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Part I

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FEDERAL REGISTER

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FIRE PREVENTION WEEK, 1970

By the President of the United States of America

A Proclamation

Uncontrolled fires continue to place a costly drain on the American economy. The tragedy of more than 12,000 deaths each year by fire is coupled with annual property losses exceeding $2 billion.

It is hard to realize that responsible citizens permit this to happen when most fires can be avoided. Each of us can reduce this waste simply by eliminating fire-producing conditions and by being alert and careful in handling fire.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning October 4, 1970, as Fire Prevention Week.

I call upon our citizens, singly and as a nation, to actively support fire prevention through civic groups, schools, business, labor, and farm organizations, State and local governments, and the fire prevention groups, including their own community fire departments, and the National Fire Protection Association. I urge the news media and other public information agencies to cooperate in promoting Fire Prevention Week as a prelude to year-round fire prevention efforts.

I also ask all Federal agencies, in cooperation with the Federal Fire Council, to assist the national effort to reduce loss of life and property from fire.

One way in which we can all assist this effort is by the reduction and elimination of false fire alarms. False alarms require the use of valuable fire fighting equipment which should be reserved for the bona fide protection of life and property. May this week be a reminder for all citizens to take appropriate action to arrest the needless and unwarranted interference with normal fire fighting operations and the ensuing cost to the taxpayer.

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

Richard Nixon

[F.R. Doc. 70-8695; Filed, July 6, 1970; 1:11 p.m.]

Executive Order 11542

AMENDING EXECUTIVE ORDER NO. 11248, PLACING CERTAIN POSITIONS IN LEVELS IV AND V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 2 of Executive Order No. 11248 [1] of October 10, 1965, as amended, placing certain positions in level V of the Federal Executive Salary Schedule, is further amended by deleting "(10) Director, Demonstration Cities Administration, Department of Housing and Urban Development", and inserting in lieu thereof the following:

(10) Deputy Assistant Secretary for Model Cities, Department of Housing and Urban Development.

Richard Nixon

THE WHITE HOUSE,

July 2, 1970.

[F.R. Doc. 70-8694; Filed, July 6, 1970; 1:11 p.m.]

[1] 30 F.R. 12999; 3 CFR, 1964–1965 Comp., p. 349.

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e) (14) relating to the State of Virginia, subdivision (viii) relating to Sussex and Dinwiddie Counties is amended to read:

(14) *Virginia.* * * *

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

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

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

The amendment quarantines portions of Sussex and Dinwiddie Counties in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

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

Done at Washington, D.C., this 1st day of July 1970.

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

[F.R. Doc. 70-8603; Filed, July 7, 1970; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in subparagraph (e) (6) relating to the State of Mississippi, subdivision (ii) relating to Attala County is deleted; subdivision (i) relating to Copiah, Holmes, Lauderdale, Newton, Warren, and Yazoo Counties is amended; and a new subdivision (ii) relating to Jackson County is added to read:

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

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

2. In § 76.2, in subparagraph (e) (9) relating to the State of North Carolina, subdivision (i) relating to Gates County is amended to read:

(9) *North Carolina.* (i) That portion of Gates County bounded by a line beginning at the junction of the Seaboard Coast Line Railroad and the North Carolina-Virginia State line; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a southeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in an easterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northeasterly direction to Secondary Road 1320; thence, following Secondary Road 1320 in a generally southeasterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a northeasterly direction to Secondary Road 1332; thence, following Secondary Road 1332 in a generally northerly direction to Secondary Road 1333; thence, following Secondary Road 1333 in a generally northerly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with the Seaboard Coast Line Railroad.

3. In § 76.2, in subparagraph (e) (13) relating to the State of Texas, a new subdivision (vii) relating to Falls County; a new subdivision (viii) relating to Galveston County; a new subdivision (ix) relating to Hill County; and a new subdivision (x) relating to Tom Green County are added to read:

(13) *Texas.* * * *

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

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

thence, following the Galveston-Chambers County line in a southeasterly direction to the Galveston Bay coastline; thence, following the Galveston Bay coastline in a generally southerly direction to Interstate Highway 45 (also U.S. Highway 75); thence, following Interstate Highway 45 (also U.S. Highway 75) in a northwesterly direction to its junction with the Galveston-Harris County line.

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

(x) That portion of Tom Green County bounded by a line beginning at the junction of U.S. Highway 277 and Farm-to-Market Road 2105; thence, following Farm-to-Market Road 2105 in a westerly direction to U.S. Highway 87; thence, following U.S. Highway 87 in a generally northwesterly direction to Grape Creek; thence, following the east bank of Grape Creek in a generally southeasterly direction to Farm-to-Market Road 2288; thence, following Farm-to-Market Road 2288 in a generally southeasterly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a northeasterly direction to State Highway 306; thence, following State Highway 306 first in a generally southeasterly direction and thence in a generally northerly direction to U.S. Highway 277; thence, following U.S. Highway 277 in a generally northeasterly direction to its junction with Farm-to-Market Road 2105.

