reactor operations, including expected operational occurrences, the report shall cover this

[1] Effective date of this amendment.

specifically. On the basis of such reports and any additional information the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate.

(b) In establishing and implementing the operating procedures described in paragraph (a) of this section, the licensee shall be guided by the following considerations. Experience with the design, construction, and operation of light water-cooled power reactors indicates that compliance with the technical specifications described in this section will keep releases of radioactive material in effluents at small fractions of the limits specified in § 20.106 of this chapter and in the operating license. At the same time, the licensee is permitted the flexibility of operation, compatible with considerations of health and safety, to assure that the public is provided a dependable source of power even under unusual operating conditions which may temporarily result in releases higher than such small fractions, but still within the limits specified in § 20.106 of this chapter and the operating license. It is expected that in using this operational flexibility under unusual operating conditions, the licensee will exert his best efforts to keep levels of radioactive material in effluents as low as practicable.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 27th day of March 1970.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 70-3957; Filed, Mar. 31, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16041; FCC 70-309]

NETWORK TELEVISION PROGRAMS NOT CLEARED BY REGULAR AFFILIATED STATIONS

Notice and Order Setting Oral Argument

In the matter of amendment of Part 73 of the Commission's rules with respect to television network programs not made available to certain television stations, RM-571.

1. The above-captioned proceeding was begun by notice of proposed rule making released June 9, 1965 (FCC 65-484). See the appendix hereto.[1] Comments and reply comments have been submitted. The Commission believes that at this time oral argument upon the subjects covered in one of the two general areas dealt with in the notice would be helpful. This area is the making available by television networks, to other stations in the market, of "uncleared" programs, those not taken by their regular affiliates.[2] Accordingly, notice is hereby given, that oral argument in this proceeding will be held before the Commission En Banc, commencing at 9:30 a.m. on Thursday, April 30, 1970, in the Commission meeting room at its offices in Washington, D.C., 1919 M Street NW.

2. In connection with the oral presentation, interested parties may, if they wish, submit written statements setting any pertinent new factual material or views going to the subjects and specific proposals in this area set forth in the notice or in this further notice and order. Such matters include the desirability of requiring a general offer of programs not cleared by the network's regular affiliate to other stations in the market, the time at which any notice of nonclearance by such affiliate, and/or general offer, should be made to other stations in the market, taking into account both the need to give the regular affiliate time to make an intelligent programing decision and the time needed by another station to plan and promote its program schedule; and whether there are any problems in a requirement in terms of other stations "in the same market" as opposed to stations in a community, in terms of signal intensity contour or in terms of distance. In addition, parties may direct themselves to the following:

(a) Whether a network should be required to give a general notice of availability of a program to other stations in a market, or to offer it to such stations, when the regular affiliate accepts it but only on the basis of a delayed broadcast at a time not comparable to the time at which the network offers it live (for example, a program offered in "prime time" but accepted only for presentation in time of a lower classification).

(b) Whether, when a network places a program on a station other than its regular affiliate, it should be permitted to retain the right to recapture the program for its affiliate (or any other station) during the broadcast season or, alternatively, upon a minimum notice requirement before recapture; and whether there should be any difference in this respect between permissible recapture:

(1) for the regular affiliate (or another station) to present the program on a "live" basis;

(2) for the regular affiliate (or another station) to present the program delayed but at a time comparable to that at which it is offered; and

(3) for the regular affiliate (or another station) to present the program at a noncomparable time.

3. Interested parties wishing to participate in the oral argument mentioned above should give notice to the Secretary of the Commission on or before April 15, 1970. Parties intending to appear at oral argument may file written material pertinent to the subject matter of the proceeding, on or before April 27, 1970. A further notice concerning oral argument will set forth the order of appearance and time allotted the parties wishing to appear.

Adopted: March 25, 1970.

Released: March 26, 1970.

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

[F.R. Doc. 70-3931; Filed, Mar. 31, 1970; 8:48 a.m.]

[1] Filed as part of the original document.

[2] This notice and oral argument do not deal with the other general area encompassed by the 1965 notice, the availability of network programs to stations in small markets at some distance from, but not completely out of reception range of, large-city stations.

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

RESERVES OF MEMBER BANKS

Transfers From Time Deposits to Cover Checks

The Board of Governors is considering changing the present definition of "time deposits" in this part (Regulation D) to exclude from the scope of that term any funds which are regularly utilized by the depositary bank itself, pursuant to an express or implied agreement with the depositor, to cover checks drawn on the bank by the depositor. Deposits so utilized would be "demand deposits" for purposes of the reserve requirements imposed by this part.

The proposal being considered is to amend § 204.1(b) to read as follows:

§ 204.1 Definitions.

* * * * *

(b) *Time deposits.*—The term "time deposits" means "time certificates of deposit", "time deposits, open account", and "savings deposits", as defined below, but shall not include any deposit representing funds which are regularly utilized, by action of the depositary bank itself pursuant to an express or implied agreement with the depositor, to cover checks drawn on the bank by the depositor.[1]

* * * * *

Recent evidence indicates that some member banks have accepted in their commercial departments noninterest-bearing savings accounts from their own trust departments. Each day a transfer is made to the trust department's checking account to cover checks drawn that day by the trust department. The obvious purpose of this procedure is to avoid the higher demand deposit reserve requirements with respect to

[1] For example, funds deposited by the trust department of a bank in its own commercial department are not "time deposits" if regularly utilized to cover checks drawn by the trust department.

funds which in practical effect are subject to check. The intent of the amendment is to prevent the use of a savings or any other time deposit in tandem with a checking account, pursuant to an express or implied agreement, so as to vitiate the effect of the demand deposit reserve requirements in this part.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 27, 1970. Under the Board's rules regarding availability of information (12 CFR Part 261), such materials will be made available for inspection and copying upon request unless the person submitting the material asks that it be considered confidential.

By order of the Board of Governors, March 24, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3900; Filed, Mar. 31, 1970; 8:45 a.m.]

Notices

FEDERAL POWER COMMISSION

[Dockets Nos. G-3573, etc.]

SOUTHERN PETROLEUM EXPLORATION, INC. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 23, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3573 C 2-6-70	Southern Petroleum Exploration, Inc., Post Office Box 192, Sistersville, W. Va. 26175.	El Paso Natural Gas Co., Chacra Formation, Rio Arriba County, N. Mex.	12.0	15.025
G-4526 E 2-27-70	Car-Tex Producing Co. (successor to V. R. Huffines, et al.) Box 555, Carthage, Tex. 75633.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	14.0	14.65
G-11557 E 2-19-70	Petroleum Corp. of Texas (Operator) et al. (successor to Clark & Cowden Production Co. (Operator) et al., Post Office Box 911, Breckenridge, Tex. 76024.	El Paso Natural Gas Co., San Juan Basin Area, Rio Arriba County, N. Mex.	13.0	15.025
G-13454 E 2-19-70	do	do	[2] 15.0619	15.025
CI60-681 D 2-27-70	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001 (partial abandonment).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., N/2 of Block 68, West Cameron Area, La.	([3])	-------
CI61-1024 D 3-4-70	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001 (partial abandonment).	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Assigned	-------
CI62-988 E 3-2-70	Petroleum Corp. of Texas (Operator) et al. (successor to Ainslie Perrault (Operator) et al.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI63-658 E 2-12-70	Southwest Gas Producing Co., Inc. (successor to Crescent Drilling Co., Inc.), 1309 Louisville Ave., Monroe, La. 71201.	Arkansas Louisiana Gas Co., Cheniere Brake Field, Ouachita Parish, La.	18.33	15.025
CI64-1441 [5] (CI70-807) E 3-6-70	White Shield Oil & Gas Corp. (successor to Valor Production Co. (Operator) et al.), Post Office Box 2139, Tulsa, Okla. 74101.	Almos Gas Gathering Co., Linke Field, Bee County, Tex.	[4] 12.0	14.65
CI64-1443 [5] (CI70-808) E 3-6-70	White Shield Oil & Gas Corp. (successor to Valor Production Co.).	do	[6] 12.0	14.65
CI67-878 D 2-13-70	Mobil Oil Corp. (Operator) et al. (partial abandonment).	Panhandle Eastern Pipe Line Co., Bishop et al. Field Ellis County, Okla.	Depleted	-------
CI67-1632 E 1-29-70	Afton Thrash (Operator), et al. (successor to Roosth & Genecov Production Co. (Operator) et al.), Post Office Box 1597, Kilgore, Tex. 75662.	Lone Star Gas Co., North Henderson Field, Rusk County, Tex.	[7] 15.0	14.65
CI68-60 3-2-70 [8]	Monsanto Co. (Operator) et al., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Field, Woods County, Okla.	[9] 15.0	14.65
CI68-985 E 3-3-70	Westhoma Oil Co. (Operator) et al. (successor to Arapahoe Production Co. (Operator) et al.), c/o Marsden W. Miller, Jr., Esq., 1610 Denver Club Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	[9] 17.0	14.65
CI68-1367 E 3-3-70	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla.	[9] 17.0	14.65
CI69-168 E 2-26-70	Cities Service Oil Co. (successor to Woods Petroleum Corp.), Post Office Box 300, Tulsa, Okla. 74102.	Montana-Dakota Utilities Co., Recluse Gas Plant, Recluse Field, Campbell County, Wyo.	15.384	15.025
CI69-230 E 3-3-70	Westhoma Oil Co. (Operator) et al. (successor to Arapahoe Production Co. (Operator) et al.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla.	[9] 17.0	14.65
CI69-404 E 3-5-70	McCulloch Oil Corp. (successor to Omega Gas Co.), 12th Floor, McCulloch Bldg., 6151 West Century Blvd., Los Angeles, Calif. 90045.	Montana-Dakota Utilities Co., Richland Plant, Brorson Field, Richland County, Mont.	15.384	15.025
CI69-551 C 2-25-70	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[10] 17.0	14.65
CI69-783 (CI66-1093) C 3-9-70 [11]	Hassie Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	18.25	15.025
CI69-974 [12] (CI70-772) C 2-24-70	Roy Proffitt (Operator) et a'., Racine, Ohio 45771.	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	[13] 27.0	15.025
CI69-1014 C 3-9-70	Robert C. Armstrong, 915 Century Plaza Bldg., Wichita, Kans. 67202.	Northern Natural Gas Co., Belpre Kinderhook Field, Edwards County, Kans.	[9] 16.0	14.65
CI70-205 C 2-25-70	Jones & Pellow Oil Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[9] 17.0	14.65
CI70-236 [14] (CI66-653) C 2-18-70	Leben Drilling, Inc. (Operator) et al., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Latimer and Pittsburg Counties, Okla.	15.0	14.65
CI70-383 E 3-5-70	McCulloch Oil Corp. (successor to Omega Gas Co.).	Montana-Dakota Utilities Co., Ute Field, Campbell County, Wyo.	15.384	15.025
CI70-754 A 2-20-70 as amemded 3-9-70	Pacific States Gas and Oil, Inc., 211 Water St., Weston, W. Va. 26452.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	[13] 27.0 [15] 27.8027	15.325

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-764 (CI68-20) F 2-18-70	Leben Drilling, Inc. (successor to Humble Oil & Refining Co.).	Arkansas Louisiana Gas Co., Acreage in LeFlore County, Okla.	[17] 16.015	14.65
CI70-765 A 2-25-70	K. S. Oil Co. et al., 5201 South Western, Oklahoma City, Okla. 73106.	Northern Natural Gas Co., Acreage in Beaver County, Okla.	[8] 17.0	14.65
CI70-766 A 2-25-70	Milford Corp., c/o Charles A. Purser, attorney, 1500 Kermac Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Northeast Freedom Area, Woods County, Okla.	[8] 15.0	14.65
CI70-767 A 2-25-70	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	Texas Gas Transmission Corp., Welcome Field, Columbia County, Ark.	20.0	15.025
CI70-768 A 2-24-70	Crest Oil Co., Post Office Box 57, Alton, Ill. 62002.	Midstates Gas Transportation Co., New Milton District, Doddridge County, W. Va.	25.0	15.325
CI70-769 A 2-26-70	Energy Corp. of America, Inc. (Operator) et al., 608 Hibernia Bank Bldg., New Orleans, La. 70112.	United Gas Pipe Line Co., Southwest Bourg Field, Terrebonne Parish, La.	20.0	15.025
CI70-771 A 2-24-70	Roy Proffitt	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	[18] 27.0	15.325
CI70-773 B 2-24-70	Marathon Oil Co	Phillips Petroleum Co., East Sweet Field, Gray County, Tex.	Assigned	
CI70-774 (CI69-71) F 2-24-70	Harold J. Reedy (successor to H. H. Champlin et al.), 700 First National Bank Bldg., Enid, Okla. 73701.	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	[8] 15.0	14.65
CI70-775 A 2-13-70	Sun Oil Co., c/o Charles E. Webber, Post Office Box 2880, Dallas, Tex. 75221.	Pacific Lighting Service Co., Federal Lease No. OCS-P-0240 Parcel 401, Offshore Santa Barbara County, Calif.	27.0	14.73
CI70-776 (G-17248) F 2-25-70	Petroleum Corp. of Texas (Operator) et al. (successor to Mobil Oil Corp.).	Atlantic Richfield Co., Abell Field, Pecos County, Tex.	6.5	14.65
CI70-778 A 2-27-70	Cherney Oil Co., Post Office Box 144, Casper, Wyo. 82601.	Kansas-Nebraska Natural Gas Co., Inc., Shoshoni Unit Area, Fremont County, Wyo.	[19] 16.68	14.65
CI70-779 B 2-27-70	The Winifrede Co	Pennzoil United, Inc., Elk District, Kanawha County, W. Va.	Uneconomical	
CI70-780 A 3-2-70	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., West Gruver Field, Hansford County, Tex.	[8] 20.5	14.65
CI70-781 A 3-2-70	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	[20] 13.0	15.025
CI70-782 A 3-2-70	Cleary Petroleum Corp., c/o G. D. Ashabranner, attorney, Lawyers Bldg., 219 Couch Dr., Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., Keota Area, Haskell County, Okla.	18.0	14.65
CI70-783 A 3-2-70	International Nuclear Corp.,[21] 308 Lincoln Tower Bldg., 1860 Lincoln St., Denver, Colo. 80203.	Natural Gas Pipeline Co. of America, Seven Oaks Area, Polk County, Tex.	[8] 17.0	14.65
CI70-784 A 3-2-70	MPS Production Co. (Operator) et al. 700 First City National Bank Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Port Allen Field, West Baton Rouge Parish, La.	20.0	15.025
CI70-785 (CS66-52) E 3-2-70 [23]	Reading and Bates, Inc. (successor to Thornton Petroleum Corp. (Operator) et al.), 1100 Philtower Bldg., Tulsa, Okla. 74103.	El Paso Natural Gas Co., Sweetie Peck Field, Midland County, Tex.	[22] 15.32	14.65
CI70-786 (CS66-48) E 3-2-70 [23]	Reading and Bates, Inc. (Operator), et al. (successor to Thornton Petroleum Corp. and Late et al.).	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	14.5	14.65
CI70-787 (CS66-51) E 3-2-70 [23]	Reading and Bates, Inc. (successor to E. G. Rodman (Operator), et al.).	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	10.0	14.65
CI70-788 (CS66-52) E 3-2-70 [23]	Reading and Bates, Inc. (successor to Thornton Petroleum Corp. (Operator), et al.).	do	14.44	14.65
CI70-789 (G-14967) F 3-2-70	The Ballard & Cordell Corp. (successor to Humble Oil & Refining Co.) c/o John M. Shuey, attorney, 604 Johnson Bldg., Shreveport, La. 71101.	United Fuel Gas Co., Florence Field, Vermilion Parish, La.	20.0	15.025
CI70-790 A 3-5-70	Union Drilling, Inc., Post Office Box 281, Washington, Pa. 15301.	Cumberland and Allegheny Gas Co., Meade District, Upshur County, W. Va.	25.0	15.325
CI70-791 A 3-2-70	Knight & Miller Oil Corp. et al., 919 Midland Savings Bldg., Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Cloverleaf Field, Logan County, Colo.	19.0	15.025
CI70-792 A 3-2-70	do	do	19.0	15.025
CI70-793 A&D 3-2-70	Westrans Petroleum, Inc. (successor to Adena Petroleum, Inc., et al.[23]), c/o Marsden W. Miller, Jr., Esq., 1610 Denver Club Bldg., Denver, Colo. 80202.	The Manufacturers Light & Heat Co., Lee and Sheridan Districts, Calhoun County; Spencer District, Roane County; and Union District, Ritchie County, W. Va.	[24] 25.0 [25] 27.0	15.325
CI70-794 A 3-4-70	Union Drilling, Inc	Cumberland & Allegheny Gas Co., Washington District, Upshur County, W. Va.	27.0	15.325
CI70-795 A 3-5-70	do	do	27.0	15.325
CI70-796 A 3-5-70	do	do	26.0	15.325
CI70-797 A 3-5-70	do	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	27.0	15.325
CI70-798 A 3-5-70	do	Cumberland & Allegheny Gas Co., Washington District, Upshur County, W. Va.	26.0	15.325
CI70-799 A 3-5-70	do	Cumberland & Allegheny Gas Co., Skin Creek District, Lewis County, W. Va.	25.0	15.325
CI70-800 A 3-5-70	do	Cumberland & Allegheny Gas Co., Washington District, Upshur County, W. Va.	26.0	15.325
CI70-801 A 3-5-70	do	do	27.0	15.325
CI70-802 A 3-6-70	Barnett Oil Co. et al., 411 First National Bank Bldg., Wichita, Kans. 67202.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., acreage in Moore County, Tex.	14.0	14.65
CI70-803 A 3-6-70	Marathon Oil Co	Pacific Lighting Service Co., Federal Tract 401, OCS, Offshore Santa Barbara County, Calif.	27.0	14.73
CI70-804 A 3-6-70	Western States Producing Co. (Operator) et al., 1915 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Texas Gas Transmission Corp., Welcome Field, Columbia County, Ark.	[26] 20.0	15.025
CI70-805 (CI61-896) F 3-5-70	White Shield Oil & Gas Corp. (successor to Cricket Oil Co. (Operator) et al.).	Northern Natural Gas Co., Hansford Field, Hansford County, Tex.	16.5	14.65
CI70-806 (CI67-1691) F 3-5-70	Texas Oil & Gas Corp. (successor to Humble Oil & Refining Co.), 1001 Americana Bldg., Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	[8] 17.0	14.65
CI70-809 A 3-6-70	Union Drilling, Inc	Cumberland and Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	25.0	15.325
CI70-810 A 3-6-70	do	do	25.0	15.325
CI70-811 A 3-6-70	do	Cumberland and Allegheny Gas Co., Washington District, Upshur County, W. Va.	25.0	15.325
CI70-812 A 3-6-70	G. M. Close and W. C. Payne, First National Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Acreage in Woods County, Okla.	[27] 15.0	14.65
CI70-815 B 3-6-70	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Randon Field, Fort Bend County, Tex.	Depleted	
CI70-816 B 3-6-70	do	Cities Service Gas Co., Eureka Field, Grant County, Okla.	Depleted	
CI70-817 A 3-9-70	Ferrell L. Prior, Suite 616, Union Trust Bldg., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	27.0	15.325

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-819........ A 3-9-70	A. C. Radford & J. W. Frame, Post Office Box 6, Winfield, W. Va. 25213.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
CI70-820........ B 3-9-70	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	United Fuel Gas Co., Blue Creek Area, Kanawha County, W. Va.	[28]	....
CI70-821........ B 3-9-70	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Tigre Lagoon Field, Iberia Parish, La.	[29]	....
CI70-822........ A 3-9-70	Spartan Gas Co., Post Office Box 766, Charleston, W. Va. 25323.	Consolidated Gas Supply Corp., Elk District, Kanawha County, W. Va.	28.0	15.325
CI70-823........ B 3-9-70	Howard C. Adkins et al., d.b.a. Wittenberg Gas Well No. 1, Route No. 1, Box 259, Branchland, W. Va. 25506.	Consolidated Gas Supply Corp., Clear Fork District, Wyoming County, W. Va.	Uneconomical	....
CI70-824........ B 3-9-70	Edison J. Parsons et al., 119 Highlawn Dr., Ripley, W. Va. 25271.	Consolidated Gas Supply Corp., Ripley and Union Districts, Jackson and Mason Counties, W. Va.	Uneconomical	....
CI70-825........ B 3-9-70	Central Gas Co. et al., Post Office Box 1223, Charleston, W. Va. 25324.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	Depleted	....
CI70-826........ B 3-9-70	N. M. Beardmore....................	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Depleted	....
CI70-827........ B 3-9-70	M. D. Carey d.b.a. Carey Oil Co. et al., 204 Alden Ave., Marietta, Ohio 45750.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	Depleted	....
CI70-828........ A 3-9-70	John W. James and Nancy James, Endicott, Ky. 41626.	Kentucky-West Virginia Gas Co., Johns Creek Field, Floyd County, Ky.	20.0	15.225

[1] Rate in effect subject to refund in Docket No. RI69-272.
[2] Lease surrendered due to nonproduction.
[3] Application was erroneously assigned Docket No. CI70-807 as a partial succession. Docket No. CI70-807 is canceled and application will be processed as a complete succession to Docket No. CI64-1441.
[4] Rate in effect subject to refund in Docket No. RI66-375.
[5] Application was erroneously assigned Docket No. CI70-808 as a partial succession. Docket No. CI70-808 is canceled and application will be processed as a complete succession to Docket No. CI64-1443.
[6] Rate in effect subject to refund in Docket No. RI66-336.
[7] Includes tax reimbursement.
[8] Amendment to certificate to include interest of nonoperator.
[9] Subject to upward and downward B.t.u. adjustment.
[10] Contract provides for rate of 19.5 cents per Mcf; however, applicant states its willingness to accept certificate at 17 cents per Mcf, plus B.t.u. adjustment.
[11] Adds acreage acquired from G. H. Vaughn, Jr. and Jack C. Vaughn (Operators) et al., Docket No. CI66-1093.
[12] Application was erroneously assigned Docket No. CI70-772 as an initial service. Docket No. CI70-772 is canceled and application will be processed as a petition to amend certificate in Docket No. CI69-974 for additional acreage.
[13] Less than 500 Mcf per month, rate shall be 22 cents per Mcf; 500 Mcf but less than 1,000 Mcf per month, rate shall be 25 cents per Mcf; 1,000 Mcf or more per month, rate shall be 27 cents per Mcf.
[14] Adds acreage acquired from Austral Oil Company Incorporated, Docket No. CI66-653.
[15] Down to and including the Benson Sand.
[16] Below the Benson Sand.
[17] Rate in effect subject to refund in Docket No. RI69-33. Subject to reduction for compression.
[18] Includes 1.68 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[19] By letter filed Mar. 13, 1970, Applicant agreed to accept certificate at 13 cents per Mcf.
[20] Contract provides for rate of 17.8 cents per Mcf; however, by letter filed Mar. 11, 1970 Applicant agreed to accept permanent certificate at 17 cents per Mcf.
[21] Predecessor is making sales pursuant to a small producing certificate.
[22] Net price after reduction for gathering and treating costs. Subject to upward and downward B.t.u. adjustment.
[23] Predecessor never made certificate filing to cover subject acreage.
[24] For shallow gas.
[25] For deep gas or combination of deep and shallow gas.
[26] Applicant proposes rate of 20 cents per Mcf or area ceiling rate, whichever is higher.
[27] Contract provides for rate of 18 cents per Mcf; however, Applicants agree to accept certificate conditioned to 15 cents per Mcf, plus B.t.u. adjustment.
[28] All acreage dedicated to contract has been released or assigned.
[29] Wells have ceased to produce and leases have expired.

