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Rules and Regulations

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 250—MISCELLANEOUS INTERPRETATIONS

Transactions Between Member State Banks and Their Affiliates

§ 250.240 Applicability of section 23A of the Federal Reserve Act to transactions between a member State bank and its "operations subsidiary".

(a) The Board of Governors has recently considered whether section 23A of the Federal Reserve Act (12 U.S.C. 371c) applies to extensions of credit by a member State bank to its operations subsidiary.

(b) Section 23A imposes limitations (in terms of security and amount) on a federally insured bank's loans to and investments in its affiliates. The principal purpose of section 23A is to safeguard the resources of a bank against misuse for the benefit of organizations under common control with the bank. It was designed to prevent a bank from risking too large an amount in affiliated enterprises and to assure that extensions of credit to affiliates will be repaid—out of marketable collateral, if necessary.

(c) Since 1968 the Board has permitted member banks to establish and own operations subsidiaries—that is, organizations designed to serve, in effect, as separately incorporated departments of the bank, performing, at locations at which the bank is authorized to engage in business, functions that the bank is empowered to perform directly (12 CFR 250.141). Since an operations subsidiary is in effect a part of, and subject to the same restrictions as, its parent bank, there appears to be no reason to limit transactions between the bank and such subsidiary any more than transactions between departments of a bank.

(d) Accordingly, the Board has concluded that a credit transaction by a member State bank with its operations subsidiary (the authority for which is based on the 1968 ruling) is not a "loan or * * * extension of credit" of the kind intended to be restricted and regulated by section 23A and is, therefore, outside the purview of that section.

By order of the Board of Governors, May 13, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7854; Filed, June 22, 1970; 8:46 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 24,164]

PART 545—OPERATIONS

Issuance of GNMA-Guaranteed, Mortgage-Backed Securities

JUNE 16, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of implementing the authority contained in section 804(e) of Public Law 90-448, which amended section 5(c) of the Home Owners' Loan Act of 1933 to authorize Federal savings and loan associations to issue and sell securities which are guaranteed pursuant to section 306(g) of the National Housing Act. On the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Part 545 by adding a new § 545.24-1, immediately after § 545.24 thereof, to read as follows, effective July 1, 1970:

§ 545.24-1 Issuance of GNMA-guaranteed, mortgage-backed securities.

Without regard to any other provision of this part, a Federal association which has a charter in the form of Charter K (rev.) or Charter N may, in accordance with regulations prescribed by the Government National Mortgage Association (GNMA) in 24 CFR Part 1665, Subpart A:

(a) Issue and sell trust certificates or other securities (1) based on and backed by a trust or pool composed of mortgages which are insured under the National Housing Act or title V of the Housing Act of 1949, or which are insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code and (2) guaranteed as to payment of principal and interest by GNMA pursuant to section 306(g) of the National Housing Act; and

(b) Do all other things necessary and proper for carrying out such issuance and sale.

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

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and for the same reason the Board also finds that publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would likewise be contrary to the public interest; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-7862; Filed, June 22, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10886; Amdt. 21-32]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Issue of U.S. Airworthiness Certificates for Restricted Category Import Aircraft

The purpose of this amendment to § 21.185 of Part 21 of the Federal Aviation Regulations (FAR's) is to provide for the issuance of airworthiness certificates for foreign manufactured aircraft that are type certificated in the restricted category under § 21.29 of the FAR's and imported into the United States.

Section 21.29 provides for the issuance of a U.S. type certificate for an aircraft that is manufactured in a foreign country with which the United States has an agreement for the acceptance of these products for export and import and that is to be imported into the United States. In general, these agreements with the various foreign countries extend to civil aircraft of all categories, and the FAA has recently issued a restricted category type certificate under § 21.29 for an airplane manufactured in a foreign country. However, § 21.185 of the FAR's, which governs the issue of airworthiness certificates for restricted category aircraft, clearly does not take into consideration aircraft type certificated under § 21.29 in the restricted category only. This has created no problem in the past, since the FAA has not previously been requested to type certificate an import aircraft in the restricted category

only. However, in view of the recent type certification action under § 21.29 for an airplane that has never been type certificated by the United States in any other category, a clarifying amendment to § 21.185 is necessary to further implement the existing agreements with the various foreign countries by providing for the issuance of airworthiness certificates for import aircraft type certificated in the restricted category only.

For the foregoing reasons, and since the amendment imposes no additional burden on any person, I find that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, § 21.185 of Part 21 of the Federal Aviation Regulations is amended, effective June 23, 1970, by adding a new paragraph (c) to read as follows:

§ 21.185 Issue of airworthiness certificates for restricted category aircraft.

* * * * *

(c) *Import aircraft.* An applicant for the original issue of a restricted category airworthiness certificate for an import aircraft type certificated in the restricted category only in accordance with § 21.29 is entitled to an airworthiness certificate if the country in which the aircraft was manufactured certifies, and the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

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

Issued in Washington, D.C., on June 15, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-7898; Filed, June 22, 1970; 8:50 a.m.]

[Airspace Docket No. 70-WA-10]

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

Designation of Terminal Control Area

On June 5, 1970, F.R. Doc. No. 70-7045 was published in the FEDERAL REGISTER (35 F.R. 8738) which amends Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t. July 23, 1970, by designating the Washington, D.C., terminal control area. Subsequent to the publication of the document, it was noted that two minor changes are required in the boundary description and that the Prohibited Area P-56 had not been excluded from the terminal control area description.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. No. 70-7045 is amended, effective upon publication in the FEDERAL REGISTER, as follows:

1. In the boundary description of Area A, "from the surface to 3,000 feet MSL" is deleted and "from the surface to and including 3,000 feet MSL" is substituted therefor, and "and that airspace bounded by a line beginning at lat. 38°50'20" N., long. 77°05'40" W.; to lat. 38°47'26" N., long. 77°09'15" W.; to lat. 38°48'50" N., long. 77°10'30" W.; to lat. 38°52'30" N., long. 77°07'30" W.; thence along an arc 7 miles in radius from the Washington VOR to the point of beginning." is deleted and "that airspace bounded by a line beginning at lat. 38°50'20" N., long. 77°05'-40" W.; to lat. 38°47'26" N., long. 77°-09'15" W.; thence along an arc 7 miles in radius from the Washington VOR, thence to lat. 38°48'50" N., long. 77°10'-30" W.; to lat. 38°51'00" N., long. 77°-06'10" W.; thence to the point of beginning; and excluding Prohibited Area P-56," is substituted therefor.

2. In the boundary description of Area E "a line extending from lat. 38°28'40" N., long. 76°47'00" W.; to lat. 38°41'-45" N., long. 76°48'20" W.," is deleted and "a line 3 miles E. of and parallel to the Andrews VORTAC 180° radial," is substituted therefor.

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

Issued in Washington, D.C., on June 18, 1970.

LOUIS H. MCCAUGHEY,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-7896; Filed, June 22, 1970; 8:50 a.m.]

[Airspace Docket No. 69-WA-33]

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

Designation of Terminal Control Area

On June 9, 1970, F.R. Doc. No. 70-7110 was published in the FEDERAL REGISTER (35 F.R. 8880) which amends Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t. July 23, 1970, by designating the Chicago, Ill., terminal control area. Subsequent to the publication of the document, several minor discrepancies were noted in the boundary description, and action is taken herein to amend the description.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. No. 70-7110 is amended, effective upon publication in the FEDERAL REGISTER, as follows:

1. In the boundary description of Area B "a 10-mile radius arc of the Chicago VORTAC," is deleted and "a 10.5-mile radius arc of the Chicago-O'Hare International Airport," is substituted therefor.

2. In the boundary description of Area D "and on the north by the 20-mile radius arc of the Chicago VORTAC. That area southeast of Chicago between the 10.5-mile and 20-mile radius arcs of the Chicago VORTAC" is deleted and "and on the north by the 20-mile radius arc of the Chicago-O'Hare International Airport. That area southeast of Chicago between the 10.5-mile and 20-mile radius arcs of the Chicago-O'Hare International Airport" is substituted therefor.

3. In the boundary description of Area E "at Chicago-O'Hare International Airport" is added.

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

Issued in Washington, D.C., on June 16, 1970.

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

[F.R. Doc. 70-7897; Filed, June 22, 1970; 8:50 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-627 Amdt. 7]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

General and Special Limitations on Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of June 1970.

In a notice of proposed rule making EDR 154,[1] the Board proposed to amend § 298.21 (b) and (d) to give air taxi operators greater freedom to compete with the certificated helicopter carriers. The proposed rule would have permitted air taxi operators to provide service between points for which the certificated helicopter carriers had authority but were not in fact serving on December 18, 1968.

The Board received extensive comments on the proposed rule from both air taxi operators and the certificated helicopter carriers. Consideration of these comments has led the Board to conclude that the rule as proposed would unduly impinge upon the services of the certificated carriers. The Board recognizes that it is desirable to encourage air taxi operators to provide service to the public where there is no existing service and that this objective would be served by permitting them to continue serving the markets after the inauguration or resumption of service by a certificated helicopter operator. The Board also recognizes the unfairness of compelling an air taxi operator who has invested time and money in developing a route to cease serving it once the certificated carrier

[1] Issued Jan. 17, 1969, docket No. 20662 (34 F.R. 1175).

inaugurates or resumes service. On the other hand, the public has a stake in the economic viability of the certificated carriers—both as a result of the original direct subsidy payments to these carriers and the current indirect subsidy of the trunklines.

The Board has carefully considered the comments it has received, in an attempt to reconcile these conflicting interests. We have resolved that the better rule would be one that would permit an air taxi operator to continue serving a market after the entrance of a certificated helicopter carrier, if the air taxi operator has been serving the market continuously with a minimum of five round-trip flights per week since at least 30 days immediately prior to the inauguration of service by the certificated carrier. Once a certificated carrier inaugurates service, however, no new air taxi operator will be permitted to enter the market.

Where a certificated carrier is forced to suspend service because of strikes or other reasons which it cannot be expected to foresee or control, it would manifestly be inappropriate to deprive it of the route protection it would otherwise have. In addition, the Board should reserve the right when suspending service of a certificated carrier to decide that it would be inappropriate in the particular circumstances to deprive the carrier of protection. Accordingly, competitive service by air taxi operators will not be permitted if it was inaugurated while the service of the certificated carrier was (1) suspended under § 205.8 of Part 205 of the economic regulations because of conditions or events which the carrier cannot reasonably be expected to foresee or control or (2) suspended by Board order providing that the suspension shall not operate to authorize air taxi operators inaugurating service during such suspension to continue service after the certificated carrier resumes service.

The Board considers that the above rule would be more equitable than the rule proposed in EDR–154, which provided for a date certain after which no additional routes would be protected by § 298.21 (b) or (d). The danger of the proposed date certain is that it would hinder further growth by the certificated helicopter carriers.

The proposed rule (EDR–154), while limiting the protection granted the certificated carriers, similarly treated helicopter, STOL and VTOL equipment alike. With respect to this proposal, air taxi operators commented that less protection should be afforded certificated carriers on routes where they are using STOL or VTOL equipment than on those routes on which helicopters are being used. The certificated carriers argued that the Board should continue to give the same protection as to all types of equipment. Since the certificated carriers are certificated for all three types of equipment and since the financial viability of their helicopter operations may be vitally affected by their STOL and VTOL operations, the Board has decided to treat the three types of equipment alike.

In a notice of proposed rule making EDR–152,[2] the Board also proposed to exempt interairport air taxi service in the Washington-Baltimore area from the protection of § 298.21 (b) and (d). In EDR–154, the Board noted that it might incorporate its conclusions with respect to both notices into one final rule. In Order 70–4–18, dated April 3, 1970, the Board granted a 2-year exemption to Triangle Airways to permit scheduled service between and among the Washington-Baltimore area airports and between these airports, on the one hand, and downtown Baltimore, on the other hand. Under the circumstances we believe that it would be inappropriate to treat interairport service in the Washington-Baltimore area any differently than other areas to which the rule will apply, and, accordingly, the rules adopted herein for the other geographical areas will apply to the Washington-Baltimore area.

Since this amendment is being issued as a final rule we shall permit interested parties to file petitions for reconsideration. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Room 712, Universal Building, Washington, D.C. 20428, on or before July 9, 1970. Copies of any petition filed will be available for examination by interested persons in the docket section. The filing of petitions shall not operate to stay the effective date of the rule.

Accordingly, the Board hereby amends Part 298 of the economic regulations (14 CFR Part 298), effective August 7, 1970, as follows:

1. Amend § 298.21 (b) and (d) to read as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

* * * * *

(b) *Prohibition of regular service in markets by certificated helicopter carriers.* An air taxi operator is prohibited from providing air transportation, or holding out to the public expressly or by course of conduct, that it provides such transportation regularly or with a reasonable degree of regularity between any points where scheduled helicopter passenger service, or community center and interairport service, is provided by the holder of a certificate of public convenience and necessity either in accordance with such certificate or pursuant to exemption order of the Board: *Provided, however,* That the foregoing limitation shall not apply to an air taxi operator with respect to pairs of points it has served continuously on a regularly scheduled basis with a minimum of five round trips per week since at least 30 days immediately prior to the inauguration or resumption of service between the points by the holder of a certificate of public convenience and necessity (See also § 298.21(d)): *And provided, further,* That the foregoing proviso shall not apply where service by the holder of a certificate of public convenience and necessity has been suspended for involuntary postponement of inauguration or involuntary interruption of service under the provisions of § 205.8 of Part 205 of this chapter or where the Board authorizes a certificated carrier to suspend service in an order providing that the suspension shall not operate to authorize air taxi operators inaugurating service during such suspension to continue service after the certificated carrier resumes service.

* * * * *

(d) *Limitations on use of the helicopter, STOL or VTOL aircraft.* No service by helicopter, STOL or VTOL aircraft shall be offered or performed by an air taxi operator between any two points between which scheduled helicopter, STOL or VTOL aircraft service is provided by the holder of a certificate of public convenience and necessity authorizing scheduled helicopter service or community center and interairport service: *Provided, however,* That the foregoing limitation shall not apply to an air taxi operator with respect to pairs of points it has served continuously on a regularly scheduled basis with a minimum of five round trips per week since at least 30 days immediately prior to the inauguration or resumption of service between the points by the holder of a certificate of public convenience and necessity (See also § 298.21(b)): *And provided, further,* That the foregoing proviso shall not apply where service by the holder of a certificate of public convenience and necessity has been suspended for involuntary postponement of inauguration of service under the provisions of § 205.8 of Part 205 of this chapter or where the Board authorizes a certificated carrier to suspend service in an order providing that the suspension shall not operate to authorize air taxi operators inaugurating service during such suspension to continue service after the certificated carrier resumes service.

(Secs. 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324 and 1386.)

By the Civil Aeronautics Board.

Effective: August 7, 1970.

Adopted: June 18, 1970.

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

[F.R. Doc. 70–7906; Filed, June 22, 1970; 8:50 a.m.]

[2] Issued Nov. 18, 1968, Docket 20475 (33 F.R. 17317).

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

MISCELLANEOUS AMENDMENTS TO CHAPTER

13th Gen. Rev. of the Export Regs. (Amdt. 2). Parts 372, 373, 374, 376, and

378 of the Code of Federal Regulations are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: Parts 372, 374, 376, and 378—June 24, 1970; Part 373—July 1, 1970.

RAUER H. MEYER,
Director,
Office of Export Control.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

In § 372.9(d), paragraph (1) is amended to read as follows:

§ 372.9 Issuance of validated licenses.

* * * * *

(1) *One-year validity period.* Unless otherwise stated on the face of the license, an export license is valid for 1 year from the last day of the month during which it is issued; e.g., a license issued on June 12, 1970, would expire on June 30, 1971. The expiration date is shown on the license. If the expiration date is a day when the customs office or post office is not open for business, the validity period shall automatically be extended to midnight of the first day of business following the expiration date.

* * * * *

§ 372.11 [Amended]

In § 372.11(e), paragraph (5) is amended to read as follows:

(5) *Extension of the validity period* of the license, except for an export license authorized under the emergency clearance provisions of § 372.4(h); a Distribution License (see § 373.3(k)); a Periodic Requirements License (see § 373.5 (g)); a Time Limit License (see § 373.6 (d)(1)); a Service Supply License (see § 373.7(n)); a Bulk Quota License for certain copper and copper-base alloy and nickel scrap (see § 377.3(b)(3)(iv))

* * * * *

In § 372.11(h), paragraph (4) is amended to read as follows:

(4) *Telegraph and telephone requests and clearances.* Under emergency conditions, an amendment request may be made by telegram or telephone instead of Form IA–763, and the licensee may ask that the amendment request, if approved, be forwarded to the customs office by telegram or telephone at the expense of the licensee. In such instances, the telegram or telephone request shall include the same information as required on a Form IA–763, and, in addition, full information as to the need for emergency service, including deadline dates. If the request is submitted by mail on Form IA–763 but emergency clearance is requested, a letter setting forth the required details shall accompany the amendment request. (For additional information required with an extension request, see § 372.12(b).) If the amendment is approved, the Office of Export Control will so advise the applicant and the customs office. However, before the customs office will release the shipment under the amended license, the applicant must file a completed and signed Form IA–763 with the customs office.

In § 372.12, paragraphs (a), (b), and (c) are amended to read as follows:

§ 372.12 Special provisions for an amendment to extend the validity of a license.

(a) *Time for submitting requests.* A licensee may request an extension of the validity period if his export license will expire before shipment can be made. However, requests for extensions of the following types of licenses will not be granted and a new license application is required: Distribution License; Periodic Requirements License; Time Limit License; Service Supply License; export license authorized under the emergency clearance provisions of § 372.4(h); Bulk Quota License for certain copper and copper-base alloy waste and nickel scrap. An extension request shall be submitted sufficiently in advance of the expiration date of the license to permit the Office of Export Control to use regular mail in notifying the licensee and the customs office holding the license of the amendment action before the license would otherwise expire. If unusual circumstances make it impossible for the licensee to request an extension before the normal expiration date, such a request will be considered if received within one month after the expiration date shown on the license. If a license does not meet the above qualifications, a new license application shall be submitted in accordance with § 372.12(d) below.

(b) *Procedure and justification for requesting extension.* A request for extension shall be accompanied by the expiring license unless it has been filed with a customs office. In the latter case, notification of approval shall be given to the customs office by the Office of Export control or field office. If the expiring license does not accompany the extension request, the applicant shall include the following information on Form IA–763:

(1) In the item entitled "Facts Necessitating Amendment," state why shipment was not or will not be made before the expiration of the license and all circumstances which will assure that shipment can be effected during the requested new validity period. If partial shipment has been made, indicate the quantity and value of all partial shipments.

(2) In the item entitled "Amend License to Read as Follows," state whether the license has been previously extended. If so, give date(s) and duration of such extension(s) and office (Office of Export Control or field office) which approved the extension(s). The above information shall also be included when, in emergency situations, an extension request is submitted by telegram or telephone (see § 372.11(h)(4)).

(c) *Length of extension.* Usually, only one extension will be granted for a license carrying a one-year validity period, and the length of the extension will be limited to six months from the original expiration date shown on the license. Licenses issued prior to June 24, 1970, and carrying a 6-month validity period generally may be extended twice for periods of 6 months each.

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

The following commodity is added to Supplement No. 1 to Part 373: 72952 Instruments designed for testing, calibrating or aligning the following equipment: (a) Compasses and gyroscopic equipment, Nos. 72952 and 86191, which are subject to the Import Certificate/Delivery Verification Procedure, (b) aircraft integrated flight instrument systems which include gyrostabilizers and/or automatic pilots, (c) gyrostabilizers other than those for aircraft control or for stabilizing an entire surface vessel, (d) automatic pilots other than those for aircraft or surface vessels, (e) astro compasses, (f) star trackers, and (g) accelerometers designed for use in inertial navigation systems or in guidance systems.

PART 374—REEXPORTS

Section 374.5 is amended to read as follows:

§ 374.5 Validity period.

(a) *Limitation on validity period.* Authorizations to reexport to Country Group W, Y, or Z are generally restricted to a limited validity period. Authorizations to reexport or redistribute commodities to Country Group W, Y, or Z, whether authorized on the validated export license or separately, expire on the last day of the 12th month following the month in which the reexport is authorized, unless otherwise specified. The U.S. exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexport authorization.

(b) *Request for extension of validity period.* A request for an extension of the validity period of a reexport or redistribution authorization shall be submitted in the same manner as the request for reexport authorization, except that the documentation required by § 374.3(d)(1)(ii) need not be resubmitted if the original documents remain valid. In addition, the request for extension shall identify the original authorization, date of authorization, names of countries covered, commodities and quantities originally authorized for reexport, and commodities and quantities remaining to be reexported.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Section 376.7 Machinery, Equipment, and Parts. In § 376.7, paragraph (b) is deleted.

PART 378—SPECIAL NUCLEAR CONTROLS

* * * * *

The following countries are added to Supplement No. 1 to Part 378:

Chile.
East Germany (Democratic Republic of Germany).
Libya.
Mauritius.
Outer Mongolia.
Switzerland.
Tanzania.
Uruguay.

[F.R. Doc. 70-7864; Filed, June 22, 1970; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1741 o.]

PART 13—PROHIBITED TRADE PRACTICES

Campbell Soup Co. and Batten, Barton, Durstine & Osborn, Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.265 *Tests and investigations.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2075 *Television "mock ups", etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Campbell Soup Co. et al., Camden, N.J., Docket C-1741, May 25, 1970]

In the Matter of Campbell Soup Co., a Corporation, and Batten, Barton, Durstine & Osborn, Inc., a Corporation

Consent order requiring a major soup company with headquarters in Camden, N.J., and its New York City advertising agency to cease falsely advertising soup and other food products by the deceptive use of experiments or demonstrations such as a TV commercial in which marbles were placed in a bowl of soup in order to increase the apparent abundance of solid ingredients.

The order to cease and desist, is as follows:

I. *It is ordered,* That respondent Campbell Soup Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of soup or any other food product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Advertising any such product by presenting evidence, including tests, experiments or demonstrations, or the results thereof, or any other evidence that appears, or purports, to be proof of any fact or product feature that is material to inducing the sale of the product, but which is not evidence which actually proves such fact or product feature.

II. *It is further ordered,* That respondent Campbell Soup Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of soup in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Falsely representing, in any respect material to inducing the sale of any such product, its ingredients or contents.

III. *It is ordered,* That respondent Batten, Barton, Durstine & Osborn, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of soup, or of any other food product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Advertising any such product by presenting evidence, including tests, experiments or demonstrations, or the results thereof, or any other evidence that appears, or purports, to be proof of any fact or product feature that is material to inducing the sale of the product, but which is not evidence which actually proves such fact or product feature, unless respondent neither knew nor had reason to know such to be the case.

IV. *It is further ordered,* That respondent Batten, Barton, Durstine & Osborn, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of soup in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Falsely representing, in any respect material to inducing the sale of any such product, its ingredients or contents, when respondent knew or had reason to know that such representation was not true.

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

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

By "Order," further order requiring report of compliance is as follows:

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

It is further ordered, That the motions of SOUP, Inc., for a hearing, for further intervention in this matter, and for reconsideration of our February 24, 1970, decision be, and they hereby are, denied.

It is further ordered, That the motion of SOUP, Inc., for a copy at Commission expense of the transcript of oral argument in this matter heard February 5, 1970, be, and it hereby is, granted.

Issued: May 25, 1970.

By the Commission.

Commissioners Elman and Jones filed separate statements.

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

[F.R. Doc. 70-7870; Filed, June 22, 1970; 8:47 a.m.]

[Docket C-1742]

PART 13—PROHIBITED TRADE PRACTICES

Colorado Saddlery Co. and Pershing R. Van Scoyk

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–100 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, The Colorado Saddlery Co. et al., Denver, Colo., Docket C-1742, May 27, 1970]

In the Matter of The Colorado Saddlery Co., a Corporation, and Pershing R. Van Scoyk, Individually and as an Officer of the Aforesaid Corporation

Consent order requiring a Denver, Colo., distributor of woolen saddle blankets and other western-type articles to cease misbranding and falsely advertising its wool products.

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

It is ordered, That respondents The Colorado Saddlery Co., a corporation, and its officers, and Pershing R. Van Scoyk, individually and as an officer of said corporation, and respondents' representatives, agents, and employees directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents The Colorado Saddlery Co., a corporation, and its officers, and Pershing R. Van Scoyk, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of saddle blankets or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Misrepresenting the character or amount of the constituent fibers contained in such products.

(b) Misrepresenting that their products are woven or manufactured by Indians.

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

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

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

Issued: May 27, 1970.

By the Commission.

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

[F.R. Doc. 70-7871; Filed, June 22, 1970; 8:47 a.m.]

[Docket C-1743]

PART 13—PROHIBITED TRADE PRACTICES

Lou Ruggiero Corp. et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lou Ruggiero Corp. et al., New York, N.Y., Docket C-1743, May 27, 1970]

In the Matter of Lou Ruggiero Corp., a Corporation, and Ultima Fur Corp., a Corporation, and Milton Costopoulos and Louis Ruggiero, Individually and as Officers of Said Corporations

Consent order requiring two New York City manufacturing and wholesale furriers to cease falsely invoicing and deceptively guaranteeing its fur products.

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

It is ordered, That respondents Lou Ruggiero Corp., a corporation, and its officers, and Ultima Fur Corp., a corporation, and its officers, and Milton Costopoulos and Louis Ruggiero, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur product by:

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

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

It is further ordered, That respondents Lou Ruggiero Corp., a corporation, and its officers, and Ultima Fur Corp., a corporation, and its officers, and Milton Costopoulos and Louis Ruggiero, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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

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

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

Issued: May 27, 1970.

By the Commission.

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

[F.R. Doc. 70-7872; Filed, June 22, 1970; 8:47 a.m.]

[Docket C-1744]

PART 13—PROHIBITED TRADE PRACTICES

Eversharp, Inc.

Subpart—Disparaging competitors and their products—Competitors' products: § 13.1000 *Performance;* § 13.1015 *Quality.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Eversharp, Inc., Culver City, Calif., Docket C-1744, May 27, 1970]

Consent order requiring a major manufacturer of razor blades with headquarters in Culver City, Calif., to cease misrepresenting the shaving performance of its Schick Krona Chrome razor blades and disparaging the razor blades of any competitor.

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

It is ordered, That respondent Eversharp, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Schick Krona Chrome razor blades or any other razor blade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting the shaving performance of any such product.

2. Disparaging by untruthful statements or any misleading or deceptive method, razor blades competitive with those of respondent Eversharp, Inc.

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

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

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

It is further ordered, That respondent shall file a report of compliance with the Commission within sixty (60) days from the date this order becomes final.

Issued: May 27, 1970.

By the Commission.

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

[F.R. Doc. 70-7873; Filed, June 22, 1970; 8:48 a.m.]

[Docket C-1745]

PART 13—PROHIBITED TRADE PRACTICES

Jack Estreich Furs, Inc., and Jack Estreich

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Jack Estreich Furs, Inc., et al., New York, N.Y., Docket C-1745, May 27, 1970]

In the Matter of Jack Estreich Furs, Inc., a Corporation, and Jack Estreich, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing and retailing furrier to cease falsely invoicing, deceptively guaranteeing, and misbranding its fur products.

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

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

A. Misbranding any fur product by:

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

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

B. Falsely or deceptively invoicing any fur product by:

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

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

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

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

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

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

Issued: May 27, 1970.

By the Commission.

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

[F.R. Doc. 70-7874; Filed, June 22, 1970; 8:48 a.m.]

[Docket C-1746]

PART 13—PROHIBITED TRADE PRACTICES

Carolina Hosiery Mills, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* 13.1055-50 Preticketing merchandise misleadingly: Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carolina Hosiery Mills, Inc., et al., Burlington, N.C., Docket C-1746, May 28, 1970]

In the Matter of Carolina Hosiery Mills, Inc., a Corporation, and Ernest A. Koury and Maurice Koury, Individually and as Officers of Said Corporation

Consent order requiring a Burlington, N.C., manufacturer and distributor of hosiery to cease deceptively pricing its products through preticketing, fictitious markups or in any other manner and furnishing others with means of deception.

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

It is ordered, That the respondents, Carolina Hosiery Mills, Inc., a corporation, and its officers, and Ernest A. Koury and Maurice Koury, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hosiery, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, by preticketing or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

(b) Placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

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

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

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

Issued: May 28, 1970.

By the Commission.

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

[F.R. Doc. 70-7875; Filed, June 22, 1970; 8:48 a.m.]

[Docket C-1747]

PART 13—PROHIBITED TRADE PRACTICES

City Sewing Machine Co., Inc., and Lee R. Dam

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary; 13.155-100 Usual as reduced, special, etc.; § 13.157 *Prize contests.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.* Subpart—Using misleading name—Goods: § 13.2310 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Inteprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, City Sewing Machine Co., Inc., et al., Marysville, Kans., Docket C-1747, June 1, 1970]

In the Matter of City Sewing Machine Co., Inc., a Corporation, and Lee R. Dam, Individually and as an Officer of Said Corporation

Consent order requiring a Marysville, Kans., retailer of sewing machines to cease using deceptive prices, failing to maintain adequate records to support its pricing practices, using contests and other promotional devices deceptively to obtain leads, misusing the term "automatic" to describe its sewing machines, falsely guaranteeing its products, and misrepresenting that it has posted bond in support of its guarantees.

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

It is ordered, That respondent City Sewing Machine Co., Inc., a corporation, and its officers, and Lee R. Dam, individually and as an officer of said corporation and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of sewing machine or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Regular", "Reg." or any other word or words of similar import or meaning, to refer to any price amount which is in excess of the price at which an article of merchandise or service has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business.

2. Representing, directly or by implication, that any amount is respondents' usual and customary retail price for an article of merchandise or service when such amount is in excess of the price or prices at which such article of merchandise or service has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

3. Failing to maintain adequate records (a) which disclose the facts upon which any pricing claims and similar representations of the type described in paragraphs 1 and 2 of this order are based, and (b) from which the validity of any pricing claims and similar representations of the type described in paragraphs 1 and 2 of this order can be determined.

4. Representing, directly or by implication, that names of winners are obtained through drawings, contests or by chance when all of the names selected are not chosen by lot, or misrepresenting, in any manner, the nature or purpose of a contest.

5. Using any advertising, promotional program or procedure involving the use of false, deceptive or misleading statements to obtain leads or prospects for the sale of their products.

6. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such awards or prizes.

7. Representing, directly or by implication, that any savings, discount, credit or allowance is given purchasers as a reduction from respondents' selling price for a specified product unless such selling price is the amount at which said product has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

8. Using the word "automatic" or any other word or term of similar import or meaning to describe any sewing machine either in its entirety or as to its overall function or operation, or using any illustration or depiction which represents that such a machine is automatic in its entirety or as to its overall function or operation: *Provided, however*, That nothing herein shall be construed to prohibit the use of the word or term "automatic" in describing a sewing machine's specific attachment or component or function thereof, which after activation and by self-operation, will perform without human intervention the mechanical function indicated.

9. Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

10. Representing, directly or by implication, that respondents have posted a bond or have established a reserve fund, the benefits of which are available to recipients of their guarantees, unless respondents do in fact have such a bond or fund available and unless the said bond or fund is available to all recipients of their guarantees.

It is further ordered, That the respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

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

Issued: June 1, 1970.

By the Commission.

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

[F.R. Doc. 70-7876; Filed, June 22, 1970; 8:48 a.m.]

[Docket C-1748]

PART 13—PROHIBITED TRADE PRACTICES

Arden-Mayfair, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.800 *Buyers' agents.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Arden-Mayfair, Inc., et al., Los Angeles, Calif., Docket C-1748, June 3, 1970]

In the Matter of Arden-Mayfair, Inc., a Corporation; Chambossé Brokerage Co., a Corporation; and Halsely K. Chambossé, Individually and as an Officer of Chambossé Brokerage Co.

Consent order requiring a Los Angeles, Calif., chain of supermarket grocery stores (Arden-Mayfair) and a Los Alamitos, Calif., brokerage firm (Chambossé) to cease violating section 2(c) of the Clayton Act by engaging in such brokerage practices as Chambossé receiving brokerage or other payments from sellers of grocery products while under the direct or indirect control of Arden-Mayfair.

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

It is ordered, That respondent Arden-Mayfair, Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in or in

connection with the purchase of grocery products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Receiving or accepting services or anything of value from Chambossé Brokerage Co. or any other broker, in connection with the purchase of grocery products, when such broker, agent, representative or intermediary is receiving or accepting anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof from the seller while acting for or in behalf of or subject to the direct or indirect control of respondent.

2. Receiving or accepting, directly or indirectly from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of grocery products for respondent's own account.

It is further ordered, That respondents Chambossé Brokerage Co., a corporation, and its officers and Halsey K. Chambossé, individually and as an officer of Chambossé Brokerage Co., and respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the purchase or sale of grocery products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of grocery products for respondents' own account or where respondents are the agent, representative or intermediary acting for, or in behalf of, or subject to the direct or indirect control of, any buyer.

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

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

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

Issued: June 3, 1970.

By the Commission.[1]

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

[F.R. Doc. 70-7877; Filed, June 22, 1970; 8:48 a.m.]

[1] Commissioner Elman not concurring.

[Docket No. 8798]

PART 13—PROHIBITED TRADE PRACTICES

Mountain States Hearing Service, Inc., and William R. Vota

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–205 Offices in principal cities; § 13.170 *Qualities or properties of product or service:* 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.210 *Scientific tests;* § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties;* § 13.1762 *Tests, purported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mountain States Hearing Service, Inc., et al., Billings, Montana, Docket No. 8798, May 21, 1970]

In the Matter of Mountain States Hearing Service, Inc., a Corporation, and William R. Vota, Individually and as an Officer of Said Corporation

Consent order requiring a Billings, Mont., distributor of hearing aids and accessories to cease misrepresenting that it is a multiple city firm, that it conducts research in hearing disability, that its devices will restore "normal" hearing or prevent its deterioration, failing to disclose its business is selling hearing aids, claiming that its salesmen have been scientifically trained, or misrepresenting in any way its business, sales personnel, or efficacy of its hearing aids.

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

It is ordered, That respondents Mountain States Hearing Service, Inc., a corporation and its officers, and William R. Vota, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hearing aids and accessories do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication, that:

(a) They maintain an office or place of business in any town or city other than Billings, Mont.

(b) They conduct or have conducted research in the hearing disability field.

(c) They merchandise a hearing aid which is a new invention or involves a new mechanical or scientific principle.