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

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

The amendments quarantine a portion of Gates County, N.C.; portions of Attala and Jackson Counties in Mississippi; and portions of Falls, Galveston, Hill, and Tom Green Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

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

Done at Washington, D.C., this 2d day of July 1970.

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

[F.R. Doc. 70-8602; Filed, July 7, 1970; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Louisiana, and a new subparagraph (e)(16) relating to the State of Louisiana is added to read:

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

2. In § 76.2, subparagraph (e)(7) relating to the State of Missouri is amended to read:

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

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

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

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

The amendments quarantine a portion of Howard County, Mo., and portions of West Carroll and Morehouse Parishes in Louisiana because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

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

Done at Washington, D.C., this 2d day of July 1970.

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

[F.R. Doc. 70-8648; Filed, July 7, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 70-WE-33]

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

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 70-8143 appearing on page 10503 in the issue of Saturday, June 27, 1970, the phase "within 8 miles" in the fifth line of the Cody, Wyo., transition area should read "within 3 miles".

[Airspace Docket No. 70-WE-38]

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

Designation of Transition Area

Correction

In F.R. Doc. 70-8146 appearing on page 10504 in the issue of Saturday, June 27, 1970, the seventh line of the La Junta, Colo., transition area should read "103° 37'14" W.), extending from 12 miles".

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10404; Amdt. 95-194]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for the route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective July 23, 1970, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, To, and MEA

Alma, Ga., VOR; Browntown INT, Ga.; *2,000. *1,400—MOCA.

Cox INT, Ga.; Brunswick, Ga., VOR; *2,000. *1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Brunswick, Ga., VOR; Cox INT, Ga.; *2,000. *1,400—MOCA.

Bimini, Bahamas, RBN; Porpoise INT, Fla. (via Control 1150); *2,000. *1,300—MOCA.

Coloma INT, Calif.; Mina, Nev., VOR; *28,000. *13,500—MOCA.

Granger INT, Calif.; Modesto, Calif., VOR; *2,000. *1,400—MOCA.

Woodside, Calif., VORTAC via OSI 116°/SBP 324° M rads; San Luis Obispo, Calif., VORTAC; 18,000. MAA—31,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Cairns, Ala., VOR; Clayton INT, Ala.; 2,400.

Bonefish INT, Fla.; Pineapple INT, Fla.; *3,000. *1,200—MOCA.

Bonita INT, Fla.; *Sailfish INT, Fla.; **3,000. *3,000—MRA. **1,200—MOCA. MAA—45,000.

Brunswick, Ga., VOR; Alma, Ga., VOR; *2,000. *1,600—MOCA.

Chason INT, Fla.; Marianna, Fla., VOR; *2,000. *1,300—MOCA.

Chipley INT, Fla.; Dothan, Ala., VOR; *2,000. *1,700—MOCA.

Chestview, Fla., VOR; Dozier INT, Ala.; *2,000. *1,700—MOCA.

Dukes INT, Fla.; Cecil (NAS) Fla., VOR; *1,700. *1,500—MOCA.

Flint INT, Ga.; Albany, Ga., VOR; *2,000. *1,500—MOCA.

Fort Lauderdale, Fla., VOR; Cypress INT, Fla.; 1,500.

Goldfish INT, Ga.; Brunswick, Ga., VOR; *1,700. *1,400—MOCA.

50-nautical-mile DME, St. Petersburg, Fla., VOR; St. Petersburg, Fla., VOR; *6,000. *1,500—MOCA.

Jacksonville, Fla., VOR; Valdosta, Ga., VOR; *1,800. *1,500—MOCA.

Palm Beach, Fla., VOR; Bonita INT, Fla.; *2,000. *1,600—MOCA. MAA—45,000.

Marianna, Fla., VOR; Hopeful INT, Ga.; *2,000. *1,400—MOCA.

Miami, Fla., VOR; Fort Lauderdale, Fla., LF/RBN; *1,500. *1,400—MOCA.

Miami, Fla., VOR; INT, 235° M rad, Vero Beach VOR and 335° M rad, Miami VOR; *5,500. *1,600—MOCA.

Moultrie, Ga., VOR; Valdosta, Ga., VOR; *1,800. *1,700—MOCA.

Pahokee, Fla., VOR; Shawnee INT, Fla.; *2,000. *1,300—MOCA.

Palm Beach, Fla., VOR; Mackerel INT, Fla.; *2,000. *1,600—MOCA.

*Mackerel INT, Fla.; **Mullet INT, Fla.; ***3,500. *3,000—MRA. **6,500—MRA. ***1,200—MOCA.

Panama City, Fla., VOR; Parker INT, Fla.; *1,800. *1,400—MOCA.

Parker INT, Fla.; Creek INT, Fla.; *2,000. *1,400—MOCA.

Pike INT, Fla.; Bonefish INT, Fla.; *2,000. *1,200—MOCA.