[F.R. Doc. 70-3775; Filed, Mar. 31, 1970; 8:45 a.m.]

[Docket No. RI70-1409, etc.]

MELBOURNE CORP. ET AL.

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

MARCH 24, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules [2] 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 May 12, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

[2] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplements" or "rate schedules" appear in this order, they refer to the notices of change in rate filed by the producers herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1409	Melbourne Corp	(3)	(3)	Transwestern Pipeline Co. (Barstow (Fusselman) Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	$232	2-24-70	[4] 3-27-70	8-27-70	16.5	[5] [6] 19.0831	
RI70-1410	Estate of Dr. Louis A. Rezonnico and Louis A. Rezonnico, Jr., Executor.	(7)	(7)	do	2,581	2-24-70	[4] 3-27-70	8-27-70	16.5	[5] [6] 19.0831	
RI70-1411	Erol Beker	(8)	(8)	do	2,881	2-24-70	[4] 3-27-70	8-27-70	16.5	[5] [6] 19.0831	

[3] No rate schedule on file. Respondent issued small producer certificate in Docket No. CS69-79.
[4] The stated effective date is the effective date requested by Respondent.
[5] Increase to contract rate. Relates to contract dated May 2, 1969.
[6] Pressure base is 14.65 p.s.i.a.
[7] No rate schedule on file. Respondent issued small producer certificate in Docket No. CS70-16.
[8] No rate schedule on file. Respondent issued small producer certificate in Docket No. CS70-21.

The proposed rate increases, filed by holders of small producer certificates, are for sales in the Permian Basin Area. The proposed increases exceed the rate ceilings set forth in § 157.40(b) of the Commission's regulations for sales made under small producer certificates and should be suspended for five months from March 27, 1970, the proposed effective date.

[F.R. Doc. 70-3806; Filed, Mar. 31, 1970; 8:45 a.m.]

AMERADA HESS CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 25, 1970.

The respondents named herein have filed proposed changes in 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:

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(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 May 12, 1970.

By the Commission.

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1412...	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla.	157	2	Sea Robin Pipeline Co. (Block 16, South Marsh Island Area, Offshore Louisiana).	$13,680	2-26-70	[3] 3-29-70	[9] 3-30-70	[5,7,8] 18.5	[4,5,8] 20.0	
RI70-1413...	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	85	1	Sea Robin Pipeline Co. (Block 222, Ship Shoal Area, Offshore Louisiana).	4,275	3-3-70	[3] 4-3-70	[9] 4-4-70	[6,7,10] 18.5	[4,5,6] 20.0	
RI70-1414...	Pan American Petroleum Corp., Post Office Box 50879, New Orleans, La. 70150.	544	1	Tennessee Gas Pipe Line Co., a division of Tenneco Inc. (Ship Shoal Block 176 Field, Offshore Louisiana).	30,375	3-3-70	[3] 4-3-70	[9] 4-4-70	[6,7,11] 18.5	[4,5,6] 20.0	
	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	337	2	Fort Smith Gas Corp. (Cartersville Field, Le Flore County, Okla.) (Oklahoma "Other" Area).	6	3-2-70	[29] 4-2-70	[9] 4-3-70	12.28	[13,14] 12.29378	
	.....do.....................	460	2	Lone Star Gas Co. (North Durant Field, Bryan County, Okla.).	11	3-2-70	[29] 4-2-70	[9] 4-3-70	[15] 15.0	[13,14,15] 15.01025	
	.....do.....................	486	4	Arkansas Louisiana Gas Co. (Wilburton Field, Latimer County, Okla.) (Oklahoma "Other" Area).	8	3-2-70	[29] 4-2-70	[9] 4-3-70	16.0	[13,14] 16.015	RI69-81.
	.....do.....................	487	6	Arkansas Louisiana Gas Co. (Red Oak Field, Latimer County, Okla.) (Oklahoma "Other" Area).	8	3-2-70	[29] 4-2-70	[9] 4-3-70	16.0	[13,14] 16.015	RI69-81.
RI70-1415...	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	52	1	Trunkline Gas Co. (South Tibalier Block 188 Field, Offshore Louisiana).	8,100	3-5-70	[12] 4-5-70	[9] 4-6-70	[5,7,16] 18.5	[4,5,8] 20.0	
RI70-1416...	Union Drilling, Inc........	[19] 37	[18] 1	Equitable Gas Co. (Court House, Collins Settlement and Skin Creek Districts, Lewis County, W. Va.).	400	3-4-70	[3] 4-4-70	[9] 4-5-70	[21] 25.096	[17,20,21] 27.1038	
RI70-1417...	Union Drilling, Inc., et al.	[19] 40	[19,23] 1	Equitable Gas Co. (Holly and Salt Lick Districts, Braxton County, W. Va.).	([22])	3-4-70	[3] 4-4-70	[9] 4-5-70	[21] 25.096	[17,20,21] 27.1038	
RI70-1418...	Cabot Corp...............	[19] 84	[26] 2	Consolidated Gas Supply Corp. (Sandy River and Big Creek Districts, McDowell County, W. Va.).	563	2-26-70	[12] 3-29-70	[9] 3-30-70	[21] 27.75	[17,20,24] 28.0	
RI70-1419...	Merchants Petroleum Co..	[19] 3	[27] 2	Equitable Gas Co. (Henry District, Clay County, W. Va.).	1,460	3-4-70	[3] 4-4-70	[9] 4-5-70	[21] 25.096	[17,20,21] 27.1038	

[3] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[4] Increase filed pursuant to Paragraph (A) of Opinion No. 546-A.
[5] Pressure base is 15.025 p.s.i.a.
[6] Subject to quality adjustments.
[7] Area base rate as established in Opinion No. 546 for third vintage gas well gas.
[8] Conditioned initial rate for gas well gas pursuant to temporary certificate issued Feb. 5, 1970, in Docket No. CI70-467.
[9] The suspension period is limited to 1 day.
[10] Conditioned initial rate for gas well gas pursuant to temporary certificate issued Jan. 27, 1970, in Docket No. CI69-724.
[11] Conditioned initial rate for gas well gas pursuant to temporary certificate issued Feb. 5, 1970, in Docket No. CI70-453.
[12] The stated effective date is the effective date requested by respondent.
[13] Tax reimbursement increase.
[14] Pressure base is 14.65 p.s.i.a.
[15] Buyer deducts 2 cents for amortization of pipeline and 0.5-cent for dehydration from price shown.
[16] Conditioned initial rate for gas well gas pursuant to temporary certificate issued Feb. 13, 1970, in Docket No. CI70-680.
[17] Pressure base is 15.325 p.s.i.a.
[18] Includes letter from buyer providing for increase for gas from new wells on currently dedicated acreage or for gas from old wells drilled deeper or worked over. For Rate Schedule No. 40, letter provides for increase to 28 cents for gas from formations below the Benson Sand.
[19] Contract dated after Sept. 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1.
[20] Renegotiated rate increase.
[21] Rates converted from 25 cents to 27 cents at 62° F. to 60° F.
[22] Not known.
[23] Does not include gas from formations below the Benson Sand.
[24] Includes 3 cents per Mcf for amortization of seller's gathering facilities.
[25] Includes 2.75 cents per Mcf for amortization of seller's gathering facilities.
[26] Includes letter from buyer agreeing to proposed rate.
[27] Includes letter from buyer providing for increase for gas from new wells on currently dedicated acreage or for gas from old wells drilled deeper or worked over.
[29] The stated effective date is the first day after expiration of the statutory notice.

Amerada Hess Corp. requests that its proposed rate increase be permitted to become effective as of February 23, 1970. Pan American Petroleum Corp. requests an effective date of March 3, 1970, for Supplement No. 1 to its FPC Gas Rate Schedule No. 544. Union Drilling, Inc., requests effective dates of March 4, 1970, and December 2, 1969, for its proposed rate increases, and the Merchants Petroleum Co. requests a retroactive effective date of February 25, 1970, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The contracts related to the proposed renegotiated rate increases filed by Union Drilling, Inc. (Union), Cabot Corp. (Cabot), and Merchants Petroleum Co. (Merchants), were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, Union Cabot and Merchants' proposed rate filings should be suspended for 1 day from April 4, 1970 (Union), and (Merchants), the date of expiration of the statutory notice, and March 29, 1970 (Cabot), the proposed effective date. Since Union and Merchants' proposed increases are only for gas delivered from new wells on existing dedicated acreage or from worked over wells, the 1 day suspension period should begin on expiration of the statutory notice periods or on the dates of initial delivery from the new wells or the worked over wells, whichever is later.

Four of Pan American Petroleum Corp.'s (Pan American) proposed rate increases herein reflect reimbursement for the Oklahoma excise and production tax. Consistent with previous Commission action taken on Oklahoma tax filings we conclude that Pan American's increases containing such tax reimbursement should be suspended for 1 day from the date of expiration of the statutory notice.

The proposed rate increases filed by Amerada Hess Corp. (Amerada), J. H. Huber Corp. (Huber), and Pan American Petroleum Corp. (Pan American) (Supplement No. 1 to Pan American's FPC Gas Rate Schedule No. 544), and The California Co., a division of Chevron Oil Co. (California) from 18.5 cents to 20 cents per Mcf involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to Ordering Paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price of 18.5 cents as adjusted for quality and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. These producers were issued temporary certificates authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas subject to quality adjustments).

Consistent with previous Commission action on similar rate filings, we conclude that Amerada, Huber, Pan American, and California's proposed rate increases should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from

the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the area rate proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 70-3845; Filed, Mar. 31, 1970; 8:45 a.m.]

[Docket No. E-7528]

NORTHERN STATES POWER CO.

Notice of Application

MARCH 26, 1970.

Take notice that on March 23, 1970, Northern States Power Co. (applicant) filed an application, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of $45 million principal amount of debentures.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged primarily in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of North Dakota.

The debentures are to be issued at competitive bidding pursuant to the Commission's regulations under the Federal Power Act. Applicant has scheduled May 19, 1970, as the date for the opening of bids. The debentures will be dated as provided in a Debenture Indenture to be dated as of May 1, 1970 and will mature on May 1, 1974. None of the debentures will be subject to redemption.

The proceeds from the sale of the debentures will be used to prepay some of the outstanding short-term borrowings of the applicant, which are estimated at $50 million as of the date of issuance of the debentures. The short-term borrowings have been or will be incurred in connection with the construction program of applicant.

Expenditures during 1970 for the construction program of Applicant are estimated at $162 million, of which $152 million is for electric facilities, $5 million for gas facilities, and $5 million for heating, telephone, and general facilities. Of the expenditures for electric facilities, $110 million is for production, $11 million for transmission, and $31 million for distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 10, 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. 70-3923; Filed, Mar. 31, 1970; 8:47 a.m.]

[Dockets Nos. AR64-1, etc.]

HUGOTON-ANADARKO AREA RATE PROCEEDING ET AL.

Order Clarifying Filing Requirements in Opinion No. 567 and Extending Time for Filing

FEBRUARY 24, 1970.

Hugoton-Anadarko Area Rate Proceeding, Docket No. AR64-1 (Severed Issue); Permian Basin Area Rate Proceeding, Docket No. AR61-1; Southern Louisiana Area Rate Proceeding, Docket No. AR61-2.

In Opinion No. 567 issued October 3, 1969, the Commission provided that, as of November 1, 1969, gas-well gas (or residue gas derived therefrom) from a reservoir committed to interstate commerce by a contract prior to the date of its discovery should have the price it would have if the contract had been dated coincident with the discovery of the new reservoir. Where a producer was collecting (as of the date of the opinion) a rate below the just and reasonable ceiling or the initial service ceiling, as applicable, the Commission indicated that it would accept any contractually authorized filing for a rate not in excess of such ceiling. The Commission also provided that no increased rate filings should be made for 60 days after the date of issuance of the opinion, but that newly filed rates may relate back and be effective as of November 1, 1969, if filed on or before March 2, 1970, together with the required documents. The Commission further indicated that if a producer was collecting (on or after the date of the opinion) a rate in excess of the just and reasonable ceiling or the initial service ceiling, as applicable, subject to refund under section 4(e) of the Act down to a rate below the applicable ceiling, the producer's refund obligation would be limited prospectively (as of November 1, 1969, or later, as applicable) to amounts collected in excess of the applicable ceiling. In either case the producer is required to submit documents showing that it is entitled to the higher rate ceiling under the principles set forth in the opinion.

A question has arisen as to whether the March 2 time limitation set forth in the opinion for increased rate filings also applies to the filing of the required documents where a producer is collecting an increased rate, subject to refund, which is at or in excess of the rate level permitted under that opinion. No specific time limitation was imposed for the filings here in question. The March 2 time limitation is therefore not applicable. However, we believe it appropriate to set a time limit of June 1, 1970, for filing the required documents in such situations. We shall also authorize the Secretary to accept any such documents filed in accordance with Opinion No. 567.

Pan American filed on February 16, 1970, a request for an extension of time of 30 days from March 2, 1970, within which to make increased rate filings permitted under Opinion No. 567, effective as of November 1, 1969. In support of its request, Pan American states that in many instances it will not be able to obtain the necessary supporting documentation within the time now permitted. Since there may well be other producers encountering similar difficulties, we believe it appropriate to extend the March 2 time limitation to and including April 1, 1970, for all producers.

The Commission orders:

(A) Where a producer is collecting an increased rate, subject to refund in a section 4(e) proceeding, which is at or in excess of the rate level permitted under Opinion No. 567, the producer shall file on or before June 1, 1970, the documents required under Opinion No. 567 which show that it is entitled to have its refund obligation limited in that section 4(e) proceeding to amounts collected in excess of the applicable ceiling prescribed in that opinion. The Secretary is authorized to accept those documents filed in accordance with Opinion No. 567.

(B) The March 2, 1970, time limitation provided in Opinion No. 567 for making increased rate filings to the level permitted under that opinion, effective as of November 1, 1969, is extended to and including April 1, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-3902; Filed, Mar. 31, 1970; 8:46 a.m.]

DEPARTMENT OF STATE

Bureau of Politico-Military Affairs

[Public Notice 327]

[Delegation of Authority 104-7-A]

DIRECTOR, OFFICE OF MUNITIONS CONTROL

Redelegation of Authority

By virtue of the authority vested in the Secretary of State by section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), and pursuant to Department of State Delegation of Authority No. 104 of November 3, 1961 (26 F.R. 10608), as amended by Delegation of Authority No. 104-7 of February 5, 1970 (35 F.R. 3243), authority is hereby redelegated to the Director, Office of Munitions Control, deemed effective February 5, 1970, to exercise the authority vested in the President by section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1934), with respect to the export munitions control functions.

This redelegation of authority shall not be construed as divesting the Director, Bureau of Politico-Military Affairs of any of the powers, duties and

functions conferred upon him by Delegation of Authority No. 104–7 relating to such export munitions control functions.

This redelegation supersedes all previous redelegations regarding this matter.

[SEAL] RONALD I. SPIERS,
Director, Bureau of Politico-Military Affairs.

MARCH 18, 1970.

[F.R. Doc. 70-3907; Filed, Mar. 31, 1970; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GERALD BENIDICT HOFFMAN

Notice of Granting of Relief

Notice is hereby given that Gerald Benidict Hoffman, 2436 North Dousman Street, Milwaukee, Wis. 53212, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 10, 1955, in the Milwaukee County Municipal Court, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gerald Benidict Hoffman, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Gerald Benidict Hoffman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gerald Benidict Hoffman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Gerald Benidict Hoffman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of March 1970.

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

[F.R. Doc. 70-3921; Filed, Mar. 31, 1970; 8:47 a.m.]

RONALD L. MUZA

Notice of Granting of Relief

Notice is hereby given that Mr. Ronald L. Muza, 1529 West Victoria Street, Chicago, Ill. 60626, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 25, 1958, in Pinellas County Superior Court, Clearwater, Fla., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ronald L. Muza, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ronald L. Muza to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ronald L. Muza's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Ronald L. Muza be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of March 1970.

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

[F.R. Doc. 70-3964; Filed, Mar. 31, 1970; 8:51 a.m.]

DAN STRANGO

Notice of Granting of Relief

Notice is hereby given that Dan Strango, 49 Ford Street, Highland Park, Mich. 48203, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of this conviction on or about November 9, 1936, in the U.S. District Court for the Eastern District of Michigan of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dan Strango, because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dan Strango to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dan Strango's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Dan Strango be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of March 1970.

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

[F.R. Doc. 70-3965; Filed, Mar. 31, 1970; 8:51 a.m.]

ROBERT WHITTENBURG

Notice of Granting of Relief

Notice is hereby given that Robert Whittenburg, 107 Hamilton, Pontiac, Mich. 48058, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms

incurred by reason of his conviction on November 10, 1958, in the Circuit Court for the County of Oakland, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert Whittenburg, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Whittenburg to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert Whittenburg's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Robert Whittenburg be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 26th day of March, 1970.

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

[F.R. Doc. 70-3966; Filed, Mar. 31, 1970; 8:51 a.m.]

CHESTER WILLIS, JR.

Notice of Granting of Relief

Notice is hereby given that Chester Willis, Jr., 20100 Mendota Street, Detroit, Mich. 48221, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on May 9, 1951, April 7, 1952, May 4, 1954, and October 22, 1954, by the Recorder's Court for the City of Detroit, Mich., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for the applicant, because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such convictions, it would be unlawful for the applicant to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Willis' application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144, it is ordered that Chester Willis, Jr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment or possession or firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 26th day of March 1970.

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

[F.R. Doc. 70-3967; Filed, Mar. 31, 1970; 8:51 a.m.]

Office of Foreign Assets Control

CAMEL HAIR AND CASHMERE

Importation Directly From Czechoslovakia; Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Foreign Trade of the Government of Czechoslovakia under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Czechoslovakia of the following commodities:

Camel hair, scoured.
Cashmere, scoured, sorted.

MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 70-3888; Filed, Mar. 31, 1970; 8:45 a.m.]

Office of the Secretary

PIG IRON FROM NORWAY

Notice of Tentative Negative Determination

Information was received on February 3, 1969, that pig iron from Norway is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 6, 1969, on page 14136.

I hereby make a tentative determination that pig iron from Norway is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which This Tentative Determination Is Based. There have been no pig iron imports from Norway since March 1969. There is no information indicating that pig iron will be shipped to the United States from Norway in the near future.

In accordance with section 53.33(b), Customs Regulations (19 CFR 53.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 53.33 of the Customs Regulations (19 CFR 53.33).