(d) They merchandise a hearing aid which will restore an individual's "natural" or "normal" hearing, will prevent deterioration of an individual's hearing, will prevent an individual from becoming deaf, will physiologically improve or correct a sensorineural hearing disability.

(e) They merchandise a hearing aid which will be beneficial to individuals unless in immediate conjunction therewith it is clearly and conspicuously disclosed that not all individuals suffering from a disability will benefit from use of a hearing aid.

(f) They merchandise a hearing aid which is invisible or indiscernible when worn.

2. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to clearly and conspicuously disclose that:

(a) The business of respondents is the sale of hearing aids.

(b) Persons replying to respondents' advertisements will be contacted by salesmen, or otherwise, for the purpose of inducing them to purchase a hearing aid sold by respondents.

3. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or, which is likely to induce, directly or indirectly, the purchase of hearing aids in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1, part I of this order or fails to comply with the affirmative requirements of paragraph 2 of part I hereof.

It is further ordered, That respondents Mountain States Hearing Service, Inc., a corporation, and its officers, and William R. Vota, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hearing aids and accessories in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Their sales personnel have had medical or scientific education or training which enable them to diagnose hearing disabilities or to prescribe the proper hearing aid for an individual with a hearing disability.

(b) Difficulty in hearing a specially emitted tone broadcast over radio or otherwise reproduced, except on equipment in general use in the testing for hearing disabilities, is an indication of the listener's ability to hear.

2. Misrepresenting, in any manner:

(a) The nature and purpose of their business.

(b) The education or training of their sales personnel.

(c) The efficacy of their hearing aids.

(d) The efficacy or the results of tests, testing devices or testing procedures employed in connection with the hearing of any individual either before or after a sale of said devices to said individual.

3. Failing to deliver a copy of this order to cease and desist to all operating divisions of the corporate respondent and to all officers, managers and salesmen, both present and future, and any other person now engaged or who becomes engaged in the sale of hearing aids as respondents' agent, representative, or employee; and to secure a signed statement from each of said persons acknowledging receipt of a copy thereof.

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

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

Issued: May 21, 1970.

By the Commission.

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

[F.R. Doc. 70-7878; Filed, June 22, 1970; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Sodium Chlorate; Exemptions From Requirement of Tolerance

A petition (PP 0F0926) was filed with the Food and Drug Administration by Fenrich-Vincent Associates, 63 Vanderbilt Road, Manhasset, N.Y. 11030, proposing establishment of an exemption from requirement of a tolerance for residues of sodium chlorate in or on cottonseed when used as a defoliant or desiccant in cotton production.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which exemption from requirement of a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that a tolerance is unnecessary to protect the public health and that the exemption established in this order is safe.

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

§ 120.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed when used in accordance with good agricultural practice as a defoliant or desiccant in cotton production.

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

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

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

Dated: June 16, 1970.

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

[F.R. Doc. 70-7893; Filed, June 22, 1970; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHEMICALS USED FOR CONTROL OF MICRO-ORGANISMS IN CANE-SUGAR MILLS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0H2460) filed by Hodag Chemical Corp., 7247 North Central Park Avenue, Skokie, Ill. 60076, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of a new combination of the presently regulated food additives disodium ethylenebisdithiocarbamate, ethylenediamine, and sodium dimethyldithiocarbamate for control of micro-organisms in cane-sugar mills. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1155 is amended by revising the introductory text of paragraph (b) and by adding to paragraph (b) a new subparagraph (3), as follows:

§ 121.1155 Chemicals used for the control of micro-organisms in cane-sugar mills.

* * * * *

(b) They are applied to the cane-sugar mill grinding system in one of the combinations listed in subparagraph (1), (2), or (3) of this paragraph. Quantities of the individual additives in parts per million are expressed in terms of the weight of raw cane.

* * * * *

(3) Combination of:

	Parts per million
Disodium ethylenebisdithiocarbamate	3.0
Ethylenediamine	2.0
Sodium dimethyldithiocarbamate	3.0

* * * * *

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

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

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

Dated: June 16, 1970.

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

[F.R. Doc. 70-7894; Filed, June 22, 1970; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CELLOPHANE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2479) filed by Pennsylvania Industrial Chemical Corp., 120 State Street, Clairton, Pa. 15025, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of α-methylstyrene-vinyltoluene copolymer resins as components of food-contact coatings for cellophane. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2507(c) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2507 Cellophane.

• • • • • • • •

(c) List of substances:

		Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)
• • •		• • •
α-Methylstyrene-vinyltoluene copolymer (molar ratio 1 α-methylstyrene to 3 vinyltoluene).	resins	For use only in coatings that contact food under conditions of use D, E, F, or G described in table 2 of § 121.2526(c), provided that the concentration of α-methylstyrene-vinyltoluene copolymer resins in the finished food-contact coating does not exceed 1.0 milligram per square inch of food-contact surface.
• • •		• • •

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

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

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

Dated: June 16, 1970.

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

[F.R. Doc. 70-7892; Filed, June 22, 1970; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Confirmation of Order Deleting Provisions for Certification of Certain Injectable Penicillin-Streptomycin Combination Products for Human Use

An order was published in the FEDERAL REGISTER of June 13, 1969 (34 F.R. 9333), amending Parts 141a and 146a of the antibiotic drug regulations to delete provisions for certification of certain penicillin-streptomycin combination products for injectable administration in humans.

Objections were filed and the effective date of the order was stayed until 30 days after the objections were ruled on. All objections have now been withdrawn, with the exception of Wyeth Laboratories' objection concerning the preparation containing, in each 2 cc., 600,000 units of procaine penicillin G and 0.5 gram of streptomycin base, as the sulfate, for hospital use for a period not to exceed 7 days for prophylaxis against and treatment of certain surgical infections. The Commissioner of Food and Drugs will rule on this objection when evaluation of it is completed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 701, 52 Stat. 1050-53, as amended, 59 Stat. 463, as amended, 76 Stat. 785-787; 21 U.S.C. 352, 357, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that, with the above exception, the order of June 13, 1969, will become effective 30 days after the date of publication hereof in the FEDERAL REGISTER to allow time for recall of all outstanding stocks of the affected drugs. Certification of new stocks has been discontinued. (Secs. 502, 507, 701, 52 Stat. 1050-1053, 59 Stat. 463, 76 Stat. 785-787; 21 U.S.C. 352, 357, 371).

Dated: June 17, 1970.

JAMES D. GRANT,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 70-7856; Filed, June 22, 1970; 8:46 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Confirmation of Order Deleting Provisions for Certification of Certain Penicillin-Sulfonamide Combination Products for Human Use

An order was published in the FEDERAL REGISTER of June 13, 1969 (34 F.R. 9336), amending Part 146a of the antibiotic drug regulations to delete provisions for certification of certain penicillin-sulfonamide combination preparations for oral administration in humans.

Objections were filed and the effective date of the order was stayed until 30 days after the objections were ruled on. The objections to the order have now been withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 701, 52 Stat. 1050-53, as amended, 59 Stat. 463, as amended, 76 Stat. 785-787; 21 U.S.C. 352, 357, 371) and under authority delegated to the Commissioner (21 CFR 2.120) notice is given that the order of June 13, 1969, will become effective 30 days after the date of publication hereof in the FEDERAL REGISTER to allow time for recall of all outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

(Secs. 502, 507, 701, 52 Stat. 1050-1053, 59 Stat. 463; 76 Stat. 785-787; 21 U.S.C. 352, 357, 371)

Dated: June 17, 1970.

JAMES D. GRANT,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 70-7855; Filed, June 22, 1970; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7047]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Information Returns With Respect to Commercial Banks

In order to eliminate certain reporting requirements, § 147.9-4(b) of the Temporary Regulations (26 CFR Part 147) is amended as follows:

Paragraph (b) of § 147.9-4 is amended by revising subparagraphs (1) and (3) to read as follows:

§ 147.9-4 Information returns with respect to commercial banks.

• • • • • •

(b) *Reporting requirements.* • • •

(1) *Transfers to branches outside the United States in calendar weeks ending before June 23, 1970*—(i) *Branches located in foreign countries other than less-developed countries.* Each U.S. branch which is a commercial bank shall file a return on Form 3953 solely with respect to transfers made in calendar weeks ending before June 23, 1970, to all foreign branches of such bank located in each foreign country other than less-developed countries (within the meaning of section 4916(b)) within 5 business days after the final business day in each calendar week. Such return shall include the information required by such form and the accompanying instructions.

(ii) *Branches located in less-developed countries.* Each U.S. person which is a commercial bank shall file a return on Form 3593 solely with respect to transfers made in calendar weeks ending before June 23, 1970, to all of its branches which are located in less-developed countries within 5 business days after

the final business day in each calendar week. Such return shall include the information required by such form and the accompanying instructions.

* * * * *

(3) *Transfers to certain corporations incorporated outside the United States made in calendar weeks ending before June 23, 1970.* Each U.S. person which owns 10 percent or more of the total combined voting power of all classes of stock of a corporation which is a commercial bank incorporated outside the United States shall file a return on Form 3964 with respect to transfers made to such corporation after February 10, 1965, and in calendar weeks ending before June 23, 1970. Such return shall be filed within 5 business days after the final business day in each calendar week and shall include the information required by such form and the accompanying instructions.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

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

Approved: June 17, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-7861; Filed, June 22, 1970; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-38a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Willamette River, Oreg.

1. The Southern Pacific Transportation Co. requested the Commander, Thirteenth Coast Guard District to revise the operation regulations for its drawbridge across the Willamette River near Harrisburg, Oreg. The Commandant published these proposals in the FEDERAL REGISTER of April 11, 1970 (35 F.R. 6012).

2. After consideration of all known factors in this case this proposal is accepted. Accordingly, 33 CFR 117.755 is amended by adding paragraph (c) to read as follows:

§ 117.755 Willamette River, Oreg.; bridges above Oregon City, Oreg.

* * * * *

(c) *Southern Pacific Transportation Co. bridge near Harrisburg, Oreg.* The draw need not be opened for navigation and the operating machinery need not be maintained. However the draw shall be returned to an operable condition within 6 months after notification from the Commandant to take such action.

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

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

Dated: June 12, 1970.

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

[F.R. Doc. 70-7860; Filed, June 22, 1970; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18307; FCC 70-608]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In the matter of amendment of Parts 2, 81, and 83—to establish a schedule of dates, technical standards, frequencies, and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes, Docket No. 18307, RM-1286.

First report and order. 1. A notice of proposed rule making in the above-captioned matter was released on September 12, 1968, and was published in the FEDERAL REGISTER on September 18, 1968 (33 F.R. 14121). By its order released October 28, 1968, the Commission granted an extension of time in which to file comments. The dates for filing comments and replies have passed.

2. The Commission is not adopting in this first report and order amendments to those sections of Parts 81 and 83 (§§ 81.304, 81.306, 83.351, 83.354, et al.) which set forth the duplex frequency plan, simplex frequencies and the conditions of use. Separation of these matters from this first report and order makes it possible for the Commission to comply with the many formal and informal requests received urging release at the earliest practicable date of the Commission's decisions with respect to the schedule for conversion to single sideband (SSB), technical standards and conditions applicable to availability of frequencies in the band 2000-2850 kc/s. Accordingly, comments received in the instant proceeding relative to these other matters will be considered by the Commission in a subsequent report and order.

3. Comments were filed by: AMCOM, Inc. (AMCOM); American Merchant Marine Institute, Inc. (AMMI); American Telephone and Telegraph Co. (A.T. & T.); Ashland Oil and Refining Co. (Ashland); Collins Radio Co. (Collins); COM/NAV Electronics, Inc. (COM/NAV); Fisher Research Laboratory (Fisher); Institute for Telecommunication Sciences (ITS); KONEL Corp. (KONEL); Lake Carriers Association (LCA); Lorain Electronics Corp. (Lorain); Maritime Administration (MARAD); Mobile Marine Radio (Mobile); Motorola Communications International, Inc. (Motorola); National Association of Engine and Boat Manufacturers (NAEBM); Northwest Instrument Co. (Northwest); North Pacific Marine Radio Council, Inc. (NPMRC); Oil Transport Co. (OTC); Pearce-Simpson, Inc. (Pearce); Radio Technical Commission for Marine Services (RTCM); R. A. Gartman (Gartman); Ray Jefferson (R-J); Raytheon Co. (Raytheon); RF Communications, Inc. (RF COM); Richard Humphrey (Humphrey); Southern California Marine Radio Council (SCMRC); South Florida Boat Owners/Operators (SFBO); Technical Material Corp. (TMC); The Ohio River Co. (Ohio); Tug Communications, Inc. (TUG COM); U.S. Power Squadron (USPS); and Upper Mississippi Towing Corp. (UMTC). In addition, 17 letters were filed during mid-1969 in regard to the date after which transmitters employing only double sideband emission would not be authorized in new ship stations. These comments are treated in detail in the following paragraphs except for certain comments which are outside of the scope of this rule making and, therefore, are not germane to this proceeding.

SSB technical specifications should be the same for the radiotelephony bands above and below 4 Mc/s. 4. Motorola, RTCM, Raytheon, SCMRC and TMC recommend that the technical specifications adopted for SSB radiotelephony below 4 Mc/s be essentially identical with those for frequencies above 4 Mc/s. In support, it is argued, generally, that common technical specifications above and below 4 Mc/s will simplify and facilitate the design and development of equipment.

5. The Commission, in finalizing the technical specifications for SSB equipment to operate in the bands above 4 Mc/s, gave consideration to the technical and operational feasibility of applying the same technical specifications to SSB equipment which would operate on frequencies below 4 Mc/s. It is the view of the Commission that it is technically and operationally feasible to apply the SSB technical specifications adopted in Docket No. 18271 to equipment operating in the bands both above and below 4 Mc/s. This is in conformity with Commission proposals in Docket No. 18271 (4-23 Mc/s) and in the instant proceeding (1605-4000 kc/s). The Commission proposals in these two proceedings are

essentially identical with regard to authorized bandwidth, audiofrequency response, SSB modes to be provided and carrier level for the three SSB modes. These technical specifications are discussed in paragraphs 6 through 9, below.

Authorized bandwidth. 6. AMMI, A.T. & T., Collins, NPMRC, RTCM, Raytheon, SCMRC, TMC, and USPS commented on the Commission's proposal that an authorized bandwidth of 3.0 kc/s be applicable to SSB equipments on frequencies below 4 Mc/s. Of these AMMI, Collins, NPMRC, RTCM, Raytheon, TMC, and USPS recommend a value of 3.2 kc/s, whereas A.T. & T. and SCMRC recommend 3.5 kc/s. The subject of authorized bandwidth on frequencies above 4 Mc/s was discussed in the third report and order, Docket No. 18271, paragraphs 4 through 12. In that proceeding, as a prerequisite to adoption of an authorized bandwidth of 3.0 kc/s, the Commission withdrew as inappropriate its proposed specification of an audiofrequency response of 350–2700 cycles per second (c.p.s.). In regard to the test tones proposed in another proceeding (see Docket No. 17869), the Commission concurred that the two-tone test frequencies of 700 and 2,500 c.p.s. would impose unreasonable hardship upon equipment design if the authorized bandwidth is reduced to 3.0 kc/s. The comments received in the instant proceeding set forth no new arguments, as compared to those presented in Docket No. 18271, as to why an authorized bandwidth other than 3.0 kc/s should be adopted. Accordingly, for the reasons set forth in paragraphs 4 through 12 of the third report and order in Docket No. 18271, the Commission is amending §§ 81.133 and 83.133 of the rules to provide an authorized bandwidth of 3.0 kc/s for SSB emissions (2.8A3A, 2.8A3H, and 2.8A3J) on frequencies below 4 Mc/s available to the maritime mobile service.

Audio bandwidth 350–2700 c.p.s. 7. RTCM, Raytheon, RF COM, and SCMRC recommend that the specifications of audiofrequency response proposed to be included in §§ 81.142(i) and 83.137(h), be relaxed, amended, clarified, or deleted. As summarized in the preceding paragraph, the Commission is not adopting this proposal for the reasons set forth in paragraphs 19 through 21, third report and order, Docket No. 18271.

Reduced carrier (A3A) SSB mode required. 8. Collins, Motorola, and USPS recommend, with respect to type acceptance of SSB equipment in the maritime services, that emission A3A not be required. Essentially the same recommendation was submitted in comments responsive to Docket No. 18271, which is discussed fully in paragraphs 14 through 17, third report and order, Docket No. 18271. No new arguments have been set forth in the comments in the instant proceedings which would warrant departure from the decision adopted by the Commission in the proceeding in Docket No. 18271. Accordingly, for the reasons set forth in paragraphs 14 through 17, as referenced above, the Commission is amending its rules to require that SSB equipment type accepted pursuant to the provisions of §§ 81.137 and 83.139 shall be capable of operation in three modes, i.e., emissions A3A, A3H, and A3J.

Two-tone test frequencies. 9. RTCM, Raytheon, RF COM, and SCMRC point to difficulties which would arise from use of the two-tone test frequencies of 700 and 2,500 c.p.s. and comment that other test tone frequencies should be employed. As mentioned in paragraph 7 above, the Commission concurs that a change in one or the other, or both, of these test tone frequencies is necessary. This agrees with the situation and decision discussed in paragraph 10, third report and order, Docket No. 18271. As stated in paragraph 10, the matter of selection of the test tones to be employed for testing of SSB transmitters in the maritime service falls within the scope of the proceeding in Docket No. 17869 [1] and will be treated thereunder.

New ship stations—DSB may not be installed after January 1, 1972. 10. The Commission proposed amendment of § 83.139 to provide that transmitters employing double sideband (DSB) emission would not be authorized in new ship radio station installations after January 1, 1971. More commentators filed in response to this proposal than in regard to any other single proposal in the instant proceeding. Comments were filed by KONEL, MARAD, LORAIN, NAEBM, Northwest, NPMRC, Pearce, R–J, Raytheon, USPS and, in addition, 16 letters were filed by manufacturers, marine equipment dealers, and users. With regard to the date after which DSB transmitters would not be authorized in new ship radio stations, the recommendations filed are grouped as follows:

No. of commentators	Date recommended	Commentators
1	Jan. 1, 1970	Lorain.
2	Jan. 1, 1971	One manufacturer and one dealer.
15	Jan. 1, 1972	KONEL, Northwest, NPMRC, USPS, one manufacturer, nine marine equipment dealers and one user.
6	Jan. 1, 1973	MARAD, NAEBM, Pearce, R–J, Raytheon and one user.
1	Postpone	One marine equipment dealer.

11. While a longer period of time is preferred, the manufacturing interests urge that a minimum period of 18 months be allowed between the effective date of the Commission's decision and the date after which DSB transmitters will not be authorized in new ship radio station installations. Their supporting arguments are based on the lead and lag times of the manufacturing process, inventory of components and disposal of completed units. In general, it appears that the comments submitted by the manufacturing interests have been extended to include the interests of marine equipment dealers handling their line of equipment. It is not possible to draw a distinct line of demarcation between the minimum time required by manufacturers to dispose of obsoleted stocks and components and that required by dealers to clear their stocks. It is clear, however, that the dealers strongly support a cutoff date of January 1, 1972, which also satisfies the minimum period being urged by the manufacturers. This date also satisfies the recommendation of the USPS.

12. With regard to those recommendations that January 1, 1973, be adopted as the final date after which DSB would not be authorized in new ship radio station installations, attention is called to paragraph 6 of the notice in which the Commission points to the large number of transmitters which can be expected to be installed during the course of 1 year. An extension of the cutoff date from January 1, 1971, to January 1, 1972, is expected to result in approximately 10,000 vessels being fitted with DSB equipment. Further, an extension from January 1, 1971, to January 1, 1973, can be expected to double the number of vessels, approximately 20,000, which would be fitted with DSB equipment. On the basis of comments filed, as discussed in paragraph 11, above, an extension from January 1, 1971, to January 1, 1972, appears unavoidable if a reasonably healthy economic balance is to be maintained in the manufacturing and dealer segments of the marine radio business.

13. On the other hand, a parallel situation does not exist for an extension from January 1, 1972, to January 1, 1973. In the view of the Commission, the comments filed do not show that an untenable economic situation is created for manufacturers/dealers; that any other adverse circumstance is created the importance of which is such that the Commission should permit 10,000 additional vessels to be fitted for DSB; or that the amortization period for vessels fitted for DSB immediately preceding the cutoff date should be reduced from 5 to 4 years. Accordingly, the Commission is amending § 83.139 of the rules to discontinue authorization of DSB transmitters in new ship stations after January 1, 1972. However, where authorized prior to that date, DSB transmitters may continue to be authorized to the same licensee until January 1, 1977, the date for discontinuance of DSB aboard all vessels (see § 83.139(c)).

Coast station conversion to SSB. 14. In the notice the Commission proposed that transmissions by coast stations be converted from DSB to SSB on January 1, 1970. This date has passed and a new date must be selected. Only two comments were filed in regard to the date by which coast stations must discontinue DSB transmissions. A.T. & T. and Lorain recommend that the date of January 1, 1972, be adopted. In the third report and order, Docket No. 18271, provision is included for coast stations operating on frequencies above 4 Mc/s to convert their transmissions from DSB to SSB on January 1, 1972. In some of the stations the

[1] Notice of proposed rule making, released Nov. 20, 1967, amendment of Part 2 of the Commission's rules and regulations concerning applications, information, measurement data, and test conditions for type acceptance of equipment.

same transmitter(s) are used on frequencies above and below 4 Mc/s. Selection of this date also coincides with commencement of the Commission's program for mandatory conversion of ship radio stations to SSB. Accordingly, the Commission is adopting amendments to Part 81 to provide for discontinuance of use of DSB at coast stations on January 1, 1972.

Ship station conversion to SSB. 15. In the notice the Commission proposed that use of DSB emission aboard ship radio stations not be authorized after January 1, 1977. In the comments filed, this date is supported by Northwest and Lorain. In addition, various alternative dates are recommended as follows: KONEL, MARAD, R–J, and Raytheon recommend January 1, 1982; AMMI recommends January 1, 1981; and Pearce recommends January 1, 1978. It is noted that the Pearce recommendations provide a period of 5 years between the date when DSB may last be installed in new ship radio stations (1973) and their recommendation for a final date for discontinuance of DSB aboard ship radio stations (1978).

16. Before proceeding to consider the filings of the above commentators with regard to the date for final discontinuance of use of DSB by ship radio stations, it is appropriate to refer to the basis for the Commission's proposals, as set forth in the notice:

In paragraph 10 of the notice the Commission listed the number of vessels using radiotelephony frequencies, the majority of which operate in the 2000–2850 kc/s band, i.e., 140,000 at mid-1967 (at year end 1969, the number had grown to 187,500 vessels);

In paragraphs 11 and 12 of the notice the Commission discussed the congested situation which exists on these frequencies and briefly outlined the technical reasons why congestion exists;

In paragraph 13 of the notice the Commission discussed the cause of the major reduction in communication range, a consequence of congestion, and the adverse effect which that reduced range has upon the maritime radio safety system. The Commission stated that the communication range obtained on frequencies in the 2000–2850 kc/s band, and on 2182 kc/s in particular, must be sufficient to permit a satisfactory functioning of the maritime radio safety system; and

In paragraph 14 of the notice the Commission paraphrased the objectives of its program.

17. As viewed from the background and provisions of the Communications Act of 1934, as amended, and Commission responsibilities thereunder, taken in conjunction with the adverse conditions described in the notice, it is the view of the Commission that it would be unreasonable to postpone discontinuance of DSB beyond 1977. In response to Docket No. 16440,[2] the industry, through the RTCM, recommended to the Commission that DSB be discontinued aboard vessels, other than recreational vessels, on January 1, 1975, and that DSB be discontinued aboard recreational vessels on January 1, 1977. To avoid complications resulting from administration of two dates, the Commission proposed in the instant proceeding that the latter of these two dates be applied to all vessels. It would be inappropriate to construe the comments of AMMI, KONEL, MARAD, R–J, and Raytheon, relative to the date for discontinuance of DSB aboard ship stations, as superseding the earlier industry/RTCM recommendation. These comments uniformly give no indication that the overall requirements of the maritime radio safety system have been considered and offer no argument and supporting data showing that the effect of the recommended 5-year (1977–82) postponement would not be adverse relative to congestion, reduction in communication range, or to the maritime radio safety system. For the reasons set forth above, the recommendation by these commentators that DSB be discontinued on January 1, 1982, is therefore rejected. As set forth in the attached Appendix, the Commission has amended its rules to provide for discontinuance of use of DSB emission aboard ship radio stations on January 1, 1977.

VHF required before 2 Mc/s 18. In the notice the Commission proposed that availability to ship stations of frequencies in the band 2000–2850 kc/s be limited to those vessels which are equipped with VHF and which operate at distances from shore which are beyond VHF range. Comments were filed by AMMI, Fisher, NPMRC, Pearce, Raytheon, Humphrey, SCMRC, TMC, USPS, and UMTC. Of these comments, AMMI indicates no objection to the proposal; Fisher, Pearce, Humphrey, and SCMRC strongly support the proposal; Raytheon opposes the proposal and recommends the rules be amended to waive the requirement for VHF where VHF is "redundant"; USPS supports the proposal, but with regard to proposed § 83.351(c)(5) recommends, alternatively, that specific conditions under which frequencies in the 2 Mc/s band will be authorized be set forth in the rules; UMTC indicates their vessels are already equipped for use of VHF; NPMRC opposes the proposal indicating the proposal is impracticable and unenforceable; and TMC in a telegram states they "take issue with" the proposal where VHF is a prerequisite for operation in the 2 Mc/s band.

19. AMMI requests clarification of the intent of paragraph 8 of the notice, as it applies to the Great Lakes area, relative to the fitting of VHF equipment as a condition to the licensing and use of 2 megacycle radiotelephone. This matter has since been clarified in the notice of proposed rule making applicable to the Great Lakes area, Docket No. 18633, released August 25, 1969, in which the proposals for § 83.351(c)(3) are essentially identical with those proposed for § 83.351(c)(3) of the instant proceeding.

20. In the light of the marine communications system as set forth in the Commission's proposal there is little likelihood of VHF being "redundant" as assumed by Raytheon in their suggestion that there be a waiver provision added to § 83.351(c)(3) and (4). Their suggestion is therefore rejected.

21. There is a common point of agreement among those who oppose the VHF prerequisite. That is, they indicate their understanding that those who have a substantiated requirement for the medium frequency-longer range communications will have a superior advantage. They seem to agree than when so equipped the medium frequency will serve both their longer-range and short-range communications and that for this reason VHF will not be required.

22. Those commentators that agree with the Commission's proposal understand that this is not the intent or effect of the Commission's proposal. The intent is that VHF–FM short-range communications, provide all the necessary communications, both safety and operational, for a large segment of the boating public. It is assumed that many, probably more than the majority, of the boats operating in the coastal and inland waters of the United States ultimately will have VHF equipment and only VHF equipment at their disposal. On the other hand the operator of the boat equipped only with VHF has the assurance that all other marine radio equipped boats operating in the local environment will be comparably equipped. As a result, the concept of "every boat a lifeboat" will be maintained and unnecessary clutter and interference will be minimized on the medium frequencies. On the other hand, boats that cruise beyond the localized coastal and inland water areas will have at their disposal the added medium frequency longer range capability. The reduced range being suffered at the present time will be alleviated by moving a major portion of the localized communications to VHF.

23. It will be seen, therefore, that local communications will ordinarily be carried on VHF whereas the offshore communications will have relatively unrestricted use of the medium frequencies. Administration of the system from the viewpoint of the Commission becomes relatively simple. The boat equipped with medium frequency equipment only simply cannot communicate either with boats equipped with VHF only—or with any boats or coast stations while he is

[2] "In the Matter of Preparation for a World Administrative Conference of the International Telecommunication Union to Consider Amendment of the International Radio Regulations Presently Applicable to the Maritime Mobile Radio Service and New Provisions for the Radio Requirements of the Service of Oceanography". The initial notice of inquiry was adopted on Jan. 19, 1966, and the sixth notice of inquiry was adopted on Aug. 16, 1967.

cruising in local, congested, coastal, or inland waters.

24. It follows from the foregoing, that all boats need VHF whereas a relatively few may find it necessary or desirable to add medium frequency capability. Medium frequency capability is not a substitute for VHF capability and any boat equipped with medium frequencies only would be severely handicapped.

25. Several commentators have expressed concern that the cost of VHF may place such an economic burden on some boaters that they will forego equipping with radio. At the time the comments were filed in this proceeding this argument had some merit. However, during the last 6 months several companies have introduced new VHF/FM equipments, the cost of which is directly comparable to the cost of DSB. With the reduction in cost we can anticipate an increase in the installation of VHF aboard ship and consequently an increase in the number of VHF Public Coast stations to serve these VHF equipped vessels. We believe that this proceeding and our other rule makings which foster VHF and the ever decreasing cost of VHF will create a viable VHF safety and operational radio system. The shortcoming which now exists to some extent in certain areas of the country and which certain commentators have mentioned are disappearing and should not be a problem in 1977. Any action on our part to waive or allow for waiver of requirements for VHF would be inimical to the growth of the system and must be rejected.

26. Based on the considerations discussed in paragraphs 18 through 25, above, the Commission has amended its rules, as set forth in the attached appendix, to include provisions (see §§ 81.304(c), 81.360(a), and 83.351(c)) which are paraphrased as follows:

After January 1, 1972, new installations aboard ship stations will be authorized use of SSB only where such ship stations are equipped also with VHF;

After January 1, 1977, use of 2 Mc/s radiotelephony will be limited to SSB, and will be available only to vessels which are equipped also with VHF, and may not be employed for intership or ship-to-shore communications over distances which are within VHF communication range;

After January 1, 1977, except for safety communications; SSB shall not be used by public or limited coast stations for communication with a vessel which is within VHF service range of that public or limited coast station;

After January 1, 1977, 2 Mc/s will be available only to public and limited coast stations where service is also provided on VHF;

After January 1, 1977, except on the Mississippi River System (and Great Lakes) public coast stations serving lakes or rivers will not be authorized to use frequencies in the band 2000–2850 kc/s.

U.S. Coast Guard and VHF. 27. Firstly, the plans of the U.S. Coast Guard relative to guard of 156.800 Mc/s are of particular significance and are summarized in their letter dated December 4, 1969, as follows:

The Coast Guard supports the FCC goal of requiring use of VHF–FM when within range. We have embarked on a multimillion dollar program of equipment procurement which eventually will provide continuous guard of 156.8 MHz in all areas of heavy boating traffic and to at least 20 miles offshore along our coastline. Large bodies of water such as the Great Lakes, Chesapeake Bay, and Long Island Sound will be covered completely. We have already made high altitude installations in the Los Angeles and San Francisco Bay areas to improve coverage * * *. Further expansion of this program depends only on the availability of funds for which we depend on Congress. Equipment to give Coast Guard helicopters "homing" capability on 156.8 MHz is being procured at the present time. In most areas of heavy boating these helicopters make regular safety patrols and will guard 156.8 MHz during these patrols. The altitude of these aircraft will further extend VHF–FM coverage. All Coast Guard search aircraft will have direction finding equipment covering 156.8 MHz in the very near future under a contract let several years ago * * *.

28. Secondly, in this proceeding the Commission proposed that vessels currently authorized, and those subsequently authorized up to January 1, 1972, may continue use of DSB until January 1, 1977. The program also provides for the licensing and use of SSB by boats beyond VHF range. The period prior to January 1, 1977, provides a substantial period of time, during which the Coast Guard will advance its VFH program and in which concerned persons may install VHF limited coast and VHF public coast stations to fulfill the needs of areas not currently served by VHF coast facilities. The FCC does not install, direct the installation, or make mandatory the installation of coast stations to fulfill the communications needs of any area. This in no way detracts from the Commission's directive under the Communications Act of 1934, as amended, to prescribe the conditions for a maritime radio safety system, or to establish alternative safety measures to meet the needs for change in that safety system arising from a growing public interest in recreational boating within this country.

29. Thirdly, while the plans of the U.S. Coast Guard for providing VHF coverage of the coastline appear to be adequate, numerous marinas and yacht clubs have installed VHF limited coast stations as a service and convenience to their customers and members. The Commission expects that a substantial proportion of the remaining marinas and yacht clubs will, in addition, install VHF limited coast stations for the same reason. During the period June 1, 1967, to September 1, 1969, there was an increase in number of VHF public coast stations of: 20 percent for stations serving the coastline and Great Lakes areas; and 33 percent for stations serving the inland waters; or an increase for both categories of 25 percent.

Transfer of DSB set from old to new boat. 30. The U.S. Power Squadron suggests that the wording of proposed § 83.139(c) be made permissive and specific with regard to the situation where a boat owner purchases a new boat, replacing a boat on which DSB equipment is authorized, and desires to transfer the DSB equipment to the new boat. The USPS claims, correctly, that the wording of proposed § 83.139(c) is not clear with regard to this situation. USPS argues that in this situation transfer of the DSB equipment should be permissible since each transfer does not in any respect introduce additional factors inconsistent with the Commission's proposal allowing amortization to January 1, 1977. The merits of the USPS argument are persuasive and the Commission has amended § 83.139(c) to permit transfer of DSB equipment from an old to a new boat. To avoid wholesale transfer of DSB equipment, it is necessary to limit such transfers to the specific category suggested by the USPS. For a licensee to obtain authorization to transfer his DSB transmitter to another boat he needs merely to attach his current license to the application for new station license for the new boat and we will (1) cancel the old license and (2) grant the new license to include authorization for use of the DSB transmitter for a new license period not to extend beyond January 1, 1977.

DSB set not part of boat sale. 31. The NPMRC recommends that double sideband equipment continue to be authorized aboard the same boat, until January 1, 1977, in the case where a boat is sold. The NPMRC argues that if this is not done the owner may be denied a reasonable amortization period only because he sells his vessel. In the view of the Commission, there are major and substantial differences between the USPS proposal, discussed above, and that being recommended by the NPMRC. If an owner reaches a decision to sell his boat, that decision is his, it is not the decision of the local boating community or the FCC. In this proposal, the NPMRC recommends, in effect, that the FCC include in its rules means by which that DSB equipment, with its many shortcomings, may continue to be imposed upon the local boating community for an additional period of up to 5 years. While the NPMRC comments are silent in regard to this situation, this matter is one of the major reciprocal considerations of this proposal. In this particular situation, the effect of the rule upon the boating community must take precedence over the matter of a relatively small financial benefit to one or a few licensees and in this case, the new purchaser of the vessel has no earned or implied rights relative to the use of DSB equipment. For these reasons, this proposal of NPMRC is rejected.