Pogo INT, Ga.; Jacksonville, Fla., VOR; *1,800. *1,300—MOCA.

Sailfish INT, Fla.; Tarpon INT, Fla.; *10,000. *1,200—MOCA.

Taylor, Fla., VOR; Brunswick, Ga., VOR; *2,000. *1,400—MOCA.

Taylor, Fla., VOR; Pogo INT, Ga.; *1,600. *1,200—MOCA.

Taylor, Fla., VOR; Tarboro INT, Ga.; *2,000. *1,500—MOCA.

Vero Beach, Fla., VOR; *Mackerel INT, Fla.; *3,000. *3,000—MRA. **1,500—MOCA. MAA—45,000.

Waycross, Ga., VOR; Pogo INT., Ga.; *3,000. *2,200—MOCA.

Wilma INT, Fla.; *Teresa INT, Fla.; **7,000. *7,000—MCA Teresa INT eastbound. **1,300—MOCA.

Barracuda INT, Fla.; Gateway INT, Fla. (via Control 1150); *2,000. *1200—MOCA.

Bimini, Bahamas, VOR; Halibut INT, Fla. (via Control 1150); *2,500. *1,300—MOCA.

Halibut INT, Fla.; *Mullet INT, Fla. (via Control 1150); **6,500. *6,500—MRA. **1,200—MOCA.

Carp INT, Fla.; *Abaco INT, Bahamas (via Control 1151); **2,000. *10,000—MRA. **1,300—MOCA.

Marathon, Fla., RBN; Tadpole INT, Fla. (via Control 1233); *2,000. *1,200—MOCA.

*Mullet INT, Fla.; **Porpoise INT, Fla. (via Control 1150); ***15,000. *6,500—MRA. **15,000—MRA. ***1,200—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Jacksonville, Fla., VOR; *St. Andrews INT, Ga.; **1,500. *5,000—MRA. **1,300—MOCA.

St. Andrews INT, Ga.; *Starfish INT, Fla.; **2,000. *3,000—MRA. **1,200—MOCA.

Honey INT, S.C.; *Davis INT, S.C.; **2,500. *3,000—MRA. **1,500—MOCA.

Davis INT, S.C.; *Planter INT, S.C.; **2,500. *2,500—MRA. **1,500—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

*Jacksonville, Fla., VOR; **Chester INT, Ga.; ***4,000. *4,000—MCA Jacksonville, VOR, northbound. **4,000—MCA Chester INT, southbound. **4,000—MRA. ***1,300—MOCA.

Chester INT, Ga.; Brunswick, Ga., VOR; *1,600. *1,400—MOCA.

Jacksonville, Fla., VOR via E alter.; *St. Andrews INT, Ga., via E alter.; **1,500. *5,000—MRA. **1,300—MOCA.

St. Andrews INT, Ga., via E alter.; *Starfish INT, Fla., via E alter.; **2,000. *3,000—MRA. **1,200—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

*Cherokee, Wyo., VOR; **Laramie, Wyo., VOR; 13,000. *11,500—MRA. **10,600—MCA Laramie VOR, westbound.

Laramie, Wyo., VOR; Loveland INT, Colo.; 10,500.

*Laramie, Wyo., VOR via N alter.; Nunn INT, Colo., via N alter.; *11,000. *10,600—MCA Laramie VOR, westbound. **10,100—MOCA.

Lamar INT, Ind., Apalona INT, Ind.; *3,000. *1,800—MOCA.

Holland INT, Ind., via N alter.; St. Marks INT, Ind., via N alter.; *3,500. *2,000—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended by adding:

Waterville, Ohio, VOR via S alter.; INT, 111° M rad, Waterville VOR and 260° M rad, Cleveland VOR via S alter.; 3,000.

INT, 111° M rad, Waterville VOR and 260° M rad, Cleveland VOR via S alter.; Cleveland, Ohio, VOR via S alter.; 3,000.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Bunker INT, Fla.; Fort Myers, Fla., VOR; *2,000. *1,400—MOCA.

Dothan, Ala., VOR; Clio INT, Fla.; *2,000. *1,800—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

McComb, Miss., VOR via W alter.; *Byram INT, Miss., via W alter.; 2,900. *4,200—MRA.

Byram INT, Miss., via W alter.; Jackson, Miss., VOR via W alter.; 2,900.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From, To, and MEA

Wilbur INT, Ind.; Brooklyn INT, Ind.; *2,200. *2,100—MOCA.
Brooklyn INT, Ind.; Shelbyville, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Findlay, Ohio, VOR; Upper Sandusky INT, Ohio; 2,500.
Upper Sandusky INT, Ohio; Cleveland, Ohio, VOR; 3,500.
*Norge INT, Okla., Oklahoma City, Okla., VOR via S alter.; **3,000. *5,000—MRA. **2,600—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

McCook INT, Tex.; *Jennings INT, Tex.; **3,000. *4,500—MRA. **1,900—MOCA. MAA—9,000.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Delta, Utah, VOR; Fairfield, Utah, VOR; 10,300.