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-3963; Filed, Mar. 31, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CENTRAL OFFICE PERSONNEL

Revocation of Authority Delegation

MARCH 25, 1970.

Section 5.5 of Part 10 of the Bureau of Indian Affairs Manual was published on page 6619 of the April 17, 1969, FEDERAL REGISTER (34 F.R. 6619). The section delegated authority to the Headquarters Administrative Officer to authorize the publication of advertisements, notices, or proposals. The section is hereby revoked since the position of the Headquarters Administrative Officer has been eliminated.

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

C. C. CARSHALL,
Acting Commissioner.

[F.R. Doc. 70-3897; Filed, Mar. 31, 1970; 8:45 a.m.]

Bureau of Land Management

NEVADA

Order Opening Public Lands

MARCH 23, 1970.

1. In exchanges of land made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. 315g, the following lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

(N-3737)

T. 22 N., R. 18 E.,
Sec. 1, all;
Sec. 3, lot 2, S½N½, S½;
Sec. 9, all;
Sec. 10, S½NE¼, E½W½, NE¼SE¼;
Sec. 11, all;
Sec. 13, W½;
Secs. 15, 23, all;
Sec. 25, W½;
Sec. 35, all.
T. 23 N., R. 19 E.,
Sec. 1, lots 3-11 inclusive, SE¼NW¼, NE¼SW¼;
Sec. 3, lots 2, 3, 4;
Sec. 5, all;
Sec. 6, lots 1, 6, 7;
Sec. 9, lots 1-4 inclusive, NE¼NW¼, SE¼SW¼;
Sec. 15, S½NW¼, SW¼.
T. 23 N., R. 19 E.,
Sec. 31, lots 4-7, inclusive;
Sec. 33, S½.

(N-4099)

T. 35 N., R. 55 E.,
Secs. 23, 27, all.

(N-4094, 4101)

T. 33 N., R. 60 E.,
Sec. 24, W½NE¼, E½NW¼;
Sec. 36, SE¼NW¼, NE¼SW¼, N½SE¼.

(N-4100)

T. 43 N., R. 60 E.,
Sec. 23, SE¼SE¼;
Sec. 24, S½SW¼, SW¼SE¼;
Sec. 25, N½NE¼.

(N-1098)

T. 2 N., R. 67 E.,
Sec. 21, NE¼NE¼;
Sec. 22, W½NW¼.

The areas described aggregate 9,520.27 acres.

2. Minerals were conveyed in the following described lands only:

MOUNT DIABLO MERIDIAN

T. 35 N., R. 55 E.,
Secs. 23, 27, all.
T. 43 N., R. 60 E.,
Sec. 23, SE¼SE¼;
Sec. 24, S½SW¼, SW¼SE¼;
Sec. 25, N½NE¼.

3. The lands in Tps. 22 and 23 N., Rs. 18 and 19 E., are located northwest of Reno, Nev., at an elevation of 5,600 to 7,800 feet. The topography is rough and mountainous.

4. The land in T. 35 N., R. 55 E., lies about 3 miles north of Elko, Nev. Soils are shallow, stony, and poorly formed.

5. The lands in T. 33 N., R. 60 E., are on the east side of Ruby Valley in Elko County, Nev. Soils are deep loam.

6. The lands in T. 43 N., R. 60 E., are located about 40 miles northwesterly of Wells, Nev. Aspen and willow are found along a small perennial brook which traverses the lands.

7. The lands in T. 2 N., R. 67 E., are north of Pioche, Nev. Soils are alkaline and support native brush.

8. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to operation of the public land laws generally, but not the mining and mineral leasing laws, except as to those lands described in paragraph 2 which are opened additionally to location under the mining laws and to mineral leasing. All valid applications received at or prior to 10 a.m. on April 27, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

9. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-3916; Filed, Mar. 31, 1970; 8:47 a.m.]

[M 15102]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 25, 1970.

The Bureau of Land Management has filed an application, serial number M 15102, for the withdrawal of the lands described below. The withdrawal is from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, subject to valid claims.

The applicant desires the land for the development of public recreation facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency, with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are:

PRINCIPAL MERIDIAN, MONT.

T. 14 N., R. 3 W.,
Sec. 4, Lots 6 and 7.

The area described above aggregates 80 acres in Lewis and Clark County, Mont.

PARKER N. DAVIES,
Acting Land Office Manager.

[F.R. Doc. 70-3917; Filed, Mar. 31, 1970; 8:47 a.m.]

[Wyoming 22747]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 25, 1970.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial Number Wyoming 22747, for the withdrawal of land described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the land as it is required for the Glendo Dam and Reservoir. It is also surrounded by Bureau of Reclamation land.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

The Department's regulations 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs,

to provide for maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 29 N., R. 68 W.,
Sec. 24, NE¼.

The area described contains 160 acres.

JOHN R. KILLOUGH,
Acting State Director.

[F.R. Doc. 70-3918; Filed, Mar. 31, 1970; 8:47 a.m.]

National Park Service

ELDORADO CANYON, LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Glenn G. Massey and Connie R. Massey, husband and wife, doing business as Eldorado Canyon Fishing Resort, authorizing them to provide concession facilities and services for the public at Eldorado Canyon, Lake Mead National Recreation Area, for a period of nine (9) months from January 1, 1970, through September 30, 1970.

The National Park Service has determined that it is in the best interest of the United States to extend this recently expired contract in order to provide continuity of operation and services to the public while planning is completed for the future operation of the concession facility.

Under the Act cited above, the Secretary is required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice. Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 20, 1970.

THOMAS F. FLYNN,
Assistant Director,
National Park Service.

[F.R. Doc. 70-3899; Filed, Mar. 31, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 104]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through March 12, 1970, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total all flags (166 ships)	1,228,764
Cypriot (60 ships)	455,146
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alma	6,585
Alpa	9,159
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
Annunciation Day	8,047
Aragon (previous trips to Cuba—Somali)	7,248
Areti (previous trips to Cuba—Lebanese)	7,176
Arion	3,570
Armar	5,089
Aurora	8,380
Azalea	9,506
Azure Coast II	7,638
Camelia	8,111
Claire (previous trips to Cuba—Lebanese)	5,411
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpidoforos	4,963
Felicie	7,096

See footnotes at end of document.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Cypriot—Continued	
Free Trader (previous trips to Cuba—Lebanese)	7,061
*Gardenia	9,744
George N. Papalios	9,071
**Georgios C. (trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Gladiator	8,346
Herodemos	7,356
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Greek)	7,232
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Lena	7,029
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Miss Papalios	9,072
**Mitera Irini (trips to Cuba as the Soclyve—British and Maltese)	7,291
Mousse (previous trips to Cuba—Lebanese)	9,307
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Plataese	7,244
Protoklitos	6,154
Sophia (previous trips to Cuba—Greek)	7,030
Suerte	7,267
Thios Costas (previous trips to Cuba—Somali)	7,258
Tina (previous trips to Cuba—Greek)	7,362
Toula (previous trips to Cuba—Lebanese)	6,426
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
British (42 ships)	346,756
Antarctica	8,785
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Green Walrus	9,443
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
Hwang Ho	9,457
Jollity	8,819
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,820

Flag of Registry and Name of Ship	Gross tonnage
British—Continued	
Nancy Dee	6,597
Nebula	8,907
Newheath	7,643
Oceantramp	6,185
Ocean Travel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (9 ships)	62,981
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
*Ulcinj	8,602
Greek (6 ships)	39,069
**Aliartos (trip to Cuba as the Loradore—British)	8,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
Italian (5 ships)	45,780
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross tonnage
Lebanese (4 ships)	25,883
Antonis	6,259
Astir	5,324
**Ibrahim K. (trips to Cuba as the Marichristima—Lebanese)	7,124
Tony	7,176
Somali (4 ships)	23,348
Aris	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
**Marie (trips to Cuba as the Stevo—Lebanese and Somali)	7,174
French (3 ships)	6,980
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Nelle	2,874
Moroccan (3 ships)	22,354
Atlas	10,392
Marrakech	3,214
Toubkal	8,748
Panamanian (3 ships)	24,742
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avrancholse (trips to Cuba as the Avranches—French)	7,199
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

Sec. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship

a. Since last report: None.

b. Previous reports:

	Number of ships
Flag of registry (total)	128
British	45
Cypriot	8
Danish	1
Finnish	4
French	4
German (West)	1
Greek	30
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

Sec. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross tonnage
Jeb Lee (British)	7,542
Newlane (Cypriot)	7,043
Renown Trader (Panama)	4,996
Tetrarch (British)	7,300

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	21
Cypriot	27
Finnish	5
French	1
Greek	18
Italian	4
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	5
Singapore	1
South African	2
Swedish	1
Yugoslav	6
Total	132

Sec. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through March 12, 1970.

Flag of registry	1963	1964	1965	1966	1697	1968	1969						1970		Total
							Jan.–July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	
British	133	180	126	101	78	62	29	4	3	2	2	5	4	2	731
Cypriot		1	17	27	42	68	54	14	15	11	9	12	8	11	289
Lebanese	64	91	58	25	16	16	3	1						1	275
Greek	99	27	23	27	29	7									212
Italian	16	20	24	11	11	10	9	1	1	1	2	1			107
Yugoslav	12	11	15	10	14	9	4	1			1			1	78
French	8	9	9	10	10	4	2						1		53
Finnish	1	4	5	11	12	8	2								43
Spanish	9	17													26
Norwegian	14	10													24
Moroccan	9	13	1												23
Maltese		2	6	1	4	8	1								22
Somali					2	11	7								20
Netherlands		4	2												6
Sweden	3	3													6
Kuwaiti		2	1												3
Israeli			2												2
Japanese	1					1									2
Danish	1														1
German (West)	1														1
Haitian			1												1
Monaco				1											1
Subtotal	370	394	290	224	218	204	111	21	19	14	14	18	13	15	1,925
Polish	18	16	12	10	11	7		1				1			76
Grand total	388	410	302	234	229	211	111	22	19	14	14	19	13	15	2,001

NOTE: Trip totals in section 4 exceed ship totals in section 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

* Added to Report No. 103, appearing in the FEDERAL REGISTER issue of February 20, 1970.

** Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: March 23, 1970.

By order of the Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 70-3940; Filed, Mar. 31, 1970; 8:49 a.m.]

Office of the Secretary

[Department Organization Order 30-1A; Amdt. 1]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Organization and Functions

The following amendment to the order was issued by the Secretary of Commerce effective March 18, 1970. This material amends the material appearing at 34 F.R. 336 of January 9, 1969.

Department Organization Order 30-1A (formerly DO 2-A) of December 26, 1968, is hereby amended as follows:

SEC. 4. *Functions.* The following subparagraph is added:

"1. Conduct or arrange for the conduct of studies, the collection of basic data, and the performance of reviews concerned with water and related land resources planning as required of the Department of Commerce by the Water Resources Council established under Public Law 89-80 (42 U.S.C. 1962a) and within the statutory responsibilities of the Department of Commerce."

Effective date: March 18, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-3933; Filed, Mar. 31, 1970; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ATTESTING OFFICERS

Designation; Delegation of Authority To Cause Department Seal To Be Affixed and To Authenticate Copies of Documents

Each of the following employees in the Department of Housing and Urban Development is hereby designated an attesting officer and is authorized to cause the seal of the Department of Housing and Urban Development to be affixed to such documents as may require its application and to certify that a copy of any book, record, paper, or other document is a true copy of that in the files of the Department:

1. Emily A. Amor, Office of General Counsel.
2. Myrtle R. Hough, Workable Programs Branch, assistant secretary for Metropolitan Planning and Development.
3. Charles W. Jones, Project Financing Division, assistant secretary for Renewal and Housing Management.
4. Margaret McManus, Project Financing Division, assistant secretary for Renewal and Housing Management.
5. Cynthia M. Simmons, Workable Programs Branch, assistant secretary for Metropolitan Planning and Development.
6. Elizabeth D. Tihany, Office of General Counsel.
7. John F. Weaver, Office of Interstate Land Sales Registration, Federal Housing Administration.
8. Assistant Commissioner-Comptroller, Federal Housing Administration.
9. Deputy assistant commissioner-comptroller, Federal Housing Administration.
10. Mortgagee approval officer, Federal Housing Administration.
11. Chief, Liquidation Section, Office of Assistant Commissioner for Property Improvement, Federal Housing Administration.
12. Deputy Chief, Liquidation Section, Office of Assistant Commissioner for Property Improvement, Federal Housing Administration.
13. Administrator, Office of Interstate Land Sales Registration, Federal Housing Administration.

This document supersedes the designation of attesting officers published at 33 F.R. 19092, December 21, 1968, as amended at 34 F.R. 6127, April 4, 1969.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This document is effective as of February 7, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 70-3959; Filed, Mar. 31, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARLISLE CHEMICAL WORKS, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Carlisle Chemical Works, Inc., Reading, Ohio 45215, has withdrawn its petition (FAP 0H2491), notice of which was published in the FEDERAL REGISTER of January 17, 1970 (35 F.R. 638), proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of 4,4-bis-(α,α-dimethylbenzyl) diphenylamine as a preservative for food-packaging adhesives.

Dated: March 24, 1970.

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

[F.R. Doc. 70-3891; Filed, Mar. 31, 1970; 8:45 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0945) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the raw agricultural commodity peppers.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic-emission flame detector.

Dated: March 24, 1970.

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

[F.R. Doc. 70-3890; Filed, Mar. 31, 1970; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0944) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide *S*-2,3, 3 - trichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities grain, forage, and straw of barley and wheat, dried field peas and field pea forage and hay, peas and pea forage and hay, and lentils and lentil forage and hay at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a technique using a gas-liquid chromatograph equipped with an electron-capture detection system.

Dated: March 24, 1970.

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

[F.R. Doc. 70-3926; Filed, Mar. 31, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21790]

WESTERN ALASKA AIRLINES, INC., AND ALASKA AIRCRAFT LEASING CO., INC.

Notice of Postponement of Hearing

At the request of the joint applicants by letter dated March 27, 1970, the hearing in the above-entitled proceeding, now assigned for April 1, 1970, is indefinitely postponed.

Dated at Washington, D.C., March 30, 1970.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 70-4009; Filed, Mar. 31, 1970; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA-418]

PILGRIM AVIATION AND AIRLINES, INC.

Notice of Hearing

In the matter of investigation of aircraft accident involving Pilgrim Aviation and Airlines, Inc., De Havilland DHC-6, N124PM, in Long Island Sound near Waterford, Conn., February 10, 1970.

Notice is hereby given that an accident investigation hearing on the above matter will be held commencing at 0900 (local time) on April 22, 1970, in the Starlight Room No. 2 of the International Hotel, John F. Kennedy International Airport, Jamaica, N.Y.

Dated this 26th day of March 1970.

[SEAL] THOMAS K. MCDILL,
Hearing Officer.

[F.R. Doc. 70-3889; Filed, Mar. 31, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-313]

ACCEPTANCE OF LATE FILINGS DUE TO POSTAL EMERGENCY

MARCH 25, 1970.

In light of the national emergency declared by the President on March 23, 1970, regarding the disruption of mail delivery in various parts of the United States, the Commission has announced that for the duration of such emergency, it will accept, in certain circumstances, the late filing of applications, pleadings and other documents where filing deadlines are specified by the Commission's rules and regulations. The Commission stresses that such acceptance relates only to those delays caused by the postal emergency and does not apply to documents originating in those areas of the country which are, in fact, not affected by the postal emergency.

The Commission will accept the late filings of such documents in the following circumstances:

(1) In the areas where mail has been accepted by the Post Office, the documents must have been prepared, dated and placed in the mails in normal timely fashion, assuming normal delivery at the Commission's offices in Washington, D.C.

(2) In those particular areas where the government has declared an embargo on the acceptance of the mail, late filings will be accepted where they are placed in the mail immediately after lifting of the embargo and where they are accompanied by a statement of the circumstances which prevented timely submission.

(3) Where service of pleadings required by the Commissior 's rules is delayed because of the postal emergency, late filing of oppositions and replies will be accepted upon certification by the affected party of the late receipt of service. The number of days specified in the rules for the filing of oppositions and replies shall run from the date of actual receipt by the party, as certified by him in the accompanying statement.

The Commission will maintain a libral policy with respect to the granting of petitions for extension of time which can be shown to have been necessitated by the postal emergency.

Action by the Commission March 25, 1970. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox, Johnson, H. Rex Lee and Wells.

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

[F.R. Doc. 70-3929; Filed, Mar. 31, 1970; 8:48 a.m.]

[FCC 70-312]

SUBMISSION OF COMMUNITY SURVEY SHOWINGS IN CONNECTION WITH RADIO AND TELEVISION APPLICATIONS

Interim Procedure

MARCH 26, 1970.

In order to conserve expenditure of funds, time and effort in the preparation of the community needs and problems survey studies which are required to be submitted with applications for new standard, FM, and TV authorizations, and are sometimes required to meet an appropriate issue in a hearing proceeding, the Commission announces the following policy:

In the case of hearing proceedings which have been remanded for further consideration of the sufficiency of the community survey issue (e.g., James Mace, FCC 70-155, released Feb. 27, 1970), the presiding Hearing Examiner shall decide whether the challenged applicant has made a reasonable and good faith effort to satisfy the survey requirements which existed prior to the release of our decision in Camden Broadcasting Co., 18 FCC 2d 412. If the Examiner is satisfied that an adequate showing has been made in that regard, he will permit amendment of the application to comport with whatever standard may finally be announced by the Commission as the result of its determination of the pending Primer inquiry proceeding (Docket

No. 18774). Where the Examiner concludes that the filing of such an amendment is permissible, however the preparation, submission and scrutiny of such amendment will be held in abeyance until the Commission's final determination in respect to Docket No. 18774 has been announced. At that time, an amendment comporting with the Commission determination in the Inquiry proceeding will be submitted and considered in the hearing.

In respect to pending proceedings before the Hearing Examiners which do not involve a remand, but which do involve a necessity for determination of a community survey issue, and where the record has not yet been closed, the Examiner will stay further proceedings relative to a determination of that issue only, to await the announcement of the Commission's determination of the above noted Inquiry proceeding, and the Examiner will, following such announcement, permit any applicant to effect such amendment as may be appropriate to comply with the Commission's announced determination.

In respect to cases involving a community survey issue, where the record has been closed, but where no Initial Decision has yet been issued by an Examiner, the Examiner will stay the issuance of such Initial Decision and will await the final determination of the above noted inquiry proceeding. Similarly, in each case before the Review Board on exceptions to an Initial Decision involving a community survey issue, the Review Board will stay the issuance of its final Decision and will await the final determination of the inquiry proceeding. The record in such cases may be reopened and held open until the Inquiry proceeding has been terminated. At such time, the Examiner or the Review Board will entertain an appropriate motion to amend by any applicant who desires to adduce further evidence necessary to comport his showing with the Commission's announced requirements: *Provided, however*, That such applicant can demonstrate that he has theretofore put in the record a community survey showing which reflects a good faith and reasonable compliance with such survey requirements prior to the Commission's decision in Camden, cited above.

Finally, any persons who are presently preparing new applications for submission to the Commissioner for radio or television facilities should, except where required to meet deadlines or because of the danger of cutoff, refrain from filing such applications until the Commission has announced its final determination in the Inquiry proceeding, so that they may be enabled to submit applications in full compliance with the requirements then announced by the Commission. In cases where such delay in filing applications is not possible, the applicant should make a good faith and reasonable effort to comply with the standards tentatively announced in the proposed primer accompanying our notice of inquiry, and such applicant should be aware of the necessity for amendment of his application to comply with the final determination of the Commission in the inquiry proceeding when that decision is announced.

Action by the Commission March 26, 1970. Commissioners Burch (Chairman), Robert E. Lee, Cox and Wells, with Commissioner Bartley dissenting and issuing a statement in which Commissioner Johnson joined; and Commissioner Johnson dissenting and issuing a statement.[1]

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

[F.R. Doc. 70-3928; Filed, Mar. 31, 1970; 8:48 a.m.]

[Docket No. 18294; F.C.C. 70-308]

SPACE CONFERENCE OF INTERNATIONAL TELECOMMUNICATION UNION

Sixth Notice of Inquiry and Notice of Oral Presentation

In the matter of an inquiry relating to preparation for a World Administrative Radio Conference of the International Telecommunication Union on matters pertaining to the radio astronomy and space services.

1. The Commission adopted its fifth notice of inquiry in this proceeding on August 13, 1969, attaching thereto the Preliminary Views of the United States relative to the forthcoming Space Conference of the ITU, and calling for comments and reply comments on or before September 30 and October 15, 1969, respectively. In response to petitions from interested parties, those dates were subsequently extended to October 17 and October 27, 1969.