Maximum permissible ship and coast station transmitter output power. 32. With regard to the transmitter power of coast and/or ship stations, the comments of Lorain and Raytheon concerning the Great Lakes area are appropriate to and will be treated in Docket No. 18633. Other rules together with the maximum permissible peak envelope

power proposed by the Commission, are listed in the following table:

Usage [1]	Collins	Raytheon	FCC
Coast, night	3,000		400
Coast, day	3,000		800
Ship, except 2182, 2170.5 and 2191 kc/s	1,000	[2] 1,000	150
Ship, for 2182, 2170.5 and 2191 kc/s	400	400	150

[1] For emissions A3A, A3H, and A3J.
[2] For cargo and passenger vessels of over 5,000 gross tons.

33. Collins' recommendation to increase coast station transmitter power to 3,000 watts (PEP) is not supported by other commentors. The Commission concurs with Collins that with a coast station transmitter power of 3,000 watts, ships would be able to receive the coast station at greater distances, however, the increase in useful communication range is accompanied by parallel increases in interference range, which, if implemented, would require an increase in the distance separating coast stations which employ a common frequency. This would substantially and adversely affect, if not preclude, the capability to obtain two to three duplications of the same 2 Mc/s frequency within the contiguous 48 States. The purpose here is not to maximize the communications range of frequencies in the 2000–2850 kc/s band, but to provide communications to the maximum number of vessels at a compromise distance beyond VHF range. For these reasons the Commission is of the view that it is not practical in this proceeding to implement Collins' recommendation and it is therefore rejected.

34. In further regard to Collins' recommendation, information is not available to indicate how many of the 187,500 vessels currently authorized for radiotelephony will have a need to employ SSB on frequencies in the 2000–2850 kc/s band after conversion to SSB. Thus, it would be pure speculation and serve no useful purpose to estimate how many vessels will employ SSB equipment in this band after conversion to SSB; or, of that number, how many would purchase SSB equipment having a capability of 1,000 watts (PEP), in contrast to purchase of a set having a lower power capability. Under Raytheon's recommendation, the number of vessels which would be affected would be between 1,000 and 1,500 U.S. registry vessels (including the 14 passenger vessels of greater than 5,000 gross tons).

35. Collins and Raytheon did not include in their comments any estimate of the number of vessels which would be affected by their recommendations. Both Collins and Raytheon express doubt regarding the adequacy of the maritime radio safety system in the 2000–2850 kc/s band where the ship station maximum power is limited to 150 watts (PEP). Collins and Raytheon provide no rationale or bridge to explain the substantial conflict between their concern for the adequacy of the maritime radio safety system, absence of information as to number of vessels involved, awareness of the severe congestion and interference now existing on 2182 kc/s (as described in paragraph 11 of the notice), and their recommendation that the ship station power be increased to 1,000 watts (PEP).

36. Since the technical arguments set forth by Raytheon in their comments are basically the same as those advanced by Collins, the discussion in the foregoing paragraphs is, therefore, applicable to the comments of Raytheon. There remains, however, two points raised by Raytheon which are discussed below. In their comments, both Raytheon and Collins indicate concern over the proper functioning of the maritime radio safety system where the maximum power available to the ship station is 150 watts (PEP), as proposed by the Commission. Collins, on the one hand, expresses the view, and so recommends that the transmitter power available to ship stations (except on 2182, 2170.5, and 2191 kc/s) be increased to 1,000 watts (PEP). Raytheon, on the other hand, recommends only that an increased power (of 1,000 watts (PEP)) be made applicable to vessels of over 5,000 gross tons, or some 1,000 to 1,500 vessels. Raytheon makes no recommendation with regard to the remainder of the 187,500 vessels which employ radiotelephony.

37. Raytheon's argument in support of the recommended expansion of higher power to include cargo vessels is, essentially, that the current and proposed rules), which permit passenger vessels of over 5,000 gross tons to employ a maximum transmitter power of 1,000 watts (PEP, for SSB), is unduly restrictive. With regard to passenger vessels of over 5,000 gross tons, it is appropriate to note that there are 22 such vessels currently under certification by the U.S. Coast Guard, five of which are MSTS and three of which are indefinitely laidup. Information is not available from which to conclude that the conditions which appertained to these 14 vessels, and which necessitated inclusion of footnote 2 in the rules, are equally applicable to the 1,000–1,500 cargo vessels of over 5,000 gross tons, referred to by Raytheon. Raytheon does not indicate that such common conditions do in fact exist. Finally, the provisions which permit the use of higher power by these few passenger vessels have been in the rules for many years. It is reasonable to expect that, if these provisions are unduly restrictive, one or more of the many operating licensees, during this period, would have requested the Commission to amend the rules to correct that unduly restrictive condition.

38. As outlined in paragraphs 34 through 37, above, the Commission has carefully considered the recommendations of Collins and Raytheon with regard to the maximum power level available to ship stations. Based on these considerations, it is the view of the Commission that an inadequate basis exists for adoption of the recommendation that the rules be amended to permit ship stations to employ a maximum power of 1,000 watts (PEP) and that recommendation is, therefore, rejected.

Improve efficiency of communications on Mississippi River System. 39. AMCOM, Ashland, COM/NAV, Gartman, Ohio, and UMTC urge that, as the result of its decisions in this proceeding, the Commission not decrease the efficiency of communications serving the Mississippi River System. In near unanimity these commentators point to areas where deficiencies exist in communications available to the Mississippi River System and urge the Commission to adopt measures which would strengthen those areas. Specifically, since only one 2 Mc/s frequency is currently available to serve the multitude of vessels operating in this system, the Commission is requested to increase the number of frequencies available in the band 2000–2850 kc/s; to provide for longer distance communications, the Commission is urged to increase the number of frequencies above 4 Mc/s; [3] and to meet the needs for improvement in public correspondence communication, the Commission is requested to increase the number of frequencies above 4 Mc/s available to this system for public correspondence coast and ship stations.[3] Except as set forth in paragraph 50, below, the matter of increase in number of frequencies in the 2000–2850 kc/s band for use in the Mississippi River system will be treated in a later order in this proceeding.

Coast and ship station use of VHF and 2 Mc/s. 40. A.T. & T. suggests that those 2 Mc/s public coast stations which must be replaced by VHF, as provided by § 81.304 (b) and (c), should be permitted to continue use of DSB equipment until January 1, 1977, in order to avoid the economic hardship of replacing DSB equipment with SSB equipment for the interim period between January 1, 1972 and January 1, 1977. In the view of the Commission, A.T. & T.'s request is reasonable and should be permitted in the rules provided the continued use of DSB by such station does not preclude implementation and use of SSB: (a) On the same carrier frequency, or (b) on the carrier frequency 3 kc/s below the carrier frequency of the DSB channel. Since the Commission in this report and order is not finalizing deployment of frequencies in the 2000–2850 kc/s band, but will do so in a later report and order, final decision with regard to A.T. & T.'s suggestion is being delayed until the completed frequency deployment plan is available. Thus, A.T. & T.'s suggestion will be treated in a subsequent report and order.

41. A.T. & T. suggests that § 81.304(c) be amended to delete therefrom the designation of responsibility to coast stations to determine whether vessels should use 2 Mc/s or VHF frequencies. Further, A.T. & T. suggests that this responsibility be assigned to each vessel. To take into account the various comments received, substantial changes are being made to the provisions of § 83.351(c) in regard to the responsibility of the ship station not to employ 2 Mc/s frequencies when within VHF range of a public coast station. This action conforms, in part, to A.T. & T.'s suggestion. With regard to the remainder of that suggestion, the Commission feels it is not in the public

[3] This request is appropriate to and was treated in the Commission's proceeding in Docket No. 18271. See the third report and order, released Dec. 22, 1969.

interest to remove from coast stations all responsibility to participate in administration of the current program to decongest the 2 Mc/s channels and, thus, to improve the service by removing from 2 Mc/s calls from vessels which are within VHF communication range.

42. A.T. & T.'s suggestion, when viewed from the position of day-to-day working, focuses attention on a number of problems of a practical nature, as illustrated by the following:

> The marine operator at the coast station may have little or no knowledge of the local waterways and even if the vessel supplies its position, would probably be unable to determine if the vessel is within or beyond VHF range;
>
> A coast station has 2 Mc/s but does not have VHF and to direct the vessel to employ VHF would transfer business from the 2 Mc/s station to a VHF station;
>
> The ship station, by calling to a distant 2 Mc/s station instead of a nearby VHF station can avoid the supplementary charge for connecting landline;
>
> A ship station is within range of a VHF coast station, but is not within VHF range of the 2 Mc/s coast station;
>
> A ship station equipped with both VHF and 2 Mc/s, positioned within VHF range of a VHF coast station, calls that VHF coast station on 2 Mc/s because VHF is temporarily busy.

43. While the five conditions listed in the foregoing paragraph are illustrative, they are by no means exhaustive. However, even for this limited list, the matter of including in the rules a specific set of regulations for each condition would be lengthy, complex and, therefore, impractical. It is, however, practical to place responsibility, respectively, with the coast station and the ship station for compliance with the rule (see §§ 81.306 (e) and 83.354(c)) that VHF be employed in lieu of frequencies in the band 2–27.5 Mc/s where effective communication can be obtained on VHF. It is not clear to the Commission why a vessel would willingly or knowingly employ 2 Mc/s where effective communication can be obtained on VHF. By using VHF when within VHF range, in lieu of 2 Mc/s, the boating public will reduce delays and effect improvement in service for vessels which are beyond VHF range. This cooperative action is a small service for one vessel to render to another vessel. Accordingly, the rules set forth in the attached appendix prohibit use by either the coast station or the ship station of frequencies in the band 2–27.5 Mc/s where effective communication can be obtained on VHF. Further, as stated in paragraph 40, above, §§ 81.304 (c)(3), 83.351(c) (3) and (4) have been revised to fall within this framework.

44. A.T. & T. points to conflict between the provisions proposed for § 83.351(b) (12) and those proposed for § 81.351(b) (39) and suggested that appropriate corrections be made. This will be treated in a subsequent report and order.

45. To facilitate the addition of VHF to licenses of public and limited coast stations which are currently authorized to use frequencies in the band 2000–2850 kc/s, the Commission is requiring (see §§ 81.304(c)(2) and 81.360(a)(2)) that licensees of 2 Mc/s stations submit application to add appropriate frequencies in the band 156–162 Mc/s. In processing these applications for public coast stations, account will be taken of existing VHF Public Coast facilities only to the extent that electrical interference will be caused to existing VHF service. With regard to limited coast station applications, generally, it is anticipated that the existence of other VHF limited coast stations in the same area will not be a deterrent to grant. Based on the number of VHF ship station applications being received by the Commission, it is now clear that in its notice the Commission should have proposed that 2 Mc/s public and limited coast stations provide VHF capability on the date of discontinuance of DSB, e.g., by January 1, 1972. The Notice did not include this proposal, therefore, the Commission does not feel that it should require the applications referred to in §§ 81.304(c)(2) and 81.360 (a)(2) to be submitted prior to January 1, 1972. Nonetheless, we urge that licensees of 2 Mc/s public and limited coast stations submit application to add VHF by January 1, 1972.

Proposal to relax SSB frequency tolerance. 46. Pearce recommends that type acceptance of new double sideband transmitters be discontinued 6 months after adoption of the report and order in this proceeding. Under this recommendation, no new DSB transmitters would be type accepted by the Commission following expiration of this 6 months period. Thus, any new DSB transmitters installed aboard ship after that date, but prior to January 1, 1972, would be of a type which had been type accepted prior to expiration of this 6 months period. No opposition was expressed to this recommendation in the comments or reply comments filed in this proceeding. In the view of the Commission, adoption of Pearce's recommendation would not impose hardship on either the user or manufacturer, but would facilitate the transition from DSB to VHF and to SSB. Accordingly, the Commission is amending its rules, as set forth in the attached appendix, to provide that no new DSB transmitters will be type accepted after January 1, 1971.

47. Pearce recommends that SSB transmitters operating solely in the band 2000–2850 kc/s be permitted a frequency tolerance of 0.005 percent. As recommended, transmitters operating on frequencies outside of the band 2000–2850 kc/s, or in the 2000–2850 kc/s and 4 to 23 Mc/s bands, would comply with a frequency tolerance of 50 c.p.s. for ship stations, or 20 c.p.s. for coast stations (see §§ 83.131 and 81.131 of the rules). While it is probable that Pearce's recommendation is intended to be limited to ship station SSB transmitters, the recommendation as submitted is applicable to both coast and ship station transmitters. Pearce argues that relaxation of the frequency tolerance from ±20 c.p.s., or ±50 c.p.s., to ±142.5 c.p.s. (at the frequency 2850 kc/s) would allow a great price saving in manufacture. While the Commission is sympathetic to reduction in cost of SSB equipment, it is not sympathetic to technical standards which will interfere with the satisfactory functioning of the SSB communication system. There is no merit to adopting a new or different technical standard to reduce the cost of a system if the effect of that new or different standard is to degrade or render the SSB system unsatisfactory. The technical standards applicable must permit satisfactory functioning when the system is operating in the suppressed carrier (A3J) mode.

48. The subject of frequency tolerance for SSB radiotelephone systems was thoroughly considered by the Commission in the maritime service rule making proceeding in Docket No. 15068, in which the report and order was released on July 27, 1964, which resulted in adoption of the values currently set forth in the rules.

49. Briefly, as the transmitter frequency stability is relaxed, it is necessary to broaden the receiver IF bandwidth. Broadening of the IF decreases the selectivity and increases the probability that the undesired signals from the adjacent upper or lower, or both, channels will be present at the receiver output. Where the suppressed carrier SSB mode is used, to avoid shifts in voice frequencies during the demodulation process, i.e., to maintain voice naturalness, some means must be added to the receiver (for example, automatic frequency control (AFC) of the local oscillator) to reposition the received voice band, relative to the beat frequency oscillator (BFO), so that the BFO is at the position previously occupied by the carrier before suppression. It is doubtful that the cost of an adequate receiver AFC system is less than the cost of higher frequency stability. Also, use of AFC adds to the complexity of the receiver and introduces other problems. While AFC can be made to compensate for poor transmitter frequency stability, it will not restore the receiver selectivity and, thus, the system will be more susceptible to interference. For these reasons the Commission is not adopting Pearce's recommendation that the frequency tolerance of transmitters operated solely in the band 2000–2850 kc/s be relaxed to 0.005 percent.

Availability of new SSB frequencies. 50. In the notice (see paragraph 30 and, in the appendix, footnote 2 to § 83.358), the Commission indicated that eight frequencies (WARC MOD200), available only for use with emissions A3A and A3J, were being coordinated with Canada. This coordination is now complete and six of the frequencies which will be available for assignment together with emission, maximum power and conditions of use are set forth below. A seventh channel (2203.0 kc/s) also can be made available for assignment at this time. These frequencies are not available in the Great Lakes area. With regard to these frequencies, it will be noted that in this first report and order the Commission is not effecting amendment of the specific rule sections of Parts 81 and 83. For administrative convenience, the Commission will effect amendment of the specific rule sections in the subsequent report

and order which will finalize the frequency plan for Class II public coast/ship stations. However, to avoid delay in making these frequencies available to the public, during the interim period prior to finalization of the Class II public coast/ship frequency plan, the Commission will assign these frequencies, subject to the indicated conditions of use, as follows:

Carrier frequency (kc/s)	*Conditions of use*
2065.0 and 2079.0	Assignment to ship and coast stations will be subject to coordination with Canada. Available only at locations which will not cause interference to use of the same frequency by Canada. Limited to a maximum output power of 150 watts (PEP) and to emissions 2.8A3A and 2.8A3J.
2082.5	Available to ship stations primarily for intership safety communications in the maritime mobile service. On a secondary basis to safety communications, available to ship stations, other than those aboard vessels engaged in commercial fishing, for Commercial (Operational) communications. On a tertiary basis, subject to noninterference to ship stations, may be assigned to coast stations for Commercial (Operational) communications with ship stations. Ship and coast stations are limited to a maximum power of 150 watts (PEP) and to emissions 2.8A3A and 2.8A3J.
2086.0	Available to ship and coast stations serving vessels operating in the Mississippi River System. Limited to a maximum output power of 150 watts (PEP) and to emissions 2.8A3A and 2.8A3J. (NOTE: It is intended that this frequency supplement current usage on 2782 kc/s.)
2093.0	Available to ship stations for intership communication aboard vessels engaged in commercial fishing. Limited to a maximum output power of 150 watts (PEP) and to emissions 2.8A3A and 2.8A3J. (NOTE: It is intended that this frequency supplement 157.425 Mc/s, which is available to commercial vessels engaged in commercial fishing).
2096.5	Available for use by limited ship and coast stations as provided in §§ 83.360 and 81.361, except that the provisions of § 81.361(b)(4) do not apply. Limited to emission 2.8A3J and a maximum output power of 150 watts (PEP).
2203.0	Available in the Gulf of Mexico only, for assignment to ship stations, other than those aboard vessels engaged in commercial fishing. Limited to a maximum output power of 150 watts (PEP) and to emissions 2.8A3A and 2.8A3J. (NOTE: This is not one of the WARC MOD200 frequencies. It is intended that this frequency supplement current usage on 2830 kc/s, however, use of this frequency by vessels engaged in commercial fishing is prohibited.)

51. To the extent it has been possible to do so, the above allotment of frequencies conform to the recommendations submitted by RTCM. Among other things, RTCM expresses the view that it is urgent, and the Commission agrees, that one frequency be allotted exclusively for intership communication by fishing fleets. The matter of continuous use of the intership frequencies by fishing fleets has long been a source of complaint to the Commission by a multitude of boating interests, who indicate that because of this usage they are unable to conduct even a minimum of safety communication on the intership frequencies. The exclusive allotment of 2093.0 kc/s for intership communications between vessels of a fleet engaged in commercial fishing will now permit these vessels, upon conversion to SSB, to discontinue use of 2638, 2738, and 2830 kc/s for intrafleet communications. It is apparent, of course, that the Commission is making a practical and necessary distinction between communications by a commercial fishing vessel (a) with other commercial fishing vessels, which are Commercial (Operational) communications, and (b) with other (nonfishing) vessels, which are for safety communications. Communications of the latter category may and should be conducted by all vessels, including fishing vessels, on 2638, 2738, 2830, 2082.5, or 2203.0 kc/s. Vessels within a commercial fishing fleet, where it is deemed operationally and practically preferable to do so, may also conduct intrafleet safety communications on 2093.0 kc/s. However, where the safety information is of benefit to other (nonfishing) vessels, it should be transmitted on 2638, 2738, 2830, 2082.5, or 2203.0 kc/s. The exclusive allotment of 157.425 Mc/s (in Docket No. 17295) and 2093 kc/s (in the instant proceeding) will provide commercial fishing vessels means for intrafleet communications free from interference from nonfishing vessels.

Installation of conditionally type accepted SSB transmitters in new ship stations. 52. In §§ 81.133 and 83.133, footnote 4 provides for the continued operation at coast and ship stations of SSB transmitters which were type accepted prior to December 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s. The intent of footnote 4 is to permit those transmitters installed at a coast or ship station prior to the effective date of the Rules adopted in the instant proceeding, to continue to be operated. Footnote 4, therefore, is a "grandfather clause" to permit the continued operation of those transmitters. The Commission has been requested, informally, to clarify the status of these types of SSB transmitters with regard to continued sale and installation after the effective date of these rules. We are unable to determine conclusively that any of the transmitters type accepted at the present time meet the 3.0 kc/s bandwidth specification inasmuch as they all were tested and type accepted under the 3.5 kc/s authorized bandwidth specification. Therefore, manufacturers of transmitters expected to be sold at such a time that their initial installation would be after January 1, 1972, should file an amendment to the type acceptance data in our files showing the capability of the transmitter to meet the 3.0 kc/s authorized bandwidth limit of §§ 81.133 and 83.133. In the absence of such a showing to be made between now and January 1, 1972, the Commission will not authorize new installations of these transmitters after January 1, 1972. Since transmitters having less than all three emission modes will not be authorized in new installations after January 1, 1972, it will not be necessary to file a showing of authorized bandwidth for these types of transmitters.

53. While it is reasonable and orderly to apply a "grandfather clause" to SSB transmitters already authorized, installed and in operation at coast or ship stations, it is not reasonable to authorize use of these deficient SSB transmitters in new installations. To do so reduces or defeats the purpose of this technical standard, raises the question that a lesser value could suffice, and creates a preferential or discriminatory situation relative to SSB transmitters which conform to all of the technical standards.

54. As discussed in paragraphs 11 and 12, above, to avoid imposing an economic hardship upon manufacturers and marine equipment dealers, it is necessary to provide a reasonable minimum period in which to dispose of existing equipment currently in stock. In paragraph 12, above, it is concluded that the date of January 1, 1972, provides a reasonable minimum period for disposition of existing equipment currently in stock. Accordingly, as set forth in the attached appendix, the Commission is adopting a cutoff date of January 1, 1972, after which SSB transmitters conforming to the conditions of footnote 4 to §§ 81.133 and 83.133, or the provisions of §§ 81.142 (d) and 83.137(d), will not be authorized at coast stations or aboard ship.

55. A.T. & T., Collins, Mobile, NPMRC, and RTCM submitted comments with regard to deployment of frequencies in the 2000–2850 kc/s band. As stated in paragraph 2, above, these comments will be treated by the Commission in a subsequent report and order in this proceeding.

56. With regard to § 2.106, the proposed changes to the band 2065–2107 kc/s and Geneva footnote (200) in the instant proceeding were superseded by Commission proposals and final action in Docket No. 18218. The changes proposed in the instant proceeding to the band 2170–2173.5 and 2190.5–2194 kc/s are adopted without change. These changes are required to establish two 3.5 kc/s radiotelephony channels one on either side of 2182.5 kc/s. In order to avoid future misunderstanding relative

to Commission proposals for the band 2173.5–2190.5 kc/s, the Commission has deleted Geneva footnote (201) from the band 2173.5–2190.5 kc/s and has replaced it with U.S. footnote US113. Geneva footnote (201) cannot properly be limited only to the band 2173.5–2190.5 kc/s, as proposed in the instant proceeding, since the text of footnote (201) includes reference to the band 2170–2194 kc/s, which includes the two 3.5 kc/s channels on each side of 2182 kc/s. The Commission did not propose in the instant proceeding that use of the bands 2170–2173.5 and 2190.5–2194 kc/s be limited to that specified in Article 35 of the ITU Radio Regulations, Geneva, 1967. The Commission is continuing its consideration of the ultimate use of these two bands by the non-Government maritime services. In the meantime, the Commission proposes to continue without change the current provisions, which have been restated in U.S. footnote US113.

57. Any application for modification of license to comply with any rule amendments adopted herein may be submitted without a fee.

58. NPMRC petitioned the Commission, RM–1286, to assign two channels in the band 2065–2107 kc/s for ship to ship service in the North Pacific. This proceeding, in effect, fulfills this request and renders the petition moot.

59. *Accordingly, it is ordered*, That, pursuant to the authority contained in sections 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 2, 81, and 83 of the Commission's rules are amended effective July 24, 1970, as set forth in the attached appendix.

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

Adopted: June 10, 1970.

Released: June 16, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[1] Chairman Burch absent; Commissioner Johnson concurring in the result.

APPENDIX

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

A. Part 2 is amended as follows:

§ 2.106 [Amended]

Section 2.106, for the frequency band 2170–2194 kHz is amended to read as follows:

Band (kHz)	Service	Class of station	Frequency	Nature [OF SERVICES (of stations]
7	8	9	10	11
* * *	* * *	* * *	* * *	* * *
2170-2173.5	MARITIME MOBILE.	Ship.		MARITIME MOBILE.
2173.5-2190.5 (US113)	MOBILE.	Aircraft, Coast, Ship, Survival craft.	2182	AERONAUTICAL MOBILE (telephony). MARITIME MOBILE (telephony) (NG22). Distress and calling frequency.
2190.5-2194	MARITIME MOBILE.	Ship.		MARITIME MOBILE.
* * *	* * *	* * *	* * *	* * *

Footnotes to the table, Geneva footnotes, number (201) is amended to read as follows:

(201) The frequency 2182 kHz is the international distress and calling frequency for radiotelephony. The conditions for the use of the band 2170–2190 kHz are prescribed in Article 35.

Footnotes to the table, U.S. footnotes, US113 is added to read as follows:

US113 The frequency 2182 kHz is the international distress and calling frequency for radiotelephony. The conditions for the use of this frequency are prescribed in Article 35 of the International Radio Regulations.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

B. Part 81 is amended as follows:

1. In § 81.7, the note is deleted and a new paragraph (u) is added to read as follows:

§ 81.7 Operational.

* * * * *

(u) *Mississippi River System.* The system of frequencies and facilities provided by public coast and ship stations for radiocommunication on the Mississippi River and connecting inland waters other than the Great Lakes.

2. In § 81.104, the introductory text of paragraph (b) (1) and paragraph (c) (1) are amended to read as follows:

§ 81.104 Facilities required for coast stations.

* * * * *

(b) * * *

(1) Each public coast station licensed to transmit within the band 1605 to 3500 kc/s shall be capable of transmitting (and licensed to transmit) A3[1] or A3H[2] emission on the carrier frequency 2182 kc/s with a carrier power not less than the maximum carrier power which it is capable of using on any other carrier frequency in this band for the same emission, except that, in any event, the required carrier power on 2182 kc/s need not be more than 100 watts for A3[1] emission and 50 watts for A3H[2] emission. In addition, the coast station must be capable of receiving A3[3] and A3H[4] emissions on the carrier frequency 2182 kc/s.

* * * * *

(c) * * *

(1) Each coast station licensed to transmit on the carrier frequency 2182 kc/s shall be capable of efficiently receiving A3[3] and A3H[4] emissions on that frequency and shall be capable also of transmitting (and shall be licensed to transmit) A3[1] or A3H[2] emission and receiving A3[3] and A3H[4] emission on at least one other frequency for working with ship stations in the band 2000 to 3500 kc/s.

* * * * *

3. Subparagraph (2) of paragraph (a) and paragraph (d) of § 81.132 are amended to read as follows:

[1] Use of emission A3 shall be discontinued effective Jan. 1, 1972.

[2] Capability to transmit using emission A3H shall be provided effective Jan. 1, 1972.

[3] Capability to receive A3 emission shall be provided until Jan. 1, 1977.

[4] Capability to receive A3H emission shall be provided effective Jan. 1, 1972.

§ 81.132 Authorized classes of emission.

(a) * * *

(2) Coast stations using radiotelephony:

(i) For frequencies designated in § 81.304(a):	
2182 kc/s	Until Jan. 1, 1972: A3 or A3H; after Jan. 1, 1972: A3H.
All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 81.304 (a) and (b).
(ii) For frequencies designated in § 81.361 (a).	A3J.
(iii) For frequencies in the band 156 to 174 Mc/s.	F3.

* * * * * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

* * * * *

4. In § 81.133, paragraph (a) is amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 81.132.

Classes of emission	Emission designator	Authorized bandwidth (kc/s.)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
F1	[1] 0.3F1	[1] 0.5
F3	[2] 16F3	[2] 20.0
F3	[3] 36F3	[3] 40.0
PO	Variable	Variable
A3A	2.8A3A	[4] 3.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
A3B	5.6A3B	7.0

[1] Narrow-band direct-printing telegraph and data transmission systems.

[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.

[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.

[4] Transmitters type accepted prior to Dec. 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s. may continue to be operated. These transmitters will not be authorized in new installations after Jan. 1, 1972.

* * * * *

5. In § 81.134, the table in paragraph (c) (1) is amended to read as follows:

§ 81.134 Transmitter power.

* * * * *

(c) * * *

(1) * * *

Frequency band (kc/s)	Class of station	Class of emission	Transmitter power
2000 to 4000[1]	Any	A3	1500 watts by day. 700 watts by night.
	do	A3A, A3H, A3J.	800 watts by day. 400 watts by night.
4000 to 18,000	Class I	A3	70 kilowatts.
18,000 to 27,500.	do	do	27 kilowatts.
4000 to 27,500	do	A3A, A3B, A3H, A3J.	50 kilowatts.
	Class II	do	1000 watts.
	do	A3	1500 watts.

[1] When using 2182 kc/s. for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 100 watts for A3 emission and 50 watts for A3H emission.

6. Section 81.142 is revised to read as follows:

§ 81.142 Modulation requirements.

(a) Transmitters using A3 emission shall be capable of proper technical operation with modulation of 75 percent on peaks but not more than 100 percent on negative peaks. Each such transmitter shall be so adjusted that the transmission of speech and the international radiotelephone alarm signal, if provision is made for transmission of the signal, normally produce peak modulation percentages within those limits.

(b) Transmitters using F3 emission in the band 156–162 Mc/s shall be capable of proper technical operation with a frequency deviation of ±5 kc/s, which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the:

(1) Suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power;

(2) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(3) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibel ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to December 31, 1969, that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,* That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 81.361 is applicable may continue until further notice. Transmitters to which this paragraph is applicable will not be authorized in new installations after January 1, 1972.

(e) In single sideband operation, the sideband on the higher frequency side of the carrier frequency shall be transmitted.

(f) Except as provided in paragraph (g) of this section, each radiotelephone transmitter licensed by the Commission for use of F3 or A3 emission in a station governed by this part shall be provided with a device which automatically prevents modulation in excess of 100 percent.

(g) A modulation limiter as prescribed in paragraph (f) of this section is not required in the following stations or transmitters:

(1) Stations authorized for developmental operation;

(2) Transmitters of plate input power of 3 watts or less when used in marine utility stations or other land stations of a portable nature;

(3) Transmitters using frequencies in the band 73.0–74.6 Mc/s in operational fixed stations authorized on December 1, 1961, which were first authorized or installed prior to July 1, 1950.

(h) Single sideband and independent sideband transmitters shall automatically limit the peak envelope power to the authorized transmitter power.

(i) Each transmitter operated in the bands 72.0–73.0 and 75.4–76.0 Mc/s shall be equipped with an audio low-pass filter. The audio low-pass filter shall be installed between the modulation limiter and the modulated stage, and, at audiofrequencies between 3 kc/s and 15 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 40 $\log_{10}(f/3)$ decibels where "f" is the audiofrequency in kilocycles. At audiofrequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

(j) Each transmitter[1] operated in the band 156–162 Mc/s shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radiofrequency) stage and, at audiofrequencies between 3 kc/s and 20 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 60 $\log_{10}(f/3)$ decibels, where "f" is the audiofrequency in kc/s. At audiofrequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

7. In § 81.191, paragraph (c) (1) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(c) (1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 kc/s shall, during its hours of service for telephony, maintain an efficient watch for reception of A3[1] and A3H[1] emissions on the carrier frequency 2182 kc/s whenever such station is not being used for transmission on that frequency: *Provided,* That the Commission may exempt any coast station from compliance with this requirement if it considers that the frequency 2182 kc/s is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph. The watch referred to in this subparagraph will not be deemed "efficient" unless the coast

[1] The requirements of this paragraph are applicable as follows:

(a) To all transmitters type accepted after Mar. 1, 1969;

(b) To all transmitters first installed after Jan. 1, 1970; and

(c) To all transmitters after Jan. 1, 1974.

station is capable of normally receiving A3[1] and A3H[1] emissions on 2182 kc/s from mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

* * * * *

In § 81.304, a new paragraph (c) is added to read as follows:

§ 81.304 Frequencies available.

* * * * *

(c) Assignment to public coast stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emissions will not be permitted after January 1, 1972;[2]

(ii) Authorizations for use of DSB emission granted after July 24, 1970, shall expire on January 1, 1972;

(iii) Transmission of SSB emissions A3H, A3A, or A3J is permitted prior to January 1, 1972. Except as provided in section 81.142(d), after January 1, 1972, the capability of using these emissions is required;

(iv) On 2182 kc/s, until January 1, 1972, public coast stations are required to have the capability to transmit DSB or SSB full carrier emissions and to receive DSB and SSB full carrier emissions;

(v) On 2182 kc/s during the period January 1, 1972, to January 1, 1977, public coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

(2) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will be available only to public coast stations where the licensee, in addition to providing service on the frequencies in the band 2000–2850 kc/s shall apply for and if granted provide service on frequencies in the band 156–162 Mc/s.

(3) Except for safety communications, after January 1, 1977:

(i) Radiotelephony frequencies in the band 2000–2850 kc/s shall not be used by a public coast station for communication with a vessel which is within the VHF service range of that public coast station.

(ii) Except in the Mississippi River System (and Great Lakes)[2] public coast stations serving lakes or rivers will not be authorized to employ frequencies in the band 2000–2850 kc/s.

* * * * *

9. In § 81.306, paragraph (e) is amended to read as follows:

[1] The watch maintained shall be for reception of emissions as follows: Until Jan. 1, 1977, emissions A3 and A3H; after Jan. 1, 1977, emission A3H.

[2] Subject to the proceeding in Docket No. 18633.

§ 81.306 Frequencies available below 27.5 Mc/s.

* * * * *

(e) Use of the working frequencies authorized in paragraphs (a), (b), (c), and (d) of this section is subject to the applicable conditions and limitations set forth in § 81.304. Class II coast stations shall use frequency assignments in the band 2000 kc/s to 27.5 Mc/s only when the use of frequency assignments in the band 156–162 Mc/s will not provide effective communication.

10. A new § 81.360 is added to read as follows:

§ 81.360 Frequencies available below 4000 kc/s.

(a) Assignment to limited coast stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emissions will not be permitted after January 1, 1972;

(ii) Authorizations for use of DSB emission granted after shall expire on January 1, 1972;

(iii) Transmission of SSB emissions A3H, A3A, or A3J is permitted prior to January 1, 1972. Except as provided in § 81.142(d), after January 1, 1972, the capability of using these emissions is required;

(iv) On 2182 kc/s, until January 1, 1972, limited coast stations are required to have the capability to transmit DSB or SSB full carrier emissions and to receive DSB and SSB full carrier emissions;

(v) On 2182 kc/s during the period January 1, 1972, to January 1, 1977, limited coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

(2) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s will be available only to limited coast stations where the licensee, in addition to providing service on the frequencies in the band 2000–2850 kc/s shall apply for and if authorized provide service on frequencies in the band 156–162 Mc/s.

(3) Except for safety communications, after January 1, 1977:

(i) Radiotelephony frequencies in the band 2000–2850 kc/s shall not be used by a limited coast station for communication with a vessel which is within the VHF service range of that limited coast station.