Section 95.6026 *VOR Federal airway 26* is amended to delete:

Myton, Utah, VOR; Vernal, Utah, VOR; 8,400.
Vernal, Utah, VOR; Cherokee, Wyo., VOR; 11,700.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Key West, Fla., VOR; *Sombrero INT, Fla.; **1,700. *6,000—MRA. **1,300—MOCA.
Sombrero INT, Fla., *Doubloon INT, Fla.; **6,500. *6,500—MRA. **1,000—MOCA.
Doubloon INT, Fla.; Gulfstream INT, Fla.; *4,500. *1,200—MOCA.
Miami, Fla., VOR; *Chester INT, Fla.; **1,500. *2,800—MRA. **1,200—MOCA
St. Petersburg, Fla., VOR; Richey INT, Fla.; *1,600. *1,500—MOCA.
Richey INT, Fla.; Cross City, Fla., VOR; *2,500. *1,400—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Savannah, Ga., VOR; *Tillman INT, S.C.; **2,000. *3,000—MRA. **1,100—MOCA.
Tillman INT., S.C.; *Wixon INT, S.C.; **2,000. *3,300—MRA. **1,100—MOCA.

Section 95.6045 *VOR Federal airway 45* is amended by adding:

Waterville, Ohio, VOR; Vermilion INT, Ohio; 5,500.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Holland INT, Ind.; St. Marks INT, Ind.; *3,500. *2,000—MOCA.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Indianapolis, Ind., VOR; Maxwell INT, Ind.; *3,000. *2,200—MOCA.
Maxwell INT, Ind.; Dayton Ohio, VOR; 3,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Indianapolis, Ind., VOR; Advance INT, Ind.; *2,700. *2,300—MOCA.
Advance INT, Ind.; Jackson INT, Ind.; *2,700. *2,200—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

From, To, and MEA

*Mill INT, Tex.; Joshua INT, Tex.; **3,500. *3,500—MRA. **2,600—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Eufaula, Ala., VOR via N alter.; Byron INT, Ga., via N alter; *3,000. *2,000—MOCA.
Byron INT, Ga., via N alter.; Macon, Ga., VOR via N alter.; 2,000.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Bible Grove, Ill., VOR; Montrose INT, Ill.; *2,300. *1,900—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Norge INT, Okla.; Oklahoma City, Okla., VOR; **3,000. *5,000—MRA. **2,600—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

*Mill INT, Tex.; Joshua INT, Tex.; **3,500. *3,500—MRA. **2,600—MOCA.
Deming, N. Mex., VOR; *Morgan INT, N. Mex.; **9,000. *10,000—MRA. **7,000—MOCA.
Deming, N. Mex., VOR; via S alter.; INT 107° M rad, Deming VOR and 259° M rad, Newman VOR via S alter.; *9,000. *7,600—MOCA.
INT 107° M rad, Deming VOR and 259° M rad, Newman VOR via S alter.; Newman, Tex., VOR via S alter.; 9,000.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

St. Petersburg, Fla., VOR via W alter.; *Oyster INT, Fla., via W alter.; **1,600. *4,000—MRA. **1,300—MOCA.
Oyster INT, Fla., via W alter.; *Scallop INT, Fla., via W alter.; **3,400. *3,000—MRA. **1,200—MOCA.
Indianapolis, Ind., VOR via W alter.; Lebanon INT, Ind., via W alter.; *2,400. *2,300—MOCA.

Section 95.9110 *VOR Federal airway 110* is amended to read in part:

Deming, N. Mex., VOR; Truth or Consequences, N. Mex., VOR; *8,000. *7,900—MOCA.

Section 95.6118 *VOR Federal airway 118* is amended to read in part:

Medicine Bow, Wyo., VOR; *Laramie, Wyo., VOR; **9,400. *10,600—MCA Laramie VOR, westbound. **8,000—MOCA.
*Laramie, Wyo., VOR; Silver Crown INT, Wyo.; **11,000. *10,600—MCA Laramie VOR, westbound. **8,700—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Jackson INT, Ind.; Advance INT, Ind.; *2,700. *2,200—MOCA.
Advance INT, Ind.; Indianapolis, Ind., VOR; *2,700. *2,300—MOCA.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Luther INT, Ill.; *Everett INT, Ill.; **2,300. *2,900—MRA. **1,700—MOCA.
Everett INT, Ill.; Peoria, Ill., VOR; 2,300.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

St. Petersburg, Fla., VOR via N alter.; Dade City INT, Fla., via N alter.; *2,000. *1,500—MOCA.