2. Comments in response to the Commission's fifth notice of inquiry were filed by the following:

Satellite Telecommunications Subdivision, Industrial Electronics Division, Electronic Industries Association (EIA-SAT).
General Electric Co. (GE).
National Academy of Sciences (NAS).
Hawaiian Telephone Co. (Hawaiian).
Voice of the Orange Empire (Orange).
American Radio Relay League, Inc. (ARRL).
National Association of Educational Broadcasters (NAEB).
American Telephone & Telegraph Co. (A.T. & T.).
Communications Satellite Corp. (Comsat).
[1a] Navsat Systems, Inc. (Navsat).
Radio Technical Commission for Marine Services (RTCM).
Aeronautical Radio, Inc., and Air Transport Association of America (ARINC/ATA).
Radio Technical Commission for Aeronautics (RTCA).
Lloyd P. Morris (Morris).

3. Reply comments were filed by Navsat*, Comsat and ARINC/ATA. On November 5, 1969, ARINC filed supplemental comments to clarify an issue apparently misunderstood by Navsat.

4. Additionally, in the interval since adoption of the fifth notice, the International Radio Consultative Committee (CCIR) of the ITU completed a series of Interim Meetings of its Study Groups and the results of those meetings, many of which are pertinent to the WARC preparatory work, are available to us. Also available are the initial reactions of a number of other administrations with respect to the Preliminary Views which, it will be recalled, were transmitted by the Department of State to its diplomatic posts in approximately 125 member countries of the ITU for consideration by the telecommunication authorities of the host governments. These several sources of comments and new informaiton permit a further refinement of our preparatory work and a number of proposals to that end will be found in the succeeding paragraphs and appendices hereto.[2]

5. EIA-SAT expressed regret that some of is suggestions had not been incorporated in the Preliminary Views but nonetheless considered the overall tentative position to be generally sound. They, like several others who filed, look forward to participating in the Government/Industry preparatory group referred to in paragraph 36 of the fifth notice. Brief comments by GE expressed similar interest in the Government/Industry group.

6. NAS and Morris, for the most part, strongly supported the proposals with respect to radio astronomy. Regret was expressed by NAS that provisions could not be made for radio astronomy in Region 2 (the Americas) similar to the 150.5-53 MHz allocation to that service in Region 1 (Europe and Africa). However, the radio astronomy community is well aware of the extremely heavy congestion of land mobile services in that band within the United States and the improbability that any portion of it could be cleared for radio astronomy in the foreseeable future. Regret was expressed also over their failure to secure any widening of the existing radio astronomy bands at 5, 10 and 15 GHz. NAS repeated, somewhat more definitively, their earlier proposal that radio astronomy be given exclusive allocations above the earth's atmosphere, totalling 25 percent of each octave between 100 kHz and 10 MHz; and on the far side of the moon, totaling 25 percent of each octave between 100 kHz and 300 GHz. NAS hopes to file specific allocation proposals in this regard in the near future. ARINC/ATA again objected to radio astronomy in the band 21980-22000 kHz but offered no new justification for their objection. Accordingly, for the reasons stated in previous notices in this proceeding, the objections of ARINC/ATA on this issue are again rejected.

7. Hawaiian, in a brief filing, drew attention to a possible future problem arising from the proposed footnote accommodation of the broadcasting-satellite

---

[1] Statements filed as part of the original document.

[1a] On Nov. 18, 1969, Navsat informed the Commission that it wished to withdraw the comments and reply comments it had filed in response to the fifth notice of inquiry.

[2] Appendices filed as part of the original document.

service in the FM broadcasting band between 88 and 100 MHz, and the inter-island common carrier fixed service in Hawaii which, by virtue of footnote NG21 to the national Table of Frequency Allocations, has exclusive access to the band 98–108 MHz. This matter will be kept in mind as the preparatory work progresses but since the problem might have several solutions, we do not propose to change the Preliminary Views on this point at this time.

8. Orange offered a philosophy rather than specific proposals for change in the International Radio Regulations which might be considered by the WARC. Orange expressed the view that direct broadcasting from space to home receivers has far less significance to mankind than the requirement for broadcasting on the various bodies of the solar system themselves. They are more concerned with service in space than with service from space back to earth. They urge as an initial step, a broadcasting service on the moon, followed in due course by other communication facilities. In the absence of specific proposals by Orange, no additional changes are contemplated as a result of their comments.

9. The remainder of the comments and new information lend themselves to treatment on a service-by-service or subject-by-subject basis and we shall proceed in that fashion.

10. *Amateur Service:* Under the existing International Radio Regulations, only one of the several frequency bands allocated to the amateur service is designated explicitly as being available for the use of space techniques. This is found in footnote 284A which states: "In the band 144–146 MHz, artificial satellites may be used by the amateur service." By implication, such satellites may not be used in other amateur bands. To remove that implication, the Preliminary Views proposed deletion of the footnote and amendment of the definition of the amateur service (No. 78) to make it clear that space radiocommunication techniques may be used in any amateur band within the limitations imposed by the Table of Frequency Allocations (e.g., regional allocation, primary status, secondary status). ARRL and Morris, the only parties filing a comment on this point, fully supported the recommendation. On the other hand, it was opposed without exception by all other administrations who commented on the proposed change. It was suggested in the alternative that a footnote similar to No. 284A be added to all amateur bands allocated to that service on a worldwide exclusive basis. Upon examination, however, one will see that this suggestion would not improve materially the lot of the amateur service since the only bands available on a worldwide exclusive basis, other than 144–146 MHz, are in the high frequency spectrum where there is little justification for the use of space techniques since long-range communications can generally be effected there by virtue of ionospheric reflection. Since no improvement can be effected without the agreement of other administrations, a compromise arrangement is offered wherein the definition of the amateur service would be retained as it now appears in the Radio Regulations but a footnote similar to No. 284A would be added to a number of amateur bands above 28 MHz. These bands and the proposed new footnote are set forth in an appendix hereto.

11. International opposition to this overall proposal is based on its potential for harmful interference. For example, the frequency band 50–54 MHz is allocated exclusively to the amateur service in Regions 2 and 3. In Region 1 (Europe and Africa), however, the band is allocated to services other than amateur. At this order of frequency, virtually no directivity can be expected of antennas aboard satellites and all portions of the earth visible from an amateur satellite would be subjected to signals from it. To date, no satellites used by the amateur service have been stationary. How then, administrations ask, can there be assurance that signals from such satellites will be confined to Regions 2 and 3? If interference occurs to other services in Region 1, how and by whom will it be rectified? In higher bands, allocated to the amateur service on a worldwide but secondary basis, a similar question arises. In this latter case, it is obvious that power flux density limits should be imposed at the outset to preclude harmful interference to the services using those bands on a primary basis. To gain a good measure of acceptance by other administrations, it is probable that such a limit would need to be on the order of -152 dbW/m^2 in any 4 kHz band for all conditions and methods of modulation. If such a limit were imposed also in bands such as 50–54 MHz for nonstationary satellites, it would minimize the probability of harmful interference to other than amateur services in other regions.

12. Comments are solicited, therefore, with respect to the feasibility of applying space techniques in the amateur service in the following frequency bands if the above power flux density limit (or an acceptable alternative) were imposed:

50–54 MHz (Exclusively amateur, Regions 2 and 3).
46–148 MHz (Exclusively amateur, Regions 2 and 3).
223–225 MHz (Amateur and Radiolocation share coequally in Region 2).
420–450 MHz (Amateur has secondary status in Regions 2 and 3).
1215–1300 MHz (Amateur has worldwide secondary status).
2300–2450 MHz (Amateur has worldwide secondary status).

13. Broadcasting-Satellite Service: As indicated in paragraph 7 above, Hawaiian commented with respect to the proposed accommodation of the broadcasting-satellite service in the band 88–100 MHz. No other comments filed were directed specifically to this matter. Thus far, this proposal has been opposed by a number of foreign administrations and supported by none.

14. With respect to the question of sharing, certain pertinent conclusions are found in a document prepared jointly by CCIR Study Groups X and XI, dated September 15, 1969, at the Geneva Interim Meeting (Doc. X/276-XI/264). It states that, if a broadcasting-satellite service is to be established, exclusive allocations would be required at either VHF or UHF, because of the infeasibility of sharing with terrestrial stations, unless one or more of the following conditions could be accepted.

(a) Considerably lower protection ratios for terrestrial broadcasting than those recommended by CCIR;

(b) The use of field strengths by the broadcasting-satellite service which are considerably lower than those required for terrestrial broadcasting;

(c) Power flux density limitations placed on emissions from either satellite and/or terrestrial broadcasting stations within areas where interference may occur, noting that a satellite may produce interference over geographical areas of continental size; and

(d) Confinement of the potential zone of coverage for the broadcasting-satellite service to those areas where emissions from cochannel and adjacent-channel terrestrial stations do not presently exist and where the satellite service could be protected from interference due to terrestrial stations that might be installed in the future (primarily rural or sparsely settled areas).

15. ARINC/ATA and RTCA repeated their earlier comments to the effect that, prior to the resolution of issues in the Commission's Docket No. 18262, it would be premature to make any provisions for the broadcasting-satellite service at UHF in the frequency range 614–890 MHz.

16. Comsat, on the other hand, finds the Commission's proposed treatment of this matter inadequate on several counts and continues to propose that specific allocations be made for the service. They would prefer: (a) That the band 800–806 MHz be allocated exclusively to the broadcasting-satellite service in the continental U.S., Hawaii, and Alaska; (b) that a footnote be added to the table to provisionally allocate 788–806 MHz (in Region 2) and 783–806 MHz (in Regions 1 and 3) to the broadcasting-satellite service; and (c) that a footnote be added to the band 470–806 MHz to indicate that the broadcasting-satellite service may be authorized in this band for television broadcasting subject to agreement among administrations concerned. At the very least, Comsat considers it essential that the Commission's proposed footnote accommodation be modified to read as follows:

> The broadcasting-satellite service also may be authorized in this band for television broadcasting, subject to agreement among administrations whose territories are affected.[a]

17. Morris questions the desirability of using broadcasting-satellite space stations for either educational or general

[a] Territories affected would be defined by Comsat as areas on the surface of the earth where transmissions from a broadcasting satellite space station would produce a power flux density in excess of "X"dBW/m^2, with "X" as yet undetermined but under study.

public purposes for fear that they will usurp frequencies now used by terrestrial broadcasters and suggests that a comprehensive system analysis be undertaken prior to any decision to implement a broadcasting-satellite service.

18. NAEB incorporates by reference its comments in response to the third notice of inquiry and says, in essence, that it has always argued for continued and expanded UHF-TV reservations for educational purposes. To that end, it is concerned that decisions by the Commission in Dockets Nos. 18261 and 18262 may hamper or prevent full development of a land-based educational television system. For that reason NAEB wants the Commission to conclude those proceedings before reaching firm decisions in this proceeding to insure that adequate provision is made to compensate for losses to educational television that might result in Dockets Nos. 18261 and 18262. NAEB invites attention to RCA's earlier suggestions that frequency bands be allocated for "community-type" reception, as opposed to direct-to-the-home reception, and to Comsat's proposal for exclusive UHF channels for the broadcasting-satellite service. NAEB recommends that the Commission examine the merits and demerits of the RCA and Comsat proposals in light of Dockets Nos. 18261, 18262, and 16295 (dealing with a domestic satellite system) or else go to a new rule-making proceeding to explore the interrelationship between space and terrestrial broadcasting systems, which could also determine the appropriate amount of spectrum space to be allocated to the broadcasting-satellite service.

19. NAEB suggested also that consideration be given to the so-called 1966 Summer Studies of the National Academy of Sciences/National Research Council which urged early allocation of the following to the broadcasting-satellite service: a) 108 MHz for FM direct broadcasting; b) 470–890 MHz for direct-to-home broadcasting (possibly restricted to the upper end); 2500 MHz for educational television and other public television services; 12,000 MHz for distribution; and bands at 18 and 35 GHz which may have important future uses. NAEB urged that any allocations in these bands be on an unrestricted basis without regard to any prior concepts as to what percentage should be "reserved" for educational purposes.

20. Internationally, the frequency band 11.7–12.7 GHz is allocated coequally, on a worldwide basis, to the broadcasting, fixed and mobile services. The fact that the band is allocated, at least in part, to the broadcasting service has led both national and international proponents of the broadcasting-satellite service to examine the adaptability of the band to the broadcasting-satellite service and a number of proposals have evolved therefrom. It will be noted that NAS/NRC in the paragraph above, recommended the use of the band for the distribution of television program material. Various reports and recommendations of the CCIR look to this band initially for program distribution and ultimately for broadcasting from satellites to at least "community-type" receiving centers and hopefully in the future to home receivers. Separate and apart from CCIR considerations, it is clear that the telecommunication authorities concerned with administrative matters in many countries are looking to this band for the accommodation of the broadcasting-satellite service. For example, many of the countries with which the Preliminary Views have been discussed were less than enthused about the thought of using the UHF-TV band for accommodating the broadcasting-satellite service but they agreed to study the question further on the understanding that the United States would undertake a similar study of the band 11.7–12.7 GHz.

21. There has been considerable discussion, both nationally and internationally, with respect to the definition of the broadcasting-satellite service and whether it is sufficiently broad to cover the quasi-broadcasting situation represented by the use of community receiving centers to bring satellite broadcasting to the general public. Study Groups X and XI, and subsequently Study Group IV of the CCIR, at the recent interim meetings in Geneva attempted to resolve this issue by suggesting in Docket IV/454 (which evolved from Doc. X/274–XI/262) a provisional definition of the term "community reception" to make it clear that such use was embraced by the broadcasting-satellite service. This concept is followed in the appendix hereto dealing with proposed changes in definitions.

22. Having summarized the various inputs available, it is appropriate to weigh them objectively and to reach some conclusions as to the next step in developing a position relative to the broadcasting-satellite service. The arguments of ARINC/ATA and RTCA that decisions in this proceeding must await the resolution of issues in Docket No. 18262 are not found persuasive. They have proposed in that docket that 22 of the 115 MHz of spectrum space at issue be allocated to the aeronautical mobile (R) service, i.e., 806 to 947 MHz less 26 MHz which will be allocated to the Government radiolocation service. In the instant proceeding, accommodation of the broadcasting-satellite service has been proposed by a footnote covering the band 614-890 MHz, subject to agreement among the administrations concerned. While there is some overlap in the bands concerned, the proposals themselves are not mutually exclusive.

23. Comsat has commented to the effect that the Commission has not given sufficient rationale for dismissing many of Comsat's proposals or in support of the Commission's own proposals. As to the use of the UHF-TV band for satellite broadcasting, they state: "* * * Comsat has made proposals which present no obvious conflict with existing services. It seems inappropriate that these proposals be rejected solely on the basis of excerpts from a vaguely worded U.N. report without specifically commenting on the problems requiring the proposed action." As noted in paragraph 16 above, Comsat proposed that the band 800–806 MHz (UHF-TV channel 69) be allocated exclusively to the broadcasting-satellite service in the continental United States, Hawaii, and Alaska, but offered no rationale for such a proposal. It would be illogical for the United States to put forward such a proposal internationally, for several reasons.

24. Since a standard-width TV channel is proposed, and there is no explanatory information to the contrary, it is assumed that Comsat contemplates a standard amplitude-modulated TV transmission, to serve conventional home receivers. This would require a signal level at the surface of the earth comparable to that provided by terrestrial broadcasters. This in turn means that Channels 68 and 70 (being adjacent to 69) would be unusable in all areas served by the satellite, i.e., throughout the continental United States, Hawaii and Alaska. Further there is no explanation as to how these areas could be served without, at the same time, impacting on Canada's and Mexico's use of Channel 69 and those same adjacent channels. This point, however, could be a matter of agreement with the "administrations concerned". If our assumption as to Comsat's intention is correct, within what time-frame could implementation be expected, assuming it were economically viable? Turning to the "vaguely worded" U.N. report referred to by Comsat, it should be noted that it did not foresee direct TV broadcasting to unaugmented home receivers during the period 1970–85. This time-frame represented the considered judgment of NASA experts, based on the transmitter power required, the payload weight entailed and foreseeable booster developments. While this estimate may turn out to be unduly pessimistic, the Commission sees no merit in requesting the Space WARC to freeze the use of spectrum space for a period which will, in any event, be lengthy.

25. Also proposed by Comsat was the "provisional" allocation 788–806 MHz (in Region 2) and 783–806 MHz (in Regions 1 and 3) wherein administrations would be requested to make no further terrestrial broadcasting station assignments. Looking first to Region 2, before suggesting to other administrations of the region that they discontinue the assignment of terrestrial stations in this band we must ask ourselves whether this proposal is based on a firm determination of our requirements for satellite broadcasting in the UHF band. We, of course, have not yet established what our national requirements are, and it is illogical and may be futile to ask other Region 2 countries to adopt a proposal which may have little relationship to our ultimate objectives. As for proposals dealing only with Regions 1 and 3, it would appear somewhat inappropriate for a Region 2 administration to suggest what their needs might be. It is the responsibility of administrations in other ITU Regions to determine the needs of

those areas and to advance proposals accordingly.

26. Comsat has suggested also that the footnote proposed by the Commission for the potential accommodation of the broadcasting-satellite service in the band 614–890 MHz be modified to call for agreement among only those administrations whose territories are subjected to a power flux density in excess of an as-yet-undefined "X"dbW/m². Despite Comsat's concern on this point, it may well be that "X"dbW/m² is but one of several points which would be necessary for "agreement among the administrations concerned" as suggested in the Commission's proposal and, accordingly, we are not disposed to adopt Comsat's proposal for a change.

27. As mentioned earlier, many administrations have expressed interest in allocating all, or a portion of the frequency band 11.7–12.7 GHz to the broadcasting-satellite service and/or to the communication-satellite service with the latter limited to program distribution, with the thought that the latter might evolve from a distribution service, to a server of community-type reception centers, to a direct-to-the-home broadcasting service. There appears to be merit in such suggestions insofar as part of the band is concerned. In the lower half, 11.7–12.2 GHz, the Commission has but a handful of licensees operating something less than 200 units for mobile TV pickup, rendering a common carrier service to TV broadcasting stations on a sporadic, case-by-case basis. There are other bands in which these functions could be accommodated now or following appropriate rule-making. On the other hand, the upper half of the band, 12.2–12.7 GHz has well over 500 microwave fixed assignments today which could be accommodated elsewhere only at appreciable cost and which could not be subjected to power flux densities of an order necessary to render either a community-reception type of service or, ultimately, direct-to-the-home satellite broadcasting.

28. There is little doubt that the broadcasting-satellite service will be one of the most controversial subjects to be treated by the Space Conference. Many countries have indicated great concern about the implementation of a broadcasting-satellite service unless and until some means can be found to keep unwanted programs from being delivered to their citizens. "Cultural imperialism" and copyright infringement are but two of the many fears expressed.

29. The issues mentioned in paragraph 28 of course need not, and cannot, be dealt with immediately. The technology of direct broadcasting of television programs by satellite is still at an early stage of development. The general prediction is that the transmission by satellite of television programs to ordinary home receivers is some 15 years away. This prediction may be too conservative, since technological developments have a way of outrunning initial predictions. However, it is clear that this type of broadcasting cannot become a reality in the very near future. In addition, we must of course take note of the increasing use of wire systems for the delivery or partial delivery of television programs within the United States. There are unresolved questions concerning the place a broadcasting satellite service would take in our national communications system. These questions, as well as the questions, relating to international satellite broadcasting, must be fully explored so that we can eventually reach an informed decision based upon consideration of all relevant factors.

30. At the present time, in view of the unavoidable uncertainty as to the future, we believe that the best course is to insure that we do not foreclose the possibility of using satellites for direct broadcasting. Our proposal therefore is to recommend provisions for such a service in the International Radio Regulations, so that it can be accommodated if the national interest so dictates. On this basis, and at this point in time, no change is proposed with respect to the position set forth earlier in the Preliminary Views insofar as the broadcasting-satellite service is concerned except for the following two additional proposals, the details of which are contained in an appendix hereto.

(a) 11.7–12.2 GHz shared coequally by the communication-satellite service (limited to TV program distribution only) and the broadcasting-satellite service; and

(b) appropriate definitions with respect to the broadcasting-satellite service and space stations in that service and with respect to community-type reception centers.

31. *Communication-Satellite Service:* Comments with respect to this service were received from Comsat, A.T. & T., Morris, and several other administrations. Comsat supported the proposed allocation of the bands 2150–2200 MHz (down) and 2500–2550 MHz (up) to the communication-satellite service for demand-assignment-multiple-access (DAMA) systems for use in remote areas. They did, however, question the need for specifying the direction of transmission in these as well as other bands. A.T. & T. did not oppose the allocation of this pair of bands but reserved its position on two points pending clarification: (1) A definition of "remote areas"; and (2) the sharing criteria to be applied inasmuch as A.T. & T. operates a tropospheric scatter system on 2150 and 2190 MHz from Florida to the Bahamas. They note also that the return circuit operates on 2030 and 2070 MHz and may have an impact on operations contemplated by the proposed footnote No. 356AB, i.e., earth-to-space transmissions in the space research and earth sciences satellite services in the band 2025–2120 MHz. Morris supports the proposal so long as adequate protection is afforded the instructional television fixed service (ITFS) in the frequency band 2500–2690 MHz.