(ii) Except in the Mississippi River System (and Great Lakes[1]), limited coast stations serving lakes or rivers will not be authoirzed to employ frequencies in the band 2000–2850 kc/s.

(b) The frequencies 2738 and 2830 kc/s are available for assignment on a shared basis to limited coast stations in the areas where they are available for intership use upon showing that exceptional circumstances warrant the use of such frequencies to serve the safety, operational, or business needs of commercial transport or Government vessels. Communications between such coast stations and ships shall be conducted on the same working frequency. The frequency 2214 kc/s is available for assignment under like conditions to limited coast stations. Applicants for the frequencies must show that:

(1) The required communications are primarily over distances for which frequencies above 30 Mc/s would not be suitable;

(2) Public coast station facilities would not provide the required communications;

(3) Harmful interference would not be caused to the service of any U.S. Government station by the use of 2214 kc/s;

(4) Harmful interference would not be caused to the intership use of 2738 and 2830 kc/s;

(5) The transmitter power for such communication shall not exceed 150 watts.

(c) Until January 1, 1977, the frequencies 2738 and 2830 kc/s are available for assignment on a shared basis to limited coast stations in the areas where they are available for intership use upon a showing that the use of such frequencies is necessary to fulfill the need for communication with ships relating to safety of navigation at bridges, waterways, causeways, and similar locations. Communications between such coast stations and ships shall be conducted on the same working frequency. On an adequate showing of need, both frequencies may be assigned. The transmitter power for such communication shall not exceed 50 watts.

(d) The frequency 2182 kc/s is the international radiotelephone distress and general calling frequency for the maritime mobile service. It may be used by limited coast stations solely for the transmission of:

(1) Distress signals and traffic as provided in Subpart G of this part.

(2) The international urgency signal, and very urgent messages (preceded by this signal) concerning the safety of a ship, aircraft or other vehicle, or the safety of some person on board or within sight of such ship, aircraft, or vehicle.

(3) The international safety signal and call. The safety message which follows shall, where practicable, be sent on a working frequency and a suitable announcement to this effect shall be made at the end of the call.

(4) Normal calls, replies, and brief radio operating signals but only when the use of a different carrier frequency for this function appears to be impracticable by reason of operating or equipment limitations of a mobile station.

(5) Brief test signals in accordance with the provisions of § 81.311, as may be necessary to determine whether the

[1] Subject to the proceeding in Docket No. 18633.

radio transmitting equipment of the station is in good working condition on this frequency.

§ 81.365 [Deleted]

11. Section 81.365 is deleted.

§ 81.366 [Deleted]

12. Section 81.366 is deleted.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

C. Part 83 is amended as follows:

1. In § 83.6, the note is deleted and a new paragraph (n) is added to read as follows:

§ 83.6 Operational.

* * * * *

(n) *Mississippi River System.* The system of frequencies and facilities provided by public coast and ship stations for radiocommunication on the Mississippi River and connecting inland waters other than the Great Lakes.

2. In § 83.106, paragraph (a) is amended to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kc/s shall be able to transmit A3 or A3H emission [1] and receive A3 emission [1] on the carrier frequency 2182 kc/s, and, if used for other than safety communication, shall be capable also of transmitting A3 or A3H emission [1] and receive class A3 emission [1] on at least two other frequencies within that band.

* * * * *

3. Subparagraph (2) of paragraph (a) and paragraph (d) of § 83.132 are amended to read as follows:

[1] Subject to the limitations set forth in § 83.132.

§ 83.132 Authorized classes of emission.

(a) * * *

(2) Stations using radiotelephony:

(i) For frequencies designated in § 83.351(a):	
2182 kc/s	Until Jan. 1, 1977: A3 or A3H; after Jan. 1, 1977: A3H.
2003 kc/s on the Great Lakes	A3 and A3H.
(ii) All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(iii) For the frequency 121.5 Mc/s	A2.
(iv) For the frequency band 156 to 174 Mc/s.	F3.

* * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

* * * * *

4. In § 83.133, paragraph (a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kc./s.)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
F1	[1] 0.3F1	[1] 0.5
F3	[2] 16F3	[2] 20.0
F3	[3] 36F3	[3] 40.0
F9	20000F9	20000
PO	Variable	Variable
A3A	2.8A3A	[4] 3.0
A3H	2.8A3H	[4] 3.0
A3J	2.8A3J	[4] 3.0
A3B	5.6A3B	7.0

[1] Narrow-band direct-printing telegraph and data transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Transmitters type accepted prior to Dec. 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s. may continue to be operated. These transmitters will not be authorized in new installations after Jan. 1, 1972.

* * * * *

5. In § 83.134, the table in paragraph (d) is amended to read as follows:

§ 83.134 Transmitter power.

* * * * *

(d) * * *

Area	Frequency band	Class of emission	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 Mc/s.	Any	150
Other than the above.	2 to 4 Mc/s.	Ship to shore: A3	[1] [2] 400
		A3H, A3A, A3J.	[1] [3] 150
		Ship to ship: A3	150
		A3H, A3A, A3J.	150
	4 to 27.5 Mc/s.	Any	[3] 1000

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kc/s. is 150 watts.
[2] Except for the limitation specified in footnote 1 to this table, for passenger vessels of 5,000 gross tons and over this value is 1000 watts.
[3] For passenger vessels of 5,000 gross tons and over this value is 3000 watts.

* * * * *

6. In § 83.137, paragraphs (c) and (d) are amended to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the following modes:

(1) Suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power;

(2) Full carrier (A3H) mode with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(3) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to December 31, 1969, that are not type accepted for operation in all three modes (A3A, A3H and A3J) may continue to be operated until January 1, 1974: *Provided, however,* That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351(b)(13) is applicable, may continue until further notice. Transmitters to which this paragraph is applicable will not be authorized in new installations after January 1, 1972.

* * * * *

7. In § 83.139, paragraphs (a) and (c) are amended to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.[1]

* * * * *

(c) Effective January 1, 1972, DSB transmitters operating in the band 2000–2850 kc/s will not be authorized in new ship radio stations: *Provided, however,* That DSB transmitters authorized for use prior to January 1, 1972, may continue to be used by the same licensee until January 1, 1977, subject to the following:

(1) Aboard the same or another vessel, where a license:

(i) Was granted prior to January 1, 1972, and

(ii) Has not expired due to failure to renew; or

(iii) Has not been canceled at the request of the licensee; or

(iv) Has not been revoked by order of the Commission.

(2) In the case of transfer of DSB equipment to another vessel, the outstanding license which is to be superseded must be submitted with the application for new station license.

8. In § 83.141, paragraph (a)(2) is amended to read as follows:

§ 83.141 Special requirements for survival craft stations.

(a) * * *

(2) The frequency 2182 kc/s, be able to use class A3 or A3H emission.

* * * * *

9. In § 83.351, a new paragraph (c) is added to read as follows:

[1] Effective Jan. 1, 1971, in the bands below 27.5 Mc/s, the Commission will discontinue the granting of type acceptance of radiotelephone transmitters employing double sideband emission.

§ 83.351 Frequencies available.

* * * * *

(c) Assignment to ship stations of radiotelephony frequencies in the band 2000–2850 kc/s will be subject to the following schedule and limitations:

(1) After January 1, 1972, new installations of transmitters employing A3 emission will not be authorized.

(2) Transmitters employing A3 emission which were authorized (see section 83.139(c)) prior to January 1, 1972, may continue to be used by the same licensee until January 1, 1977.

(3) After January 1, 1972, new installations and after January 1, 1977, all installations of transmitters employing SSB emissions (2.8A3A, 2.8A3H, and 2.8A3J) on frequencies in the band 2000–2850 kc/s will be authorized subject to the following additional limitations:

(i) The ship station is equipped for use of F3 emissions on frequencies in the band 156–162 Mc/s;

(ii) Use of the frequencies will be limited to communications with stations with which the ship station is authorized to communicate and which are beyond VHF communication range.

(4) After January 1, 1977, radiotelephony frequencies in the band 2000–2850 kc/s shall not be used by a ship station for intership communication when in ports or harbors, or on lakes[1] or rivers, or with other vessels which are within communication range of VHF, *Provided, however,* That use of these frequencies is permitted with public coast stations while beyond VHF communication range of that station and for distress and safety communications.

10. In § 83.354, paragraphs (b) and (c) are amended to read as follows:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

* * * * *

(b) The frequency 2638 kc/s is authorized to public ship stations as a working frequency to communicate with public coast stations authorized to operate on 2638 kc/s for the transmission of safety communications. Stations on board aircraft may not use the frequency 2638 kc/s for communication with coast stations except in the event of distress.

(c) The use of the working frequencies authorized in paragraphs (a) and (b) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 2000–2850 kc/s only when frequency assignments in the band 156–162 Mc/s will not provide effective communication. Further, assignments within the band 4000–5000 kc/s shall be used only when frequency assignments in the band 156–162 Mc/s or 2000–2850 kc/s will not provide effective communications.

11. In § 83.355, paragraph (b) is amended to read as follows:

[1] Great Lakes subject to the proceeding in Docket No. 18633.

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

* * * * *

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 5000 kc/s to 27.5 Mc/s only when frequency assignments below 5000 kc/s or above 27.5 Mc/s will not provide effective communication.

12. In § 83.365, paragraph (b) is amended to read as follows:

§ 83.365 Procedure in testing.

* * * * *

(b) When testing is conducted on any frequency within the bands 2173.5 to 2190.5 kc/s, 156.75 to 156.85, 480 to 510 kc/s (survival craft transmitters only), or 8362 to 8366 kc/s (survival craft transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Survival craft stations shall not be tested on the frequency 500 kc/s during the 500 kc/s silence periods.

13. In § 83.366, paragraph (j) is amended to read as follows:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(j) *2182 kc/s silence periods in Regions 1 and 3.* Transmission by ship or survival craft stations when in Regions 1 and 3 (except in the territorial waters of Japan and the Philippines) is prohibited on any frequency (including 2182 kc/s within the band 2173.5 to 2190.5 kc/s during each 2182 kc/s silence period, i.e., for 3 minutes twice each hour beginning at x h. 00 and x h. 30, Greenwich mean time: *Provided, however,* That this provision is not applicable to the transmission of distress, alarm, urgency, or safety signals, or to messages preceded by one of these signals.

14. In § 83.484, paragraph (a) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3 or A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least two other frequencies within the band 1605 to 2850 kc/s available for ship-to-shore or ship-to-ship communication.

* * * * *

15. In § 83.517, paragraph (a) is amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a carrier power of at least 25 watts for A3 emission or peak envelope power of not less than 50 watts for A3H emission on 2182 kc/s, 2638 kc/s, in accordance with § 83.351, and at least one ship to shore working frequency within the band 1605 to 2850 kc/s enabling communication with a public coast station serving the region in which the vessel is navigated.

* * * * *

[F.R. Doc. 70-7758; Filed, June 22, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA-LI-2]

PART 230—LOCOMOTIVE INSPECTION

Locomotive Inspection

On page 18393 of the November 18, 1969, issue of the FEDERAL REGISTER, notice was given that the Federal Railroad Administration has under consideration proposed amendments to § 230.227(f) respecting the condemning limits on flanges of cast-steel locomotive wheels and incidental changes in paragraphs (m) and (o) of § 230.227.

A number of comments were filed. Several wheel manufacturers supplied extensive technical and service information relating to cast-steel and wrought-steel wheels which has been made a part of the public docket in this proceeding.

Although none of the comments opposed the proposed rule, one urged that the Federal Railroad Administration conduct its own independent tests of cast-steel wheels and make these test results available in the public docket for this proceeding before further consideration of the proposed amendments. This procedure is not being adopted because it would require the expenditure of considerable public funds to develop test data that has already been developed.

The physical properties of modern cast-steel wheels are generally equal to or exceed those of wrought-steel wheels. Their typical tensile and yield strengths are considerably higher. The impact energy of cast-steel wheel material at a low temperature of minus 40° F. exceeds that of wrought-steel wheel material.

A significant portion of the present freight car fleet is equipped with cast-steel wheels and experience to date shows that the service performance of cast-steel wheels of modern manufacture equals or exceeds that of wrought-steel wheels. Cast-steel wheels have also been in service on some locomotives since 1965 and no failures have been reported.

In consideration of the foregoing, the proposed amendments to paragraphs (f), (m), and (o) of § 230.227 are hereby adopted without change and are set forth below.

Effective date. These amendments are effective July 6, 1970.

Issued in Washington, D.C., on June 18, 1970.

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

1. Amend paragraphs (f), (m), and (o) of § 230.227 of the locomotive inspection rules to read as follows:

§ 230.227 Defects.

* * * * *

(f) *Worn flanges.* Wheels with flanges having flat vertical surface extending 1

inch or more from the tread, or flanges 15/16-inch thick or less, gauged at a point three-eighths inch above the tread, except cast-iron wheels on axles with journals 5 by 9 inches or over which shall not be continued in service with flanges having flat vertical surface extending seven-eighths inch or more from the tread, or flange 1-inch thick or less gauged at a point three-eighths above tread.

* * * * *

(m) *Flanges and rims, steel wheels.* Steel wheels 1⅜ inches or less in thickness through throat of flange, or 1 inch or less in thickness at rim, when used in road service; or 1⅛ inches or less in thickness through throat of flange or three-fourths inch or less in thickness at rim, when used in switching service.

* * * * *

(o) *Fusion welding.* Fusion welding shall not be used on tires or steel wheels including building up of worn flanges, flat spots, shelled-out spots or for repair of cracks, except on locomotives used in switching and transfer service, and then only for repair of flat spots and worn flanges.

2. In addition, it is proposed to amend the caption of figure 7 which illustrates the requirements of paragraph (m) of § 230.227 to read as follows: "Figure 7, Steel wheels. (See § 230.227(m).)"

(Secs. 2, 5, 36 Stat. 913, 914, 45 U.S.C. 23, 28; sec. 6(e), (f), 80 Stat. 939, 940, 49 U.S.C. 1655)

[F.R. Doc. 70-7863; Filed, June 22, 1970; 8:51 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1009, Amdt. 3]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of June 1970.

Upon further consideration of Service Order No. 1009 (34 F.R. 12392, 35 F.R. 894, 35 F.R. 8282), and good cause appearing therefor:

It is ordered, That:

In § 1033.1009 *Revised Service Order No. 1009* (Railroad Operating Regulations for Freight Car Movement):

Section (a) be, and it is hereby, amended by substituting the following paragraph (3) for paragraph (3) thereof:

(3) *Forwarding of cars.* (i) Loaded cars and empty cars of system, foreign, or private ownership, shall not be held in excess of 24 hours for any purpose, except as follows:

(ii) Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein.

(iii) Cars held for repairs or cleaning.

(iv) Cars held because no trains or switch engine service is available between hold point and destination.

(v) Empty system cars when the holding line is not the beneficiary of car distribution directions or orders issued by this Commission applicable to the kind of car held.

(vi) Empty single-door plain boxcars and empty covered hoppers assembled for prospective loading of grain held on railroads in the States of Kansas and Nebraska.

Effective date. This amendment shall become effective at 12:01 a.m., June 18, 1970.

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

(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 order and direction 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. 70-7917; Filed, June 22, 1970; 8:51 a.m.]

[S.O. 1043]

PART 1033—CAR SERVICE

Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of June 1970.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1043 Service Order No. 1043.

(a) *Regulations for return of hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading hopper cars owned by The Baltimore and Ohio Railroad Co., The Chesapeake and Ohio Railway Co., the Louisville and Nashville Railroad Co., the Norfolk and Western Railway Co., and the Penn Central Transportation Co. and return empty to the owning line, either direct or via the reverse of the service route.

(2) Carriers named in paragraph (1) above are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either direct or via the reverse of the service route.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept any hopper car offered for movement loaded contrary to the provisions of paragraphs (a) and (b) of this order.

(d) The term "hopper cars," as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT" in the Official Railway Equipment Register, ICC R.E.R. No. 375, issued by E. J. McFarland, or reissues thereof.

(e) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) *Effective date.* This order shall become effective at 12:01 a.m., June 21, 1970.

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

(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 a copy of this order 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 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. 70-7919; Filed, June 22, 1970; 8:51 a.m.]

[2d Rev. S.O. 1041]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of June 1970.

It appearing, That an acute shortage of certain plain boxcars exists on the railroads named in section (a) paragraph (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept newly harvested grain, or to store grain on the ground, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1041 Second Revised Service Order No. 1041.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in paragraphs (2) and (3) herein, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 375, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length 44'6" or less and equipped with doors less than 9 feet wide, owned by the following railroads: The Atchison, Topeka, and Santa Fe Railway Co.; Burlington Northern Inc.; Chicago, Rock Island and Pacific Railroad Co.; Missouri Pacific Railroad Co.; Union Pacific Railroad Co.

(2) Boxcars described in paragraph (1) herein, may be loaded to stations on the lines of the car owning railroad. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) Boxcars described in paragraph (1) herein, owned by the carriers listed and located in states other than those listed under the name of the owning carrier, may be loaded to any station in such listed States:

ATSF	BN	CRIP	MP	UP
Colorado	Colorado	Arkansas	Arkansas	Colorado
Illinois	Illinois	Colorado	Illinois	Kansas
Kansas	Iowa	Illinois	Kansas	Nebraska
Missouri	Kansas	Iowa	Missouri	Wyoming
Oklahoma	Missouri	Kansas	Nebraska	
Texas	Nebraska	Missouri	Texas	
	Wyoming	Nebraska		
		Oklahoma		
		Texas		

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraph (2) and paragraph (3) of this section.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., June 18, 1970.

(d) *Expiration date.* This order shall expire at 11:59 p.m. July 15, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(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 a copy of this order and direction 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 notice of this order 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. 70-7918; Filed, June 22, 1970; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses and Rate of Assessment and Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses which are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period from November 1, 1969, through October 31, 1970, will amount to $250,120; (2) that there be fixed, at $0.013 per carton of oranges, the rate of assessment payable by each handler in accordance with § 908.41 of the aforesaid marketing agreement and order; (3) that the Secretary approve the establishment of a reserve, which reserve shall not exceed approximately one half of a fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and (4) that unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1969, in the amount of $35,000, be carried over as a reserve in accordance with § 908.42.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 18, 1970.

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

[F.R. Doc. 70-7908; Filed, June 22, 1970; 8:50 a.m.]

[7 CFR Part 916]

HANDLING OF NECTARINES GROWN IN CALIFORNIA

Notice of Proposed Rule Making With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1970–71 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1970, through February 28, 1971, will amount to $295,184;

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.05 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk; and

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 28, 1970, shall be carried over as a reserve in accordance with § 916.42 of said amended marketing agreement and order.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 18, 1970.

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

[F.R. Doc. 70-7909; Filed, June 22, 1970; 8:50 a.m.]

[7 CFR Part 958]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Notice of Proposed Rule Making

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Shipment of early transplant onions is expected to begin in this production area about the middle of July. The requirement that yellow and white varieties be "moderately cured" is necessary to prevent immature onions from being distributed in fresh market channels.

The proposal is as follows:

§ 958.315 **Limitation of shipments.**

During the period July 15 through August 31, 1970, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured." The term "moderately cured" means the onions are mature and are definitely fairly well cured but they need not be completely dry.

Other terms used in this section have the same meaning as used in Marketing Agreement No. 130 and this part.

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

Dated: June 18, 1970.

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

[F.R. Doc. 70-7910; Filed, June 22, 1970; 8:50 a.m.]

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was

recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in four copies, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The committee recommendations reflect its appraisal of the prospective market conditions for the 1970-71 season. The annual allotment requirement provided herein is necessary to effectuate the declared policy of the act.

Without some type of weather difficulty, the annual celery production from the acreage planted in Florida and California during recent years has readily exceeded the demand capacity of the United States, Canada, and the export market.

The amount of Florida celery sold for fresh market during the last three seasons respectively has been approximately 6,900,000, 7 million, and an estimated 6,193,000 crates for 1969-70 season about to end. During these same 3 years approximately the following acres have been abandoned for economic and other reasons—1,245, 975, and an estimated 1,000.

It is estimated Florida celery producers will plant 13,000 acres in 1970-71, 1 percent above last season's acreage. Assuming an average yield of 657 crates per acre there would be a potential supply of 8,541,000 crates. Also there are definite indications California celery acreage will be increased. Under normal conditions Florida cannot reasonably expect to market such an amount economically.

The marketable quantity being recommended is at a level which will provide ample opportunity for the industry to strive to market the greatest number of crates at reasonable prices to consumers, while at the same time providing the possibility of a reasonable return to growers for their efforts and investment.

This marketable quantity is more than a 1.3 million crate reduction from the total base quantities of present producers. Therefore, in accordance with § 967.37(d)(1), no reserve is established for additional base quantities.

Based on these and other reasons contained in the committee's Marketing Policy Statement and other available information it is believed that these regulations are necessary to maintain orderly marketing and increase returns to growers.

The proposal is as follows:

§ 967.306 Marketable quantity for 1970-71 season; uniform percentage; and limitation on handling.

(a) The marketable quantity for the 1970-71 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the uniform percentage for the 1970-71 season is determined as 84.312 percent.

(c) During the season August 1, 1970, through July 31, 1971, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the marketable allotment for the producer of such celery.

(d) No reserve for base quantities for the 1970-71 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: June 18, 1970.

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

[F.R. Doc. 70-7911; Filed, June 22, 1970; 8:50 a.m.]

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given of proposals recommended by the Prune Administrative Committee to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101-993.174; 35 F.R. 5108). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Committee has proposed a revision of § 993.149 of said rules and regulations to provide for incoming inspection of prunes at centralized stations. Section 993.149 pertains to the receiving of prunes by handlers and is pursuant to § 993.49 of the order. Section 993.149 currently provides for incoming inspection of prunes at handlers' plants, and at any other place where prunes are normally and usually received in any considerable volume and at which there are reasonably adequate facilities for weighing, sampling, and receiving prunes. In addition to incoming inspections at handlers' plants, such inspections are also performed at producers' ranches. Under the proposed change, prunes would continue to be sampled at handlers' plants, but the analysis of such samples would be performed at centralized stations. The proposal would continue to provide for ranch inspections. The purpose of this proposal is to improve the consistency of incoming inspections, provide for better utilization of inspection personnel by the inspection service, and save inspection costs.

The Committee has concluded that achievement of orderly marketing could require it, in a particular crop year, to include certain small-sized prunes in any reserve control regulation established for that crop year. Such prunes would be referred to in the reserve control regulation as "undersized prunes." They would not be defined in terms of size counts or referred to in terms of size ranges. Instead, "undersized prunes" would mean prunes passing through a round opening of a diameter specified by the Committee in its marketing policy determinations. To accomplish this, the Committee has proposed a definition of undersized prunes, proposed as new § 993.105b, and further revision of § 993.149 to provide for a determination by inspectors of the percentage of such prunes in each lot delivered to handlers by producers or dehydrators.

The Committee has also proposed revision of § 993.159(b). Paragraph (b) currently requires each handler holding reserve prunes for the account of the Committee to maintain proper insurance on such prunes, including fire and extended coverage, in valuations (according to grade and/or size) established by, or acceptable to, the Committee for the particular crop year. This paragraph also requires the Committee to reimburse the handler for the actual costs of such insurance. The proposal would require the handler to certify to the Secretary of Agriculture and the Committee before receiving prunes at the beginning of the crop year that he has a fire and extended coverage policy fully insuring all reserve prunes received by him during such crop year. The handler would include with his certification such information as the location(s) where the reserve prunes will be held, the premium rate at each such location, and the value of the prunes insured. The purpose of the proposal is to provide the Committee with assurance that all reserve prunes held for its account during any particular crop year will be adequately protected against loss.

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

The proposal is as follows:

1. Present § 993.105 is redesignated § 993.105a, and a new § 993.105b is added reading as follows:

§ 993.105b Undersized prunes.

"Undersized prunes" means prunes so designated by the Secretary based on a recommendation of the Committee in

marketing policy determinations, and other available information, and may be referred to in terms of prunes which pass through a round opening of a diameter specified by the Committee.

2. Paragraph (a) of § 993.149 is redesignated as paragraph (b), and a new paragraph (a) *Receiving stations*—(1) *General.* is added reading as follows:

(a) *Receiving stations*—(1) *General.* Prunes shall be received by a handler at any receiving station so designated by the Committee. "Receiving station" shall mean any plant of a handler or a dehydrator's premises; this term shall also mean any other place where prunes are normally and usually received by a handler in any considerable volume as ranch deliveries, and at which there are adequate facilities to enable the inspection service to determine whether the prunes meet the applicable grade, size, and condition requirements.

3. Paragraph (e) of § 993.149 is redesignated as subparagraph (2) of new paragraph (a), and the first sentence of such redesignated subparagraph is revised. As amended, redesignated subparagraph (2) of § 993.149(a) reads as follows:

(2) *Receiving at dehydrator.* Any handler may arrange with the Committee and the inspection service for the incoming inspection and certification to be based on samples of prunes drawn as prune plums and dehydrated in the same manner as the prunes to which they are referable. Where such arrangement is acceptable to the Committee as permitting the inspection and certification of the prunes to be comparable to an inspection and certification when based on samples drawn as prunes, such certification shall be acceptable for the purposes of this section if the inspector further certifies that the dehydration process of the prunes being certified resulted in prunes eligible to be received under the terms and conditions of this part.

4. Present paragraph (a) *Inspection stations* of § 993.149 redesignated as paragraph (b) is amended to read as follows:

(b) *Inspection stations.* Prunes shall be inspected only at inspection stations established by the inspection service with the concurrence of the Committee. "Inspection station" shall mean a centralized station and any receiving station other than a handler's plant or a dehydrator's premises.

5. Paragraph (b) of § 993.149 is redesignated paragraph (c), and subparagraph (1) of that paragraph is amended to read as follows:

(c) *Incoming inspection*—(1) *General.* Upon any producer or dehydrator delivering prunes to a handler, the handler shall issue to the inspection service an identification tag showing the name and address of such producer or dehydrator, the date of delivery, the county of production, the number and type of containers, the approximate net weight of the prunes, the place where the prunes are to be inspected, and any other information necessary to identify such prunes to the satisfaction of the inspector and the Committee. For each such delivery, the handler shall issue to the producer or dehydrator a door receipt or weight certificate showing the name and address of the producer or dehydrator, the weight of the delivery, and any other information necessary to identify the delivery. Such information shall be available to the inspector and the Committee. Each lot shall be sampled separately and as soon as practicable following delivery. The handler shall supply any necessary information together with any assistance needed by the inspector in drawing samples including the dumping of containers.

6. Subparagraph (2) of redesignated paragraph (c) of § 993.149 is revised, and a sentence is added. As amended, subparagraph (2) reads as follows:

(2) *Certification.* Following inspection of a lot not returned to the producer or dehydrator, the handler shall require the inspector to issue, in quintuplicate, a signed certificate containing at least the following information: (i) The date and place of inspection; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; (iii) the variety of the prunes, the county in which such prunes were produced, the number and type of the containers thereof, the net weight of the prunes as shown on the applicable door receipt or weight certificate, together with the number of such receipt or certificate and the contract or account number under which the prunes were delivered; (iv) whether the prunes are standard or substandard; (v) the inspector's computation of the percentage of each group or combination of groups of defects for which a maximum tolerance is in effect; (vi) if substandard, the percentage by weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom for the lot to be standard prunes; (vii) the percentage by weight and the average size count of those off-grade prunes with defects of mold, imbedded dirt, insect infestation and decay, and the percentage by weight of prunes with such defects necessary to be removed in order for the balance of the lot to be within the tolerance for such defects; (viii) whenever applicable, the percentage by weight of undersized prunes in the lot; and (ix) in any crop year in which a reserve percentage other than 0 percent is established, the average size count of all prunes in the lot; *Provided*, That whenever such reserve control regulation provides for undersized prunes, the average size count shall be of all prunes except undersized prunes in the lot. The handler shall require the inspection service to furnish the producer or dehydrator with one copy of the certificate and the handler with two copies promptly.

7. Paragraph (c) of § 993.149 is redesignated paragraph (d), and the second sentence of subparagraph (4) of that paragraph is revised. As amended, subparagraph (4) reads as follows:

(4) *Return of prunes to producers and dehydrators.* Any lot of prunes delivered to a handler by a producer or dehydrator may be returned to the producer or dehydrator prior to an inspection thereof. Any lot of prunes so delivered whose identity has been maintained may be so returned following an inspection thereof, except prunes which have been size graded or sorted by the handler, resulting in a segregation of defects. Prunes which have been sorted for the producer or dehydrator, the identity of which have been maintained to the satisfaction of the inspector and the Committee, may be resubmitted for inspection in not more than three new lots, equal in weight to the original lot, and the applicable inspections shall supersede the original inspection.

8. Paragraph (d) of § 993.149 is redesignated paragraph (e).

9. In §§ 993.150(c) and 993.173 (a) and (b), references to § 993.149(d)(2) are changed to § 993.149(e)(2). In § 993.150 (e)(3), references to § 993.149(d)(2) and to § 993.149(d) (1) and (2) are changed to § 993.149(e)(2).

10. Paragraph (b) of § 993.159 is revised by adding two sentences. As amended, paragraph (b) reads as follows:

(b) *Reimbursement for required insurance costs.* Each handler holding reserve prunes for the account of the Committee shall maintain proper insurance thereon, including fire and extended coverage, in valuations (according to grade and/or size) established by, or acceptable to, the Committee for the particular crop year. The Committee shall reimburse the handler for the actual costs of such insurance. Prior to the receipt of reserve prunes at the beginning of each crop year, the handler shall certify to the Committee and the Secretary, on Form PAC 4.5, that he has a fire and extended coverage policy fully insuring all reserve prunes received by him during such crop year. Such certification shall contain the following information: (1) The name and address of the handler; (2) the location(s) where reserve prunes will be held for the account of the Committee and the premium rate per $100 value per annum at each location; (3) the value per ton at which the reserve prunes are insured; and (4) the name and address of the insurance underwriter.

Dated: June 18, 1970.

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

[F.R. Doc. 70-7912; Filed, June 22, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN TULSA INTRASTATE AIR QUALITY CONTROL REGION

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

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909),

notice is hereby given of a proposal to designate the Metropolitan Tulsa Intrastate Air Quality Control Region (Oklahoma) as set forth in the following new § 81.79 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

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

Interested authorities of the State of Oklahoma and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 2 p.m., July 7, 1970, in Room 330, U.S. District Court, Federal Building, Bryan and Ervay Streets, Dallas, Tex.

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

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

In Part 81 a new § 81.79 is proposed to be added to read as follows:

§ 81.79 Metropolitan Tulsa Intrastate Air Quality Control Region.

The Metropolitan Tulsa Intrastate Air Quality Control Region (Oklahoma) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h (f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Creek County. Pawnee County.
Osage County. Tulsa County.

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

Dated: June 18, 1970.

JOHN H. LUDWIG,
Acting Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70–7848; Filed, June 22, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70–WA–23]

DALLAS, TEX., TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering the adoption of a Group I terminal control area for Dallas, Tex. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations.

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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 Federal Aviation Administration has held several meetings with the users and user representatives in the Dallas area to consider the problems associated with the Dallas TCA configuration. Appropriate suggestions were adopted and the area described below is the result of working directly with the Dallas aviation community.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 F.R. 7782) it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(a) Group I terminal control areas.

DALLAS, TEX., TERMINAL CONTROL AREA

PRIMARY AIRPORT

1. Dallas Love Field (lat. 32°50'45" N., long. 96°51'00" W.).

Boundaries: That airspace up to and including 7,000 feet MSL—

1. Having a width of 6 miles at lat. 32°50'-45" N., long. 96°51'00" W. (the midpoint) and diverging to a width of 14 miles at distances of 20 miles northwest and southeast, centered on a line equidistant and parallel to the two northwest/southeast runways and subdivided as follows:

Area A. That airspace extending upward from the surface from 5.8 miles southeast to 5.8 miles northwest of the midpoint, excluding the Dallas, Tex. (Addison Airport) control zone and excluding the airspace above 3,000 feet MSL up to but not including 5,000 feet MSL from 3 miles southeast to 3 miles northwest of the midpoint;

Area B. That airspace extending upward from 1,800 feet MSL from Area A to 10 miles northwest and 10 miles southeast of the midpoint, excluding the Dallas, Tex. (Addison Airport) control zone;

Area C. That airspace extending upward from 2,800 feet MSL from Area B to 15 miles northwest and 15 miles southeast of the midpoint;

Area D. That airspace extending upward from 4,000 feet MSL from Area C to 20 miles northwest and 20 miles southeast of the midpoint.

2. *Area E.* That airspace extending upward from and including 5,000 feet MSL having a width of 20 miles centered on a line equidistant and parallel to the two northwest/southeast runways and extending from 20 miles southeast to 20 miles northwest of the midpoint, excluding Areas A, B, C, and D.

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

Issued in Washington, D.C., on June 16, 1970.

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

[F.R. Doc. 70–7899; Filed, June 22, 1970; 8:50 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 70–SO–33]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering amending Part 73 of the Federal Aviation Regulations to designate a restricted area in Albemarle Sound, N.C.

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. 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 Department of the Navy has requested the FAA to designate a restricted area, R–5301C, superjacent to Restricted Area R–5301B in Ablemarle Sound, N.C. The proposed restricted area would be utilized in conjunction with R–5301B to conduct classified military activities. There is a continuing need for the proposed area; however, its utilization would

be infrequent and it would be activated at least 24 hours in advance by a Notice to Airmen.

If action is taken to adopt this proposal, Restricted Area R-5301C would be designated as follows:

R-5301C ALBEMARLE SOUND, N.C.

Boundaries. A circular area within a 1½ nautical mile radius centered at lat. 36°05'-25" N., long. 76°18'30" W.

Designated altitudes. From 5,000 feet MSL to and including 14,000 feet MSL.

Time of designation. As activated by NOTAM at least 24 hours in advance.

Using agency. Commander, Fleet Air Norfolk NAS, Norfolk, Va.

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

Issued in Washington, D.C., on June 16, 1970.

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

[F.R. Doc. 70-7900; Filed, June 22, 1970; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 213]

[Docket No. 22292; Order 70-6-105]

TERMS OF CERTAIN FOREIGN AIR CARRIER PERMITS

Notice of Proposed Rule Making

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of June 1970.