Section 95.6158 *VOR Federal airway 158* is amended to read in part:

From, To, and MEA

Savanna INT, Ill.; Polo, Ill., VOR; *2,700. *2,000—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Albany, Ga., VOR; *Shellman INT, Ga.; **2,100. *2,800—MRA. **1,600—MOCA.
Shellman INT, Ga.; Eufaula, Ala., VOR; *2,100. *1,600—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended to read in part:

Martinsburg INT, Ind.; Livonia INT, Ind.; *2,700. *2,000—MOCA.
Livonia INT, Ind.; Scotland INT, Ind.; *2,700. *2,100—MOCA.
Scotland INT, Ind.; Lewis, Ind., VOR; *2,500. *1,900—MOCA.
*Clinton INT, Ind.; State Line INT, Ind.; **2,400. *2,600—MRA. **2,300—MOCA.
State Line INT, Ind.; Danville, Ill., VOR; *2,400. *2,100—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Neola, Iowa, VOR; Avoca INT, Iowa; *4,000. *2,700—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended by adding:

Sioux City, Iowa, VOR; Worthington, Minn., VOR; 4,400.
Worthington, Minn., VOR; Redwood Falls, Minn., VOR; *3,400. *2,700—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Troy, Ill., VOR; Pana INT, Ill.; *2,500. *2,100—MOCA.
Pana INT. Ill.; Decatur, Ill., VOR; *2,400. *1,900—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Fort Stockton, Tex., VOR; Ozona INT, Tex.; *7,000. *4,700—MOCA.

Section 95.6208 *VOR Federal airway 208* is amended by adding:

Myton, Utah, VOR; Vernal, Utah, VOR; 8,400.
Vernal, Utah., VOR; Cherokee, Wyo., VOR; 11,700.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Charlotte INT, Iowa; Wacker INT, Ill.; *4,000. *2,200–MOCA.
Wacker INT, Ill.; Lena INT, Ill.; *2,700. *2,000—MOCA.
Lena INT, Ill.; Davis INT, Ill.; *2,700. *2,200—MOCA.
Davis INT, Ill.; Janesville, Wis., VOR; *2,700. *2,000—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Fort Stockton, Tex., VOR; Ozona INT, Tex.; *7,000. *4,700—MOCA.

Section 95.6239 *VOR Federal airway 239* is amended to read in part:

Forney, Mo., VOR; Thomas INT, Mo.; *2,900. *2,500—MOCA.
Thomas INT, Mo.; Algoa INT, Mo.; *2,500. *2,000—MOCA.

Section 95.6250 *VOR Federal airway 250* is added to read:

O'Neill, Nebr., VOR; Yankton, S. Dak., VOR; *3,700. *3,500—MOCA.

From, To, and MEA

Yankton, S. Dak., VOR; Worthington, Minn., VOR; 3,300.
Worthington, Minn., VOR; Mankato, Minn., VOR; *3,400. *2,800—MOCA.

Section 95.6251 *VOR Federal airway 251* is amended to delete:

Lafayette, Ind., VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.

Section 95.6295 *VOR Federal airway 295* is amended to read in part:

Martin INT, Fla.; Pike INT, Fla.; *2,000. *1,200—MOCA.
Pike INT, Fla.; *Basket INT, Fla.; **2,500. *2,500—MRA. **1,200—MOCA.
Bonita INT, Fla.; Stuart INT, Fla.; *2,000. *1,200—MOCA.
Center Hill INT, Fla.; Homo INT, Fla.; *4,000. *1,400—MOCA.

Section 95.6371 *VOR Federal airway 371* is added to read:

Lafayette, Ind., VOR; Knox, Ind., VOR; *2,500. *2,100—MOCA.

Section 95.6429 *VOR Federal airway 429* is amended to read in part:

Cartter INT, Ill.; Bible Grove, Ill., VOR; *2,300. *1,900—MOCA.
Bible Grove, Ill., VOR; Montrose INT, Ill.; *2,300. *1,900—MOCA.

Montrose INT, Ill.; Mattoon, Ill., VOR; *2,500. *2,100—MOCA.

Section 95.6434 *VOR Federal airway 434* is amended to read in part:

Peoria, Ill., VOR; Lodge INT, Ill.; 2,300.
Lodge INT, Ill.; Champaign, Ill., VOR; 2,700.

Section 95.6435 *VOR Federal airway 435* is amended to read in part:

Upper Sandusky INT, Ohio; Sandusky, Ohio, VOR; 2,500.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

Croaker INT, Fla.; *Marion INT, Fla.; **2,000. *3,500—MRA. **1,100—MOCA.
Marion INT, Fla.; *Starfish INT, Fla.; **7,000. *3,000—MRA. **1,200—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Anchorage, Alaska, VOR; *Big Lake, Alaska, VOR; 2,000. *4,700—MCA Big Lake VOR, northbound.
Big Lake, Alaska, VOR; Sunshine INT, Alaska; #7,500. #MEA is established with a gap in navigation signal coverage.

Section 95.6441 *VOR Federal airway 441* is amended to read in part:

St. Petersburg, Fla., VOR via E alter.; Dade City INT, Fla., via E alter.; *2,000. *1,500—MOCA.
Dade City INT, Fla., via E alter.; Ocala, Fla., VOR via E alter.; *2,000. *1,400—MOCA.