32. The generally favorable national reaction to the above proposal was not echoed in the comments received from other administrations. Because of extensive microwave systems in the range 1700–2300 MHz throughout Europe and in parts of Region 2, other administrations expressed strong opposition to that portion of the proposal dealing with 2150–2200 MHz. As an alternative, they suggested that consideration be given to a comparable amount of spectrum space within the frequency band 1435–1535 MHz which, within the United States, is committed heavily to aeronautical telemetering.

33. Initially, the alternative suggested above appeared promising for a number of reasons. It is expected, for example, that whereas earth stations associated with DAMA systems would be located in Alaska, they would not be permitted within the 48 conterminous States. Insofar as Commission licensees are concerned, ground based installations associated with aeronautical telemetering are all located within the 48 States. If one then assumed that aeronautical telemetering involved only air-to-ground transmissions, there could be no interference to the system from earth-to-space transmissions in the communication-satellite service so long as there was adequate geographical separation between the transmitting earth station and the ground-based receivers of aeronautical telemetering. The separation between Alaska and the closest of the 48 States would be adequate for that purpose. However, the band is shared jointly by Government and non-Government users and Government installations are not limited to the 48 States. Further, telemetering associated with missile development is also accommodated in this band. Because of the high speeds and exended ranges of aircraft and missiles now under development, it is becoming more and more common to employ air-to-air and air-to-ground relaying of telemetering data and to transmit corrective commands directly or by relaying from the ground to the vehicle undergoing tests. As a result, the receivers of aeronautical telemetering are no longer confined to the surface of the earth and hence no longer immune to interference from earth-to-space transmissions. Space-to-earth transmissions in this band would be equally unacceptable because of the probability of mutual interference.

34. In light of the above, it appears necessary for the United States to continue to support the proposal set forth in the Preliminary Views but possibly reversing the "up" and "down" paths. It must be assumed that transmissions in the "down" band will be power flux density limited to preclude interference to terrestrial systems, regardless of which of the two bands is used for that purpose.

35. The Preliminary Views proposed that the frequency bands 6625–7125 MHz and 11.7–12.2 GHz be allocated as down- and up-links, respectively, for the communication-satellite service, sharing coequally with those services to which the bands are now allocated. A.T. & T. expressed concern about the possible difficulties of sharing with mobile stations in each of the bands and suggested, since all sharing to date has been in common carrier bands, that the burden be borne in part by private microwave users above

12 GHz. Comsat supported the allocation of both bands but again questioned the desirability of designating the direction of transmission. In reply comments directed at A.T. & T.'s concern about mobile stations in the band 6625–7125 MHz, Comsat expressed the view that sharing is feasible because fixed operations in the band have developed to the point where earth stations in the communication-satellite service will have to be sited away from population centers and consequently away from areas in which mobile TV pickup stations would normally be employed. The Commission shares that view.

36. With respect to the band 11.7–12.2 GHz, Comsat originally proposed sharing by the communication-satellite service in this part of the spectrum but they now propose that it be allocated exclusively to that service without restriction as to the direction of transmission, and that arrangements be made "* * * to phase out existing licensees over a reasonable time period." In support of that view, Comsat comments offer the following:

It now appears that an exclusive band below 15 GHz should be allocated to the communication-satellite service for the following reasons:

It is essential for the development of the space services that one frequency band be exclusively allocated at a sufficiently low frequency to preclude the necessity for the use of earth station diversity (i.e., below 15 GHz).

Exclusivity will eliminate the need for extensive terrestrial interconnect facilities (which usually place further burdens on the spectrum).

* * * The exclusive allocation of this band would permit transmission directly to and from major cities. This band could also be used for reception on a regional basis. It would allow the establishment of systems to satisfy various domestic requirements, including television distribution, when the allocated 4 and 6 GHz bands become saturated.

37. As noted in paragraph 30 above, the Commission is in sympathy with the view that the band 11.7–12.2 GHz should be allocated exclusively to space services. However, it is now proposed that it be used as described in paragraph 30, for downward transmission only, shared coequally by the broadcasting-satellite service and the communication-satellite service, with the latter limited to the carriage of television program material for distribution. Any decision with respect to the present occupants of the band will be dependent upon agreements reached at the Space Conference and such subsequent rulemaking as might be appropriate. As a consequence of the preceding, it then becomes necessary to provide a different "up" band (in place of 11.7–12.2 GHz) to pair with 6625–7125 MHz, which is not limited to program distribution. The band 12.2–12.7 GHz is proposed for that purpose. Since Comsat has assumed that earth stations in the band 6625–7125 MHz would necessarily be located away from population centers to avoid harmful interference from fixed stations, colocated transmitting earth stations in the band 12.2–12.7 GHz would be similarly removed from areas within which they might cause harmful interference to terrestrial microwave stations. Some administrations would prefer the up-band at 12.75–13.25 GHz but this band would be received at the satellite, which would transmit at 6625–7125 MHz. Its second harmonic would occur at 13.25–14.25 GHz and, with no physical separation, could impair the receiver efficiency.

38. Some administrations have expressed opposition also to the use of the band 6625–7125 MHz as a communication-satellite service down-band on the grounds that they use that band to feed their individual earth stations. They suggest that all or part of the 10.7–11.7 GHz band be used as a down-band in lieu of 6625–7125 MHz. However, within the United States, 10.7–11.7 GHz has become the band normally used to pass traffic to and from our several earth stations. This use would preclude the use of the band in the communication-satellite service at all of our several earth stations.

39. A.T. & T. supported without reservation the proposed allocations between 17.7 and 40 GHz with respect to the terrestrial microwave fixed service and the communication-satellite service. Comsat, on the other hand, considered the proposed arrangement of shared and exclusive bands to be unwarranted, unexplained and unasked for by the interested parties and requested the Commission to reconsider the decisions taken in the fifth notice of inquiry. In their view, the proposed use of this part of the spectrum should be as follows:

17.7–21.2 GHz	Communication-Satellite.
21.2–23.6	Fixed and Mobile.
25.25–27.8	Fixed and Mobile.
27.8–31.3	Communication-Satellite.

40. The fifth notice of inquiry stated in its opening paragraph that it would deal with comments responsive to both the third and fourth notices. A.T. & T., in response to the third notice, filed 17 pages of comments devoted almost entirely to the need for exclusive, or at least shared space above 17.7 GHz for use by the terrestrial microwave fixed service. A copy of those comments was sent by A.T. & T. to Comsat as well as to all others who had filed previously in this docket. The Commission found A.T. & T.s arguments persuasive for sharing in part of the bands previously proposed exclusively for the communication-satellite service, particularly since there are now no operational systems in those bands and both of the sharing services would be starting from scratch. System designers of each can thus take the other into account from the outset. It should be noted also that Comsat's arguments for sharing were found equally persuasive in bands below 17.7 GHz where additional provisions for their service had been denied earlier in this proceeding. Clearly, sharing was requested by interested parties above 17.7 GHz and, in the Commission's view, fully warranted despite Comsat's assertions to the contrary. Accordingly, the Commission does not agree with Comsat that the Preliminary Views should be modified with respect to proposals in the frequency range 17.7–40 GHz.

41. The communication-satellite service now uses the 4 GHz band from space-to-earth and the 6 GHz from earth-to-space. Comsat had proposed earlier that transmissions also be permitted in the reverse direction in each of these bands and, in response to the fifth notice, invited attention to a document dealing with the feasibility of that technique, prepared for introduction in the CCIR by U.S. Study Group IV. The Commission's fifth notice rejected the proposal insofar as these two bands are concerned because it would preclude "the colocation of earth stations using the bands in the opposite directions and would result in establishment of a number of additional protected areas in the heavily used 4 and 6 GHz bands from which common carrier terrestrial systems would necessarily be excluded to prevent mutual harmful interference." A.T. & T. supported the Commission on this point. Further, in discussions with other administrations on this point, there appeared to be general agreement with the Commission's view. The additional comment was made by one geographically small country that now operates an earth station, that it probably could not site a second earth station sufficiently far from the existing earth station to take advantage of the "reversal". Accordingly, we propose no change in the transmission directions specified or implied for the various frequency bands in the Preliminary Views, at this time.

42. The fifth notice invited comments on how best to accommodate the up-link necessary to feed program material from earth to a satellite for retransmission to the general public, from that same satellite, in a band allocated to the broadcasting-satellite service. Page 7 of the Preliminary Views offered two possible solutions: 1) modification of the definition of the communication-satellite service to explicitly include the function; and 2) accommodate the function by a permissive footnote on certain selected bands allocated to the communication-satellite service, without redefining that service. A.T. & T. opposed both 1) and 2) and, characterizing the up-link as no more than an elongated studio-transmitter-link (STL), proposed that it be accommodated in bands now allocated nationally for use by terrestrial TV–STL stations. In its reply comments, Comsat rebutted A.T. & T.'s counter-proposal and expressed preference for solution 1) above. Morris, on the other hand, prefers 2) as the "lesser of the two undesirables" if a choice must be made now. Although a few administrations have expressed a preference for 1) and none have opposed it, it appears best to hold any decision in abeyance pending further study.

43. Allocations above 40 GHz: As noted earlier, NAS supported proposals with respect to radio astronomy and passive radiometric and space research observations in this portion of the spectrum. ARINC/ATA offered a counter-proposal with respect to each of the several bands

above 40 GHz in the Preliminary Views recommended for coequal sharing by the aeronautical mobile (R), aeronautical radionavigation, maritime mobile, and maritime radionavigation services. ARINC/ATA, following their standard position that aviation and marine services must have separate bands, recommend that each of the above-mentioned bands be divided into four equal parts, with parts 1 and 3 allocated for aeronautical use of space techniques and parts 2 and 4 allocated similarly for maritime use. The ARINC/ATA approach would preclude the use of joint aeronautical/maritime systems regardless of how advantageous such systems might be. The proposal in the Preliminary Views would permit joint systems or separate systems in different parts of the same band. Since too little is known at this point in time as to how the bands can best be exploited, and since there appears to be no logical or technical rationale therefor, the ARINC/ATA proposal is not adopted.

44. A.T. & T. recognized that the Preliminary Views are concerned primarily with space needs but they expressed concern at finding terrestrial services proposed only in those bands where sharing with space services was proposed. No bands were proposed for terrestrial services alone. A.T. & T. stated that it is continuing to study the frequency spectrum needs for common carrier use between 40 and 300 GHz and is of the opinion that some of the bands not mentioned in the Preliminary Views should be allocated for such use. A.T. & T. does, however, support the proposed sharing of the bands 54.25–58.2 and 59–64 GHz and believes that 105–130 GHz holds promise even though less desirable than the lower bands. In its view, 170–182 and 185–190 GHz may prove less desirable for terrestrial uses because of the highly variable losses produced by the variability of water vapor content.

45. In response to A.T. & T.'s expressed concern about the paucity of allocations to terrestrial services above 40 GHz in the Preliminary Views, it must be pointed out that the Space WARC is a limited-agenda conference, not competent to make allocations to services other than radio astronomy, space services and terrestrial services using space techniques. Accordingly, there is a question in the minds of some administrations with which discussions have been held as to the legality of proposing even the few terrestrial allocations found in the Preliminary Views above 40 GHz. The intent of the Preliminary Views was to indicate that, because of the isolation afforded by the atmosphere in those frequency bands proposed for space-to-space operation, sharing with terrestrial fixed and mobile services would be both feasible and desirable. It may be that the Conference will accept consideration of such sharing only by means of a footnote to the Table of Frequency Allocations or by means of a resolution. Consideration is now being given to those alternative approaches.

46. Data Relay: On this issue, Comsat expressed considerable concern, stating for example, "* * * the Commission has made decisions on new types of services which appear to predetermine basic policy issues with respect to whether such services should be provided by the public or private sector without either an opportunity for comment or a full analysis of the problem. An example of this is the Commission's dismissal of Comsat's proposal to allocate frequencies for data relay on the grounds that such services were tentatively planned to be developed by the U.S. Government in frequency bands for which the FCC was proposing allocations." In this regard, it is again emphasized that proposals in the Preliminary Views represent the joint views of the FCC and the OTM, rather than those of FCC alone. Provisions therein for earth resources satellites and meteorological satellites evolved from the proposals of agencies traditionally charged with the responsibility of gathering, processing and disseminating on a national or global basis data relating to various earth sciences. Among the agencies participating directly were NASA, Department of the Interior, U.S. Coast Guard, and Department of Commerce.

47. Comsat's proposal contemplated the transfer of data from remote stations to a central collection point by satellite relay with the link between satellite and user being established on an intermittent basis, with a low duty cycle for each user, and the user transmitter being turned on by command via satellite. In their opinion: "Potential applications of the data relay service include: meteorological; hydrological; oceanographic; geophysical; forestry; oil; and gas and other utilities." They proposed a 100 kHz band anywhere in the 137–138 MHz band for the down-link, and a 100 kHz band in the 400.05–402 MHz band for the up-link, plus a 1 MHz band for the down-link in or near 1540–1560 MHz and a 1 MHz band for the up-link in or near 1640–1660 MHz, all on an exclusive basis.

48. RTCM noted that no provision had been made for remote interrogation and acquisition of environmental data by satellites below 1670 MHz. While supporting the need for frequencies for the earth sciences satellite service above 1670 MHz, they urged further investigation of the usefulness of such frequencies for the acquisition of environmental data. RTCM also stated they recognize the requirement for frequencies below 500 MHz alluded to in the footnote on page 13 of the Preliminary Views, reading as follows:

> A possible requirement for two narrow bands of frequencies (approximately 1 MHz each) in the order of 400–402 MHz for use with buoys and other relatively small sensor platforms is being investigated.

49. A number of problems present themselves here. System planners concerned with meteorological and earth resources satellites have not yet concluded that frequencies below 1670 MHz are required for remote interrogation and acquisition of data. Those concerned with frequency management matters are not yet persuaded that space systems' needs for frequencies on an exclusive basis below 2 GHz for the acquisition of such data are necessarily more compelling than those of terrestrial systems which would have to be displaced in their favor. In light of this situation, no merit is seen in attempting to allocate a second family of frequency bands to meet Comsat's proposal to collect essentially the same kinds of data contemplated by Government systems now planned. If the Space WARC allocates bands of frequencies for the types of systems being discussed, non-Government claimants for the use of such bands for data collection will have ample opportunity to present their case in the rule-making processes that ensue looking toward national implementation of the conference's decisions.

50. Aeronautical and Maritime Use of Space Techniques: A number of comments and reply comments under this heading were filed with respect to Navsat's proposal. However, in light of Navsat's subsequent withdrawal of its filings, the issue is moot and will not be treated further in this document.

51. Other comments under this general heading were filed by ARINC/ATA, RTCA, RTCM, and Comsat. ARINC/ATA found their "* * * responses to the four previous Notices of Inquiry in this proceeding apply with equal force to the consolidated proposals set forth in the instant Notice and the Preliminary Views of the United States of America. These earlier comments of ARINC and ATA are therefore incorporated by reference into the present Comments." Their comments were said to apply not only to the currently allocated aeronautical bands available for the use of space techniques but also to the bands above 40 GHz. (On this latter point, attention is invited to paragraph 43 above.) In response to the fifth notice, they argue that some of their comments were not understood and, as a result, the Commission was not properly responsive to the wishes of the aviation community.

52. ARINC/ATA state in regard to paragraph 27 of the fifth notice, that "* * * the Commission has entirely ignored a most pertinent portion of ARINC/ATA's response to the third notice of inquiry in this proceeding, concerning our recommendation for a new footnote 273A." They would delete the existing No. 273A and replace it with a footnote reading as follows:

> In the band 117.975–132 MHz and in the band 132–136 MHz, where the aeronautical mobile (R) service is authorized, the use and development of systems using space communication techniques is authorized for this service. Such use and development shall be subject to coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

The net effect of this change is to delete a phrase stating that such use and development shall be "* * * limited initially to satellite relay stations of the aeronautical mobile (R) service." RTCA, and ARINC/ATA in their reply comments, considered this change necessary to insure that requirements contained in "U.S. International Policy Guidance with

Respect to Aeronautical Telecommunications Services Via Satellites" were recognized in the preparatory work for the Space WARC.

53. ARINC/ATA concluded some years ago that a concerted effort should be made to initiate the use of space techniques by aviation in the band in question, on the strength of footnote No. 273A of the International Radio Regulations. That note clearly calls for "coordination between administrations concerned and those having services operating in accordance with the Table, which may be affected." To date, efforts by ARINC/ATA to achieve such coordination have been to no avail. This is particularly true in the North Atlantic area where Canada, France and the United Kingdom have consistently opposed their efforts. Nationally, the Interagency Group on International Aviation (IGIA)—wherein the Commission has only observer status—at the urging of ARINC/ATA, adopted the document referred to in paragraph 53 above, calling for U.S. Delegations to forthcoming conferences to press for an early VHF areonautical satellite. On October 10, 1968, in reply to a request from IGIA for its views on the international policy document, the Commission responded as follows:

> Although no outright objection is raised at this time to adoption of the subject paper by IGIA, it is our belief that the VHF route to introduction of aeronautical telecommunications satellites for operational use is both difficult and unfortunate from the frequency management point of view. The reasons for this are well known and therefore not repeated in this brief note. For this reason, it is recommended that the subject paper be adopted, and its policies perpetuated, only so long as the Federal Aviation Administration at the highest possible policy-making level, affirms and continues to affirm that there is a substantial, immediate and continuing operational requirement for the subject VHF satellite service.

54. Again, it is important to stress that the Preliminary Views is a document formulated and concurred in jointly by the Commission and the Director of Telecommunications Management (DTM). The DTM concurrence followed the unanimous recommendation of the Interdepartment Radio Advisory Committee (IRAC), the membership of which includes FAA and the Department of State. We do not propose at this time to recommend to the Space WARC any change in footnote No. 273A, noting that this matter is somewhat controversial and is subject to further discussion at the conference itself.

55. Comsat offered no proposal with respect to the band 117.975–136 MHz but noted that preliminary results of tests with NASA's ATS satellite to determine the feasibility of radiodetermination using the VHF bands with geostationary satellites, while not conclusive, appear promising. In their view, as the experiment progresses, it may be desirable to reconsider the modification of No. 273A since a VHF ranging function using a single communication channel may prove to be both technically feasible and operationally desirable for air traffic control surveillance and/or other radiodetermination applications. They note also that the most advantageous first generation mobile satellite service would possibly be one accommodating both aeronautical and maritime needs in a common satellite. Further, since proven designs of satellite components, particularly antennas, do not yet exist to provide the necessary bandwidth (30 percent) to cover both the areonautical and maritime mobile VHF bands, sharing of common bands could be advantageous, at least on an interim basis. They then conclude that modification of the table at this time may not be justified to accommodate such an interim arrangement.

56. RTCM supports the proposed use of 156.4–157.4 and 173–174 MHz for the maritime mobile use of space techniques but continues to urge secondary status for aeronautical users in those bands and secondary status for maritime users in the 117.975–136 MHz aeronautical band. RTCM argues that if maritime access to the latter band is not permitted, it likely will be many years before the benefits of satellite communications can be made available to the maritime community. With respect to the last point, it must be recognized that no change in the Radio Regulations adopted by the Space WARC is likely to enter into force prior to about January 1, 1973. The conference will begin on June 7, 1971 and run for 6 or 7 weeks. Typically, the Final Acts of a conference do not become effective until 14 to 18 months after its conclusion so that administrations will have ample time to complete their various ratification processes. Accordingly, for the reasons cited in paragraph 54 above, it would be inappropriate to propose modification of No. 273A to afford secondary status to the maritime mobile service in the aeronautical band. Similarly, since at least ARINC/ATA are planning on taking advantage of the existing footnote No. 273A, there is no apparent benefit in offering secondary status to aviation in the bands 156.4–157.4 and 173–174 MHz.

57. There is general agreement that the band 1535–1664 MHz should accommodate both aeronautical and maritime users of space techniques but there are several variations on how it might be accomplished. Comsat, ARINC/ATA and RTCM argue that there should be a common translation frequency between those band segments in which aviation and marine, respectively, have primary status. It is not necessary, however, to modify the Preliminary Views on this point. There is no certainty that either service alone will implement a system using space techniques in this band. Therefore, there is little point in proposing an international change for the sake of symmetry if the end result is no more than the subdivision of a contiguous band that is now available to a single interest, the aeronautical service. If a joint system develops, the matter of primary versus secondary is immaterial; if separate systems develop, the need for commonality is moot.

58. RTCM and ARINC/ATA expressed the view that it was premature to specify the direction of transmissions when employing space techniques in this band. We do not support that view, however. The directions proposed in the Preliminary Views are predicated on technical studies to determine how best to accommodate on the same airframe equipment for the space techniques discussed herein, a collision-avoidance system (CAS) now under development and a newly developing glide-slope portion of the instrument landing system, all of which were treated in the Commission's Docket No. 18550. In the absence of persuasive technical arguments to the contrary we do not agree that the direction of transmissions should be changed or left undecided.