Order to show cause. By Orders 70-6-32 and 70-6-33, the former approved by the President on June 3, 1970, the Board adopted, effective June 4, 1970, a new Part 213 of its economic regulations (ER-624), and amended the foreign air carrier permits of various foreign air carriers to make them subject to the new part. Part 213 provides that the Board may require foreign air carriers to file with the Board traffic data disclosing the nature and extent of a carrier's traffic to and from the United States. The regulation also empowers the Board in certain circumstances to require those carriers to submit their schedules for service to and from the United States to the Board for approval.[1] In addition, the regulation includes airport authorization provisions which had previously been applicable to the holders of foreign air carrier permits pursuant to the orders issuing their permits.

By its terms, the Part 213 regulation does not purport to apply to all foreign air carriers who hold permits authorizing scheduled air transportation. Rather, the Board made the regulation applicable only to such carriers who were parties to the Part 213 Proceeding,[2] or whose permits are issued after June 3, 1970. Thirty-seven foreign air carriers named on the list attached hereto as appendix I were not parties to the Part 213 Proceeding and are the holders of foreign air carrier permits authorizing scheduled air transportation issued prior to June 3, 1970. Accordingly, the foreign air carrier permits held by those carriers were not amended in that proceeding, and the Part 213 regulation is not presently applicable to those permits.

In its opinion in the Part 213 Proceeding, the Board gave a detailed explanation of its reasons for adoption of the Part 213 regulation and related permit amendments. These reasons apply with equal force in the case of the 37 carriers listed in Appendix I. The Part 213 regulation is one of general policy and procedure, which should apply to all foreign air carriers holding permits authorizing scheduled air transportation (with the exception of the Canadian transborder carriers). Accordingly, the Board tentatively finds that the foreign air carrier permits held by those foreign air carriers listed on Appendix I attached to this order should be amended to make said permits subject to the provisions of Part 213 of the Board's economic regulations. Similarly, the Board tentatively finds that the Part 213 regulation should be amended, in accordance with the proposed amendment set forth below, to provide for its applicability to all foreign direct air carrier permits (with the exception of permits held by Canadian transborder carriers) which authorize the holder to engage in scheduled air transportation. The Board further is of the tentative view that the questions at issue are matters of general policy and that there are no material issues of fact which would require a hearing.

Accordingly, it is ordered, That:

1. The foreign air carriers named on Appendix I attached to this order, and any other interested persons, be and they hereby are directed to show cause:

(a) Why the Board should not, subject to the approval of the President, amend the foreign air carrier permits held by the foreign air carriers listed on Appendix I attached hereto so as to make said permits subject to the provisions of Part 213 of the Board's economic regulations, as amended; and

(b) Why § 213.1 of the Board's economic regulations should not be amended in the manner set forth below, so as to make said regulation applicable to all foreign direct air carrier permits (with the exception of Canadian transborder permits) authorizing scheduled foreign air transportation;

2. Any interested person having objections to the actions proposed hereinabove shall file with the Board by July 23, 1970, a memorandum of opposition stating objections supported by evidence;[3]

3. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by any memoranda in opposition before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented which warrant the holding of an evidentiary hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX I

LIST OF FOREIGN AIR CARRIERS

Aereo Fletes Internacionales, S.A. (AFISA).
Aero Lineas Flecha Austral Limitada.
Aerocosta Limitada.
Aerolineas Nacionales del Ecuador, S.A.
Aerovias Colombianas Limitada (ARCA).
Aerovias Internacional Balboa, S.A.
Aerovias Quisqueyana, C. por A.
Air Afrique.
Air Jamaica (1968) Ltd.
Air Panama Internacional, S.A.
AIR-SIAM Air Co., Ltd.
All Nippon Airways Co., Ltd.
ALM Dutch Antillean Airlines.
Americana de Aviacion, C.A.
Area, Aerovias Ecuatorianas, C. Ltda.
Austrian Airlines Osterreichische Luftverkehrs-Aktiengesellschaft.
Cathay Pacific Airways Ltd.
Ceskoslovenske Aerolinie.
China Airlines, Ltd.
Compania de Aviacion "Faucett", S.A.
Compania International Area S.A. (CIASA).
Compania Peruana Internacional de Aviacion, S.A.
Finnair Oy.
Fowler Aircraft Rentals Ltd.
Internacional de Aviacion, S.A. (INAIR).
Korean Air Lines, Inc.
Leeward Islands Air Transport Services Ltd.
Olympic Airways, S.A.
Pakistan International Airlines Corp.
Servicio Aereo de Honduras, S.A.
South African Airways.
The United Arab Airlines Co.
Transportes Aereos Benianos, S.A.
Transportes Aereos de Carga, S.A. (TRANSCARGA).

[1] In cases which are the subject of an air transport agreement between the United States and the government of the holder of the permit, the Board would direct the filing of schedules only if it finds "that the Government or aeronautical authorities of the Government of the holder have, over the objections of the United States Government, taken action which impairs, limits, terminates, or denies operating rights provided for in such air transport agreement, of any United States air carrier designated thereunder with respect to flight operations to, from, through, or over the territory of such foreign government."

[2] Foreign Air Carrier Permit Terms Investigation, Docket No. 12063. Specifically, the regulation and amendments are applicable to the permits held by 49 foreign carriers named on a list of such carriers included as appendix A to the Part 213 regulation. The regulation is specifically made inapplicable to the permits of Canadian transborder carriers.

[3] Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

Transportes Aereos Portugueses, S.A.R.L.
TU MVL GA USSR (Aeroflot).
W.A.A.C. (Nigeria) Ltd.

It is proposed to amend Part 213 of the economic regulations (14 CFR, Part 213) as follows:

1. Amend § 213.1 to read as follows:

§ 213.1 **Applicability.**

This regulation sets forth terms, conditions, and limitations applicable to section 402 permits authorizing a foreign direct air carrier to engage in scheduled foreign air transportation. Unless such permits or the orders issuing such permits otherwise provide, the exercise of the privileges to engage in scheduled foreign air transportation granted by any such permit shall be subject to the terms, conditions, and limitations as are set forth in this part, and as may from time to time be prescribed by the Board. Notwithstanding the foregoing, this regulation shall not apply to permits of Canadian air carriers authorizing casual, occasional, and infrequent flights with small aircraft across the Canada-United States border or the Canada-Alaska border; and those permits shall not be subject to the terms, conditions, and limitations in this part.

2. Delete Appendix A of the Part 213 regulation.

[F.R. Doc. 70-7904; Filed, June 22, 1970; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18867]

STANDARD BROADCAST STATIONS

Prescribing Limit on Positive Modulation; Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by notice of proposed rule making (FCC 70-539) adopted May 20, 1970, released May 22, 1970, and published in the FEDERAL REGISTER May 27, 1970, 35 F.R. 8292. The dates for filing comments and reply comments are presently August 3, 1970, and September 3, 1970, respectively.

2. On June 8, 1970, CCA Electronics Corp. (CCA) filed a request to extend the time for filing comments to October 3, 1970. CCA states that it is initiating a survey of the entire AM broadcast industry for the purpose of accumulating technical data to substantiate its position with regard to comments in this proceeding. It further states that it anticipates the accumulation of this information could require as much as 60 days and that this information, together with other data, might not be available by August 3, 1970, the present date for filing comments.

3. It appears that some additional time is warranted and would serve the public interest. However, we are of the view that an additional 30 days should be sufficient for the compilation of the above-mentioned data. *Accordingly, it is ordered,* That the request filed by CCA Electronics Corp. for extension of time is granted to and including September 3, 1970, for filing comments and October 3, 1970, for reply comments, and is denied in all other respects.

4. This action is taken pursuant to authority found in section 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 15, 1970.

Released: June 16, 1970.

[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-7921; Filed, June 22, 1970; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 6138 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 12, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6138 (Wash.), for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the lands for a public campground, an electronic communication site, and rock sources in the Olympic National Forest.

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, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

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.

He 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 it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Rocky Brook Rock Pit No. 1

T. 26 N., R. 2 W.,
Sec. 18, a strip of land within the NW¼ NW¼ described as follows:

Beginning at a point approximately 2.50 miles from intersection of Forest Service Roads Nos. 2621 and 2651 along centerline of Road 2651 in NW¼NW¼ sec. 18, said point being S. 21°00′ E., 1,135 feet from the northwest corner of said section, thence N. 80°00′ W., 335 feet, thence S. 10°00′ W. 536 feet, thence N. 42°00′ E. 632 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, aggregates approximately 2.05 acres in Jefferson County, Wash.

Duckabush Rock Pit No. 1

T. 25 N., R. 3 W.,
Sec. 2, a strip of land within the N½SE¼ described as follows:

Beginning at a point approximately 0.1 mile from intersection of Forest Service Roads Nos. 2515 and 2531 along centerline of old spur road in N½SE¼ sec. 2, said point being N. 35°45′ W. 2,455 feet from the southeast corner of said section, thence N. 65°00′ E. 675 feet, thence N. 25°00′ W. 650 feet, thence S. 65°00′ W. 675 feet, thence S. 25°00′ E. 650 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, aggregates approximately 10.07 acres in Jefferson County, Wash.

Dosewallips Rock Pit No. 1

T. 26 N., R. 3 W.,
Sec. 20, a strip of land in the NW¼NE¼ described as follows:

Beginning at a point approximately 9.4 miles from intersection of Forest Service Road No. 261 and U.S. Highway No. 101 along centerline of Road 261 in NW¼NE¼, sec. 20, said point being S. 70°45′ W. 2,165 feet from the northeast corner of said section, thence S. 35°00′ E. 740 feet, thence S. 55°00′ W. 350 feet, thence N. 35°00′ W. 740 feet, thence N. 55°00′ E. 350 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, aggregates approximately 5.95 acres in Jefferson County, Wash.

Hamma Hamma Rock Pit No. 1

T. 24 N., R. 4 W., unsurveyed (protraction approved Sept. 24, 1963),
Sec. 1, a strip of land within the SE¼ NW¼ described as follows:

Beginning at a point approximately 900 feet from intersection of Forest Service Road No. 249.1 and spur road at mile post 0.6 of Road 249.1 along centerline of spur road in SE¼NW¼, sec. 1, said points being S. 46°30′ E. 3326 feet from the northwest corner of said section, thence N. 17°00′ E. 130 feet, thence S. 77°00′ E. 230 feet, thence N. 79°00′ E. 535 feet, thence S. 10°30′ E. 187 feet, thence S. 19°00′ W. 300 feet, thence S. 70°00′ W. 710 feet, thence N. 23°00′ W. 100 feet, thence N. 02°00′ W. 445 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, aggregates approximately 9.46 acres in Mason County, Wash.

Boulder Creek Rock Pit No. 1

T. 24 N., R. 4 W., unsurveyed (protraction approved Sept. 24, 1963),
Sec. 7, a strip of land within the SW¼NE¼ and NW¼SE¼ described as follows:

Beginning at a point approximately 0.2 mile from intersection of Forest Service Roads Nos. 249.1 and 2466 along centerline of Road 2466 in NW¼SE¼ sec. 7, said point being N. 35°30′ W. 2,930 feet from the southeast corner of said section, thence N. 01°00′ W. 600 feet, thence S. 89°00′ W. 528 feet, thence S. 01°00′ E. 600 feet, thence N. 89°00′ E. 528 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, Aggregates approximately 7.27 acres in Mason County, Wash.

Canyon Rock Pit No. 1

T. 29 N., R. 4 W., unsurveyed (protraction approved Sept. 24, 1963),
SEC. 28, a strip of land within the NE¼SE¼ described as follows:

Beginning at a point approximately 0.2 mile from intersection of Forest Service Roads Nos. 2926.1 and 2910 along centerline of Road 2926.1 in NE¼SE¼ sec. 28, said point being S. 20°00′ W. 2,500 feet from the northeast corner of said section, thence S. 25°00′ E. 400 feet, thence S. 65°00′ W. 250 feet, thence N. 25°00′ W. 400 feet, thence N. 65°00′ E. 250 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, aggregates approximately 2.30 acres in Clallam County, Wash.

Lake Cushman Rock Pit No. 2

T. 23 N., R. 5 W.,
Sec. 9, a strip of land within the NW¼ NE¼ described as follows:

Beginning at a point approximately 0.8 mile from intersection of Forest Service roads Nos. 245.1 and 2357 along centerline of Road 2357 in NW¼NE¼ sec. 9, said point being S. 80°30′ E. 2,825 feet from the northwest corner of said section, thence S. 54°00′ W. 500 feet, thence N. 33°00′ W. 350 feet, thence N. 54°-00′ E. 500 feet, thence S. 33°00′ E. 350 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, aggregates approximately 4.02 acres in Mason County, Wash.

Chakchak Campground

T. 23 N., R. 7 W., unsurveyed (protraction approved Sept. 24, 1963)
Sec. 27, a tract of land within the SE¼ SE¼ described as follows:

Beginning at a point which is the centerline junction of Forest Service Roads No. 2312, 236 and 2312.1 in SE¼SE¼SE¼ sec. 27, said point being N. 15°00′ W. 6,105 feet from the corner common to secs. 33 and 34, T. 23 N., R. 7 W., and secs. 2 and 3, T. 22 N., R. 7 W., thence N. 35°00′ W. 285 feet, thence N. 25°00′ W. 200 feet, thence N. 08°00′ E. 450 feet, thence S. 62°00′ E. 500 feet, thence N. 90°00′ E. 400 feet, thence S. 05°00′ E. 150 feet to Road 2312.1, thence S. 59°00′ W. 855 feet to point of beginning.

This area described as shown on map submitted April 9, 1970, on file in the State Director's Office, Bureau of Land Management, Post Office Box 2965, Portland, Oreg. 97208, aggregates approximately 16.50 acres in Grays Harbor County, Wash.

The areas described contain approximately 119 acres in Jefferson, Mason, Clallam, and Grays Harbor Counties, Wash.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-7841; Filed, June 22, 1970; 8:45 a.m.]

National Park Service

[Order No. 54, Amdt. 1]

CONTRACTING OFFICERS, EASTERN AND WESTERN SERVICE CENTERS

Delegation of Authority

Section 1 of National Park Service delegation of authority Order No. 54, dated December 2, 1969 and published in the FEDERAL REGISTER of December 10, 1969 (34 F.R. 19518), is amended to read as follows:

SECTION 1. The Chief of the Division of Procurement, Contracting, Property Management and General Services of the Eastern Service Center, is authorized to enter into, approve and administer contracts for supplies, equipment, construction, and services not in excess of $500,000 (205 DM 11.1 (26 F.R. 11748)).

Dated: May 28, 1970.

GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.

[F.R. Doc. 70-7895; Filed, June 22, 1970; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS

Budget of Expenses of Administrative Committee and Rate of Assessment for 1970 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 F.R. 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1970 and for the crop year beginning July 1, 1970, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1970, shall be in the total amount of $250,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1970 Crop Peanuts, effective July 1, 1970, are estimated at, but may exceed $3 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with § 48 of the marketing agreement, an assessment at the rate of $2.75 per net ton of farmers stock peanuts received or acquired other than those described in § 31 (c) and (d) ($0.25 for administrative expenses and $2.50 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $2.50 rate and not expended in providing indemnification on 1970 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industrywide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: June 18, 1970.

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

[F.R. Doc. 70-7907; Filed, June 22, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ARMY MATERIALS AND MECHANICS RESEARCH CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used in being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00683-01-46500. Applicant: Army Materials and Mechanics Research Center, Arsenal Street, Watertown, Mass. 02172. Article: Ultramicrotome, Model LKB 8800A, and Knifemaker, Model LKB 7800B. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study the morphology of crystalline polymeric materials by electron microscopy in a broad program, relating the structure of these materials to their mechanical behavior and other physical properties. Another study concerns composite materials, such as carbon fibers (commercially and laboratory prepared). Application received by Commissioner of Customs: May 6, 1970.

Docket No. 70-00684-33-46040. Applicant: Veterans Administration Hospital, 4101 Woolworth Avenue, Omaha, Nebr. 68105. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used to instruct medical resident staff in a course on ultrastructure of muscle and renal tissue, and as much as possible, in ultrastructure of tissue of the central nervous system. This program is designed to extend the knowledge of medical students and resident and postdoctoral fellows who have had previous experience only with light microscopy. Application received by Commissioner of Customs: May 8, 1970.

Docket No. 70-00685-73-59600. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alomos, N. Mex. 87544. Article: Automat color processor, Model D7A. Manufacturer: Phototechniques Inc., West Germany. Intended use of article: The article, which is capable of processing nine types of color negatives and color print films and also larger sized color prints and color print films, will be used in color processing of film for technical evaluation and record of research experiments. Application received by Commissioner of Customs: May 8, 1970.

Docket No. 70-00690-20-30600. Applicant: California State College, Long Beach, Department of Civil Engineering,

6101 East Seventh Street, Long Beach, Calif. 90801. Article: Reynolds number apparatus for the evaluation of Reynolds number boundary layer, drag and flow through pipes, Model 9525. Manufacturer: Armfield Engineering Ltd., United Kingdom. Intended use of article: The article will be used in a fluid mechanics laboratory for the verification of the dimensionalist Reynolds number as it relates to boundary layer, drag, flow through pipes as well as the observance and evaluation of other flow phenomena as it can be reproduced in such an instrument. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00672-16-6180J. Applicant: Vandalia-Butler City Schools, 366 South Dixie Drive, Vandalia, Ohio 45377. Article: Planetarium, Model Venus. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs including astronomy and navigation instruction. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00681-00-46500. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Diamond knife, cutting edge approximately 1.5. Manufacturer: IVIC, Venezuela. Intended use of article: The article is to be mounted in a holder for Porter Blum MT-2 microtomes. Application received by Commissioner of Customs: May 6, 1970.

Docket No. 70-00686-33-59600. Applicant: Swedish Covenant Hospital, Pasco Medical Laboratories, 40 South Clay Street, Hinsdale, Ill. 60521. Article: Mark II CYTOTRACK viewing unit—film transport unit. Manufacturer: Tetronics Research & Development Co., Ltd., United Kingdom. Intended use of article: The article will be used for cancer research and will enable cytological traces to be centrally placed on 35-mm. wide plastic film. Application received by Commissioner of Customs: May 8, 1970.

Docket No. 70-00687-33-46500. Applicant: The Ohio State University, Biological Sciences, 190 Oval Drive, Columbus, Ohio 43210. Article: Ultramicrotome, Model Ultrotome III, and knifemaker combination. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in a program investigating the ultrastructure of various microorganisms isolated from polluted environments such as Lake Erie. Very delicate structural changes take place in the cytoplasm, plasmalemma and cell walls of numerous organisms when placed in contact with such chlorinated hydrocarbon pesticides as aldrin, endrin, DDT, and others. Advanced students in a course in microbial cytology (Microbiology 770) will use the article to perform histochemical experiments. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00688-98-46040. Applicant: University of Missouri—Kansas City, 1011 East 51st Street, Kansas City, Mo. 64110. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for studies concerning graphite filamentary growths and for determination of the basic structure. A course entitled "Theory and Practice of Electron Microscopy" will utilize the article to teach the fundamentals of operation and sample preparation. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00689-75-07795. Applicant: University of California, Los Alamos, Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Image converter camera and accessories. Manufacturer: John Hadland, Ltd., United Kingdom. Intended use of article: The article will be used for a study of radiation emitted by a high energy neon plasma. The time behavior and spatial distribution of the visible and near ultraviolet radiation of this plasma is to be studied. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00691-33-46500. Applicant: University of Wisconsin, 518 SMI, 470 North Charter Street, Madison, Wis. 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in a continuing investigation into basic processes of cellular injury. The applicant has been studying the ultrastructural events that accompany ischemic injury of the proximal convoluted tubules of the rat kidney. More exact knowledge of the events occurring following lethal tubular injury is of significance in the understanding of human kidney disease, as well as in the evaluation of tissues utilized for transplantation. Application received by Commissioner of Customs: May 11, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-7867; Filed, June 22, 1970; 8:47 a.m.]

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00692-33-46500. Applicant: University of California, San Diego, Post Office Box 109, La Jolla, Calif. 92037. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research concerned with the elucidation of the mechanism of formation and destruction of surfactant lining of pulmonary alveoli in human and experimental induced diseases. Electron microscopy of lung tissue will be taught to medical students and postgraduate doctoral trainees, who will be required to cut thin sections for electron microscopy. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00693-91-46500. Applicant: Texas A. & M. University, Texas Agricultural Experiment Station, Biochemistry and Biophysics Department, Herman Heep Building, College Station, Tex. 77843. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to section plant materials embedded in epoxy resins. Sections required must often be under 100 angstroms thick. Serial sectioning tissue in uniform thickness of about 50 angstroms will be studied under the electron microscope. Research concerns the cellular changes associated with seed development. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00694-01-77030. Applicant: Furman University, Greenville, S.C. 29613. Article: NMR Spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for a study of the structure, reactivity, and bonding of triphenylboroxine and its interaction with selected Lewis bases (i.e., amines, phosphines, etc.); for research on the synthesis of spiropentene; and for research in the area of mechanistic acetal studies. In addition, the article will be used in chemistry courses for undergraduate students. Application received by Commissioner of Customs: May 11, 1970.

Docket No. 70-00695-75-40600. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Isotope separator. Manufacturer: Lintott Engineering Ltd., United Kingdom. Intended use of article: The article will be used for scientific research involving the study of radioactivity and trace analysis in a wide variety of materials, including metals, nonmetals, pure compounds, biological and botanical materials. Application received by the Commissioner of Customs: May 11, 1970.

Docket No. 70-00696-33-46040. Applicant: Harvard University, Purchasing

Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss Inc., West Germany. Intended use of article: The article will be used in the neurobiology department solely for the purpose of teaching graduate students, medical students, and postdoctoral fellows fundamental techniques used in electron microscopy and how the electron microscope can be applied to the study of vertebrate and invertebrate nervous tissues. Application received by the Commissioner of Customs: May 11, 1970.

Docket No. 70-00744-33-43780. Applicant: Mount Sinai Hospital of Greater Miami, Inc., 4300 Alton Road, Miami Beach, Fla. 33140. Article: Automatic isodose curve plotter, Model MRA-301. Manufacturer: Toshiba Ltd., Japan. Intended use of article: The article will be used for radiation therapy dose distributions for the treatment of cancer and allied diseases. Also, medical radiology residents will be trained in radiation physics. Application received by Commissioner of Customs: May 26, 1970.

Docket No. 70-00745-33-43780. Applicant: The Johns Hopkins University, Purchasing Department, Charles and 34th Streets, Baltimore, Md. 21218. Article: Flexible bronchofibrescope, Model L. Manufacturer: Manabu Medical Instruments Co., Ltd., Japan. Intended use of article: The article will be used to identify and exactly localize small, early, developing cancers of the lung; to remove cellular and tissue fragments for microscopic examination and diagnosis of the state of health or disease in the lung; and to teach members of the Staff of the Johns Hopkins University School of Medicine and The Johns Hopkins Hospital the fine anatomy of the lung and the early detection of lung cancer. Application received by Commissioner of Customs: May 26, 1970..

Docket No. 70-00746-01-04030. Applicant: Emmanuel College, 400 The Fenway, Boston, Mass. 02115. Article: Gouy balance assembly, Manufacturer: Newport Instruments, Ltd., United Kingdom. Intended use of article: The article will be used for magnetic susceptibility measurements by students in physical chemistry and advanced inorganic chemistry laboratories, and by those engaged in undergraduate research problems. Measurements and observations will be made of the regular increase in molar magnetic moment for the trivalent metal ions of the first transition series; the difference in the two types of coordination complexes (inner or outer orbital complexes) that ions may form; and the effect on magnetic moment of the two different oxidation states of a single element, such as manganese in $Mn(II)SO_4$ and $KMn(VII)O_4$. Application received by Commissioner of Customs: May 26, 1970.

Docket No. 70-00756-01-77040. Applicant: University of Arkansas, Fayetteville, Ark. 72701. Article: Mass spectrometer, Model RMU-6E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the research and the teaching needs of the department of chemistry. Research projects concern synthesis of diterpenoid alkaloids; isolation and structure determination of natural products; electrolytic reduction of organic compounds; disproportionations in acid-catalyzed ketone rearrangements; structure-spectra correlations of structurally related aliphatic ketones and cyclobutanones; stereochemistry of organic molecular rearrangements; and the mechanism of surface-catalyzed hydrogenation of unsaturated molecules. Application received by Commissioner of Customs: June 1, 1970.

Docket No. 70-00757-33-46040. Applicant: The Ohio State University, Department of Anatomy, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research concerning the detailed morphological and cytochemical studies of the cells of the hemopoietic tissues in man and certain laboratory animals; an analysis of the leukemia cells from ascites fluid of mice with leukemia (strain P-388 by histochemical and biochemical methods for oxidative enzyme activity and by phase contrast and electron microscopy; and for several aspects of rodent placenta morphology will be studied. Application received by Commissioner of Customs: June 1, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-7868; Filed, June 22, 1970; 8:47 a.m.]

VIRGINIA POLYTECHNIC INSTITUTE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00712-00-72000. Applicant: Virginia Polytechnic Institute, Blacksburg, Va. 24061. Article: Rheogoniometer components. Manufacturer: Sangamo Controls Ltd., United Kingdom. Intended use of article: The article will be used for polyurethane gel studies to determine the steady shear, dynamic mechanical and transient (stress-relaxation and creep) properties. Educationally the article will be used in three chemistry courses to illustrate the techniques of measuring the physical properties of high polymers. Application received by Commissioner of Customs: May 14, 1970.

Docket No. 70-00718-89-43000. Applicant: Brown University, Department of Geological Sciences, Rhode Island Hall, Providence, R.I. 02912. Article: Three magnetometers (Type MF1-100), electrical measuring, checking, or controlling apparatus. Manufacturer: Scintrex Ltd., Canada. Intended use of article: The article will be used for measuring electric currents and the magnetic field of each. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00719-75-14200. Applicant: Battelle-Northwest, Post Office Box 999, Richland, Wash. 99352. Article: Quantimet 720 image analyzing system for analyzing photo micrographs. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article will be used in nuclear research programs studying unirradiated and irradiated metals and ceramics for nuclear applications, principally mixed uranium and plutonium oxide fuels, stainless steel cladding and structural materials, and absorber materials being studied for LMFBR and FFTF applications. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00720-33-46595. Applicant: Retina Foundation, 20 Staniford Street, Boston, Mass. 02114. Article: Special tissue mincer. Manufacturer: Apotheke Oberstrauss, Switzerland. Intended use of article: The article will be used for studies concerning human and animal muscle and energy metabolism of skeletal and heart muscle. The tissues will be analyzed to determine various enzymes and interactions in energy metabolism for a better understanding of normal and diseased muscle tissue. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00721-01-77040. Applicant: University of Rochester, Chemistry Department, River Campus Station, Lattimore Building, Rochester, N.Y. 14580. Article: Mass spectrometer, Model RMU-6E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for studies of the chemical structures of organic materials synthesized in the department, including direct detection and analysis of compounds of mixtures separated by an attached gas chromatograph. The compounds to be studied will range from simple molecular weight materials to

complex molecules possessing molecular weights of 500 or more, many thermally unstable. The isotopic content of isotopically labeled organic molecules will also be determined. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00722-01-77030. Applicant: Emory University, Department of Chemistry, Atlanta, Ga. 30322. Article: NMR Spectrometer, Model HF-90S. Manufacturer: Bruker Scientific, Inc., West Germany. Intended use of article: The article will be used in the study of a wide variety of organic, biological, and pharmacological materials, for the purposes of identification, structural characterization and the elucidation of their physical and biological properties. One investigation concerns the structure-activity relations and the metabolic behavior of several important drug systems, and the possibility of developing new labeled drugs tagged with stable isotopes. As a training instrument, the article will be used in chemistry courses for undergraduate and graduate students. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00723-33-45000. Applicant: University of Chicago, Chicago, Ill. 60637. Article: Optoscan microdensitometer, Model M85. Manufacturer: Vickers Ltd., United Kingdom. Intended use of article: The article will be used for studies concerning the absorption measurements of nucleoproteins. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00724-33-47295. Applicant: Texas A. & M. University, Department of Biology, College Station, Tex. 77843. Article: Monitor tank for automatic recording of movements of fish and small terrestrial animals. Manufacturer: Professor H. Kleerekoper, recently of McMasters University, Canada. Intended use of article: The article will be used for research in the orientation and role of sensory information in the orientation of fish and vertebrate animals. The study of the mode of sensory information input and response in a variety of animals will be carried out on a continuing basis. The primary educational use will be for the training of graduate students in animal behavior in Biology 691—Dissertation Research. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00725-33-46040. Applicant: Hunter College of the City, University of New York, 695 Park Avenue, New York, N.Y. 10021. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The primary use of the article will be in the teaching of electron microscopy to graduate students and to a limited number of advanced undergraduate students. This teaching will be part of formal course work in an undergraduate course dealing with cytology and microtechnique, and in a graduate course on cellular ultrastructure. Graduate students will use the article in the performance of doctoral thesis research and faculty use concerns research on the structure of dividing cells and the control of cell division. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00726-33-43780. Applicant: University of South Carolina, Purchasing Department, Columbia, S.C. 29208. Article: Heart-beat counter SAMI/HR and accessories. Manufacturer: TEMTRON Electronics Ltd., Canada. Intended use of article: The article will be used for research to determine heart rate response to various activities. Since heart rate is a good indicator of the overall physiological stress to which a subject is subjected, recording heart rates provides useful information relative to energy costs of various activities. Application received by Commissioner of Customs: May 18, 1970.

Docket No. 70-00727-33-74600. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: Signal analyser, Model BIOMAC 1000. Manufacturer: Data Lab., Ltd., United Kingdom. Intended use of article: The article will be used for research in the section of neurosurgery in the Department of Medicine for studies in experimental animals and in man, involving pain mechanisms and trauma. The application of the statistical theory of communication to electrophysiological events will be observed during the course of these investigations. Application received by Commissioner of Customs: May 19, 1970.

Docket No. 70-00728-00-46500. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: 2 diamond knives. Manufacturer: IVIC, Venezuela. Intended use of article: The article will be used for ultrathin sectioning of ear tissue of mice and guinea pigs and for some heart tissue of various animals. Application received by Commissioner of Customs: May 19, 1970.

Docket No. 70-00729-33-46500. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for studies on cell biology pertaining to reproductive biology and the cytochemical and fine structural analyses of cellular organelles in the Departments of Obstetrics and Gynecology and Anatomy. Graduate students, medical students, and postdoctoral fellows will be trained in the use of the article. Application received by Commissioner of Customs: May 19, 1970.

Docket No. 70-00731-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total hip joint replacements, 13 each. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The article will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: May 21, 1970.

Docket No. 70-00735-98-42900. Applicant: National Accelerator Laboratory, Universities Research Asso. Inc., 2100 Pennsylvania Avenue NW., Washington, D.C. 20006. Article: Magnetic coils for 200 BeV accelerator. Manufacturer: Societe General de Constructions Electriques & Mechaniques, France. Intended use of article: The article will be used at the 200 BeV accelerator for research in high energy physics to attempt to understand the structure of matter and the forces holding it together at exceedingly small distances. A large variety of scientific exploratory experiments will be performed with protons accelerated by the accelerator to 200 BeV energy by scientists from U.S. universities and also from foreign high energy physics laboratories. Application received by Commissioner of Customs: May 21, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-7869; Filed, June 22, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

2-*TERT*-BUTYLAMINO-4-ETHYLAMINO-6-METHYLTHIO-s-TRIAZINE

Notice of Establishment of Temporary Tolerances for Pesticide Chemical

At the request of Geigy Chemical Corp., Ardsley, N.Y. 10502, temporary tolerances are established for negligible residues of the herbicide 2-*tert*-butylamino-4-ethylamino-6-methylthio-*s*-triazine in or on sorghum grain, fodder, and forage at 0.1 part per million from preemergence application. The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Geigy Chemical Corp. name.

These temporary tolerances expire June 16, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 16, 1970.

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

[F.R. Doc. 70-7879; Filed, June 22, 1970; 8:48 a.m.]

2-SEC-BUTYLAMINO-4-ETHYLAMINO-6-METHOXY-s-TRIAZINE

Notice of Establishment of Temporary Tolerances for Pesticide Chemical

At the request of Geigy Chemical Corp., Ardsley, N.Y. 10502, temporary tolerances are established for the combined residues of the herbicide 2-*sec*-butylamino - 4-ethylamino-6-methoxy-*s*-triazine and its metabolites 2-*sec*-butylamino - 4 - amino-6-methoxy-*s*-triazine, 2-amino - 4 - thylamino-6-methoxy-*s*-triazine, and 2,4-diamino-6-methoxy-*s*-triazine in or on the raw agricultural commodities fresh alfalfa and alfalfa hay at 1 part per million.

The Commissioner of Food and Drugs has determined that these temporary tolerances are safe and will protect the public health.

A condition under which these temporary tolerances are established is that the herbicide will be used in accordance with the temporary permits issued by the U.S. Department of Agriculture. Distribution will be under the Geigy Chemical Corp. name.

These temporary tolerances expire June 16, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 16, 1970.

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

[F.R. Doc. 70-7880; Filed, June 22, 1970; 8:48 a.m.]

BORDEN CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (3441V) has been filed by The Borden Chemical Co., Smith-Douglas Division, Rural Route 1, Elgin, Ill. 60120, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of taurine as a nutritional supplement in the feed of growing chickens.

Dated: June 15, 1970.

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

[F.R. Doc. 70-7881; Filed, June 22, 1970; 8:48 a.m.]

O,O,O',O'-TETRAMETHYL O,O'-THIODI-p-PHENYLENE PHOSPHOROTHIOATE

Notice of Reextension of Temporary Tolerance

A temporary tolerance of 0.1 part per million for residues of the insecticide *O,O,O',O'*-tetramethyl *O,O'*-thiodi-*p*-phenylene phosphorothioate in or on cottonseed was established at the request of American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, by a notice published in the FEDERAL REGISTER of May 20, 1967 (32 F.R. 7508). The tolerance was to expire May 15, 1968, but was extended to May 15, 1969, and reextended to May 15, 1970, by notices published May 21, 1968 (33 F.R. 7502), and July 9, 1969 (34 F.R. 11386).

The firm has requested reextension to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that such reextension will protect the public health; therefore, this temporary tolerance will expire May 15, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated June 1, 1970.

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

[F.R. Doc. 70-7882; Filed, June 22, 1970; 8:48 a.m.]

[DESI 4]

MYDRIATIC DRUG: HYDROXYAMPHETAMINE HYDROBROMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following mydriatic drug:

Hydroxyamphetamine hydrobromide 1 percent, marketed as Paredrine 1 percent with Boric Acid, Ophthalmic Solution, by Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 0-004).