Section 95.6452 *VOR Federal airway 452* is amended to read:

Nome, Alaska, VOR; Moses Point, Alaska, VOR; *5,000. *4,200—MOCA.
Nome, Alaska, VOR via N alter.; Moses Point, Alaska, VOR via N alter.; *6,000. *4,200—MOCA.
Moses Point, Alaska, VOR; Koyuk INT, Alaska; *5,000. *4,400—MOCA.
Koyuk INT, Alaska; Galena, Alaska, VOR; *6,000. *5,200—MOCA.
Galena, Alaska, VOR; Boney INT, Alaska; *6,000. *4,000—MOCA.
Boney INT, Alaska; Nenana, Alaska, VOR; *7,000. *4,500—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

From, To, and MEA

La Belle, Fla., VOR; Pahokee, Fla., VOR; *2,000. *1,600—MOCA.

Section 95.7106 *Jet Route No. 106* is amended to read in part:

From, To, MEA, and MAA

Green Bay, Wis., VORTAC; INT, 105° M rad, Green Bay VORTAC and 021° M rad, Pullman VORTAC; 18,000; 45,000.
INT, 105° M rad, Green Bay VORTAC and 021° M rad, Pullman VORTAC; INT, 033° M rad, Pullman VORTAC and 313° M rad, Flint VORTAC; 29,000; 45,000.
INT, 033° M rad, Pullman VORTAC and 313° M rad, Flint VORTAC; Flint, Mich., VOR TAC; 18,000; 45,000.
Flint, Mich., VORTAC; INT, 095° M rad, Salem VORTAC and 130° M rad, Flint VORTAC; 18,000; 45,000.
INT, 095° M rad, Salem VORTAC and 130° M rad, Flint VORTAC; United States-Canadian border; 18,000; 45,000.
United States-Canadian border; Jamestown, N.Y., VORTAC; 18,000; 45,000.

Section 95.7114 *Jet Route No. 114* is amended to delete:

Salt Lake City, Utah, VORTAC; Fairfield, Utah, VORTAC; 18,000; 45,000.
Fairfield, Utah, VORTAC; Meeker, Colo., VORTAC; 18,000; 45,000.
Meeker, Colo., VORTAC; Denver, Colo., VOR TAC; 18,000; 45,000.

Section 95.7115 *Jet Route No. 115* is amended to read in part:

Cold Bay, Alaska, VORTAC; King Salmon, Alaska, VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7116 *Jet Route No. 116* is added to read:

Salt Lake City, Utah, VORTAC; Fairfield, Utah, VORTAC; 18,000; 45,000.
Fairfield, Utah, VORTAC; Meeker, Colo., VORTAC; 18,000; 45,000.
Meeker, Colo., VORTAC; Denver, Colo., VOR TAC; 18,000; 45,000.

Section 95.7120 *Jet Route No. 120* is amended by adding:

Fort Yukon, Alaska, VOR; Barter Island, Alaska, NDB; 18,000; 45,000.

Section 95.7120 *Jet Route No. 120* is amended to read in part:

McGrath, Alaska, VORTAC; Nenana, Alaska, VORTAC; 18,000; 45,000.
Nenana, Alaska, VORTAC; Fairbanks, Alaska, VORTAC; 18,000; 45,000.

Section 95.7122 *Jet Route No. 122* is amended to read:

Nome, Alaska, VORTAC; Galena, Alaska, VORTAC; 18,000; 45,000.
Galena, Alaska, VORTAC; Fairbanks, Alaska, VORTAC; 18,000; 45,000.

Section 95.7133 *Jet Route No. 133* is amended to read in part:

Annette Island, Alaska, VORTAC; Biorka Island, Alaska, VORTAC; 18,000; 45,000.

Section 95.7502 *Jet Route No. 502* is amended to read in part:

Sisters Island, Alaska, VOR; Burwash, Yukon Territory, LFR; #18,000; #45,000. #For that airspace over U.S. territory.
Burwash, Yukon Territory, LFR; Northway, Alaska, VORTAC; #18,000; #45,000. #For that airspace over U.S. territory.

Section 95.7507 *Jet Route No. 507* is amended to read:

From, To, MEA, and MAA

Annette Island, Alaska, VORTAC; Sisters Island, Alaska, VOR; 18,000; 45,000.
Sisters Island, Alaska, VOR; Yakutat, Alaska, VORTAC; 18,000; 45,000.
Yakutat, Alaska, VORTAC; Border INT, Alaska; 22,000; 45,000.
Border INT, Alaska; Northway, Alaska, VOR; 18,000; 45,000.
Fort Yukon, Alaska, VOR; Prudhoe Bay, Alaska, NDB; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From, to—Changeover point: Distance; from

V–26 is amended to delete:
Vernal, Utah, VOR; Cherokee, Wyo., VOR; 54; Vernal.

V–94 is amended by adding:
Deming, N. Mex., VOR; Newman, Tex., VOR; 35; Deming.