59. ARINC/ATA again argue for a complete separation of services in the allocation proposals, giving each primary allocations of its own with no secondary accommodation of the other. However, there is no way of knowing at this time whether, at the time of implementation, it will be more advantageous to have a joint system or separate systems and there is little merit in inhibiting flexibility merely to meet the point of principle voiced by ARINC/ATA. Comsat's reply comments are particularly pertinent in this regard, wherein they make the observation that different services can share the same band without necessarily sharing the some communication channels within that band. Accordingly, ARINC/ATA's proposals in this regard are again not adopted.

60. Comsat states that it continues to seek assurance that it is the Commission's intention to propose that the bands 1535–1557.5 and 1637.5–1660 MHz be allocated for both communications and radiodetermination purposes on the links between ground station and satellite, as well as between mobile station and satellite. That is the intent of the Preliminary Views and footnotes Nos. 352E and 352F have been reworded in an appendix hereto with a view to removing any ambiguities on that point.

61. *Article 7 of the Radio Regulations:* In the initial comments relative to the fifth notice only Comsat took issue with the proposal to establish a power flux density limit of -135 dbW/m²/4 kHz for space stations operating between 100 and 1000 MHz in conjunction with the use of space techniques by the aeronautical mobile service. They urged that the proposal be withdrawn pending the availability of studies on sharing criteria which might have more general applicability. ARINC/ATA, in reply comments, supported Comsat on this point. This matter has been reexamined and as a result there will be found in appendices hereto a proposed power flux density limit for aviation in the band 117.975–136 MHz, with supporting rationale, specifying -149 dbW/m²/4 kHz for all conditions and methods of modulation. It is anticipated that this matter will also be introduced into the CCIR mechanism for examination by that group. The matter of an appropriate limit for marine use of the band 173–174 MHz remains under study.

62. *Coordination and Registration Matters:* Nationally, only Comsat commented with respect to these issues. With respect to the first matter, coordination distance calculations, Comsat noted that their proposal to provide for the automatic applicability, by administrations and the IFRB (International Frequency Registration Board) of the most current CCIR recommendations had been accepted. They then concluded, however, that the Preliminary Views were not consistent with that approach inasmuch as they recommended that Recommendation 1A be replaced by a resolution (page 91 of the Preliminary Views) which has an Annex containing the procedure recommended by the XIth Plenary Assembly, Oslo, 1966. Comsat took the position that since the CCIR Interim Meeting, Geneva, 1968, had proposed changes to that procedure, as had the CCIR Interim Meeting, Geneva, 1969, the Preliminary Views should have reflected those changes. Comsat apparently misread the proposal set forth in the resolution referred to above. That resolution had to do with criteria applicable to space services adopted unanimously by Plenary Assemblies of the CCIR rather than to decisions reached at Interim Meetings of Study Groups of that Committee.

63. In discussing this general subject with other administrations, it became clear that they shared the view that procedures with respect to space services should more closely parallel those pertaining to terrestrial services; that guidance with respect to space services should be contained in the regulations themselves rather than in recommendations and resolutions appended thereto; and that procedures should be established whereby advantage could be taken of the most current recommendations of the CCIR with respect to the calculation of coordination angles and coordination distances, with respect to power flux density limits and with respect to other criteria pertinent to sharing between space and terrestrial systems and between space systems.

64. It is our intention, therefore, to recommend that the Space WARC take the following actions in this regard: (1) delete Resolution 1-A and incorporate the essence thereof in Article 9A; (2) delete Recommendation 1-A and incorporate in an appendix to the Radio Regulations themselves the most up-to-date agreed procedure for calculating coordination distances for earth stations; (3) incorporate in an appendix to the Radio Regulations the most up-to-date agreed procedure for calculating coordination angles between space stations; (4) adopt mandatory procedures in Articles 9 and 9A with respect to coordination distances and angles; and (5) adopt a resolution directed to the application of new CCIR Recommendations pertinent to the overall sharing question, which are developed in the interval between administrative radio conferences of the ITU competent to deal with space services. A resolution designed to achieve the objectives of (5) above is appended hereto. The appendices and regulation amendments refered to in (1) through (4) above are in the process of development and will be set forth in a future notice in this proceeding.

65. Presentation of New Proposals: The document entitled "Preliminary Views of the United States of America for the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971)" was attached to the fifth notice of inquiry in this proceeding. Since he Preliminary Views contained all then-current plans of the United States for modifying the International Radio Regulations, any change or expansion of plans would necessitate amendments to the basic document. Accordingly, the proposals attached hereto take the form of replacement pages or additional pages with respect to the Preliminary Views. As the preparatory work progresses, it is anticipated that a new recapitulative document will be issued setting forth what might be termed the draft U.S. Proposals to the Space WARC. Appendix 1 hereto, summarizing changes to the Preliminary Views, consists of: (1) An expansion of the textual material dealing with the space research service; (2) changes with respect to certain definitions; (3) changes to Article 5, the Table of Frequency Allocations; (4) a change in Article 7 to specify a power flux density limit for aeronautical use of space techniques; and (5) a draft resolution relating to the use of up-to-date technical criteria recommended by the CCIR. Appendix 2 sets forth the rationale for the power flux density limit referred to in (3) above.

66. Oral Presentation before the Commission: Respondents in this proceeding have been virtually unanimous in expressing a desire to participate in an Industry/Government group concerned with the formulation of the formal U.S. proposals to be presented to the forthcoming Space WARC on various pertinent subjects. The Department of State does expect to establish such a group but not prior to mid-summer 1970. By that time it is hoped that a number of administrations will have made detailed comments on the U.S. Preliminary Views and will have prepared comparable views of their own for consideration by the United States. Once formed, the Industry/Government group will be expected to have completed its basic task in advance of January 1, 1971, the target date for administrations to transmit to the Secretary-General of the ITU their formal proposals to the Space Conference. This target date, 6 months prior to the convening of the Conference, is in keeping with the ITU Convention. Its objective is to provide ample time for the Secretariat to correlate the several proposals, to translate them into the several working languages of the Union, and to transmit copies of all proposals to the 137 member countries far enough in advance of the Conference to permit a detailed study thereof. After submission of the formal U.S. proposals, the Industry/Government group can be expected to concentrate on the development of U.S. positions for the WARC, taking into account any conflicting proposals by other administrations. The Department of State's action to form the U.S. delegation to the WARC is expected to commence early in 1971 as a transition from the Industry/Government group.

67. The time and manner in which an Industry/Government group is formed will be determined by the Department of State. The Commission's proposal for an oral presentation of views by interested parties is not intended as a substitute for such a group. It would constitute a forum in which non-Government entities could express their views by means of oral presentation and/or written testimony and exhibits pertinent to the preparatory work for the WARC. It is expected that such presentations would aid the Commission in its role of advising the Department of State with respect to positions to be taken on various issues to be dealt with by the WARC.

68. To be most productive, oral presentations should be made after the dates on which comments and reply comments are filed in response to this, the sixth notice of inquiry. All interested parties are invited to participate but, in the interest of making maximum use of available time, it may prove helpful to coordinate presentations and designate joint spokesmen on issues where a number of parties would otherwise plan to make separate presentations. The specific date or dates for oral presentations and the time allotted for each participant will be determined by the amount of interest displayed in response to this proposal.

69. This notice is issued pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this inquiry shall furnish comments on or before April 29, 1970, and reply comments on or before May 13, 1970. All comments directed to the sixth notice of inquiry as well as any other pertinent information available will be taken into account as the preparatory work progresses.

70. In accordance with § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments filed shall be furnished the Commission.

71. Additionally, parties wishing to participate in oral presentations before the Commission with respect to this proceeding must file written notice with the Commission within 20 days of the release date of this document, indicating therein the issue(s) on which presentations will be made.

Adopted: March 23, 1970.

Released: March 25, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[4]

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

[F.R. Doc. 70-3930; Filed, Mar. 31, 1970; 8:48 a.m.]

[4] Commissioner Johnson dissenting.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

MARCH 27, 1970.

On March 23, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of the Hungarian People's Republic that it was renewing for an additional 12-month period beginning April 1, 1970, and extending through March 31, 1971, the restraint on imports into the United States of cotton textiles in Category 19, produced or manufactured in Hungary. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 19 for the preceding 12-month period.

There is published below a letter of March 26, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 19, produced or manufactured in Hungary, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 1, 1970, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

MARCH 26, 1970.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective April 1, 1970, and for the 12-month period extending through March 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 19, produced or manufactured in Hungary, in excess of a level of restraint for the period of 525,000 square yards.

In carrying out this directive, entries of cotton textiles in Category 19, produced or manufactured in Hungary, which have been exported to the United States from Hungary prior to April 1, 1970, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period April 1, 1969, through March 31, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in the letter.

A detailed description of Category 19 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from Hungary have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-3996; Filed, Mar. 31, 1970; 8:51 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

MARCH 27, 1970.

On June 2, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded an agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States.

Among the provisions of the agreement is that applying a consultation level for cotton textiles and cotton textile products in Category 53, which may not be exceeded without the agreement of the United States, for the agreement year which began on May 1, 1969. Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles and cotton textile products in Category 53, produced or manufactured in Mexico and exported to the United States on or after May 1, 1969, have exceeded the level provided for in the agreement without the required agreement by the Government of the United States.

Accordingly, there is published below a letter of March 26, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 53, produced or manufactured in Mexico and exported during the period beginning May 1, 1969, and extending through April 30, 1970, be prohibited.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

MARCH 26, 1970.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels for the entry into the United States for consumption, and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in certain designated Categories produced or manufactured in Mexico, and exported to the United States during the period beginning May 1, 1969, and extending through April 30, 1970.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Government of the United States and Mexico, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 53, produced or manufactured in Mexico and which have been exported from Mexico during the period beginning May 1, 1969, and extending through April 30, 1970.

Cotton textiles and cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of Category 53 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico. Any appropriate adjustments to, or termination of, this directive pursuant to the bilateral cotton textile agreement referred to above will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of

such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-3995; Filed, Mar. 31, 1970; 8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-C (Region VI)]

REGIONAL DIVISION CHIEFS, REGIONAL COUNSEL, DISTRICT DIRECTORS, ET AL.

Delegation of Authority To Conduct Program Activities in Region VI

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-C, 35 F.R. 2840, published in the FEDERAL REGISTER on February 11, 1970, the following authority is hereby redelegated to the positions as indicated herein:

I. *Regional Division Chiefs, Regional Counsel, and Staffs*—A. *Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve displaced business loans up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*,
By ______________________
(Name)
(*Title of person signing*)

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. *Size Determinations for Financing only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. *Eligibility Determinations for Financing only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division)*. 1. To approve or decline business, disaster, and displaced business loans not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

3. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*,
By ______________________
(Name)
(*Title of person signing*).

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, diaster, and displaced business loans.

5. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division)*. 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division.* 1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $1 million provided the chief concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ______________________
(Name)
Chief, Community Economic Development Division.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(*Name*), *Administrator*
By ______________________
(Name)
Chief, Community Economic Development Division.

8. To disburse approved EDA loans, as authorized.

9. *Eligibility Determinations for Financing Only.* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

10. *Size Determinations for Financing Only.* To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Economic Development Specialists (Community Economic Development)*. 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreements with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief and Assistant Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases

without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except:

(1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Office*" *(Loan Administration Division)*. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except:

(1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division)*. 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans.

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Region Claims Review Committee*. To consist of the Chief, Loan Administration Division, acting as chairman; Regional Counsel; and Chief, Financing Division, who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendations of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

J. *Chief, Procurement and Management Assistance Division (Reserved)*.

K. *Regional Counsel*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participating authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except:

(1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Regional Attorneys*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the regional counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

M. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

N. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *District Directors—A. Financing Program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and

(2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*
By ________________
(*Name*)
District Director.
(*City*)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program.*

**1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $700,000, provided the district director concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read, as follows:

(*Name*), *Administrator*
By ________________
(*Name*)
District Director.
(*City*)

4. To cancel, reinstate, modify, and amend authorization for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(*Name*), *Administrator*
By ________________
(*Name*)
District Director.
(*City*)

8. To disburse approved EDA loans, as authorized.

C. *Loan Administration Program.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except:

(1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for

recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and Management Assistance Program (Reserved)*.

E. *Administrative*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility Determinations*. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size Determinations*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal Services*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except:

(1) to comprise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division*. 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*,
By ______________________
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. *Size Determinations for Financing only*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. *Eligibility Determinations for Financing only*. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officer (Financing Division), if assigned*. 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional, and district approved loans, said execution to read as follows:

(*Name*), *Administrator*,
By ______________________
(Name)
Title of person signing.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

4. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division)*. 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division*. 1. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

2. To execute sections 501 and 502 loan authorizations for Central Office, regional, and district approved loans, said execution to read, as follows:

(*Name*), *Administrator*,
By ______________________
(Name)
Chief, Community Economic Development Division.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

4. To enter into section 502 loan participation agreements with banks.

5. To issue and modify commitment letters, said issuance to read, as follows:

(Name), Administrator,
By ______________________
(Name)
Chief, Community Economic Development Division.

6. To disburse approved EDA loans, as authorized.

E. *Economic Development Specialist (Community Economic Development)*. 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreement with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief, Loan Administration Division*. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sales, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except:

(1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division), if assigned*. 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except:

(1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division)*. 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Chief, Procurement and Management Assistance Division (Reserved)*.

J. *District Counsel*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters, loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may

be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except:

(1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

K. *District Attorneys*. 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Chief, Administrative Division*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

M. *Office Services Manager or Office Services Assistant*. 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. *Branch Manager—Lower Rio Grande Valley Branch Office*—A. *Financing Program*. 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000, and to decline them in any amount.

b. To approve or decline displaced business loans up $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional, and district approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ____________________
(Name)
Branch Manager.
(City)

5. To cancel, reinstate, modify and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance on construction loans and loans involving accounts receivable and inventory financing.

8. *Size Determinations for Financing only*. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except under the community economic development program, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. *Eligibility Determinations for Financing only*. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Loan Administration Program*. 1. To take all necessary actions in connection with the administration, servicing and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) to compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank

under any alleged violation of a participation or guaranty agreement.

C. *Administrative*. 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

D. *Legal Services*. 1. To close and disburse approved business, economic opportunity, disaster, and displaced business loans.

2. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

V. *Program and Staff Personnel, Branch Counsel—Lower Rio Grande Valley*—A. *Supervisory Loan Officers, if assigned*. 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional, and district approved loans, said execution to read as follows:

(*Name*), *Administrator*,
By ______________________
(Name)
Title of person signing.

3. To cancel, reinstate, modify and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

4. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

6. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except:

(1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Loan Officers*. 1. To approve the following actions concerning all current direct and participation loans:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

C. *Branch Counsel*. 1. To close and disburse approved business, economic opportunity, disaster, and displaced business loans.

2. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

D. *Office Services Manager or Office Services Assistant*. 1. To purchase reproduction of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

VI. The specific authority delegated herein, indicated by double asterisk (**) cannot be redelegated.

VII. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: March 19, 1970.

JAMES R. WOODALL,
Acting Regional Director,
Region VI.

[F.R. Doc. 70-3913; Filed, Mar. 31, 1970; 8:45 a.m.]

TARIFF COMMISSION

[337-L-37]

AMPICILLIN

Extension of Time for Filing Written Views

On February 18, 1970, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Beecham Group Limited and Beecham, Inc., of Clifton, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of certain ampicillin (35 F.R. 3139-40). Interested parties were given until March 30, 1970, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business May 29, 1970.

Issued: March 27, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-3960; Filed, Mar. 31, 1970; 8:51 a.m.]

[337-L-38]

PANTY HOSE

Extension of Time for Filing Written Views

On February 18, 1970, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Tights, Inc., Greensboro, N.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain panty hose (35 F.R. 3139-40). Interested parties were given until April 1, 1970, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on June 1, 1970.

Issued March 27, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-3934; Filed, Mar. 31, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 27, 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 42487 (Deviation No. 82), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed March 16, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between San Diego, Calif., and Phoenix, Ariz., over U.S. Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Orange, Calif., over U.S. Highway 101 to San Diego, Calif., (2) from Los Angeles, Calif., over U.S. Highway 101 to Orange, Calif. (also from Los Angeles over Whittier Boulevard to Fullerton Road, thence over Fullerton Road to West Chapman Avenue, thence over West Chapman Avenue to Orange), and (3) from Los Angeles, Calif., over U.S. Highway 60 to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson, Ariz., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-3936; Filed, Mar. 31, 1970; 8:49 a.m.]

[Notice 30]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 27, 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 126305 (Sub-No. 24) (Republication), filed February 4, 1970, published FEDERAL REGISTER, issues of March 11 and March 25, 1970, and republished this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. NOTE: The above-numbered application was published in the FEDERAL REGISTER on March 11 and again on March 25, 1970, noting that same was assigned for hearing on April 13, 1970, in the Thomas Jefferson Hotel, Second Avenue and 17th Street North, Birmingham, Ala., before Examiner William A. Royall. The purpose of this republication is to advise that this hearing has been postponed indefinitely.

No. MC 126305 (Sub-No. 25) (Republication), filed February 4, 1970, published FEDERAL REGISTER, issues of March 11 and March 25, 1970, and republished this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. NOTE: The above-numbered application was published in the FEDERAL REGISTER on March 11, and again on March 25, 1970, noting that same was assigned for hearing on April 13, 1970, in the Thomas Jefferson Hotel, Second Avenue and 17th Street North, Birmingham, Ala., before Examiner William A. Royall. The purpose of this republication is to advise that this hearing has been canceled. An attempt will be made to handle this proceeding under modified procedure.

No. MC 123383 (Sub-No. 42) (Republication), filed June 11, 1969, published in the FEDERAL REGISTER issue of July 3, 1969, and republished this issue. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. By application filed June 11, 1969, as amended, Boyle Brothers, Inc., of Camden, N.J., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of such commodities as are dealt in by a distributor of charcoal and charcoal briquets, from Roseland and Edgewater, N.J., to points in New Jersey, New York, Pennsylvania, and Connecticut, and (2) of fireplace logs, from Orange, Va., and Roseland and Edgewater, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, restricted with respect to shipments of fireplace logs, from Orange, Va., to traffic originating at the plantsite of the Old Kentucky Fireplace Log Co., at Orange. The modified procedure has been followed and an order of the Commission, Review Board No. 3 decided February 18, 1970, and served February 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, (1) of such commodities as are dealt in by wholesale and retail hardware stores, from Roseland, N.J., to points in New Jersey, New York, Pennsylvania, and Connecticut, and (2) of fireplace logs (a) from Roseland, N.J., to points in Massachusetts, Rhode Island, Delaware, Maryland, and the District of Columbia, and (b) from Orange, Va., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, restricted with respect to Orange, Va., to the transportation of shipments originating at the plantsite of the Old Kentucky Fireplace Log Co., at Orange, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operations should be granted, subject to the conditions (a) that to the extent the authority granted herein duplicates applicant's existing authority it shall be construed as conferring only a single operating right, and (b) that a correct 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.

No. MC 133751 (Sub-No. 2) (republication), filed September 19, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, and republished this issue. Applicant: RENO-LOYALTON-CALPINE STAGE LINES, INC., Post Office Box 367, Loyalton, Calif. 96118.