The drug is regarded as a new drug. Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered reports of the Academy, as well as other available evidence, and concludes that:

1. This drug is effective for use in the production of mydriasis.

2. The drug is possibly effective when used adjunctively to help induce a rapid and satisfactory cycloplegia.

B. *Form of drug.* This mydriatic preparation is a sterile solution suitable for ophthalmic administration.

C. *Labeling conditions.* 1. The label bears the statement "CAUTION: Federal law prohibits dispensing without prescription" and a statement that the preparation is sterile.

2. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of such drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section of the labeling is as follows:

INDICATIONS

This drug is indicated for the production of mydriasis.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A2 as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drug may continue under the conditions described in F and G of this announcement except that those claims referenced in paragraph D may continue to be used as described therein.

F. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug and complete current container labeling, unless recently submitted.

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbreviated new-drug applications, section 130.4(f) of the regulations published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental application submitted in accord with the preceding subparagraph 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1) and (2) published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

H. *Unapproved use of form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS–NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded to this announcement should be identified with the reference number DESI 4 and be directed to the attention of the following appropriate office and, unless otherwise specified below, be addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (BD–200), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.

Requests for NAS–NRC reports: Press Relations Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7883; Filed, June 22, 1970; 8:49 a.m.]

[DESI 2-0027 NV]

TETRACYCLINE WITH VITAMINS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50304:

1. Myzon Poultry Builder with Tetrazone Water Soluble; each pound contains 25 grams of tetracycline hydrochloride, 360 milligrams of vitamin K, 300 I.U. of vitamin E, 1 million I.U. of vitamin A, 1,000 micrograms of vitamin B_{12}, 180,000 I.U. of vitamin D_3, 1,300 milligrams of riboflavin, 6,000 milligrams of niacinamide, and 2,100 milligrams of pantothenic acid.

2. Myzon Calf Builder with Tetrazone; each pound contains 4 grams of tetracycline hydrochloride, 160,000 I.U. of vitamin A, and 75,000 I.U. of vitamin D_2.

3. A–B–D–25 with Tetra-D, Tetrazone Animal Formula "25", Tetracycline Hydrochloride "Formula 25", and Tetracycline Hydrochloride; each pound contains 25 grams of tetracycline hydrochloride, 2 million I.U. of vitamin A, 200,000 I.U. of vitamin D_3, 2 grams of riboflavin, and 4 milligrams of vitamin B_{12}.

4. Myzon Poultry Medicine with Tetrazone; each pound contains 25 grams of tetracycline hydrochloride, 1,600,000 I.U. of vitamin A, 1,300,000 I.U. of vitamin D_3, 4 milligrams of vitamin B_{12}, 1,500 milligrams of riboflavin, 5,200 milligrams of niacin, and 500 milligrams of menadione sodium bisulfite (source of vitamin K activity).

5. Myzon Poultry Builder with Tetrazone; each pound contains 3.25 grams of tetracycline hydrochloride, 0.60 milligram of vitamin B_{12} activity, 200,000 I.U. of vitamin A, 164,000 I.U. of vitamin D_3, 640 milligrams of niacin, 160 milligrams of riboflavin, and 160 milligrams of pantothenic acid.

6. Myzon Swine Builder with Tetrazone; each pound contains 3.5 grams of tetracycline hydrochloride, 2.0 milligrams of vitamin B_{12} activity, 200,000 I.U. of vitamin A, 24,000 I.U. of vitamin D_3, 400 milligrams of riboflavin, 1,000 milligrams of niacin, 800 milligrams of *d*-pantothenic acid, and 450 milligrams of iron sulfate ($FeSo_4$).

The Academy concludes that: (1) These preparations are probably not effective as a tetracycline and vitamins mixture for adding to the drinking water for the prevention and treatment of enteric and systemic bacterial infections in swine, calves, and poultry; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; (3) claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in control of" or "to aid in the control of"; (4) these preparations do not meet the conditions that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; (5) the manufacturer's label should warn that treated animals must actually be consuming enough medicated water or medicated feed to provide a therapeutic dosage under the conditions that prevail; and (6) as a precaution, the labels should indicate the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water or feed.

The Food and Drug Administration concurs with the above conclusions of the Academy.

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

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

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

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the Act.

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

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drugs or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7884; Filed, June 22, 1970; 8:49 a.m.]

[DESI 2-0128 NV]

COMBINATION DRUG CONTAINING DIHYDROSTREPTOMYCIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Streptomagma Bolus with vitamin A containing 250 milligrams of dihydrostreptomycin (as sulfate), 2 grams of kaolin, 0.05 gram of pectin, 0.4 gram of hydrated alumina powder, and 25,000 units of vitamin A per bolus; marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

The Academy evaluated this preparation as probably effective for use in the treatment of various forms of intestinal disturbances in farm animals.

The Academy further stated:

1. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped.

2. Substantial evidence should be furnished establishing that each ingredient designated as active makes a contribution to the total effect claimed for the preparation.

3. Dosage levels should be revised in that inadequate or excessive dosage levels may be given when the present label directions are followed.

4. Data should be submitted establishing that the bolus disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

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

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

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

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

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

The holder of the application for the subject drug has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug or similar composition and labeling to it or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 12, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7885; Filed, June 22, 1970; 8:49 a.m.]

[DESI 7073]

SALICYLAZOSULFAPYRIDINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug: Salicylazosulfapyridine; marketed as Azulfidine, 0.5 gm. tablets, by Pharmacia Laboratories, Inc., 800 Centennial Avenue, Piscataway, N.J. 08854 (NDA 7-703).

The drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that salicylazosulfapyridine is indicated as adjunctive therapy in the treatment of ulcerative colitis.

B. *Form of drug.* Salicylazosulfapyridine preparations are in tablet form suitable for oral administration.

C. *Labeling conditions.* 1. The label bears the statement "CAUTION: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section of the labeling is as follows:

INDICATIONS

Salicylazosulfapyridine is indicated as adjunctive therapy in the treatment of ulcerative colitis. It is especially useful for chronic administration.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in paragraphs E and F of this announcement.

E. *Previously approved applications.* 1. Each holder of a "deemed approved" new drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962, for such drug is requested to seek approval of the

claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described here for the drug, and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

F. *New Applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit an abbreviated new-drug application meeting the conditions specified in regulation 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

2. Distribution of any such preparation currently on the market without an approved new-durg application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

H. *Unapproved Use or Form of Drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy upon request to the Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 7073 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original abbreviated new-drug application (identify as such): Office of Marketed Drugs (BD-200), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7886; Filed, June 22, 1970; 8:49 a.m.]

[DESI 8135]

TRYPSIN FOR ADMINISTRATION TOPICALLY, INTRAPLEURALLY, OR BY AEROSOL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug: Tryptar Sterile Powder; 125,000 or 250,000 N.F. units trypsin crystallized per vial; marketed by Armour Pharmaceutical Co., Post Office Box 511, Kankakee, Ill. 60901 (NDA 8-135).

The drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. Trypsin crystallized is effective when administered as an aerosol for use in liquefaction of viscid sputum.

2. Trypsin crystallized is possibly effective for intrapleural use for postoperative or traumatic hemothorax or empyema; and for topical application for debridement of open wounds.

B. *Form of drug.* Trypsin preparations are in powder form suitable for aerosol administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for the safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indication" section of the labeling is as follows:

INDICATION

This drug is indicated for liquefaction of viscid sputum.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and

Drug Administration data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drug may continue under the conditions described in F and G of this announcement except that those claims referenced in paragraph D may continue to be used as described therein.

F. *Previously approved applications.* 1. Each holder of a "deemed approved" new drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform with the labeling conditions described herein for the drug and complete current container labeling, unless recently submitted.

b. Updating information as needed to make the application current.

2. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of this preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may include the indications referenced in paragraph D for the period stated.)

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new-drug application containing full information required by the new-drug application form FD–356H (21 CFR 130.4 (c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits additional information that may be required for the approval of the application within a reasonable time as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

H. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS–NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8135 and be directed to the following appropriate office and unless otherwise specified addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.

Original new-drug application: Office of New Drugs (BD–100), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.

Requests for NAS–NRC report: Press Relations Staff (CE–200), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 28, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–7887; Filed, June 22, 1970; 8:49 a.m.]

[DESI 8336]

NEOMYCIN SULFATE ORAL PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antibiotic drugs for oral use:

1. Neomycin sulfate; marketed as Mycifradin 0.5 gm. tablet; by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 8–336).

2. Neomycin sulfate; marketed as Neobiotic 0.5 gm. tablet; by Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 9–579).

3. Neomycin sulfate 0.5 gm. tablet; marketed by Biocraft Laboratories, Inc., 92 Route 46, East Paterson, N.J. 07407 (NDA 60–304).

4. Neomycin sulfate 0.5 gm. tablet; marketed by Bryant Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, N.Y. 10550 (NDA 60–331).

5. Neomycin sulfate 0.5 gm. tablet; marketed by Richlyn Laboratories, Inc., Castor Avenue at Kensington Avenue, Philadelphia, Pa. 19124.

6. Neomycin sulfate 0.5 gm. tablet; marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 60–385).

7. Neomycin sulfate 0.5 gm. tablet; marketed by American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y. 10454 (NDA 60–389).

8. Neomycin sulfate 0.5 gm. tablet; marketed by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 60–349).

9. Neomycin sulfate 0.5 gm. tablet; marketed by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60–365).

10. Neomycin sulfate 0.5 gm. tablet; Vitamix Pharmaceuticals, Inc., Division of Wynn Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pa. 19132 (NDA 60–353).

11. Neomycin sulfate 0.5 gm. tablet; Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 10–385).

12. Neomycin sulfate; 0.125 gm./5 ml.; marketed as Mycifradin Oral Solution; Upjohn (NDA 50–285).

The Food and Drug Administration concludes that neomycin sulfate administered orally is effective as an adjunct in the management of hepatic coma; and for treatment of diarrhea due to enteropathogenic *E. coli*.

Preparations containing neomycin sulfate are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification or release of the drugs in the dosage forms described above should provide for labeling which is in accord with the reevaluation of the drug as stated in this announcement.

The above named firms and any other holders of applications approved for a drug of the kind described above are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Such labeling should comply with all requirements of the Act and regulations, bear adequate information for safe and effective use of the drug, and be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications"

section of the labeling should be as follows:

INDICATIONS

Neomycin is useful as an adjunct in the management of hepatic coma by reducing the ammonia-forming bacteria in the intestinal tract. The resultant reduction in blood ammonia may bring about neurological improvement in this disease.

Diarrhea due to enteropathogenic *E. coli* may be effectively treated with neomycin sulfate. When this diarrhea occurs in epidemic form, all patients and carriers should be treated concurrently.

Neomycin sulfate is given for the sterilization of the intestinal tract prior to abdominal surgery, particularly when partial or complete resection of the intestine or colon is contemplated. When used in this way, to suppress bacterial flora, the antibiotic is administered for a short period of time and as an adjunct to adequate mechanical cleansing for elective surgery.

The Food and Drug Administration concludes that for the following indication neomycin sulfate oral preparations are probably effective: Preoperative sterilization of the bowel. This indication is included in the labeling "Indications" section above. Batches of the drug which bear labeling with this claim and are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 12 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in the condition for which it has been evaluated as probably effective.

The Food and Drug Administration concludes that for the following indications neomycin sulfate oral preparations are possibly effective: Active against most bacteria commonly present in the intestinal tract; treatment of infectious diarrhea due to susceptible organisms, i.e., Salmonella, Shigella, Escherichias, Staphylococci, and certain strains of Proteus and Pseudomonas; active against a variety of aerobic bacteria; effective against Proteus, some strains of Pseudomonas, and certain strains of staphylococcus resistant to broad spectrum antibiotics; reduction of alimentary flora; treatment of infections (alimentary tract) and postoperative diarrhea due to susceptible pathogenic bacteria (or, due to *Staphylococcus aureus*); and prophylactically to lessen the likelihood of contracting infectious diarrhea. Batches of the drug which bear labeling with these claims and are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in these conditions for which it has been evaluated as possibly effective.

The Food and Drug Administration regards neomycin sulfate oral preparations as lacking substantial evidence of effectiveness for the claimed indication: Promotes tissue healing. Preparations containing the drug with labeling bearing this claim will no longer be acceptable for certification or release after the publication date of this announcement.

Any person who would be adversely affected by deletion of the claim for which the drug lacks substantial evidence of effectiveness as described in this announcement may, within 30 days following the publication date of this announcement, submit comments or pertinent data bearing on the effectiveness of the drug for such use. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8336 and be directed to the attention of the following appropriate office and addressed, unless otherwise specified, to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number, if known): Division of Anti-Infective Drugs (BD–140), Office of New Drugs, Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.

Requests for NAS–NRC report: Press Relations Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–7888; Filed, June 22, 1970; 8:49 a.m.]

[DESI 10936]

CERTAIN DRUGS CONTAINING BORIC ACID-TANNIC ACID COMPLEX

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Onycho-Phytex solution containing boric acid-tannic acid complex, salicylic acid, and ethyl alcohol; marketed by Wynlit Pharmaceuticals, Division of Unimed, Inc., Route 202, South, Morristown, N.J. 07960 (NDA 10–936).

2. Phytex liquid containing boric acid-tannic acid complex, salicylic acid, and ethyl alcohol; marketed by Wynlit Pharmaceuticals, Division of Unimed, Inc. (NDA 10–937).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports and concludes that Onycho-Phytex is possibly effective for its recommended use in topical treatment of fungus infections of the nails; and that Phytex is possibly effective for its recommended use in the topical treatment of fungus infections of the skin.

B. *Marketing status.* 1. The holder of previously approved new-drug applications and any person marketing these drugs without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for these drugs, pursuant to the provisions of section 505(e) of the Federal

Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug applications for these drugs has been mailed a copy of the NAS–NRC reports. Any interested person may obtain a copy of a report by writing to the office named below.

Communications forwarded in response to this announcement should refer to DESI 10936 which identifies this announcement and should be directed to the attention of the following appropriate office and, unless otherwise specified, addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identified with the appropriate NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.
Requests for NAS–NRC Report: Press Relations Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–7889; Filed, June 22, 1970; 8:49 a.m.]

[DESI 11837]

PROTEOLYTIC ENZYME FOR OPHTHALMIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following proteolytic enzyme drugs for ophthalmic use:

1. Zolyse Sterile Powder for Ophthalmic Use; containing 750 N.F. units chymotrypsin per vial, marketed by Alcon Laboratories, Inc., 6201 South Freeway, Fort Worth, Tex. 76134 (NDA 11–903).

2. Alpha Chymar Sterile Powder for Ophthalmic Use; containing 750 N.F. units chymotrypsin per vial, marketed by Armour Pharmaceutical Company, Box 511, Kankakee, Ill. 60901 (NDA 11–837).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that chymotrypsin is effective in enzymatic zonulysis for intracapsular lens extraction.

B. *Form of drug.* Chymotrypsin preparations are in sterile lyophilized powder form suitable for ophthalmic administration.

C. *Labeling conditions.* 1. The label bears the statement "CAUTION: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section of the labeling is as follows:

INDICATIONS

This drug is indicated for enzymatic zonulysis for intracapsular lens extraction.

D. *Marketing Status.* Marketing of the drug may continue under the conditions described in E and F of this announcement.

E. *Previously approved applications.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug, and complete current container labeling, unless recently submitted.

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD–356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental application submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1) and (2), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11837 and be directed to the following appropriate office and unless otherwise specified addressed to the

Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (BD-200), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7890; Filed, June 22, 1970; 8:49 a.m.]

2-ETHYLAMINO-4-ISOPROPYLAMINO-6-METHYLTHIO-s-TRIAZINE

Notice of Renewal of Temporary Tolerance

A temporary tolerance of 0.25 part per million for negligible residues of the herbicide 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine in or on the raw agricultural commodity corn in grain or ear form (including field corn, popcorn, and sweet corn) was established on April 24, 1969, at the request of the Geigy Chemical Corp., Ardsley, N.Y. 10502 (the notice was published in the FEDERAL REGISTER of April 30, 1969 (34 F.R. 7092)). The tolerance expired April 24, 1970.

The firm has requested renewal to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that such renewal will protect the public health; therefore, a renewal has been granted that will expire April 24, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 512; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 16, 1970.

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

[F.R. Doc. 70-7891; Filed, June 22, 1970; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Availability of Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Statement on the Environmental Considerations Involved in the Proposed Operation by Consumers Power Company of the Palisades Nuclear Power Station" is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in Suite 201, Kalamazoo City Hall, 241 West South Street, Kalamazoo, Mich., where it will be available for inspection by members of the public. Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 17th day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 70-7865; Filed, June 22, 1970; 8:47 a.m.]

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Order Extending Provisional Construction Permit Completion Date

By application dated May 5, 1970, Commonwealth Edison Co., acting for itself and in behalf of Iowa-Illinois and Electric Co., requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-23. The permit authorizes Commonwealth Edison Co. to construct a single cycle, forced circulation, boiling water nuclear reactor, known as Quad-Cities Unit No. 1, at the Quad-Cities Station in Rock Island County, Ill., about 3 miles north of Cordova, Ill.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and section 50.55(b) of 10 CFR Part 50 of the Commission's regulations, *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-23 is extended from July 1, 1970 to July 1, 1971.

Dated at Bethesda, Md., this 17th day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 70-7866; Filed, June 22, 1970; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22261]

AIRBORNE FREIGHT CORP. AND AWAWEGO DELIVERY, INC.

Notice of Proposed Approval

Application of Airborne Freight Corp. and Awawego Delivery, Inc., for approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended; docket No. 22261.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 17, 1970.

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

ORDER APPROVING ACQUISITION

By joint application filed June 9, 1970, Airborne Freight Corp. (Airborne) and its wholly owned subsidiary, Awawego Delivery, Inc. (Awawego), request approval, without a hearing, of the acquisition by Airborne, through Awawego, of the Interstate Commerce Commission (ICC) Operating Rights (ICC No. 126549C) held by Abbott Air Freight Co., Inc. (Abbott), pursuant to section 408 (b) of the Federal Aviation Act of 1958, as amended, (the Act), or for exemption of the acquisition pursuant to section 408(a)(5) of the Act.

Airborne is an air freight forwarder holding authority under Parts 296 and 297 of the Board's economic regulations; Awawego is a common carrier by motor vehicle, operating in New York State; [1] Abbott is a domestic air freight forwarder holding Board authority under Part 296 of the Board's regulations, and also holding ICC authority under No. 126549C to provide common carriage by motor vehicle of general commodities between the three New York airports, International, La Guardia, and Newark, on the one hand, and points in Connecticut, on the other hand, with the restriction that the commodities have immediate prior or subsequent shipment by air.

On May 22, 1970, the parties contracted for the sale of the above operating rights by Abbott to Airborne, through Awawego, subject to Board and ICC approvals. The transfer is for cash, with no control or interlocking

[1] By Order E-24703, Jan. 31, 1967, the Board approved the acquisition by Airborne of Awawego.

relationships involving Abbott and the purchasing parties.

The applicants submit that the above transfer of operating rights involves no competitive impact upon any air carrier, does not restrain competition nor does it result in creating a monopoly and will enable Airborne to provide expanded freight service to its customers.

No comments on the application have been filed.

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

Upon consideration of the application, it is concluded that the transaction is subject to section 408(a)(2) of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier engaged in the direct operation of aircraft in air transportation, does not result in the creation of a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The Board has previously approved such transactions in the past and the application under review presents no substantive issues which would warrant disapproval.[3] We do not find that the transaction will be inconsistent with the public interest nor that the conditions of section 408 will be unfulfilled.

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

Accordingly, it is ordered, That:

1. The purchase by Airborne of Abbott's operating rights under ICC No. 126549C be and it hereby is approved; and

2. To the extent not granted above, the application in docket No. 22261 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-7901; Filed, June 22, 1970; 8:50 a.m.]

[Docket No. 22279; Order 70-6-99]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of June 1970.

By tariff revisions marked to become effective June 20, 1970,[1] Eastern Air Lines, Inc. (Eastern), proposes to amend the rules of applicability governing its round-trip (groups of 60 or more persons) inclusive tour excursion fares[2] between Baltimore, New York, Newark, Philadelphia, and Washington, on the one hand, and San Juan, on the other, by removing the restriction against the use of these fares on nighttime flights and on Saturday southbound and Sunday northbound flights.

Trans Caribbean Airways, Inc. (TCA), has filed a complaint against Eastern's proposal requesting its suspension and investigation. In substance, TCA alleges that the subject excursion fares and their governing rules were designed to improve the load factors on daytime flights in the San Juan market, and that elimination of the present restrictions would make the fares applicable during periods when there is no need for reduced fares because of relatively high load factors. The carrier contends that the result of Eastern's proposal would be to severely increase diversion from normal fare traffic, and thus cause dilution of revenues at a time when all of the carriers in the market are suffering from spiralling costs and inadequate revenues.

In support of its proposal and in answer to the complaint, Eastern alleges that its objective is to simplify the application of the fares, and that its proposal would not so reduce the restriction on use of the fares as to cause significant diversion from regular-fare traffic. The carrier further asserts that, as interpreted by the carriers, return travel is not restricted, and that groups using the present fares can and do return to New York and Washington in the peak Sunday period.

Upon consideration of the tariff proposal, the complaint, and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

The group fares in question were originally introduced primarily as an effort to attract tourist travel to daytime flights which operate at extremely low load factors. We believe the proposed liberalization of their applicability would run counter to this objective and would adversely affect carrier revenues, not only by causing diversion from normal-fare travel but quite possibly by resulting in displacement of this travel by low-fare group travel. In fact, this latter possibility would appear to be a very real one, since the minimum group size is 60 passengers and load factors on peak period flights are quite high. We therefore conclude that availability of the group fares should continue to be confined to daytime flights which need the support of the traffic they were designed to stimulate, pending investigation.

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

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in Rule 6(B)(2)(c) on 5th Revised Page 18-A and Rule 6(B)(2)(d) on 5th Revised Page 18-B of Eastern Air Lines, Inc.'s CAB No. 232, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule 6(B)(2)(c) on 5th Revised Page 18-A and Rule 6(B)(2)(d) on 5th Revised Page 18-B of Eastern Air Lines, Inc.'s CAB No. 232 are suspended and their use deferred to and including September 17, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of Trans Caribbean Airways, Inc., in docket No. 22248 is hereby dismissed;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the above-named tariff and served upon Eastern Air Lines, Inc., and Trans Caribbean Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-7902; Filed, June 22, 1970; 8:50 a.m.]

[Docket No. 22030; Order 70-6-100]

BOISE AVIATION, INC.

Order To Show Cause

Issued under delegated authority June 17, 1970.

A final service mail rate established by Order 68-11-94 for the transportation of mail by aircraft is currently in effect for Boise Aviation, Inc. (Boise) an air taxi operator under 14 CFR Part 298.

On April 6, 1970, Boise filed a petition requesting the Board to fix a new final service mail rate for its route in the above docket. On May 4, 1970, Boise submitted an amended petition stating that certain costs had been inadvertently omitted in their original petition. The Postmaster

[3] *Drake Motor Lines, Inc.* et al., Order 68-9-24, Sept. 6, 1968, and Order 68-9-111, Sept. 24, 1968.

[1] Revisions to Eastern Air Lines, Inc., Tariff CAB No. 232.

[2] The round-trip fares and their present hours of applicability are as follows: $106 for travel Monday through Thursday on flights departing during the period 11:59 a.m. through 7:59 p.m. southbound, and 9:59 a.m. through 7:59 p.m. northbound; $114 for travel on southbound flights departing during the period 11:59 a.m. through 7:59 p.m. Friday and Sunday and on northbound flights departing 9:59 a.m. through 7:59 p.m. Friday and Saturday.

General filed a reply on June 8, 1970. The Postmaster General stated that it was in agreement with Boise that the present rate is no longer fair and reasonable because of increased costs experienced by Boise which were not known or reasonably foreseeable at the time the rates were set.

The Postmaster General, however, concludes that upon thorough analysis he can support an increased rate in the amount as shown in the following table:

Previous docket No.	Route	Cents per mile		
		Present rate	Boise's proposal	POD support
2383	Boise, Pendleton, and Portland.	40.6	49.3	45.57

Boise has agreed that the rate supported by the Postmaster General, as set forth above, is a fair and reasonable rate of compensation.

The Board finds it is in the public interest to determine, adjust and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

On and after April 6, 1970, the fair and reasonable final service mail rate per great circle aircraft mile to be paid in its entirety by the Postmaster General to Boise Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Boise, Idaho, and Portland, Oreg., via Pendleton, Oreg., shall be 45.57 cents.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and the Board's regulations 14 CFR Part 302, 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Boise Aviation, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, as the fair and reasonable rate of compensation to be paid to Boise Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix; and

3. This order shall be served upon Boise Aviation, Inc., and the Postmaster General.

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-7903; Filed, June 22, 1970; 8:50 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Changes in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Deputy Assistant Secretary (Community Development), Office of the Assistant Secretary (Individual and Family Services), Office of the Secretary to Deputy Assistant Secretary for Community Development/Director, Center for Community Planning, Office of the Assistant Secretary for Community and Field Services, Office of the Secretary.

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

[F.R. Doc. 70-7845; Filed, June 22, 1970; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Model Cities Administration, Office of the Assistant Secretary for Model Cities and Governmental Relations.

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

[F.R. Doc. 70-7846; Filed, June 22, 1970; 8:45 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Chief, Evaluation Division Office of Research and Evaluation, Office of Planning, Research and Evaluation.

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

[F.R. Doc. 70-7847; Filed, June 22, 1970; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 24, 1970, in the South Auditorium of the American Society for Testing and Materials Building, 1916 Race Street, Philadelphia, Pa., beginning at 1:30 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Village of Monticello:* A sanitary sewer interceptor and trunk sewer line to serve a portion of the Village of Monticello, Sullivan County, N.Y. A total of 8,800 feet of pipe will be installed to convey sewage to the existing municipal sewage treatment plant.

2. *Borough of Bridgeport:* Modifications to the existing sewage treatment plant of the Borough of Bridgeport, Montgomery County, Pa. Scheduled improvements will enable existing facilities to remove 96 percent of BOD from an average flow of 770,000 gallons per day. Treated effluent will discharge to the Schuylkill River.

3. *Borough of Media:* A well water supply project to augment existing filtered surface water supplies in the Borough of Media, Delaware County, Pa. Designated as Well No. 1, the new

facility will be equipped with a 325-gallon-per-minute pump.

4. *Bucks County Water and Sewer Authority:* An interceptor sewer to be constructed along Pine Run in New Britain and Doylestown Townships, Bucks County, Pa. The new interceptor will eliminate the Briarwood sewage treatment plant and will convey an ultimate estimated flow of 1.4 million gallons per day into the Chalfont-New Britain collection and treatment system.

5. *Upper Saucon Township Municipal Authority:* A sewage treatment plant to serve Upper Saucon Township in the Borough of Coopersburg, Lehigh County, Pa. The new facility will be designed to treat 600,000 gallons per day and will achieve 90 percent reduction of BOD and 95 percent removal of suspended solids. Treated effluent will discharge to the South Branch of Saucon Creek.

6. *Bucks County Commissioners:* * A project to modify a previously planned diversion of Delaware River water from 26 million gallons per day to 250 million gallons per day by the year 2020. A pumping plant would be constructed in the vicinity of Point Pleasant, Pa., and transmission facilities would carry water into the North Branch Neshaminy Creek and the East Branch Perkiomen Creek. Initial withdrawals would reach 105 m.g.d. by 1982, and increase progressively to 250 m.g.d. by the year 2020. Water pumped into North Branch Neshaminy Creek would be used for public water supply, low flow augmentation, and recreation purposes in the Neshaminy basin.

The total diversion of 250 m.g.d. includes 50 m.g.d. that would be diverted to the East Branch Perkiomen Creek. This secondary diversion would be drawn from the Neshaminy transmission line at a pumping station to be constructed in the vicinity of Bradshaw Road in Plumstead Township. This water would flow by gravity through the Perkiomen drainage system to a point near Graterford, Pa., where it would be withdrawn by the Philadelphia Electric Co. for use at a proposed nuclear electric generating plant near pottstown, Pa.*

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

JUNE 12, 1970.

[F.R. Doc. 70-7840; Filed, June 22, 1970; 8:45 a.m.]

* The hearing on this project will be restricted to the water supply diversion and delivery system as noticed. The hearing will not include the proposed nuclear generating plant referred to. That plant, known as the Limerick Station, will be the subject of a separate public hearing to be held by the Commission in July. Separate notice will be given as to the date and place of that hearing.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18876; FCC 70-622]

SUNBURY BROADCASTING CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard applications of Sunbury Broadcasting Corp., Radio Station WKOK, Sunbury, Pa., for license to cover construction permit for changed facilities and for extension of time to construct changed facilities, Docket No. 18876, File Nos. BL-12624, BMP-12870.

1. The Commission has for consideration: (a) The above-captioned and described applications; (b) petitions to deny and for other relief filed on behalf of Lycoming Broadcasting Co. (WLYC), licensee of standard broadcast station WLYC, Williamsport, Pa.; (c) applicant's (WKOK) opposition pleadings; and (d) related pleadings and correspondence.

2. Following an evidentiary hearing in 1961, the applicant was authorized to change standard broadcast station WKOK at Sunbury, Pa., from a Class IV operation on 1240 kc/s (250 w., U.) to a Class II operation on 1070 kc/s (1 kw.; 10 kw.-LS; DA-2; U.), its presently licensed mode of operation. The Commission, in its decision of October 25, 1961, rejected the contention of WLYC that WKOK's proposed directional operation would result in prohibited 2 mv/m and 25 mv/m contour overlap between the stations. This conclusion was reached on the basis of data submitted by WKOK consisting of field intensity measurements taken on WLYC and on a test transmitter at the proposed WKOK site. Sunbury Broadcasting Corp., 31 FCC 734, 22 RR 383 (1961). WKOK was licensed to operate with its new facilities on October 1, 1963.

3. On September 22, 1965, WKOK filed an application for a construction permit to dispense with its directional operation during daytime hours and to operate nondirectionally, on the same frequency and with the same power. WLYC objected to a grant of this application and requested that it be designated for hearing. It contended, in part, that the measurement data accepted in the 1961 hearing proceeding, made with the use of a test transmitter at a power of 250 watts, and WKOK's 1963 proof of performance measurements, were inadequate to determine whether or not nondirectional operation at a power of 10 kilowatts would result in 2 mv/m and 25 mv/m contour overlap between the stations. By memorandum opinion and order of August 22, 1968, the Commission dismissed WLYC's petition by concluding that the 1961 hearing proceeding established the nonexistence of 2 mv/m and 25 mv/m overlap; that the measurement data submitted therein was sufficient to determine that such overlap would not result from WKOK's proposed nondirectional operation; and that WLYC had failed to submit any additional measurement data to refute this determination. Subsequently, on December 24, 1968, WKOK was issued a construction permit to operate nondirectionally with a power of 10 kw.

4. WKOK has completed construction of the above-authorized facilities and is presently operating nondirectionally at 10 kw. power under special temporary operating authority. It timely filed the application now before us for an extension of construction time for the purpose of making additional field intensity measurements prior to the submission of its application for license to cover these facilities. The application for license, which also is now under consideration, was tendered for filing on March 31, 1970. The petitions filed by WLYC against these applications are allegedly based on field intensity measurements taken after completion of WKOK's changed facilities which, according to WLYC, establish the existence of "substantial overlap between WKOK's proposed nondirectional 2 mv/m contour and WLYC's existing 25 mv/m contour" in contravention of § 73.37(a) of the rules. Since WKOK has already completed construction and has filed its covering license application, its application for additional construction time is dismissible as moot and WLYC's objections will be considered in connection with WKOK's application for license.[1]

5. Extensive field intensity measurements taken by WLYC in January 1970 purport to show overlap of the WLYC 25 mv/m contour by the WKOK nondirectional 2 mv/m contour. WKOK has not submitted measurement data to refute this showing, but contends that a "reliable showing of substantial prohibited overlap" has not been made in that WLYC's measurements were taken at a time when WKOK was operating by the indirect method of measuring power and without a resistor to reduce radiation to the required value of 565 mv/m for 10 kw. power and, in the wintertime, when climatic conditions could have a considerable effect on the measured field intensity. WLYC responds that no evidence has been submitted by WKOK to show that its operating power, determined by the indirect measurement method, departed materially from 10 kw. at the time WLYC undertook its measurement study; that by calculating the reduction in radiation efficiency which would have occurred had WKOK installed the requisite resistor, it can be shown that the overlap problem is not precluded by the fact that the resistor was not in place at the time the measurements were taken; and that by extrapolating the measurement data obtained by WKOK in March 1970 (submitted with its license application), and

[1] Accordingly, WLYC's petition to deny WKOK's application for additional construction time will also be dismissed as moot.

comparing them with WKOK's nondirectional 1963 proof of performance data, it can be shown that 2 mv/m and 25 mv/m contour overlap exists between the stations.

6. In the interest of administrative orderliness and finality, we are reluctant to designate license applications for hearing and, in most cases, consider the grant of such applications to follow almost automatically from the issuance of a construction permit and the completion of contruction in accordance therewith.[2] Section 319(c) of the Communications Act of 1934, as amended, provides that the Commission shall issue a license to the lawful holder of a construction permit if it appears that all the terms, conditions and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest. The legislative intent to provide a certain degree of protection to holders of construction permits is evinced, in part, by section 319(c)'s proscription against the applicability of the provisions of section 309 (a)–(g) of the Act to applications for license. It has thus been stated that peculiar circumstances which may warrant the lodging of a valid objection against a particular construction permit application may be insufficient to warrant the designation for hearing of the license application covering that permit. See Benton Broadcasting Service, 9 RR 586 (1953).