V–200 is amended to delete:
Provo, Utah, VORTAC; Myton, Utah, VOR; 32; Provo.

V–200 is amended by adding:
Fairfield, Utah, VORTAC; Myton, Utah, VORTAC; 32; Fairfield.

V–208 is amended by adding:
Vernal, Utah, VOR; Cherokee, Wyo., VORTAC; 54; Vernal.

Section 95.8005 *Jet routes changeover points:*

J–111 is amended to delete:
Nome, Alaska, VOR; McGrath, Alaska, VORTAC; 145; Nome.

J–115 is amended by adding:
Nikolski, Alaska, NDB; Cold Bay, Alaska, VORTAC; 131; Cold Bay.

J–502 is amended by adding:
Annette Island, Alaska, VORTAC; Sisters Island, Alaska, VOR; 107; Annette Island.
Sisters Island, Alaska, VOR; Burwash, Yukon Territory, LFR; 80; Sisters Island.

J–507 is amended by adding:
Annette Island, Alaska, VORTAC; Sisters Island, Alaska, VOR; 107; Annette Island.
Yakutat, Alaska, VORTAC; Northway, Alaska, VOR; 135; Northway.

J–507 is amended to delete:
Northway, Alaska, VOR; Yakutat, Alaska, VOR; 135; Northway.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on June 26, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-8485; Filed, July 7, 1970; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Preticketing of Imported Candles

§ 15.422 **Preticketing of imported candles.**

(a) The Commission responded to a request for an advisory opinion with respect to the legality of importers affixing

preprinted labels bearing a retailer's discount selling price on packages of prepriced imported candles.

(b) It was proposed that importers of packaged and prepriced candles would affix onto each individual package a pressure-sensitive label printed with a retail-customer's discount selling price. For example, the package as imported may bear a preprinted retail price of 41 cents and a retailer's discount selling price of 34 cents. Two questions were asked on the basis of this presentation:

(1) Is it permissible for importers of record to affix a discount operator's price label on the packages?

(2) If so, may this be done in the country of origin?

(c) The Commission expressed the view that the affixing by importers of a retailer's price on the package would not in and of itself be violative of the laws administered by this agency and that the place where this operation is performed would not be determinative of its legality. The Commission cautioned, however, that the contemplated arrangement is a preticketing scheme which must comply with the requirements of section 5, Federal Trade Commission Act. (See Commission's Guides Against Deceptive Pricing (16 CFR part 233).) Should the contemplated price saving claim as represented by the retailer's discount price label have the tendency and capacity to deceive and mislead the consuming public, then the importers as knowing participants in the preticketing arrangement would share responsibility for such deception.

(d) Further, if the service of affixing an individual customer's pricing labels on packages is not generally available on proportionally equal terms to all other of an importer's customers competing in the resale of imported candles, the providing of such a service to one customer may constitute a violation of section 2(e) of the amended Clayton Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 7, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-8620; Filed, July 7, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Availability of Tripartite Promotional Advertising on Shopping Carts

§ 15.423 Availability of tripartite promotional advertising on shopping carts.

(a) The Commission rendered an advisory opinion concerning the advertising of food and nonfood products on shopping carts in retail grocery stores.

(b) The program submitted for Commission consideration involved two plans. Plan A related only to the advertising of food items. Seller-advertisers would be charged a rate commensurate with the number and length of time shopping carts are used to display his advertising and the estimated number of in-store shoppers exposed to such advertising. Participating retail grocers would be paid for the use of his shopping carts based on the number and length of time his equipment is used for supplier advertising and the estimated number of shoppers exposed to such advertising. Stores without shopping carts will be offered placards or shelf-markers without cost and will be paid on the basis of the number of customers exposed to the advertising. All competing retail grocers would be informed of this plan by personal solicitation, advertisements in trade journals and direct mailing to all in business at least 6 months prior to the start of the plan.

(c) Under Plan B nongrocery items not available for resale by participating retail grocers would be advertised only in those stores which have shopping carts. The rates and payments to advertisers and participating retailers would be the same as in Plan A.

(d) The Commission advised it would interpose no objection to the implementation of Plan A provided the following conditions were met:

(1) If the advertised grocery products are being handled by other than grocery stores, the other stores must also be notified of their right to participate in the plan, provided they compete with the favored retail grocery stores. Moreover, all competing customers must be notified of the plan, regardless of whether they purchase direct from the supplier or through some intermediary.

(2) Payments to smaller participating stores with shopping carts should be made on the same terms as those to the smaller stores without shopping carts.

(3) Since the plan calls for performance of certain obligations which are normally performed by a supplier, Guide 13 of the Commission's Guides for Advertising Allowances should be consulted.