Applicant's representative: Marshall B. Berol, 100 Bush Street, San Francisco, Calif. 94104. By application filed September 19, 1969, Reno-Loyalton-Calpine Stage Lines, Inc., of Loyalton, Calif., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities and between the points indicated below; restricted against the transportation of packages or articles weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day. An order of the Commission, Operating Rights Board, dated February 27, 1970, and served March 17, 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, of general commodities (except classes A and B explosives, articles of unusual value, commodities in bulk, commodities requiring special handling or special equipment, and household goods as defined by the Commission), between Reno, Nev., and Downieville, Calif., from Reno over U.S. Highway 395 to Hallelujah Junction, Calif., thence over California Highway 70 to Vinton, thence over California Highway 49 to Downieville, and return over the same route, serving all intermediate points, and serving the off-route point of Calpine, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. 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 an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134069 (Sub-No. 2) (Republication), filed November 10, 1969, published in the FEDERAL REGISTER, issue of October 11, 1969, and republished this issue. Applicant: BILL E. DUPREE, doing business as: BILL DUPREE TRANSPORT, 1318 Hickory, Post Office Box 1113, Deming, N. Mex. 88030. Applicant's representative: V. Lee Vesely, Post Office Box 1056, Silver City, N. Mex. 88061. By application filed November 10, 1969, Bill E. Dupree, doing business as Bill Depree Transport, of Deming, N. Mex., seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of all dairy products exempt or nonexempt requiring refrigeration, including but not limited to butter, oleo, cottage cheese, cream cheese, chocolate milk, ice milk, ice cream, frozen novelties, juices (orange or other citrus), juices (fruit, plain, or concentrated), animal fats, not by tank vehicles, but in refrigerated vans, from El Paso, Tex., to points in New Mexico, under a continuing contract with the shipper named below. An order of the Commission Operating Rights Board dated March 16, 1970, and served March 20, 1970, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of dairy products, fruit juices, fruit concentrates, and animal fats in vehicle equipped with mechanical refrigeration, from El Paso, Tex., to points in New Mexico, under a continuing contract with Price's Creameries, Inc., of El Paso, Tex.; will consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who 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 permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 12526 (Notice of filing of petition for waiver of Rule 101 and/or Rule 102, if appropriate, for modification of existing license), filed March 16, 1970. Petitioner: INDIAN VALLEY TOURS, INC., Franconia, Pa. 18924. Petitioner's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Petitioner holds a license to arrange for the transportation of passengers and their baggage, in the same vehicle with passengers, in round trip tours, beginning and ending at Pottstown, Pa., and points within 20 miles thereof, and extending to points in the United States (except points in Alaska and Hawaii). By the instant petition, petitioner requests that Pottstown, Pa., be eliminated and Franconia, Pa., be substituted, so that its authority will read: Beginning and ending at Franconia, Pa., and points within 20 miles thereof, and extending to points in the United States (except points in Alaska and Hawaii). Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 32882 (Sub 28, 34 and 37) (Notice of filing of petition for elimination of gateways), filed March 13, 1970. Petitioner: MITCHELL BROS. TRUCK LINES, Portland, Oreg. Petitioner's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Petitioner is a heavy hauler of machinery, heavy machinery, building materials, and size and weight commodities, on a direct or interline basis between points in California, on the one hand, and, on the other, points in Oregon and Washington. By tacking its authorities, petitioner is authorized to transport machinery, heavy machinery, building materials, and size and weight commodities on a direct line basis (by utilizing a gateway in the San Francisco Bay area, which has been Richmond, Calif.) between points in Oregon and Washington, on the one hand, and, points in California except the southern California counties of Ventura, Los Angeles, San Bernardino, San Diego, Riverside and Imperial Counties. It is presently serving these latter five southern California counties on an interline basis with West Transportation and Mojave Transport usually interlining the shipments at it's terminal at Richmond, Calif. Additionally, it is authorized to transport lumber and lumber products on a direct line basis from points in Oregon and Washington, on the one hand, to all points in California through the Oregon gateway of Klamath County. Finally, it is authorized to transport building materials from all points in California to points in Oregon and Washington utilizing the gateway of Klamath County, Oreg., and may transport building materials, between points in Oregon and Washington, on the one hand, and, on the other, points in California by utilizing a gateway in Lake County, Oreg. By the instant petition, petitioner seeks to eliminate the Richmond, Calif., gateway it must traverse on all shipments of machinery, heavy machinery, size, and weight commodities and building materials, between points in California south of a line extending from Half Moon Bay through Redwood City, Miami, and the California-Nevada border, on the one hand, and points in the States of Oregon and Washington, on the other, and eliminate the Lake County gateway on building material shipments, between points in Oregon and Washington, on the one hand, and, California, on the other, and finally, eliminate the Klamath County gateway on shipments of lumber and lumber products from Oregon and Washington to the State of California. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 91811 (Notice of filing of petition for declaratory order and modification of permit), filed March 12, 1970. Petitioner: MILTON K. MORRIS, INC., Swedesboro, N.J. Petitioner's representative: Robert D. Stair, 71 Knox Boulevard, Marlton, N.J. 08053. Petitioner is a contract carrier of property by motor vehicle, in No. MC 91811, and by the instant petition, requests that a declaratory order be issued finding that the restrictive portion of its permit which reads: "Restriction: The operations described above are limited to a transportation service to be performed under special and individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce

Act), *who operate retail stores, the business of which is the sale of food*, for the transportation of the commodities indicated and in the manner specified." (Emphasis supplied), be modified to the extent of eliminating the underscored portion above as being obsolescent terminology and unduly prejudicial and discriminatory to petitioner, in the interests of better conformance to the national transportation policy, or, in lieu thereof, be modified to the extent of inserting the words "or suppliers of such persons who operate said retail stores," immediately after the words "the business of which is the sale of food, ".

Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116816 and No. MC 116816 (Sub-No. 10), (Notice of filing of petition to amend and modify permit by deleting one shipper and adding a new shipper, and petition to revoke portion of permit), filed March 13, 1970. Petitioner: MERIT TRUCKING CORP., Kearny, N.J. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner is authorized in permit No. MC 116816 to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Household gas and electrical appliances, and parts, and equipment therefor, from Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; and returned shipments of the above-specified commodities, on return, limited to a transportation service to be performed under a continuing contract, or contracts, with Igoe Appliance Corp., of Newark, N.J., Apollo Distributing Co., of Newark, N.J., and General Electric Co., of New York, N.Y. Radio, recorder, phonograph, and television sets, and parts and equipment for such commodities, uncrated and crated and household gas and electrical appliances, uncrated and crated, from the site of Merit Trucking Corp., warehouse in Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and returned and damaged shipments, on return, limited to a transportation service to be performed under a continuing contract, or contracts, with Cooper Distributing Co., Inc., of Newark, N.J. Washers, dryers, refrigerators, air-conditioning equipment, ranges, water heaters, and household gas and electric appliances, crated and uncrated, from Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; and returned, damaged, and trade-in shipments, on return, limited to a transportation service to be performed under a continuing contract or contracts, with Warren-Connolly Co., Inc., of Long Island City, N.Y. Household gas and electric appliances, including central home heating and cooling units, and parts and equipment for such commodities, from Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., limited to a transportation service to be performed under a continuing contract, or contracts, with L & P Distributors of New Jersey, New York, N.Y. Household electrical appliances, and parts and equipment therefor; from Newark, N.J., to New York, N.Y., and points in Nassau and Rockland Counties, N.Y., limited to a transportation service to be performed under a continuing contract, or contracts, with Krich New Jersey, Inc., of Newark, N.J. and General Electric Co., of New York, N.Y.

Restriction: The service authorized herein is subject to the condition that carrier shall maintain completely separate accounting systems for its private and for-hire operations. Carrier holds permit No. MC 116816 Sub-No. 10 to transport household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets, and parts and equipment therefor, from site of carrier's warehouse at Kearny, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn.; and returned shipments of the above-specified commodities, on return, limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Apollo Distributing Co., of Newark, N.J., Warren-Connolly Co., Inc., of Long Island City, N.Y., L & P Distributors of New Jersey, of Maspeth, N.Y., Cooper Distributing Co., Inc., of Newark, N.J., and General Electric Co., of New York, N.Y. By the instant petition, petitioner seeks (1) to revoke its existing permit MC 116816, and (2) to delete the name of General Electric Co., and substitute in lieu thereof, the name of Philco Distributors, Inc., in its existing permit MC 116816 Sub-No. 10. 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 APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 108398 (Sub-No. 40), filed February 13, 1970. Applicant: RINGSBY-PACIFIC LTD., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Hallelujah Junction, Calif., and Reno, Nev.: From Hallelujah Junction, Calif., over U.S. Highway 395 to Reno, Nev., and return over the same route, serving all intermediate points and all off-route points in Nevada within 10 miles of the city limits of Reno, Nev. NOTE: Common control may be involved. This is a matter directly related to MC-F-10759 published FEDERAL REGISTER issue of February 26, 1970. If a hearing is deemed necessary, applicant requests it be held at Reno, Nev.

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-10787. Authority sought for control by THE GENERAL CRUSHED STONE COMPANY, Easton, Pa. 18042, of E. B. LIBE, INC., Phillipsburg, N.J. Applicants' representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. Operating rights sought to be controlled: *General commodities*, except bulk commodities, articles of virtu, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier*, over regular routes, between Allentown, Pa., and New York, N.Y., between Phillipsburg, N.J., and Philadelphia, Pa., serving all intermediate points; *machinery*, from Phillipsburg, N.J., to points in Pennsylvania, New York, Virginia, Rhode Island, Tennessee, Maryland, Massachusetts, Connecticut, and the District of Columbia; *steel, pipe, rope*, and *paint materials*, between points in New York, New Jersey, and Pennsylvania within 100 miles of Phillipsburg, N.J.; and *paper and paper products*, between points in New Jersey and Pennsylvania within 50 miles of Riegelsville, N.J. THE GENERAL CRUSHED STONE COMPANY holds no authority from this Commission. However, it is affiliated with CHESTER CARRIERS, INC., Post Office Box 232, Easton, Pa. 18042, which is authorized to operate as a *common carrier* in Delaware, Pennsylvania, New Jersey, Maryland, Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-3937; Filed, Mar. 31, 1970; 8:49 a.m.]

[Notice 32]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 27, 1970.

The following publications are governed by the new Special Rule 247 of the

Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING
MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 1824 (Sub-No. 50), filed February 4, 1970, published in the FEDERAL REGISTER issue of March 12, 1970, and republished this issue. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in tank vehicles), from the plantsite and warehouse facilities of Stouffer Foods Corp., at Cleveland and Solon, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, the District of Columbia, and those in Pennsylvania on and east of U.S. Highway 15. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect the hearing information.

HEARING: April 13, 1970, before Examiner John P. Dodge, at Cleveland, Ohio, in Room 681, Federal Office Building, 1240 East Ninth Street.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-3938; Filed, Mar. 31, 1970; 8:49 a.m.]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice 50]

MARCH 26, 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 2900 (Sub-No. 192 TA), filed March 23, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate*, in van equipment, from Celriver, S.C., to Newark, N.J., for 180 days. Supporting shipper: Celanese Corp., 522 Fifth Avenue, New York, N.Y. 10036. Send protests to: District Superisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 48987 (Sub-No. 3 TA), filed March 20, 1970. Applicant: RAYMON ROY, 175 Avon Street, Lowell, Mass. 01854. Applicant's representative: J. Aiden Connors, 527 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Mansfield, Mass., to Nashua, Manchester, and Portsmouth, N.H., and *stale bakery goods and containers*, on return, for 180 days. Supporting shipper: Drake Bakeries, Division Borden, Inc., Foods Division, 350 Madison Avenue, New York, N.Y. 10017. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 126276 (Sub-No. 26 TA), filed March 24, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Jerry Cosentino (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity; from the plantsite and/or facilities of Ball Corp. at Mundelein, Ill., to Horseheads, N.Y., for 150 days. Supporting shipper: Ball Corp., Muncie, Ind. 47302. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 27 TA), filed March 24, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Jerry Cosentino (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity; *caps and tops for bottles and jars*; from the plant facilities of Ball Corp. at Skyland, N.C., to points in Georgia, South Carolina, and Tennessee, for 180 days. Supporting shipper: Ball Corp., Muncie, Ind. 47302. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107295 (Sub-No. 337 TA), filed March 23, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, except in bulk; from points in Brown, Dodge, and Fond du Lac Counties, Wis., to points in Missouri and Minnesota, for 180 days. Supporting shipper: The Western Lime & Cement Co., Box 208, Milwaukee, Wis. 53201. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 120120 (Sub-No. 4 TA), filed March 20, 1970. Applicant: GERALD E. CANNING, 1105 East 23d Street, Fairbury, Nebr. 68352. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. 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,

commodities in bulk, and commodities requiring special equipment between points within a 50-mile radius of Fairbury, Nebr., for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 126739 (Sub-No. 8 TA), filed March 24, 1970. Applicant: MAHNEN-SMITH TRUCKING SERVICE, INC., Post Office Box 395, Van Buren, Ind. 46991. Applicant's representative: Richard P. Lintner, Post Office Box 341, Ossian, Ind. 46777. Authority sought to operate as *a contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry animal health aids and sanitation products*, from Fort Wayne, Ind., to points in Michigan south of Highway 21, for 150 days. Supporting shipper: Allied Mills, Inc., 110 North Wacker Drive, Chicago, Ill. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 127689 (Sub-No. 38 TA), filed March 20, 1970. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 701 East Pine Street, Post Office Box 987, Hattiesburg, Miss. 39401. Applicant's representative: Harvey E. West (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns or jars, closures for same and corrugated cartons for same*, from the plantsite and warehouses of Brockway Glass Co., Inc., at Montgomery, Ala., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Tennessee, for 180 days. Supporting shipper: Brockway Glass Co., Inc., Post Office Box 8083, Montgomery, Ala. 36110. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 127787 (Sub-No. 3 TA), filed March 19, 1970. Applicant: ANTHONY PALLOTTA AND FRANK PALLOTTA, doing business as PALLOTTA BROTHERS, 285 Hickory Avenue, Bergenfield, N.J. 07621. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, except in bulk, in tank vehicles, between the plantsite of B. Manischewitz Co., Jersey City, N.J., and the warehouse of the same shipper at East Rutherford, N.J., on the one hand, and, on the other, East Farmingdale, N.Y., for 150 days. Supporting shipper: B. Manischewitz Co., 9 Clinton Street, Newark, N.J. 07102. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133779 (Sub-No. 2 TA), filed March 20, 1970. Applicant: FUNDIS COMPANY, Broadway at Cornell, Lovelock, Nev. 89419. Applicant's representative: Charles "Pete" Fundis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); *earth*, diatomaceous, physically combined with not to exceed 10-percent alkyl napthalene sodium sulfonate, woodpulp sulphite, from Colado Junction and Clark Station, Nev., to that area in California north of and including the following counties: Monterey, San Benito, Merced, Madera, Tuolumne, and Alpine, for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Post Office Box 1869, Reno, Nev. 89505. Send protests to: Daniel Augustine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 East Washington Street, Carson City, Nev. 89701.

No. MC 134383 (Sub-No. 1 TA), filed March 19, 1970. Applicant: AUDREY R. WHITE, doing business as MORGAN VAN & STORAGE, 2301 Eighth Avenue SW., Huntsville, Ala. 35805. Applicant's representative: J. Douglas Harris, 409-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Huntsville, Ala., and/or Redstone Arsenal, Ala., and points in Alabama in the counties of Madison, Morgan, Lawrence, Limestone, Lauderdale, Colbert, Franklin, Jackson, and Marshall, and all points in Tennessee in the counties of Lincoln, Franklin, Giles, and Lawrence, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 134426 TA, filed March 20, 1970. Applicant: Robert E. McCort, 7032 Barkwood Drive, Jacksonville, Fla. 32211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (repossessed-used) between points in the United States, on the one hand, and, on the other, points in Florida and Georgia, on and south of U.S. Highway 82, for 180 days. Supporting shippers: General Motors Acceptance Corp., 806 Riverside Avenue, Jacksonville, Fla. 32203; Chrysler Credit Corp., Suite 210, 4080 Woodcock Drive, Jacksonville, Fla. 32207. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Box 35008, Jacksonville, Fla. 32202.

MOTOR CARRIER PASSENGERS

No. MC 134431 TA, filed March 23, 1970. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Hartford, Conn., on the one hand, and, on the other, New York, N.Y., under continuing contracts with (a) Aetna Life & Casualty Co.; (b) Connecticut General Insurance Co., and (c) The Traveler's Insurance Co., restricted to the transportation of insurance company executives, for 180 days. Supporting shippers: Connecticut General Life Insurance Co., Hartford, Conn.; Aetna Life & Casualty Co., 151 Farmington Ave., Hartford, Conn.; The Traveler's Insurance Co., One Tower Square, Hartford, Conn. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-3939; Filed, Mar. 31, 1970; 8:49 a.m.]

[Ex Parte 241]

UNITED STATES STEEL CORP. ET AL.

Denial of Petitions To Postpone Effective Date of Order Regarding Railroad Freight Car Ownership, Car Utilization, and Distribution Rules

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 26th day of March 1970.

Upon consideration of the record in the above-entitled proceeding, including the report of Division 3, 335 ICC 264, prescribing car service rules and other matters set forth in the appendices to that report; the order of the entire Commission, served February 25, 1970, modifying the said rules and other matters in certain respects, and setting the date for compliance with the requirements of said order as March 27, 1970; the petition of United States Steel Corp. filed on March 18, 1970, seeking postponement of the effective date of the order served on February 25, 1970, until July 1, 1970; and the joint petition of American Iron and Steel Institute, Allegheny Ludlum Steel Corp., Armco Steel Corp., Bethlehem Steel Corp., CF&I Steel Corp., Granite City Steel Co., Inland Steel Co., Jones & Laughlin Steel Corp., Kaiser Steel Corp., Laclede Steel Co., Lukens Steel Co., Republic Steel Corp., Sharon Steel Corp., United States Steel Corp., Wheeling-Pittsburgh Steel Corp., and Youngstown Sheet and Tube Co., filed on March 18, 1970, seeking clarification and postponement of the effective date of the order served on February 25, 1970, petitions of Tennessee Valley Authority, Property Owners' Committee and Georgia Power Co. for stay of the effective date of the said order pending reconsideration; and petition of St. Louis-East Side Traffic Conference to postpone the effective date of the said order; and

It appearing, that, by order dated March 18 and served March 19, 1970, for the reasons therein appearing, solely with respect to Rules 1 and 2 of Appendix G to the report of Division 3, as modified by the order served February 25, 1970, the date for complying with the terms of the latter order was postponed until July 1, 1970;

It further appearing, that the action referred to in the paragraph next above substantially accorded the relief sought in the petitions herein considered with respect to the postponement of the effective date of the said order of February 25, 1970, and that to the extent they seek postponement of the effective date in other respects, adequate grounds therefor are not set forth;

And it further appearing, that the petitions, to the extent that reconsideration of the said order is sought, will be considered at a later date; therefore,

It is ordered, That the petitions referred to hereinabove to the extent that they seek postponement of the effective date of the order of February 25, 1970, be, and they are hereby, denied.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-3942; Filed, Mar. 31, 1970; 8:49 a.m.]

[No. MC-C-6786]

NOTICE OF FILING OF PETITION FOR DECLARATORY ORDER

MARCH 27, 1970.

Petitioner: MILTON K. MORRIS, INC., Swedesboro, N.J. Petitioner's representative: Robert D. Stair, 71 Knox Boulevard, Marlton, N.J. 08053. Petitioner is a contract carrier of property by motor vehicle in No. MC 91811, and requests that a Declaratory Order be issued finding that Administrative Ruling No. 76, dated February 23, 1939, as excepted and accepted in *Minneham Contract Carrier Application*—26 M.C.C. 533, be further excepted to the extent that persons, other than persons defined as contracting shippers and consignees or customers of such contracting shipper, be permitted to pay freight charges on shipments originating at plants of suppliers of said contracting shippers of it.

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.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-3943; Filed, Mar. 31, 1970; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 27, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41926—*Class and commodity rates between points in Texas*. Filed by Texas-Louisiana Freight Bureau, agent (No. 638), for interested rail carriers. Rates on various commodities, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 103 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41927—*Class and commodity rates between points in Texas*. Filed by Texas-Louisiana Freight Bureau, agent (No. 639), for interested rail carriers. Rates on canned or preserved foodstuffs, and other articles named or described in the application, in carloads and tank carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 103 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-3944; Filed, Mar. 31, 1970; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 84; Amdt. 1]

THE BALTIMORE AND OHIO RAILROAD CO. AND BURLINGTON NORTHERN INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 84, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 84 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Divison, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
[TV2S] R. D. PFAHLER, *Agent*.

[F.R. Doc. 70-3945; Filed, Mar. 31, 1970; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 83; Amdt. 1]

SEABOARD COAST LINE RAILROAD CO., LOUISVILLE AND NASHVILLE RAILROAD CO., AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 83, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 83 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent*.

[F.R. Doc. 70-3946; Filed, Mar. 31, 1970; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction No. 80; Amdt. 1]

ILLINOIS CENTRAL RAILROAD CO., AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 80, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 80 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date. This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-3947; Filed, Mar. 31, 1970; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction No. 81; Amdt. 2]

ST. LOUIS-SAN FRANCISCO RAILWAY CO., AND BURLINGTON NORTHERN INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 81, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 81 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-3948; Filed, Mar. 31, 1970; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction No. 82; Amdt. 2]

SOUTHERN RAILWAY CO., AND BURLINGTON NORTHERN INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 82, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 82 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[F.R. Doc. 70-3949; Filed, Mar. 31; 1970; 8:50 a.m.]

[S.O. 944; ICC Order No. 26; Amdt. 4]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 26 (Atchison, Topeka and Santa Fe Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 26 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: This order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 25, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-3950; Filed, Mar. 31, 1970; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction No. 79; Amdt. 5]

SOUTHERN PACIFIC CO. AND BURLINGTON NORTHERN INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 79, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 79 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-3951; Filed, Mar. 31, 1970; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction No. 77; Amdt. 6]

READING CO., ET AL.

Car Distribution

In the matter of Reading Co., Western Maryland Railway Co., Baltimore and Ohio Railroad Co., Chicago, Rock Island and Pacific Railroad Co.

Upon further consideration of Car Distribution Direction No. 77, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 77 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date. This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-3952; Filed, Mar. 31, 1970; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction No. 71; Amdt. 7]

KANSAS CITY SOUTHERN RAILWAY CO., AND CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 71, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 71 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) Expiration date: This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59

p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-3953; Filed, Mar. 31, 1970; 8:50 a.m.]