7. It is clear, however, that the Commission must exercise its discretion, pursuant to section 319(c), in determining whether the grant of a particular license application would be in the public interest, or whether information coming to its attention since grant of the construction permit dictates that the application be designated for hearing for the purpose of eliciting facts sufficient to make the requisite public interest finding.[3] In the instant situation, WLYC raised the issue of 2 and 25 mv/m overlap between its station and WKOK in 1961, when WKOK proposed to operate directionally on 1070 kc/s at a daytime power of 10 kw., and again in 1965, when WKOK proposed to dispense with its directional antenna system during daytime hours. As previously noted, the Commission relief upon field intensity measurements taken by WKOK with a test transmitter and concluded, in both instances, that such overlap would not result from WKOK's proposed operations. The overlap issue is now presented for a third time, in connection with WKOK's license application, and is based on new field intensity measurements (taken by WLYC after completion of WKOK's changed facilities) which we conclude raise a substantial question of 2 mv/m and 25 mv/m contour overlap. While we recognize the desirability and importance of administrative finality, WKOK's failure to come forth with sufficient evidence to overcome WLYC's overlap showing, renders it impossible for us to determine, on the information available, whether a grant of WKOK's license application would be in the public interest.

8. The prohibition in our rules against 2 mv/m and 25 mv/m contour overlap for stations two channels removed basically serves as an allocation standard designed to reduce the likelihood of cross-modulation between stations located in proximity to each other, both geographically and on the broadcast spectrum. The mere existence of such an overlap area, however, does not necessarily depict an area of interference. This is so because the type of interference problem which may result when 2 mv/m and 25 mv/m contour overlap exists (e.g., external cross-modulation reception difficulties) is not susceptible to delineation by the use of interference ratios and results from the nonselectivity of broadcast receivers and external cross-modulation. Thus, even assuming a 2 mv/m and 25 mv/m contour overlap between WKOK and WLYC, a substantial question would be raised as to whether cross-modulation interference will result to one or both stations, and, if it does occur, whether it will result in any significant injury to the listening public. In the case of two existing stations operating at full power, this latter problem is capable of being fully investigated, if necessary, by field observations and contacts with the listening public.

9. In view of the fact that WKOK has not submitted sufficient information to enable us to resolve the foregoing questions of fact, we conclude that its application for license must be designated for hearing. However, since WLYC has not alleged that cross-modulation interference problems do in fact exist, we find that its requests for decision of WKOK's outstanding construction permit (BP-16936) and cancellation of WKOK's special operating authority should be denied. It follows that during the pendency of the hearing proceeding, and to facilitate the resolution of the issues presented therein, WKOK should be issued authority to operate with the facilities authorized in BP-16936.[4]

10. *Accordingly, it is ordered*, That WKOK's application for additional construction time (BMP-12870) and WLYC's petition to deny that application are dismissed as moot.

11. *It is further ordered*, That the relief requested by WLYC with respect to WKOK's application for license (BL-12624) is granted to the extent indicated above and is denied in all other respects.

12. *It is further ordered*, That, pursuant to section 319(c) of the Communications Act of 1934, as amended, WKOK's application for license is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the nondirectional 2 mv/m contour of station WKOK overlaps the existing 25 mv/m contour of station WLYC, and, if so, to determine the areas and populations within the overlap area.

2. To determine whether the foregoing overlap, if it exists, results in cross-modulation between stations WKOK and WLYC, and the effect of such cross-modulation, if any, on the listening public.

3. To determine whether circumstances exist which would warrant a waiver of § 73.37(a) of the rules, and, to determine, in light of the evidence adduced under the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

4. To determine, in the event of a negative finding with respect to Issue No. 3, the extent to which the daytime operating power of station WKOK would have to be reduced, or other technical changes made, in order to eliminate any adverse effects associated with contour overlap.

5. To determine, in the event the applicant tenders for filing an amendment responsive to Issue No. 4, whether the waiver of technical requirements of the rules (other than § 73.37(a)) would be involved, and, if so, whether the grant of such waiver(s) would serve the public interest.

13. *It is further ordered*, That the hearing examiner is directed to accept and consider any amendments to the application tendered for filing with respect to Issues No. 4 and 5, if such amendments be necessary.

14. *It is further ordered*, That Lycoming Broadcasting Co., licensee of station WLYC, is made a party to the proceeding.

15. *It is further ordered*, That WKOK's special temporary operating authority is extended in the manner contemplated by footnote 4 of this memorandum opinion and order.

16. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the

[2] See House Report on the Communications Act Amendments of 1952, 1 RR 10:311.

[3] Section 1.68 of the rules; Effingham Broadcasting Company, 4 RR 2d 494 (1965); Benton Broadcasting Service, 9 RR 586 (1953); see CBS, Inc. of California v. FCC, 211 F. 2d 644, 10 RR 2021 (1954).

[4] It is noted that BP-16936 was granted subject to the condition that WKOK submit new common point impedance measurements and sufficient field intensity measurement data to show that its nighttime radiation pattern remains adjusted within authorized limits. This data has not as yet been submitted, and, therefore, program test authority cannot be issued. WKOK's special temporary authority to operate with its new facilities will thus be extended subject to the submission of the required data within 30 days from the adoption of this order. Program test authority will be issued upon submission and review of this data if all information in the license application is satisfactory. Failure to submit this data within 30 days will render the special operating authority subject to cancellation.

Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

17. *It is further ordered*, That the applicant herein shall give notice of the hearing, within the time and in the manner prescribed in § 1.594 of the Commission's rules, and shall advise the Commission of the publication of such notice in accordance with § 1.594(g) of the rules.

Adopted: June 10, 1970.

Released: June 17, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[5]

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

[F.R. Doc. 70-7920; Filed, June 22, 1970; 8:51 a.m.]

[5] Chairman Burch absent; Commissioners Johnson and H. Rex Lee concurring in the result.

FEDERAL POWER COMMISSION

[Docket No. RI70-1707 etc.]

MOBIL OIL CORP. ET AL.

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

JUNE 12, 1970.

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

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

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

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

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 July 29, 1970.

By the Commission.

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

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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1707	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	[2] 88	15	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	$59	5-18-70	[3] 6-18-70	11-18-70	[4] 18.415	[4] [5] 18.615	RI68-560.
	do	398	3	El Paso Natural Gas Co. (Wilshire Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	990	5-15-70	[3] 6-15-70	11-15-70	[7] 19.44	[4] [7] 20.5913	RI68-408.
RI70-1708	Catherine B. McElvain, et al., Post Office Box 2148, Santa Fe, N. Mex. 87501.	1	[6] 5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	387	5-18-70	[3] 6-18-70	11-18-70	14.0	[4] 15.0	RI67-170.
	do	2	4	El Paso Natural Gas Co. (West Ignacio MV Field, La Plata County, Colo.).	513	5-18-70	[3] 6-18-70	11-18-70	14.0	[4] 15.0	RI67-171.
	do	3	5	El Paso Natural Gas Co. (Blanco Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	2,736	5-18-70	[3] 6-18-70	11-18-70	[10] 14.0	[4] [10] 15.0	RI67-165.
	do	4	5	do	1,698	5-18-70	[3] 6-18-70	11-18-70	[10] 14.0	[4] [10] 15.0	RI67-165.
	do	6	5	do	1,216	5-18-70	[3] 6-18-70	11-18-70	[10] 14.0	[4] [10] 15.0	RI67-165.
	do	5	5	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex) (San Juan Basin Area).	1,159	5-18-70	[3] 6-18-70	11-18-70	[10] 14.0	[4] [10] 15.0	RI67-165.
RI70-1709	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	31	6	El Paso Natural Gas Co. (Gomez Area, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	993	5-18-70	[3] 6-18-70	11-18-70	15.9697	[4] [11] 16.9433	RI70-822.
	Midwest Oil Corporation	49	4	Transwestern Pipeline Co. (Sibley State Gas Unit No. 1, Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	4,102	5-18-70	[3] 6-18-70	11-18-70	15.9294	[4] [11] 16.8936	RI70-822.
RI70-1710	Dalco Oil Co., 1210 Mercantile Bank Bldg., Dallas, Tex. 75201.	[12]	[12]	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	10,539	5-18-70	[13] 6-18-70	11-18-70	16.5	[4] 17.5656	
RI70-1711	Estate of James A. Chapman, Post Office Box 3209, Tulsa, Okla. 74101.	[14]	[14]	Natural Gas Pipeline Co. of America (Crittendon and Lockridge Areas, Ward, Winkler, and Loving Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	9,866	5-18-70	[15] 6-18-70	11-18-70	16.5038	[4] 17.5656	RI70-1147.

[1] Mobil has concurrently filed appropriate rate schedule and certificate filings proposing to cancel its Rate Schedule No. 88 and to continue the subject sale under the terms of its Rate Schedule No. 244.
[2] The stated effective date is the effective date requested by respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Includes upward B.t.u. adjustment for gas containing 1,080 B.t.u's per cubic feet.
[7] Does not include acreage added by Supplement No. 3.
[8] Pressure base is 15.025 p.s.i.a.
[9] Includes 1 cent per Mcf guarantee for liquids.
[10] Includes quality adjustments.
[11] No rate schedule on file. Small producer certificate issued in Docket No. CS66-96.
[12] Pursuant to contract dated Mar. 31, 1964.
[13] No rate schedule on file. Small producer certificate issued in Docket No. CS69-28.
[14] Pursuant to contracts dated Aug. 21, 1967, and Sept. 1, 1967.
[15] The stated effective date is the first day after expiration of the statutory notice period.

Dalco Oil Co. (Dalco) and the Estate of James A. Chapman (Chapman) request an effective date of May 18, 1970, and May 13, 1970, respectively, for their proposed rate increases. 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 Dalco and Chapman's rate filings and such requests are denied.

The proposed rate increases filed by Dalco and Chapman, holders of small producer certificates, are for sales in the Permian Basin Area.[17] 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 5 months from June 18, 1970, the expiration date of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 70–7788; Filed, June 22, 1970; 8:45 a.m.]

[Docket No. RI70–1712 etc.]

PETRODYNAMICS, INC., 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]

JUNE 12, 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: 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 July 29, 1970.

By the Commission.

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

[17] 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. 395 issued Jan. 6, 1970. Where the words "supplement" or "rate schedule" appear in this order they refer to the notices of change in rate filed by the small producer herein.

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

[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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–1712	PetroDynamics, Inc. (Operator), et al., Post Office Box 10006, Amarillo, Tex. 79106.	[3] 23	2	Kansas-Nebraska Natural Gas Co., Inc. (Dombey Field, Beaver County, Okla.) (Panhandle Area).	$485	5–19–70	[4] 6–19–70	[5] 6–20–70	[3] 15.0	[3] [7] 16.01	
	do	[3] 24	4	Phillips Petroleum Co.[10] (Texas-Hugoton Field, Sherman County, Tex.) (RR. District No. 10).	1,800	5–19–70	[4] 6–19–70	[5] 6–20–70	[11] 13.0	[3] [7] [11] 14.0	RI65–617.
	do	[12] 25	9	do	4,440	5–19–70	[4] 6–19–70	[5] 6–20–70	[11] 13.0	[3] [7] [11] 14.0	RI65–617.
RI70–1713	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	47	1	Texas Eastern Transmission Corp. (Block 160 and Block 245 Fields, East Cameron Area, Block 164 Field, Vermilion Area, Offshore Louisiana).	113,400	5–25–70	[13] 6–25–70	[4] 6–26–70	[13] [17] [14] 18.5	[14] [13] [15] 20.0	
RI70–1714	Catherine B. McElvain et al., Post Office Box 2148, Santa Fe, N. Mex. 87501.	[3] 8	3	El Paso Natural Gas Co. (Ignacio-Blanco Mesa Verde Field, La Plata County, Colo.).	243	5–18–70	[4] 6–18–70	[5] 6–19–70	[16] 14.0	[3] [16] 15.0	RI67–165.
	do	[3] 10	3	do	335	5–18–70	[4] 6–18–70	[5] 6–19–70	[16] 14.0	[3] [16] 15.0	RI67–165.
	do	[3] 11	4	do	619	5–18–70	[4] 6–18–70	[5] 6–19–70	[16] 14.0	[3] [16] 15.0	RI70–168.
	do	[3] 12	3	do	122	5–18–70	[4] 6–18–70	[5] 6–19–70	[16] 14.0	[3] [16] 15.0	RI67–167.
	do	[3] 13	3	El Paso Natural Gas Co. (Ignacio Dakota Field, La Plata County, Colo.).	105	5–18–70	[4] 6–18–70	[5] 6–19–70	[16] 14.0	[3] [16] 15.0	RI67–167.
RI70–1715	Catherine B. McElvain (Operator) et al.	[3] 9	4	El Paso Natural Gas Co. (Ignacio-Blanco Mesa Verde Field, La Plata County, Colo.)	2,129	5–18–70	[4] 6–18–70	[5] 6–19–70	[16] 14.0	[3] [16] 15.0	RI67–166.
RI70–1716	Duquesne Kentucky Gas Co., 206 Southwest Tower, Houston, Tex. 77002.	1	[18] [19] 14	United Fuel Gas Co. (Contract No. 6027) (Blaine-Levisa Fork Field, Lawrence County, Ky.)	2,975	[21] 5–13–70	[4] 6–13–70	[5] 6–14–70	[18] 22.0	[18] [19] [18] 26.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-342...	Jerome P. McHugh (Operator) et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	5	[3] 1-4	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$495	5-21-70	[4] 5-21-70	Accepted—Subject to refund in RI70-342	13.0469	[15] [21] [28] 13.2188	RI70-342.

[3] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and increased rate does not exceed the area initial rate ceiling.
[4] The stated effective date is the effective date requested by respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Formerly Smith Development Co., et al., FPC Gas Rate Schedule No. 1.
[10] Phillips processes and resells the gas to various pipeline companies at rates which are in effect subject to refund.
[11] Subject to a deduction of 0.4466 cent for sour gas.
[12] Formerly Smith Development Co., et al., FPC Gas Rate Schedule No. 2.
[13] The stated effective date is the first day after expiration of the statutory notice or date of initial delivery, whichever is later.
[14] Filed pursuant to paragraph (A) of Opinion No. 546-A.
[15] Pressure base is 15.025 p.s.i.a.
[16] Subject to quality adjustments.
[17] Area base rate for third vintage gas well gas as established in Opinion No. 546
[18] Conditioned initial rate for gas well gas pursuant to temporary certificate issued June 27, 1969, in Docket No. CI69-818.
[19] Includes 1 cent per Mcf minimum guarantee for liquids.
[20] Includes letter from buyer providing for increased rate.
[21] Amended by filing of May 25, 1970.
[22] Renegotiated rate increase.
[23] Pressure base is 15.325 p.s.i.a.
[24] Includes 4 cents per Mcf compression and transportation charge paid by buyer.
[25] Amends notice of change filed Sept. 29, 1969 (designated Supplement No. 4).
[26] The stated effective date is the date of filing.
[27] Tax reimbursement increase.
[28] Requests amended tax increase, which includes partial reimbursement for the full 2.55 percent New Mexico emergency school tax, be made subject to existing proceeding in Docket No. RI70-342.

The contracts related to the proposed rate increases filed by PetroDynamics, Inc. (Operator), et al. (PetroDynamics) (Supplement No. 2 to PetroDynamics' FPC Gas Rate Schedule No. 23), Catherine B. McElvain et al., and Catherine B. McElvain (Operator) et al. (both referred to herein as McElvain) 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, PetroDynamics and McElvain's proposed rate filings should be suspended for 1 day from June 19, 1970 (PetroDynamics) and June 18, 1970 (McElvain), the proposed effective dates.

The proposed periodic rate increases from 13 cents to 14 cents per Mcf contained in Supplement Nos. 4 and 9 to PetroDynamics FPC Gas Rate Schedule Nos. 24 and 25, respectively, are for sales to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas in the area and resells the residue gas to interstate pipeline companies at various rates which are effective subject to refund. PetroDynamics' proposed rate increases exceed the applicable area ceiling rate for Texas Railroad District No. 10. Since the buyer's, Phillips, resale rates are in effect subject to refund we conclude that PetroDynamics' proposed rate increases should be suspended for 1 day from June 19, 1970, the proposed effective date.

The proposed rate increase filed by The California Co., a division of Chevron Oil Co. (California) involving a proposed sale of third vintage gas-well gas from offshore Louisiana was filed pursuant to the Commission's order issued March 20, 1969, in Opinion No. 546-A. Consistent with prior Commission action on similar rate increases, we conclude that California's proposed rate increase should be suspended for 1 day from June 25, 1970, the expiration date of the statutory notice, or 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed rate 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.

Duquesne Kentucky Gas Co. (Duquesne) proposes an increased rate of 26 cents per Mcf, inclusive of 4 cents per Mcf compression and transportation charge paid by the buyer, for a sale of gas in Eastern Kentucky. The proposed rate exceeds the informal increased rate ceiling of 21 cents per Mcf for Eastern Kentucky. Consistent with prior Commission action on similar rate increases in Eastern Kentucky, we conclude that Duquesne's proposed rate increase should be suspended for 1 day from June 13, 1970, the proposed effective date.

Jerome P. McHugh (Operator) et al. (McHugh), filed an amended rate increase reflecting partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax. The prior rate increase erroneously included reimbursement for only 0.55-percent tax and is currently being collected subject to refund in Docket No. RI70-342. Since the original filing was based on a misunderstanding as to the appropriate rate with respect to the New Mexico Emergency School Tax, we believe that McHugh's amended rate increase should be accepted for filing as of the date of filing subject to the existing rate suspension proceeding in Docket No. RI70-342.

McHugh's proposed rate increase reflect partial reimbursement for the full 2.55-percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing provided for McHugh in Docket No. RI70-342 shall concern itself with the contractual basis for such amended rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

[F.R. Doc. 70-7789; Filed, June 22, 1970; 8:45 a.m.]

[Dockets Nos. RP69-41, RP70-14]

TEXAS GAS TRANSMISSION CORP.

Notice of Motion for Approval of Settlement

JUNE 15, 1970.

Take notice that on June 12, 1970, Texas Gas Transmission Corp. (Texas Gas) filed a motion for approval of settlement in Docket No. RP69-41 et al., together with a proposed stipulation and agreement. The stipulation and agreement would resolve all issues in these proceedings, with the exception of the tax depreciation issue, as described therein, which is reserved for decision by the Commission, and generally provides for specified reduced rates and for refunds in both Dockets Nos. RP69-41 and RP70-14.

The stipulation and agreement, inter alia, allows Texas Gas to increase its rates to reflect rate increases of its suppliers and requires Texas Gas to reduce its rates to reflect supplier rate reductions, from time to time until November 1, 1971; requires Texas Gas to flow through to its jurisdictional customers the appropriate portion of all refunds, together with interest, received from its suppliers which are applicable to purchases by Texas Gas from such suppliers during the term of the stipulation and agreement, as defined therein; and provides, with certain exceptions, that Texas Gas will not file for an increase in its jurisdictional rates which would become effective prior to November 1, 1971, after suspension, if any.

Copies of the motion and the stipulation and agreement were served on all parties to these proceedings, all of Texas Gas' jurisdictional customers and interested State commissions.

Answers or comments relating to the motion and the proposed stipulation and agreement may be filed with the Federal

Power Commission, Washington, D.C. 20426, on or before June 30, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-7852; Filed, June 22, 1970; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

MARSHALL & ILSLEY BANK STOCK CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of Ripon State Bank, Ripon, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Ripon State Bank, Ripon, Wis. ("Bank").

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Wisconsin and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 8, 1970 (35 F.R. 7272), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the third largest bank holding company and banking organization in Wisconsin, controls 10 banks with aggregate deposits of $510 million, representing 6.11 percent of the State's total deposits. (All banking data are as of June 30, 1969, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) The acquisition of Bank ($11 million deposits) would have no significant effect on statewide concentration. Bank, one of two banks with offices in Ripon, operates branches in Brandon and Fairwater, and is comparable in size to Ripon's other bank, exceeding the latter's deposits by only $300,000. It is the third largest of 10 independent banks operating within the area it serves, and is situated 35 miles from Applicant's nearest subsidiary banking office. It does not appear that consummation of this proposal would eliminate existing competition or foreclose significant potential competition, or that it would have any unduly adverse effects on other competing banks.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The banking factors, as they pertain to Applicant, its subsidiaries, and Bank, are consistent with approval of the application. Considerations relating to community convenience and needs weigh in favor of approval of the application because of the expanded and improved services that would be made available by Bank. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved, shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1]

June 16, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7853; Filed, June 22, 1970; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

SUTTER CAPITAL CO.

Notice of Surrender of License

Notice is hereby given that Sutter Capital Co., South San Francisco, Calif. 94080, incorporated under the laws of California on September 1, 1961, has surrendered its license, No. 12/12-0062, issued by the Small Business Administration on December 12, 1961.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Sutter Capital Co. is hereby accepted and it is no longer licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

JUNE 9, 1970.

[F.R. Doc. 70-7843; Filed, June 22, 1970; 8:45 a.m.]

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, and Brimmer. Absent and not voting: Governors Mitchell, Daane, and Sherrill.

[Declaration of Disaster Loan Area 715]

ARKANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Washington County, Ark.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on June 11, 1970.

OFFICE

Little Rock District Office, 600 West Capital Avenue, Little Rock, Ark. 72201.

2. A temporary office will be established in Springdale, Ark., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1970.

Dated: June 12, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-7857; Filed, June 22, 1970; 8:46 a.m.]

[Declaration of Disaster Loan Area 773]

FLORIDA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Santa Rosa and Escambia Counties;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms

whose property situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring June 3, 4 and continuing thereafter.

OFFICE

Jacksonville District Office, 400 West Bay Street, Post Office Box 35067, Jacksonville, Fla. 32202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1970.

Dated: June 12, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-7858; Filed, June 22, 1970; 8:46 a.m.]

[Declaration of Disaster Loan Area 774]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1970, because of the effects of certain disasters, damage resulted to residences and business property located in St. Louis County, Minn.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on June 10, 1970, and continuing.

OFFICE

Minneapolis District Office, 816 Second Avenue South, Minneapolis, Minn. 55402.

2. A temporary office will be established in the town of Cook, Minn., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1970.

Dated: June 12, 1970.

HILARY SANDOVAL, Jr.
Administrator.

[F.R. Doc. 70-7859; Filed, June 22, 1970; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 596 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

B & B Super Service, foodstore; 103 Victoria Street, Kenedy, Tex.; 3-3-71.

Beck's Food Store, foodstore; 207 First Street, Schertz, Tex.; 3-9-71.

Belle Meade Drug, Inc., drugstore; 4324 Harding Road, Nashville, Tenn.; 3-14-71.

Bennett's Super Market, foodstore; 119 Plant Avenue, Homerville, Ga.; 3-2-71.

Beynon IGA Foodliner, foodstore; Divernon, Ill.; 3-21-71.

Birchwood Club, restaurant; 27th and Redick Avenue, Omaha, Nebr.; 3-16-70 to 3-9-71.

The J. B. Bishop Store, foodstore; Valley Falls, S.C.; 3-2-71.

Bob's North Side Drugs, Inc., drugstore; 1303 Calumet, Valparaiso, Ind.; 3-3-71.

L. T. Boswell, automobile dealer; San Benito, Tex.; 3-19-71.

Brackles Market, foodstore; 1013 B Street, Fairbury, Nebr.; 3-13-70 to 3-9-71.

Brock Enterprises, Inc., restaurant; 8320 Airport Road, Berkeley, Mo.; 3-11-71.

Burke Pharmacy, Inc., drugstore; 1812 North Cleburn, Grand Island, Nebr.; 3-17-70 to 2-25-71.

Byrd Food, Inc., foodstores, 3-3-71: 1609 South Church Street, Burlington, N.C.; 2011 West Webb Avenue, Burlington, N.C.; 329 Harden Street, Graham, N.C.

Cambridge Nursing Home, Inc., nursing home; 548 West First Street, Cambridge, Minn.; 2-28-71.

Cantoni's Grill, Inc., restaurant; 1901 Leavenworth, Omaha, Nebr.; 3-17-71.

Carson Supermarket, foodstore; 217 Edwards Street, Merkel, Tex.; 3-13-71.

Cattan's Food Market, foodstore; No. 1, Victoria, Tex.; 3-13-71.

Chase Gardens, agriculture; Eugene, Oreg.; 2-28-71.

City Market, Inc., foodstores, 2-28-71: No. 8, Cortez, Colo.; No. 4, Delta, Colo.; No. 6, Durango, Colo.; No. 5, Glenwood Springs, Colo.; Nos. 1 and 2, Grand Junction, Colo.; No. 3, Montrose, Colo.; No. 7, Rifle, Colo.

Coker's Pedigreed Seed Co., agriculture; 1221 Carolina Avenue, Hartsville, S.C.; 3-19-71.

Corhern's Big Star, foodstore; No. 57, Starkville, Miss.; 3-6-71.

Cornerstone Farm & Gin Co., agriculture; Pine Bluff, Ark.; 2-28-71.

Craft's Drug Store, drugstores, 3-12-70 to 2-28-71: No. 5, Gaffney, S.C.; Nos. 1, 2, 3, and 4, Spartanburg, S.C.

DeMars, Inc., apparel store; 6101 West Cermak Road, Cicero, Ill.; 3-1-71.

Denton's Supermarket, foodstore; Dallas, Ga.; 3-10-71.

Denver Drumstick, Inc., restaurant; 6501 West Colfax Avenue, Denver, Colo., 3-12-70 to 2-25-71.

Dillon Co., Inc., foodstores, 3-4-70 to 2-23-71, except as otherwise indicated: No. 9, Larned, Kans.; No. 23, Lyons, Kans.; No. 17, McPherson, Kans.; No. 6, Newton, Kans.; No. 21, Pratt, Kans.; No. 11, St. John, Kans.; Nos. 5 and 27, Salina, Kans.; No. 41, Salina Kans. (3-5-70 to 2-23-71); No. 7., Sterling, Kans. (3-5-70 to 2-23-71); No. 4, Wichita, Kans. (3-5-70 to 2-23-71); Nos. 18, 19, 26, 28, 29, 36, and 42, Wichita, Kans. (3-6-70 to 2-23-71).

Dow-Rummel Village, nursing home; 1000 North Lake Avenue, Sioux Falls, S. Dak.; 3-20-70 to 2-26-71.

Downtown Supermarket, Inc., foodstore; Monticello, Ky.; 3-2-71.

Easter Super Valu, foodstore; 20 South Fourth Street, Clear Lake, Iowa; 3-19-71.

Eighth Avenue Meat & Grocery, foodstore; 376 Eighth Avenue, Salt Lake City, Utah; 3-10-71.

O. K. Fairbanks Co., foodstores, 3-13-71; 84 Marlboro Street, Keene, N.H.; 480 West Street, Keene, N.H.

Farmers Union Co-Operative Association, variety-department store; Wisner, Nebr.; 3-17-71.

Fedder's Fashion Shop, apparel store; Main Street, Easley, S.C.; 3-2-71.

Fitzgerald's HWI Hardware, Inc., hardware store; 970 West Maple Road, Walled Lake, Mich.; 3-9-71.

Food Town Store, foodstore; No. 1, Bessemer, Ala.; 3-10-71.

Foote's Grocery, Inc., foodstore; 11 North Mulberry Street, Hamburg, Ark.; 3-17-71.

Forest-Oaks-Thrifty-Mart, foodstore; 9335 Howard Drive, Houston, Tex.; 3-14-71.

Ben Franklin Store, variety-department store; No. 7742, Scottsbluff, Nebr.; 3-10-71.

Frank's United Super, foodstore; Norborne, Mo.; 3-10-70 to 1-31-71.

Gay Dolphin Gift Cove, gift shop; 910 North Ocean Boulevard, Myrtle Beach, S.C.; 3-15-71.

Gockel's Hy-Klas, foodstore; Horton, Kans.; 3-12-71.

Giant Food Market, foodstores, 2-28-71; No. 6, Bristol, Tenn.; Nos. 2 and 4, Johnson City, Tenn.; No. 3, Kingsport, Tenn.

W. T. Grant Co., variety-department store; No. 660, Ramsey, N.J.; 3-5-71.

H & J Food Basket, foodstores: Nos. 11 and 12, Artesia, N. Mex.; 3-7-71; No. 13 Tularosa, N. Mex., 3-9-71.

Haven Hubbard Home, nursing home; New Carlisle, Ind.; 3-21-71.

Hayden House, Inc., restaurant; Eppley Airfield, Omaha, Nebr.; 3-16-70 to 2-27-71.

Hirsch's Thriftway, Inc., foodstore; 241 South Sprigg Street, Cape Girardeau, Mo.; 3-12-71.

Holiday Inn, hotel; Bismarck, N. Dak.; 3-12-70 to 3-9-71.

Host International Glass House, restaurant; Vinita, Okla.; 3-6-71.

Hosterman & Stover Co., Inc., hardware store; Millheim, Pa.; 3-3-71.

Howland-Hughes Co., variety-department store; 120-140 Bank Street, Waterbury, Conn.; 2-28-71.

Hub Department Store, variety-department store; 215-221 North Main Street, Farmville, Va.; 3-6-71.

John's Market, foodstore; 838 North Fourth, Big Rapids, Mich.; 3-17-71.

Johnson's Pharmacy, drugstore; 121 West Washington Street, Marquette, Mich.; 3-6-71.

Joseph's Super Market, foodstore; 700 Willow Street, Franklin, La.; 3-15-71.

Kansas Landscape & Nursery Co., agriculture; 1416 East Iron Avenue, Salina, Kans.; 3-19-70 to 3-16-71.

Kelley's Thriftway, foodstore; 420 West Kingshiway, Paragould, Ark.; 3-5-71.

Kewanee Public Hospital, hospital; 719 Elliott Street, Kewanee, Ill.; 2-28-71.

S. S. Kresge Co., variety-department store; No. 750, St. Petersburg, Fla.; 3-1-71.

Lerner Shops, apparel stores: No. 124, Petersburg, Va., 3-16-71; No. 121, Bluefield, W. Va., 3-17-71.

Manning Supply Co., variety-department store; Bethel, N.C.; 3-4-71.

Mattingly's Little Giant Food Store, foodstore; Hardinsburg, Ky.; 3-9-71.

J. E. Mayes, agriculture; Mayesville, S.C.; 3-2-70 to 2-11-71.

McKee's IGA Super Market, foodstore; 503 North Main, Blue Rapids, Kans.; 3-11-70 to 1-31-71.

Mecca Convalescent Home, nursing home; 916 Southwest U.S. No. 1, Vero Beach, Fla.; 3-2-70 to 2-19-71.

Melman's, foodstore; 924 Brookline Boulevard, Pittsburgh, Pa.; 3-3-71.

Men's Quality Shop, Inc., apparel store; 24-30 East Broughton Street, Savannah, Ga.; 2-2-70 to 1-28-71.

Mercy Hospital, hospital; 2601 Eighth Avenue, Altoona, Pa.; 3-9-71.

Messer Drug Co., drugstore; 2 East Peoria, Paola, Kans ; 3-16-70 to 2-27-71.

Metzger Stores, hardware store; 901 18th Street, Los Alamos, N. Mex.; 3-6-71.

Minimax, foodstores, 2-28-71; 209 East Main Street, Edna, Tex.; 923 Main, Liberty, Tex.; 1137 East Ninth Street, Mission, Tex.

Moyer's Cigar Store, variety-department store; 100 South Ninth Street, Reading, Pa.; 3-1-71.

Neisner Bros., Inc., variety-department store; No. 167, Cutler Ridge, Fla.; 3-5-71.

Newberry's, variety-department store; No. 27, Coatesville, Pa.; 2-28-71.

Nicholas Drug Store, Inc., drugstore; 123 West Third Street, Grand Island, Nebr.; 3-12-70 to 2-27-71.

P & T Food Center, foodstore; Alabaster, Ala.; 3-14-71.

Park 'N Shop Food Mart, Inc., foodstore; 301 Robeson Street, Fayetteville, N.C.; 2-28-71.

Parker's Foodliner I.G.A., foodstore; Medicine Lodge, Kans.; 3-13-70 to 3-11-71.

B. Peck Co., variety-department store; 184 Main Street, Lewiston, Maine; 3-17-71.

Piggly Wiggly, foodstores, 3-5-71: 201 Kirkland Street, Abbeville, Ala.; 830 South Oates Street, Dothan, Ala.; 501 Claxton Street, Elba, Ala.; Broad Street, Eufaula, Ala.; 806 North Water Street, Geneva, Ala.; 213 Cedar Street, Greenville, Ala.; 314 Forrest Avenue, Luverne, Ala.; 109 East Avenue, Ozark, Ala.; 129-31 East Main Street, Samson, Ala.; 212 South Three Notch Street, Troy, Ala.

Pratho's, variety-department store; Giddings, Tex.; 2-28-71.

Preston Poultry and Feed, agriculture; Reedsville, W. Va.; 2-28-71.

Restmor, Inc., nursing home; 935 East Jefferson Street, Morton, Ill.; 3-5-71.

Richbourg's Shoppers Fair, Inc., foodstore; 1400 East River Street, Anderson, S.C.; 3-14-71.

Rite-Way Foodliners, Inc., foodstore; 315 East Eufaula Street, Norman, Okla.; 2-28-71.

Rockford Dry Goods, apparel store; 6321 North Second Street, Loves Park, Ill.; 3-14-71.

Sadowski Super Market, foodstore; 800 Fayette Avenue, Belle Vernon, Pa.; 3-17-71.

St. Anthony Hospital, hospital; South Clark Street, Carroll, Iowa; 3-12-71.

St. Vincent Hospital, hospital; Xavier Heights, Leadville, Colo.; 3-18-70 to 3-16-71.

Salem Lutheran Home, nursing home; Elk Horn, Iowa; 3-9-70 to 1-31-71.

Sam's Super Market, foodstore; 2135 South Minnesota Avenue, Sioux Falls, S. Dak.; 3-10-70 to 1-31-71.

Alfredo Santos Grocery, Inc., foodstore; 1901 Santa Maria, Laredo, Tex.; 3-19-71.

Lawrence and Paul Seikel, Inc., variety-department store; Harrah, Okla.; 3-9-71.

Sharon Super Market, foodstore; Highway 45 East, Sharon, Tenn.; 3-9-71.

Smith Nursery Co., agriculture; Ninth and Allison Streets, Charles City, Iowa; 3-19-70 to 3-1-71.

Spendthrift Farm, agriculture; Lexington, Ky.; 2-28-71.

Spurgeon's, variety-department store; 108 West Cook, Portage, Wis.; 3-3-71.

Stanley's Department Store, Inc., variety-department store; 218 East Johnson Street, Greenwood, Miss.; 3-17-71.

Harry G. Stephens Farm, agriculture; 345 St. Andrews, West Helena, Ark.; 3-9-71.

Stephersons Big Star, foodstore; No. 10, Memphis, Tenn; 2-28-71.

Sterling Stores Co., variety-department store; 626 Main Street, Jacksonville, Ark.; 3-2-71.