[S.O. 1002; Car Distribution Direction No. 67; Amdt. 9]

PENN CENTRAL CO., AND BURLINGTON NORTHERN INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

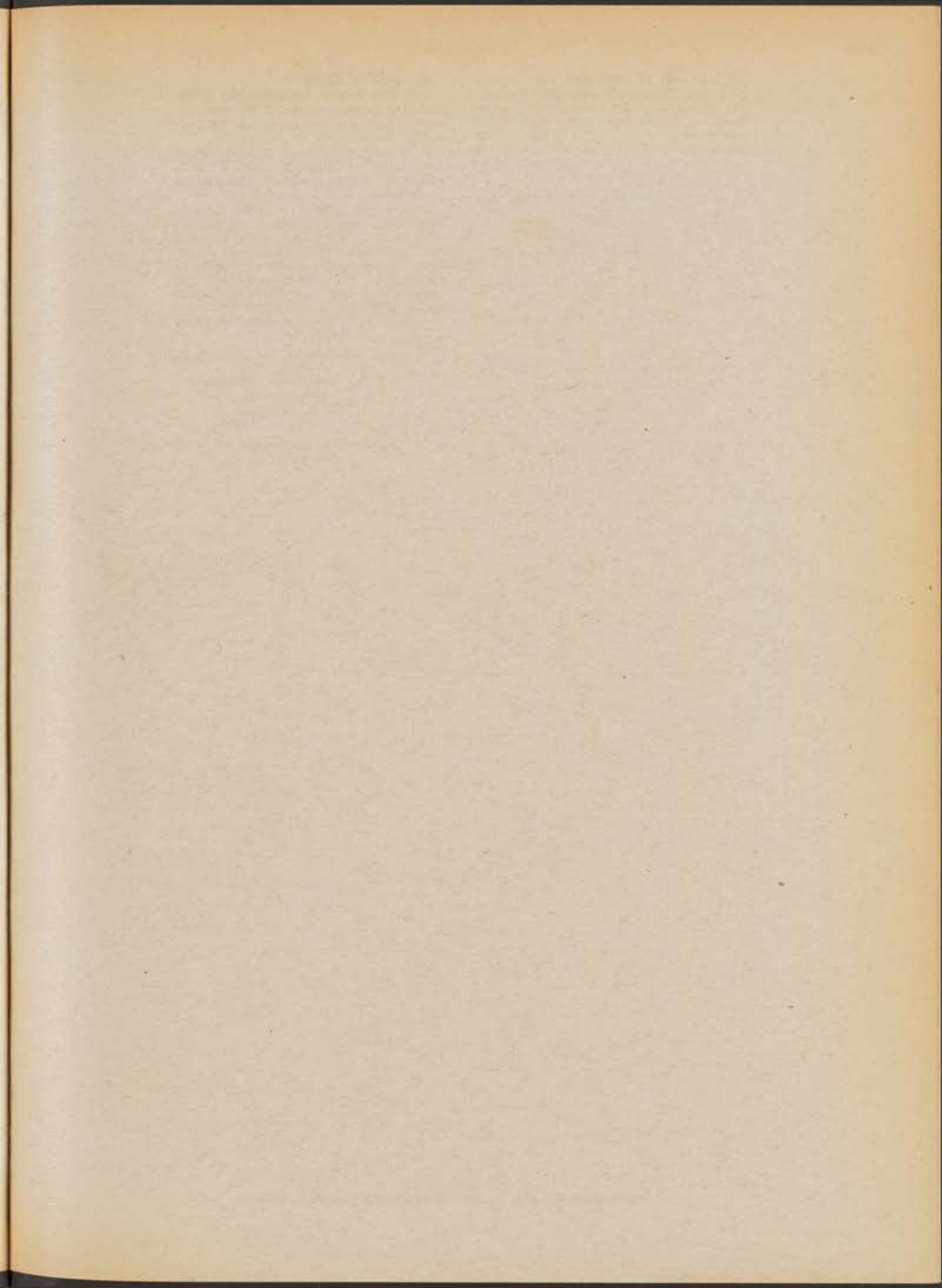
(4) Expiration date: This direction shall expire at 11:59 p.m., April 26, 1970, unless otherwise modified, changed or suspended.

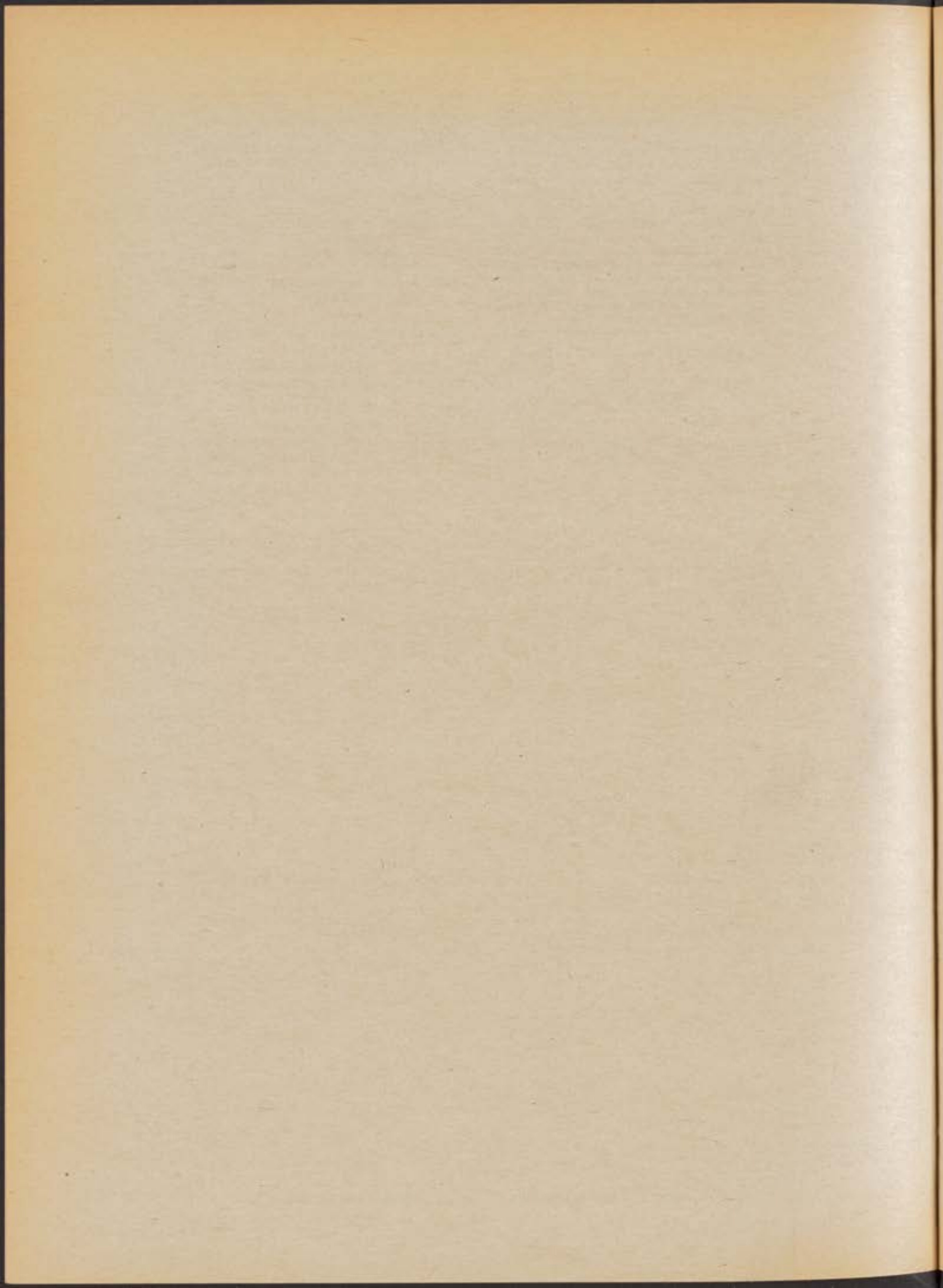
It is further ordered, That this amendment shall become effective at 11:59 p.m., March 29, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

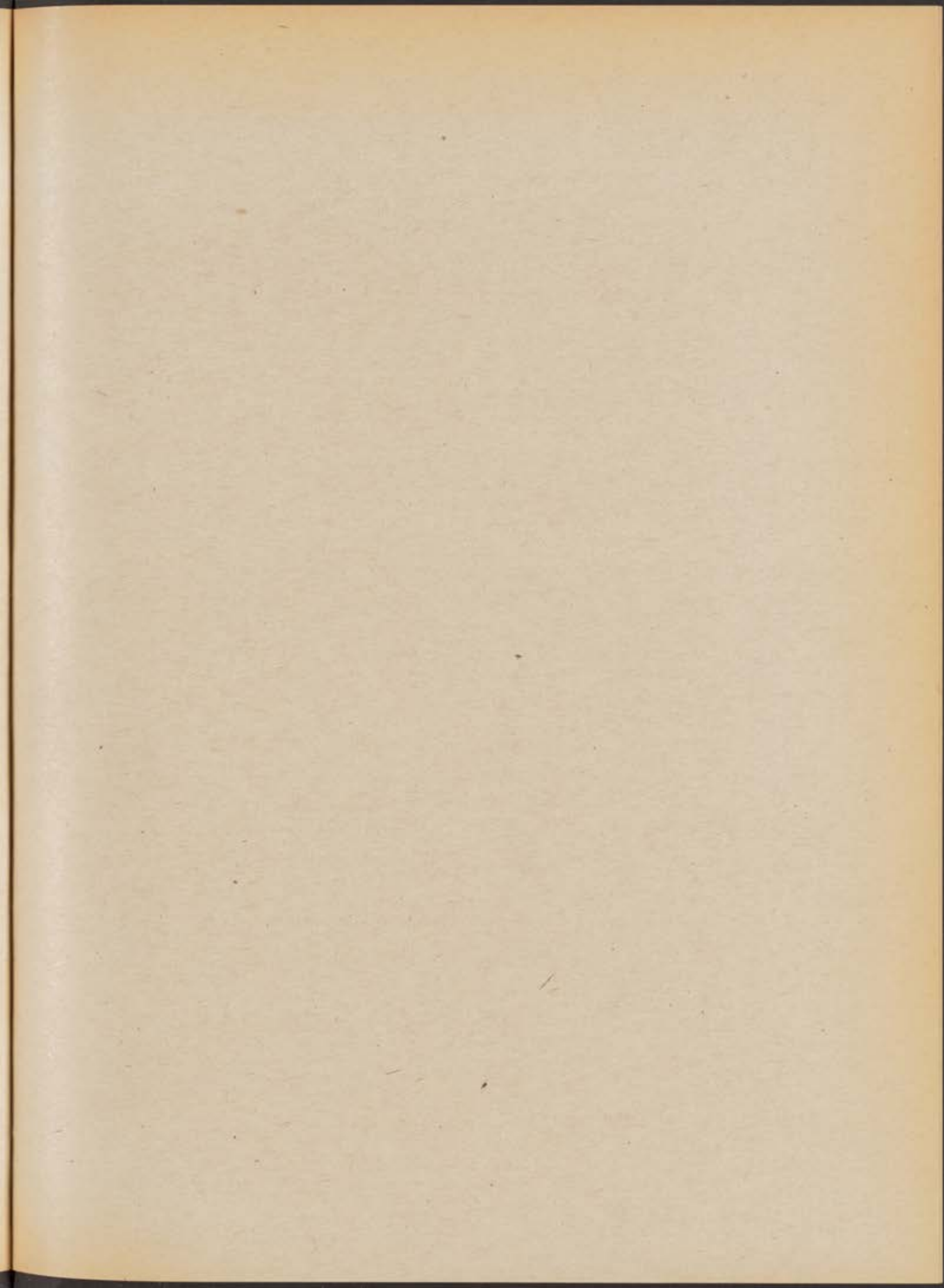
Issued at Washington, D.C., March 26, 1970.

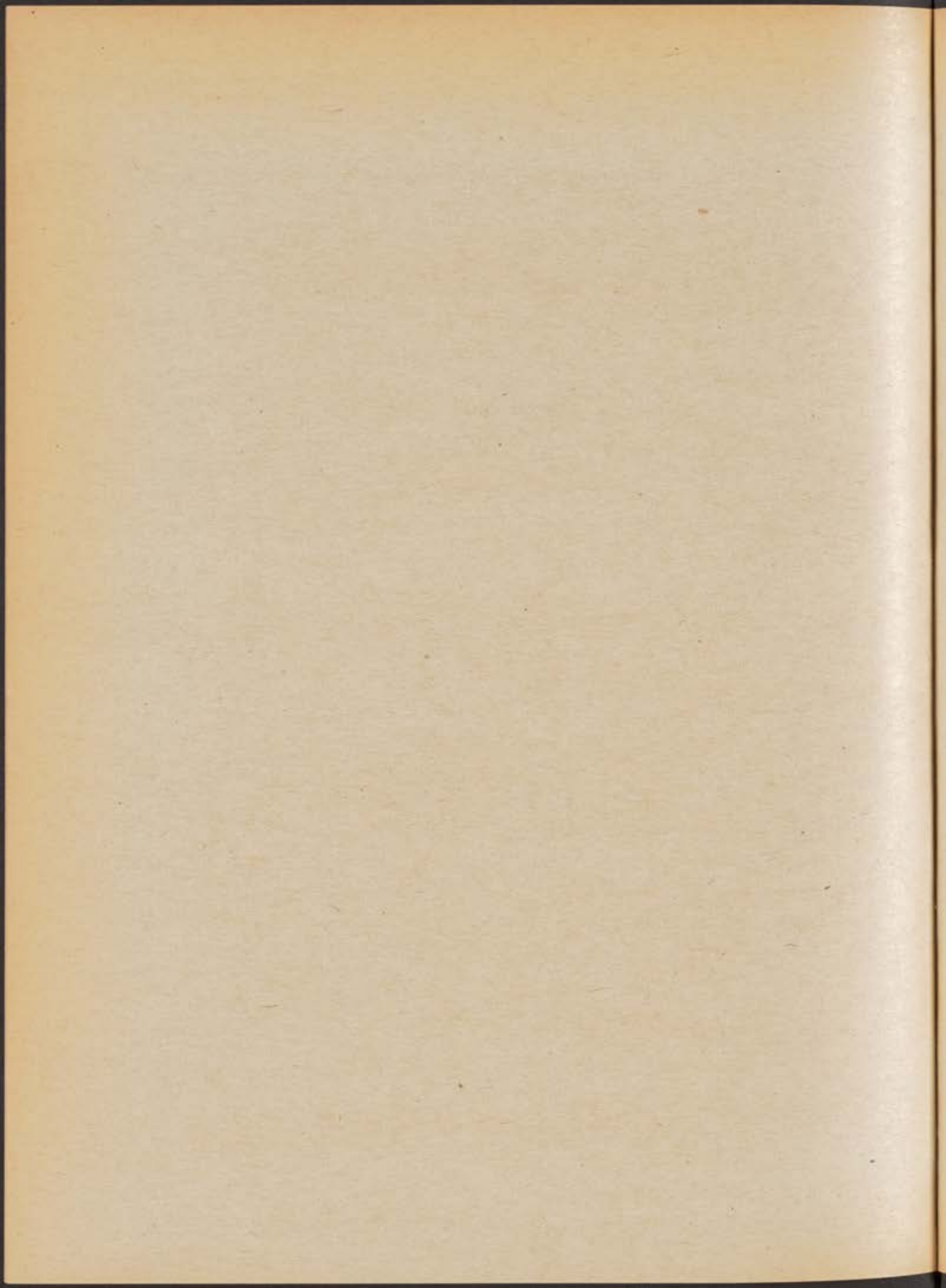
INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

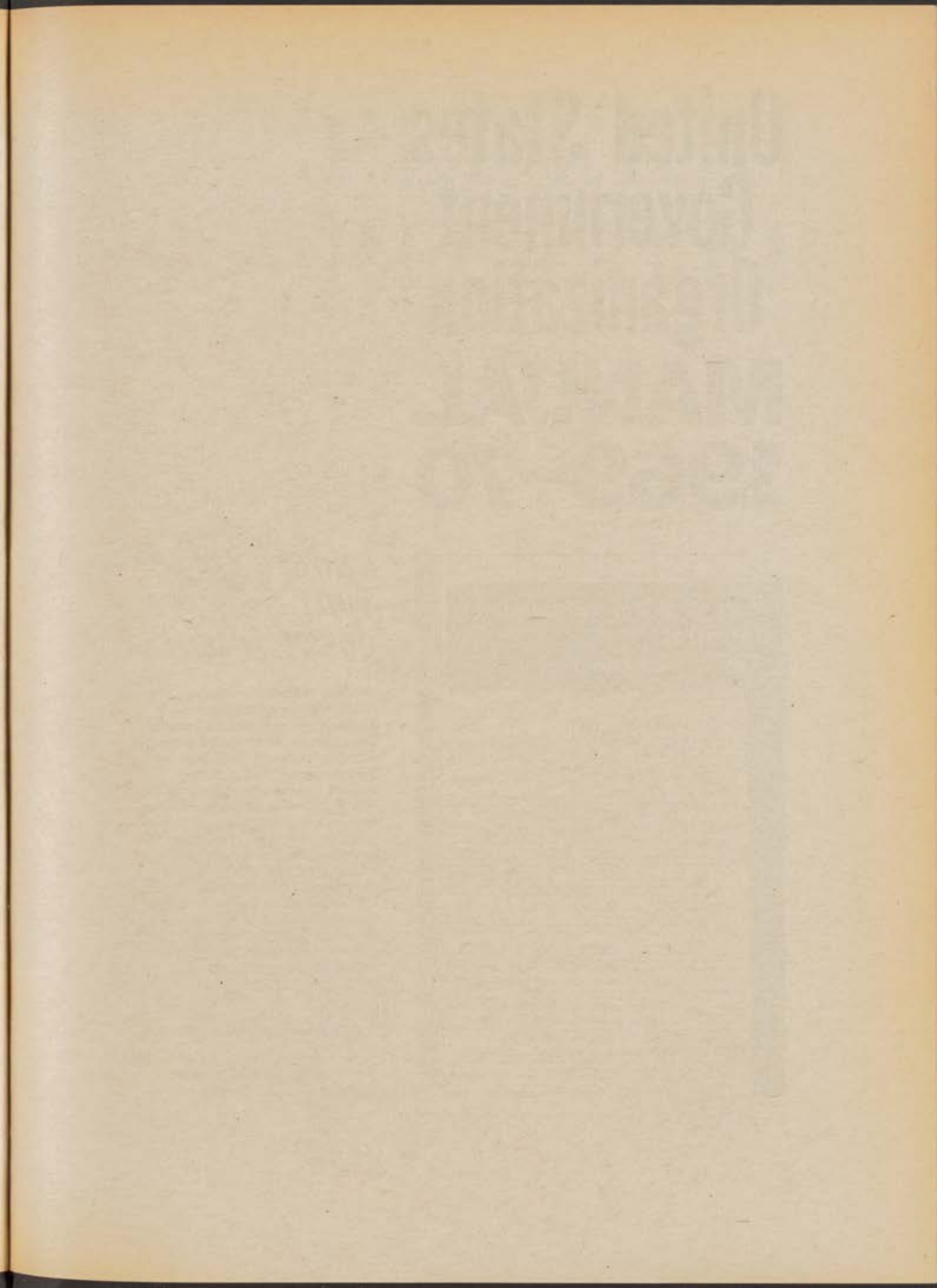
[F.R. Doc. 70-3954; Filed, Mar. 31, 1970; 8:50 a.m.]



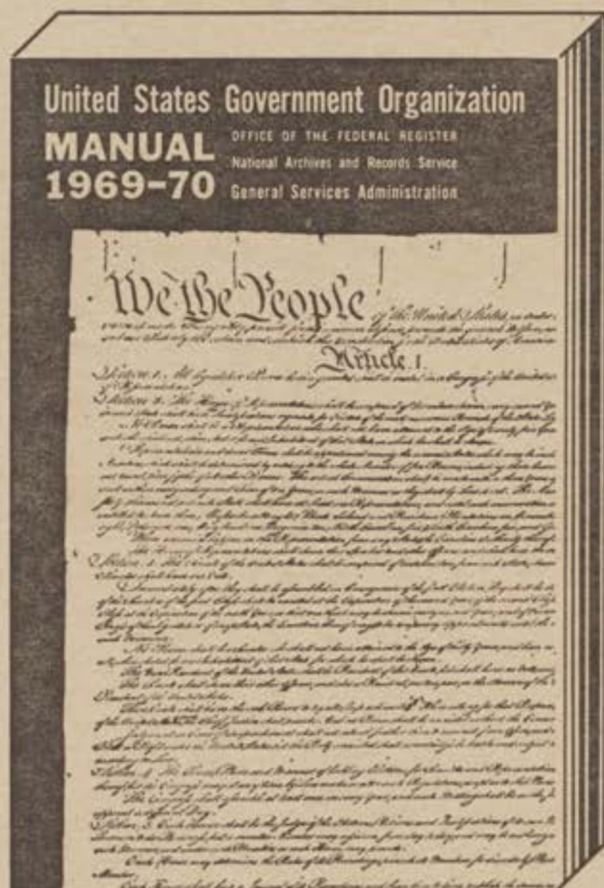








United States Government Organization MANUAL 1969–70



know your

government

Presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

$3.00 per copy. Paperbound, with charts

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