Charles A. Stewart Co., Inc., apparel store; 116-118 South Garnett Street, Henderson, N.C.; 3-19-70 to 2-24-71.

Studstill Grocery & Market, foodstore; 114 South Milla Street, Lakeland, Ga.; 3-2-71.

Sureway Food Store, foodstores, 3-14-71: No. 4, Henderson, Ky.; No. 9 Madisonville, Ky.; No. 5, Morganfield, Ky.; No. 8, Princeton, Ky.

Sutton's Food City, foodstore; 19355 North Topeka Boulevard, Topeka, Kans.; 3-19-71.

T. G. & T. Stores Co., variety-department stores 3-12-71, except as otherwise indicated: No. 150, Kansas City, Mo. (3-13-70 to 2-28-71); No. 301, St. Joseph, Mo. (3-18-71); No. 79, Sand Springs, Okla.; Nos. 1, 68, and 71, Tulsa, Okla.

Tradewell Supermarket, foodstore; No. 2, Huntington, W. Va.; 3-15-71.

Trey's Department Store, variety-department store; Main Street, Parkersburg, Iowa; 3-17-70 to 3-5-71.

Verne Mainline, restaurant; Grand Island, Nebr.; 3-18-70 to 2-20-71.

Wangsgard's, Inc., foodstore; 120 Washington Boulevard, Ogden, Utah; 3-8-71.

Ward's Food Market, foodstore; 9204 Buffalo Speedway, Houston, Tex.; 3-13-71.

Webster's Super Market, foodstore; 319 Main, Stockton, Kans.; 3-18-71.

Weskota Manor, nursing home; Wessington Springs, S. Dak.; 3-12-70 to 2-23-71.

Westgate Pharmacy, drugstore; 1300 Norfolk Avenue, Norfolk, Nebr.; 3-13-70 to 2-18-71.

White's City, Inc., motel-restaurant; White's City, N. Mex.; 3-1-71.

Zarda Brothers Dairy, Inc., foodstores, 3-15-71: No. 4, Grandview, Mo.; No. 2 Kansas City, Mo.; No. 3, Raytown, Mo.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A to Z Supermarket, foodstore; 2823 Main Street, Hurricane, W. Va.; carryout, stock clerk, cashier; 16 to 22 percent; 3-15-71.

Allen's of Hastings, Inc., variety-department store; 1115 West Second Street, Hastings, Nebr.; carryout, stock clerk, cleanup; 20 percent; 3-12-70 to 3-6-71.

W. R. Angle & Co., Inc., foodstore; 25 East Main Street, Christiansburg, Va.; stock clerk, bagger; 9 to 12 percent; 3-13-71.

Ann & Hope of Danvers, Inc., variety-department store; 159 Endicott Street, Danvers, Mass.; bagger; 2 to 3 percent; 3-1-71.

Big Dollar Super Market, foodstore; 201 South Sophie Street, Bessemer, Mich.; carryout, stock clerk; 5 to 18 percent; 3-1-71.

Byrd Food Stores, Inc., foodstores, for the occupations of bagger, carryout, janitorial, stock clerk, cashier, 18 percent, 3-14-71: 2120 North Church Street, Burlington, N.C.; 727 East Davis Street, Burlington, N.C.; 110 Washington Street, Leaksville, N.C.; 506 Center Street, Mebane, N.C.; 121 North Madison Avenue, Roxboro, N.C.; 408 North Second Avenue, Siler City, N.C.

C & S Hardware, hardware stores, for the occupation of salesclerk, 7 to 28 percent, 3-17-71: Nos. 1, 2, and 3, Dallas, Tex.

Carson Pirie Scott & Co., variety-department store; 3232 Lake Avenue, Wilmette, Ill.; salesclerk, stock clerk, wrapper; 2 to 8 percent; 2-28-71.

Centers, variety-department store; 151-159 Main Street, Waterville, Maine; salesclerk, office clerk, stock clerk; 10 percent; 3-14-71.

City Market, Inc., foodstores, for the occupation of caddy, 10 percent, 2-28-71, except as otherwise indicated: No. 13, Fruita, Colo. (3-9-71); No. 9, Grand Junction, Colo.; No. 10, Moab, Utah.

Copley's Thriftway Market, foodstore; 302 Main Street, Ceredo, W. Va.; stock clerk, carryout, cashier; 15 to 25 percent; 3-11-71.

Craft's Drug Store, drugstores, for the occupation of salesclerk, 8 percent, 2-28-71: No. 10, Greer, S.C.; Nos. 6 and 9, Spartanburg, S.C.

The Dillon Co., Inc., foodstores, for the occupations of cashier, checker, clerk, carryout, maintenance, wrapper, 3-4-70 to 2-23-71, except as otherwise indicated: No 49, Lawrence, Kans., 8 to 23 percent; No. 32, Mulvane, Kans., 11 to 30 percent; No. 24, Newton, Kans., 11 to 25 percent; No. 35, Wichita, Kans., 9 to 17 percent (3-6-70 to 2-23-71).

Eagle Stores Co., Inc., variety-department store; Midtown Plaza Shopping Center, North Wilkesboro, N.C.; salesclerk, stock clerk; 14 to 25 percent; 3-8-71.

Easter Super Valu, foodstores, for the occupations of stock clerk, bagger, carryout, cashier, 3-19-71: 215 South Main Street, Centerville, Iowa, 11 to 22 percent; 116 Fifth Street SW., Mason City, Iowa, 13 to 39 percent.

Ernie's Super Valu, foodstore; 606 Grundy Avenue, Reinbeck, Iowa; sacker, carryout; 3 to 5 percent; 3-11-70 to 3-7-71.

Food Town, foodstores, for the occupation of bagger, 22 to 41 percent, 3-10-71, except as otherwise indicated: No. 2, Bessemer, Ala.; No. 4, Homewood, Ala.; No. 3, Hueytown, Ala.; No. 6, Pinson, Ala.; No. 5, Pleasant Grove, Ala.; 103 South Tenth Street, Griffin, Ga. (bagger, stock clerk, salesclerk, 10 percent, 3-9-70 to 1-31-71).

Ben Franklin Store, variety-department store; 828 South Main Street, West Bend, Wis.; salesclerk, cashier; 9 to 40 percent; 3-15-71.

Giant Food Markets, Inc., foodstores, for the occupations of carryout, stock clerk, cashier, 20 to 22 percent, 2-28-71, except as otherwise indicated: No. 5, Alcoa, Tenn. (2 to 27 percent, 3-15-71); No. 12, Greeneville, Tenn.; No. 10, Johnson City, Tenn. (20 to 21 percent); No. 9, Kingsport, Tenn.; West Sullivan Street, Kingsport, Tenn.

Gibson Products Co., variety-department store; 1318 West Doolin, Blackwell, Okla.; salesclerk, stock clerk, cashier; 8 to 16 percent; 3-8-71.

Goldblatt Bros., Inc., variety-department store; Fairplain Plaza, Benton Harbor, Mich.; salesclerk, stock clerk; 5 to 6 percent; 3-10-71.

Good Samaritan Center, nursing home; Syracuse, Nebr.; nurse's aide, maintenance; 0 to 8 percent; 3-20-70 to 3-13-71.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, cashier, 2-28-71, except as otherwise indicated: No. 334, Bowling Green, Ky., 4 to 24 percent (3-6-71); No. 63, Hazleton, Pa., 9 to 44 percent; No. 90, Pottsville, Pa., 8 to 15 percent (salesclerk); No. 561, Washington, Pa., 13 to 24 percent (3-16-71).

H. E. B. Food Store, foodstores, for the occupations of package clerk, sacker, bottle clerk, 10 percent, 3-10-71: No. 111, Austin, Tex.; No. 115, Sinton, Tex.

Hodges, foodstores, for the occupations of stock clerk, package clerk, 10 to 14 percent, 3-2-71: No. 4, Dallas, Tex.; No. 5, Grand Prairie, Tex.

S. S. Kresge Co., variety-department stores: No. 4295, Miami, Fla., salesclerk, 7 to 22 percent, 3-11-71; No. 4122, Pensacola, Fla., salesclerk, 1 to 10 percent, 3-21-71; No. 4355, St. Petersburg, Fla., salesclerk, 7 to 24 percent, 3-11-71; No. 226, Calumet City, Ill., salesclerk, stock clerk, checker-cashier, office clerk, 18 to 28 percent, 3-7-71; No. 4595, Olney, Ill., salesclerk, stock clerk, checker-cashier, office clerk, 9 to 16 percent, 3-12-71; No. 4082, Troy, Mich., stock clerk, salesclerk, maintenance, cashier, office clerk, food preparation, customer service, 8.2 to 10 percent, 3-5-71; No. 4163, Westland, Mich., salesclerk, stock clerk, cashier, maintenance, office clerk, food preparation, customer service, 10 percent, 3-5-71; No. 4318, Burlington, N.C., salesclerk, checker, 11 to 22 percent, 3-8-71; No. 775, Wilmington, N.C., checker, salesclerk, 11 to 22 percent, 3-2-71; No. 4103, Nashville, Tenn., salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 2 to 5 percent, 3-11-71.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 3-16-71, except as otherwise indicated: No. 467, Tucson, Ariz., 15 percent (salesclerk, office clerk); No. 191, Fort Myers, Fla., 10 to 32 percent; No. 180, Jacksonville, Fla., 9 to 16 percent; No. 183, Miami, Fla., 2 to 14 percent; No. 340, Savannah, Ga., 1 to 23 percent (3-31-71); No. 281, Fort Wayne, Ind., 3 to 16 percent (3-2-71); No. 204, Louisville, Ky., 5 to 13 percent (3-17-71); No. 332, Layfayette, La., 2 to 20 percent (3-2-71); No. 233, Warren, Ohio, 3 to 24 percent (3-2-71); No. 107, Tulsa, Okla., 1 to 12 percent; No. 100, Easton, Pa., 2 to 15 percent; No. 257, Bristol, Tenn., 3 to 30 percent (3-17-71); No. 42, Roanoke, Va., 2 to 18 percent; No. 138, Wheeling, W. Va., 0 to 26 percent (3-17-71).

Wm. A. Lewis Clothing Co., apparel store; 8037-41 South Cicero, Chicago, Ill.; receptionist, stock clerk, check writer, wrapper; 8 to 10 percent; 3-12-71.

Leys Department Store, variety-department store; Burlington, Wis.; salesclerk, stock clerk, office clerk; 8 to 12 percent; 2-28-71.

Lo Mark, Inc., foodstore; Cumberland Street, Dunn, N.C.; bagger, carryout, cashier, janitorial, stock clerk; 18 percent; 3-1-71.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 226, Savannah, Ga., 10 to 31 percent, 3-14-71; No. 269, Munster, Ind., 7 to 16 percent, 2-28-71; No. 373, Bowie, Md., 27 to 38 percent, 3-6-71 (salesclerk, stock clerk, office clerk, cashier); No. 1307, Bergenfield, N.J., 19 to 37 percent, 3-6-71; No. 378, Camden, N.J., 14 to 27 percent, 3-18-71; No. 398, Feasterville, Pa., 11 to 26 percent, 2-28-71.

Minimax, foodstores; Highway No. 124, Winnie, Tex.; sacker, carryout, stock clerk, 11 to 16 percent; 2-28-71.

Minyard Food Stores, Inc., foodstores, for the occupation of carryout, 10 to 16 percent, 3-1-71: No. 24, Dallas, Tex.; No. 25, Grand Prairie, Tex.; No. 26, Waxahachie, Tex.

Mr. H's Shop-Rite Foods, foodstore; 7629-35 West Bluemound Road, Milwaukee, Wis.; bagger, carryout, stock clerk, cleanup; 17 to 23 percent; 3-3-71.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, janitorial; No. 315, Corry, Pa., 9 to 25 percent, 3-15-71; No. 325, Harrisburg, Pa., 17 to 25 percent, 3-15-71; No. 196, McKees Rocks, Pa., 13 to 27 percent, 3-2-71; No. 5436, San Antonio, Tex., 10 to 28 percent; 3-5-71.

Nathan's Jewelers, jewelry store; 129 South Chadbourne Street, San Angelo, Tex.; salesclerk, gift wrapper; 7 to 27 percent; 3-11-71.

Novak IGA, foodstore; First and Lincoln, Ellsworth, Kans.; meat department clerk, courtesy clerk, produce department clerk, janitorial, stock clerk, 14 to 30 percent; 3-12-70 to 3-3-71.

Paynes Super Market, foodstore; West Hamlin, W. Va.; stock clerk, carryout, cashier; 14 to 25 percent; 3-11-71.

Piggly Wiggly, foodstores, for the occupation of bagger, 10 percent, 3-5-71, except as otherwise indicated: No. 21, Texarkana, Ark. (checker, stock clerk, sacker, clerk, 3-8-71); West Oakland Avenue, Camilla, Ga.; Fir Avenue, Collina, Miss. (9 to 10 percent).

Pikes Peak Drumstick, Inc., restaurant; 1104 South Circle Drive, Colorado Springs, Colo.; waiter (waitress), host (hostess), bus boy (girl), takeout clerk, counter helper, kitchen helper; 38 to 56 percent; 3-5-70 to 2-24-71.

Prairie View Leasing Corp., nursing home; Sanborn, Iowa; dishwasher, dining-room helper; 9 to 12 percent; 3-19-70 to 1-31-71.

Queen Nursing Home, nursing home; 300 Queen Avenue North, Minneapolis, Minn.; nurse's aide, kitchen aide; 6 to 15 percent; 3-17-71.

Raylass Department Store, variety-department store; 112-114 Main Street, Suffolk, Va.; office clerk, salesclerk, stock clerk, janitorial, marker; 13 to 29 percent; 3-1-71.

Rose's Stores, Inc., variety-department store; No. 104, Kingstree, S.C.; salesclerk; 5 to 34 percent; 3-17-70 to 3-11-71.

Scott Foods, Inc., foodstore; Oneida, Tenn.; bagger, service meat counter, produce clerk, stock clerk; 19 to 30 percent; 2-28-71.

Shop Rite, Inc., foodstore; Downtown Shopping Center, Summerville, Ga.; bagger, stock clerk; 10 percent; 2-28-71.

Sirloin Stockade, restaurant; 11828 Blue Ridge Boulevard Extended, Kansas City, Mo.; general restaurant worker; 23 to 27 percent; 3-17-71.

South Side Super Market, foodstore; 610 South Main, Charles City, Iowa; cashier, carryout, stock clerk; 21 to 60 percent; 3-15-71.

Stop and Shop Food Market, foodstore; 626 Main Street, Barboursville W. Va.; carryout, stock clerk, cashier; 14 to 25 percent; 3-11-71.

Sunflower Food Store; foodstore; No. 88, Rolling Fork, Miss.; bagger, stock clerk, checker, produce clerk, frozen food clerk; 12 to 22 percent; 3-8-71.

Sureway Food Store, foodstores, for the occupations of carry out, checker, stock clerk, 18 to 38 percent, 3-14-71, except as otherwise indicated: No. 1, Calvert City, Ky.; No. 2, Henderson, Ky. (23 to 40 percent); No. 14, Henderson, Ky. (23 to 40 percent, 3-16-71); No. 10, Madisonville, Ky. (26 to 48 percent); No. 6, Marion, Ky.; No. 7, New Eddyville, Ky.; No. 12, Providence, Ky. (26 to 48 percent); No. 3, Sturgis, Ky.

T.G. & Y. Stores Co., variety-department stores, for the occupations of office clerk, salesclerk, stock clerk, 30 percent, 3-19-71, except as otherwise indicated: No. 544, Granada Hills, Calif. (16 to 30 percent); No. 642, Lakeside, Calif. (16 to 30 percent); No. 634, Los Angeles, Calif. (19 to 35 percent); No. 580, Oildale, Calif. (16 to 30 percent); No. 610, Riverside, Calif. (20 to 30 percent); No. 309, Manhattan, Kans. (15 to 29 percent, 3-12-71); No. 810, Santa Fe, N. Mex. (4 to 30 percent, 3-6-71); No. 44, Bethany, Okla. (7 to 28 percent, 3-6-71); No. 423, Oklahoma City, Okla. (18 to 30 percent, 3-13-71); No. 22, Sapulpa, Okla. (24 to 30 percent, 3-12-71); No. 50, Tulsa, Okla. (16 to 30 percent, 3-12-71); No. 62, Tulsa, Okla. (24 to 30 percent, 3-12-71); No. 401, Tulsa, Okla. (14 to 30 percent, 3-12-71); No. 828, Abilene, Tex. (8 to 30 percent, 3-10-71); No. 826, Big Spring, Tex. (6 to 21 percent, 3-10-71); Nos. 813 and 821, Houston, Tex. (2-28-71); No. 739, Kilgore, Tex. (2-28-71); No. 762, Marshall, Tex. (2-28-71); No. 807, San Antonio, Tex.; No. 835, San Antonio, Tex. (3-10-71); No. 432, Vernon, Tex. (8 to 30 percent).

Tip Top Fruit Farm, Inc., agriculture; Route 1, Penn Laird, Va.; fruit packer, fruit grader, unloader, loader; (5 to 50 percent; 3-4-71).

Tom Thumb Stores, Inc., foodstores, for the occupations of package clerk, (9 to 13 percent, 3-11-71); Nos. 14 and 31, Dallas, Tex.; No. 38, Irving, Tex.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 15th day of June 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-7842; Filed, June 22, 1970; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 35281]

FOURTH CLASS RATE REFORMATIONS—1970

JUNE 17, 1970.

On June 17, 1970, the Postmaster General, Post Office Department, filed a request with the Commission to increase the rates of postage and reform other conditions of mailability for fourth-class parcels and catalogs pursuant to section 4558 of title 39, United States Code.

The proposed schedules filed with the Commission are set forth below. They differ from those tentatively published by the Postmaster General in the FEDERAL REGISTER issue of May 2, 1970, 35 F.R. 7018.

The request and supporting data filed by the Postmaster General are available for inspection in the public docket located in the Office of the Secretary at the Commission's office in Washington, D.C.

Any interested person may file a protest, original and 15 copies, to the proposed schedules on or before July 2, 1970.

Notice is hereby given of the filing of this request by the Postmaster General by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

No. 35281—FOURTH CLASS RATE REFORMATIONS—1970

PROPOSED REFORMATIONS, PARCEL POST

Weight, 1 pound and not exceeding (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
2	$0.60	$0.65	$0.70	$0.75	$0.80	$0.90	$1.00	$1.05
3	.60	.75	.80	.85	.95	1.10	1.20	1.35
4	.65	.80	.85	.95	1.10	1.30	1.40	1.60
5	.70	.85	.90	1.05	1.20	1.45	1.65	1.90
6	.70	.95	1.00	1.15	1.35	1.60	1.85	2.10
7	.75	1.05	1.10	1.25	1.50	1.75	2.10	2.35
8	.75	1.10	1.15	1.35	1.60	1.90	2.30	2.60
9	.80	1.15	1.20	1.45	1.75	2.05	2.45	2.85
10	.80	1.20	1.30	1.55	1.90	2.20	2.65	3.10
11	.80	1.25	1.35	1.60	2.00	2.30	2.85	3.35
12	.85	1.30	1.45	1.70	2.10	2.45	3.05	3.55
13	.85	1.35	1.55	1.80	2.20	2.60	3.25	3.80
14	.90	1.40	1.60	1.90	2.35	2.75	3.45	4.00
15	.90	1.45	1.65	2.00	2.45	2.85	3.60	4.20
16	.95	1.55	1.75	2.05	2.55	2.95	3.80	4.40
17	1.00	1.60	1.80	2.15	2.65	3.10	3.95	4.60
18	1.00	1.65	1.90	2.20	2.75	3.20	4.15	4.80
19	1.05	1.70	2.00	2.30	2.85	3.35	4.30	5.00
20	1.05	1.75	2.05	2.40	2.95	3.50	4.50	5.20
21	1.10	1.85	2.10	2.45	3.05	3.65	4.65	5.40
22	1.15	1.90	2.15	2.55	3.15	3.75	4.85	5.60
23	1.15	1.95	2.20	2.60	3.25	3.90	5.00	5.80
24	1.20	2.00	2.25	2.65	3.35	4.05	5.15	6.00
25	1.20	2.05	2.30	2.75	3.45	4.15	5.35	6.20
26	1.20	2.10	2.35	2.85	3.55	4.30	5.50	6.40
27	1.25	2.15	2.40	2.90	3.70	4.45	5.65	6.60
28	1.25	2.20	2.45	2.95	3.80	4.60	5.80	6.80
29	1.30	2.25	2.50	3.05	3.90	4.70	5.95	7.00
30	1.30	2.30	2.55	3.10	4.00	4.85	6.10	7.20
31	1.35	2.35	2.65	3.20	4.10	5.00	6.25	7.40
32	1.40	2.40	2.70	3.30	4.20	5.15	6.45	7.60
33	1.40	2.45	2.75	3.35	4.30	5.25	6.60	7.80
34	1.45	2.50	2.80	3.40	4.40	5.40	6.75	8.00
35	1.45	2.55	2.85	3.45	4.50	5.55	6.90	8.20
36	1.45	2.60	2.90	3.55	4.60	5.65	7.10	8.40
37	1.50	2.65	3.00	3.65	4.70	5.75	7.25	8.60
38	1.50	2.70	3.05	3.70	4.80	5.90	7.45	8.80
39	1.55	2.75	3.10	3.80	4.90	6.05	7.60	9.00
40	1.55	2.80	3.15	3.85	5.00	6.15	7.75	9.20
41	1.60	2.85	3.20	3.95	5.15	6.25	7.95	9.40
42	1.65	2.90	3.25	4.00	5.25	6.40	8.10	9.60
43	1.65	2.95	3.30	4.10	5.35	6.55	8.25	9.80
44	1.70	3.00	3.35	4.15	5.45	6.65	8.40	10.00
45	1.70	3.05	3.40	4.20	5.55	6.80	8.55	10.20
46	1.70	3.10	3.50	4.30	5.65	6.90	8.70	10.40
47	1.75	3.10	3.55	4.40	5.75	7.00	8.90	10.60
48	1.75	3.15	3.60	4.45	5.85	7.15	9.05	10.80
49	1.80	3.20	3.65	4.50	5.95	7.30	9.20	11.00
50	1.80	3.25	3.70	4.60	6.05	7.40	9.35	11.15
51	1.85	3.30	3.80	4.70	6.15	7.50	9.50	11.35
52	1.90	3.35	3.85	4.75	6.25	7.65	9.65	11.55
53	1.90	3.40	3.90	4.80	6.35	7.80	9.80	11.75
54	1.95	3.40	3.95	4.90	6.45	7.90	9.95	11.90
55	1.95	3.45	4.00	4.95	6.55	8.00	10.10	12.10
56	1.95	3.50	4.10	5.05	6.60	8.10	10.25	12.25
57	2.00	3.55	4.15	5.15	6.70	8.25	10.40	12.45
58	2.00	3.60	4.20	5.20	6.80	8.40	10.55	12.60
59	2.05	3.65	4.25	5.25	6.90	8.50	10.70	12.80
60	2.05	3.65	4.30	5.35	7.00	8.60	10.85	12.95
61	2.10	3.70	4.35	5.45	7.05	8.70	11.00	13.10
62	2.15	3.70	4.40	5.50	7.15	8.85	11.15	13.30
63	2.15	3.75	4.45	5.55	7.25	9.00	11.30	13.45
64	2.20	3.80	4.50	5.60	7.35	9.10	11.45	13.65
65	2.20	3.85	4.60	5.70	7.45	9.20	11.60	13.80
66	2.20	3.90	4.65	5.80	7.50	9.30	11.75	13.95
67	2.25	3.95	4.70	5.85	7.60	9.40	11.85	14.15
68	2.25	3.95	4.75	5.90	7.70	9.55	12.00	14.30
69	2.30	4.00	4.80	5.95	7.75	9.65	12.15	14.50
70	2.30	4.05	4.85	6.05	7.85	9.75	12.25	14.65

Exceptions: a. Any parcel measuring either over 36 inches in length or over 84 inches in length and girth combined is subject to a 35-cent surcharge in addition to the postage rate for the weight of the parcel to the zone to which the parcel is addressed.

b. Gold mailed within Alaska or from Alaska to the other States and U.S. possessions: 2 cents each ounce or fraction, regardless of distance.

PROPOSED REFORMATIONS, CATALOGS—INDIVIDUAL MAILINGS

Weight (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
1.5	$0.28	$0.34	$0.34	$0.36	$0.38	$0.40	$0.42	$0.46
2	.29	.35	.36	.38	.41	.43	.47	.51
2.5	.30	.37	.38	.41	.44	.47	.51	.56
3	.31	.39	.40	.43	.47	.51	.56	.62
3.5	.32	.40	.42	.46	.50	.55	.60	.67
4	.33	.42	.44	.48	.53	.58	.65	.73
4.5	.34	.44	.56	.51	.56	.62	.69	.78
5	.35	.45	.48	.53	.59	.66	.74	.84
6	.37	.49	.52	.58	.65	.73	.83	.94
7	.39	.52	.56	.63	.71	.81	.92	1.05
8	.41	.56	.60	.68	.77	.88	1.01	1.16
9	.43	.59	.64	.73	.83	.96	1.10	1.27
10	.45	.62	.68	.78	.89	1.03	1.19	1.37

PROPOSED REFORMATIONS, CATALOGS—BULK MAILINGS[1]

Bulk rate	Piece rate	Bulk pound rate
	Cents	
Local	21	2.1
Zones:		
1 and 2	25	3.4
3	25	4.0
4	25	5.0
5	25	6.1
6	25	7.5
7	25	9.1
8	26	10.8

[1] Separately addressed identical pieces in quantities of not less than 300 mailed at one time. The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

[F.R. Doc. 70-7839; Filed, June 19, 1970; 8:45 a.m.]

[Notice 98]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 18, 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 3252 (Sub-No. 67 TA), filed June 12, 1970. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, in bulk, in tank vehicles, from Portland, Maine, to points in Maine on and north of a line beginning at a point on the New Hampshire-Maine State line near Upton, and extending through Upton and Livermore Falls to Rockport, including the points specified, for 150 days. Supporting shipper: Polar Chemical, Inc., Crowley Road, Lewiston, Maine 04240. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 65802 (Sub-No. 46 TA), filed June 12, 1970. Applicant: LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement in bags*, between Seattle, Tacoma, and Bellingham, Wash., on the one hand, and, on the other, points of entry on the United States-Canada boundary at or near Sumas, Lynden, and Blaine, Wash, for 180 days. Supporting shippers: Morrow's Trucking and Redi-Mix, 7505 Morrow Road, Agassiz, British Columbia, Canada, and ALA Trading, Ltd., 490 Commercial Drive, Vancouver 6, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 108393 (Sub-No. 32 TA), filed June 11, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, under a continuing contract with Sears, Roebuck & Co., for 180 days. Supporting shipper: Sears, Roebuck and Co., Post Office Box 6742, Philadelphia, Pa. 19132. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 112822 (Sub-No. 162 TA), filed June 12, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard, Post Office Box 1191, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, for 150 days. Supporting shipper: E. L. Forturne, Director of Distribution, Pet, Inc., 400 South Fourth Street, St. Louis, Mo. 63166. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114301 (Sub-No. 61 TA), filed June 12, 1970. Applicant: DELAWARE EXPRESS CO., Post Office Box 97, Elkton, Md. 21921. Applicant's representative: James E. Spry, Post Office Box 97, Elkton, Md. 21921. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and ingredients*, from Lancaster, Pa., to Long Island, N.Y., for 180 days. Supporting shipper: John W. Eshelman & Sons, Lancaster, Pa. 17604; Paul A. Smith, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 129 East Main Street, Salisbury, Md. 21801.

No. MC 118180 (Sub-No. 8 TA), filed June 11, 1970. Applicant: GOVAN EXPRESS, INC., 3202 Conflans Street, Irving, Tex. 75060. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, from points in Deaf Smith County, Tex., to points in Indiana, Ohio, Michigan, Illinois, and Wisconsin, for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shippers: Wilson Beef & Lamb Co., Post Office Box 1858, Hereford, Tex. 79045; Caviness Packing Co., Inc., Post Office Box 790, Hereford, Tex. 79045. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1314 Wood Street, 513 Thomas Building, Dallas, Tex. 75202.

No. MC 126244 (Sub-No. 3 TA), filed May 28, 1970. Applicant: ADAMS CARTAGE CO., INC., 4440 Meade Road, Macon, Ga. 31206. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture;* (2) *floor covering, and materials, and supplies* used in the installation thereof; (3) *carpets, carpeting, mats, matting, rugs, and materials, and supplies* used in the installation thereof and (4) *insulating materials*, from the shipping facilities of Armstrong Cork Co., located in Bibb County, Ga., to points in Alabama. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with the Armstrong Cork Co., Lancaster, Pa., for 180 days. NOTE: Tacking will entail only the commingling of presently authorized commodities so as to encompass mixed shipments, from the same origin point. Supporting shipper: Armstrong Cork Co., Lancaster, Pa. 17604. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 127563 (Sub-No. 3 TA), filed June 12, 1970. Applicant: HAL BUTLER LUMBER WHOLESALE, INC., Post Office Box 447, Show Low, Ariz. 85901. Applicant's representative: George F. Senner, Jr., 609 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Whiteriver, Ariz., to railheads

in Arizona for destination points outside Arizona and to ports of entry in the State of Arizona located on the United States-Mexico boundary line, near Agua Prieta, Nogales, and San Luis, State of Sonora, Republic of Mexico, for 180 days. Supporting shipper: Fort Apache Timber Co., Box 797, Whiteriver, Ariz. 85941. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 128672 (Sub-No. 1 TA), filed June 12, 1970. Applicant: TIMBER TRUCKING CO., INC., Post Office Box No. 8188, 928 Cross Lane Drive, Nitro, W. Va. 25143. Applicant's representative: Robert L. DeHart (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, timber, and wood products*, from points in Ohio on and south of U.S. Highway 40 and on and east of U.S. Highway 62, and those in Kentucky on and east of U.S. Highway 127, to points in Roane County, W. Va., for 180 days. Supporting shipper: Burke-Parsons-Bowlby Corp., same address as above. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 134069 (Sub-No. 3 TA), filed June 12, 1970. Applicant: BILL E. DUPREE, doing business as BILL DUPREE TRANSPORT, Post Office Box 1113, 1318 West Hickory, Deming N. Mex. 88061. Applicant's representative: V. Lee Vesely, Post Office Box 1056, Silver City, N. Mex. 88061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, fruit juices, fruit concentrates, and animal fats*, in vehicles equipped with mechanical refrigeration, from El Paso, Tex., to points in Arizona and those in Clark County, Nev., for 180 days. Supporting shipper: Price's Creameries, Inc., Post Office Box 3008, Station A, El Paso, Tex. 79923. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

MOTOR CARRIER OF PASSENGERS

No. MC 134686 TA, filed June 12, 1970. Applicant: A & H TRANSPORTATION CO., INC., 405 Madison, Eagle Pass, Tex. 78852. Applicant's representative: Mary E. Aguinaga (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (migrant workers) *and their baggage;* (1) between Janesville, and Darien, Wis.; Morton, Ill.; Kokomo, Ind.; Leipsic, Ohio, and Geneva, N.Y.; (2) between the above-described points, on the one hand, and, on the other, Brownsville, Laredo, Eagle Pass, and El Paso, Tex., for 180 days. Supporting shipper: Libby, McNeil & Libby, 701 West Main Street, Leipsic, Ohio 45856. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7913; Filed, June 22, 1970; 8:51 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 18, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41979—*Fluorspar to Butler, Pa.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2979), for interested rail carriers. Rates on fluorspar, in packages or in bulk, in carloads, as described in the application, from Rosiclare, Junction, and Shawneetown, Ill., also Marion and Mexico, Ky., to Butler, Pa.

Grounds for relief—Truck-barge-truck and market competition.

Tariffs—Supplement 32 to The Baltimore and Ohio Railroad Co. tariff ICC 24857, and supplement 111 to Illinois Central Railroad Co. tariff ICC A-11788.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-7914; Filed, June 22, 1970; 8:51 a.m.]

[Rev. S.O. 1002; Car Distribution Direction No. 86-A]

FLORIDA EAST COAST RAILWAY CO. AND SOUTHERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 86, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 86 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 21, 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., June 18, 1970.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 70-7915; Filed, June 22, 1970; 8:51 a.m.]

[Rev. S.O. 1002; Car Distribution Direction No. 89-A]

SOUTHERN RAILWAY CO. AND BURLINGTON NORTHERN, INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 89, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 89 be, and it is hereby, vacated.

It is further ordered, That this order shall become effective at 11:59 p.m., June 21, 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., June 18, 1970.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 70-7916; Filed, June 22, 1970; 8:51 a.m.]

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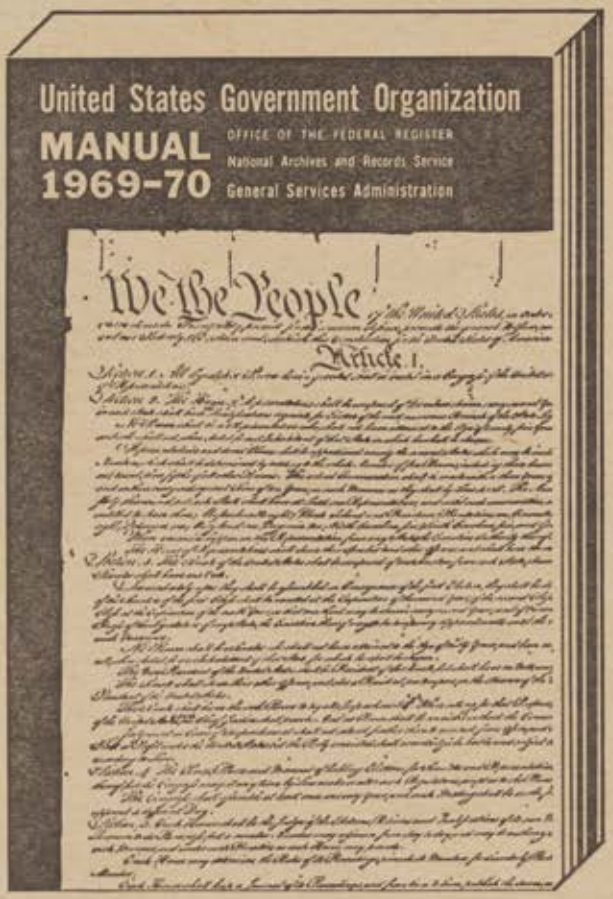

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