(e) The Commission advised further that section 2(d) or 2(e) of the amended Clayton Act would not be applicable to that part of the program described as Plan B. This conclusion is based upon the statement that the nongrocery items, which are to be advertised only in retail grocery stores with shopping carts, would not be available for resale in such stores. However, the Commission cautioned, if the advertising on the shopping carts indicate the name of any particular dealer where the advertised products may be purchased, then the advertising should also indicate the names of all competing dealers.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 7, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-8621; Filed, July 7, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Program Using Trash Receptacle Panels for Advertising

§ 15.424 Tripartite promotional program using trash receptacle panels for advertising.

(a) The Commission responded to a request for an advisory opinion concerning a proposal to offer advertising panels on trash receptacles to advertisers of products and services.

(b) Under the program trash receptacles would be placed in public service areas where permission is obtained from the property owner, city government, or the person who controls the premises. Advertising thereon would be sold to producers on a yearly contract basis, the rates to be determined by the location and pedestrian traffic in the area. Product advertising will only advertise the product and will not indicate where it is available, however, service advertising will probably direct potential customers to the service.

(c) Physical servicing of the receptacles would be handled in many ways. Where they are placed on city streets, arrangements would be made with the city government to empty them and to report their condition. Where the receptacles are placed at motels, hotels, service stations, and like locations, arrangements would be made with persons who normally service such areas. Where the receptacles are placed in shopping centers or shopping malls, arrangements would be made with merchants within such areas to empty them and report on their condition. A fee would be paid to those rendering these services.

(d) The Commission expressed the view that payments to a merchant to service trash receptacles which may display advertising of products that he sells would be objectionable under section 2(d) of the amended Clayton Act. The proposed program would be unobjectionable under this Act where payments for servicing the receptacles are made to anyone other than merchants engaged in the sale of the advertiser's products.

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 7, 1970.

By direction of the Commission.

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

[F.R. Doc. 70-8622; Filed, July 7, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Combining Advertising for Mailing Purposes

§ 15.425 Combining advertising for mailing purposes.

(a) The Commission rendered an advisory opinion concerning a proposal to

combine manufacturer and retailer advertising into one mailing piece. The intended program involves the attaching of packets containing direct-to-consumer redeemable coupons and other advertising material prepared for various manufacturers and service organizations to the tabloid or booklet type mail advertising of national or regional retailing organizations. The purpose of the proposed program is to minimize mailing costs for the participating organizations. As each party to the arrangement would pay a proportionate share of the preparation, postage and other mailing costs, the mailing expenses for each would be reduced about one-half.

(b) The Commission expressed the view that to the extent a participating retailer will realize a saving in mailing costs because the advertising material of one or more of his suppliers is inserted in the packets prepared by the other participant who is under contract with such suppliers, a discriminatory promotional allowance will have been accorded by such supplier to that retailer. However, the same result will not pertain where the packet contents are limited to those products and services not available from the participating retailer.

(c) The Commission advised that so long as precautionary measures are taken as will insure that the packet contents are limited to the advertising of those products and services which are not available from or through a participating retail organization, implementation of the proposed program in the manner outlined will raise no questions under section 2 (d) or (e) of the amended Clayton Act.

(38 Stat. 717, as amended; 15 U.S.C. 41–58, 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 7, 1970.

By direction of the Commission.

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

[F.R. Doc. 70–8623; Filed, July 7, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Quality Designation on Jewelry of Identical Construction

§ 15.426 Quality designation on jewelry of identical construction.

(a) The Commission responded to a request for an advisory opinion concerning a proposal to use the quality designation "Yellow Gold or White Rhodium Electroplated" on jewelry of identical construction which may be electroplated with either metal.

(b) The view was expressed by the Commission that although there may be some instances where a consumer might be able to properly interpret such a quality designation, the vast majority of consumers would be confused through use of any dual designation. Moreover, if the use of such a dual designation were to be approved, it would logically follow that approval would have to be given to the use of triple, quadruple, etc., designations. The end result would be utter chaos for the vast majority of consumers who would be thrown into a jungle of quality designations from which they could not intelligently extricate themselves.

(c) Under these circumstances, the Commission advised that it cannot give its approval to such dual quality designation because the use thereof would probably serve to confuse and deceive prospective purchasers in regard to the quality of the products being bought.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 7, 1970.

By direction of the Commission.

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

[F.R. Doc. 70–8624; Filed, July 7, 1970; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Guarantee Advertising for Refrigerator Compressors

§ 15.427 Guarantee advertising for refrigerator compressors.

(a) The Commission rendered an advisory opinion regarding the proposed advertising of a 10-year guarantee for compressors used in refrigerators.

(b) The proposed advertising, which would appear as a 30-second television commercial, would guarantee the compressors for 10 years in writing and if they do not last that long a new compressor will be given the customer free, and further, for the first 5 years the manufacturer will pay labor charges and the customer will pay for pickup and delivery.

(c) The Commission advised that the proposed advertising is not in harmony with the language used in the submitted guarantee or with Guide 1 of the Commission's Guides Against Deceptive Advertising of Guarantees in three important aspects.

(1) The advertising offers a replacement for any compressor found to be defective, whereas the guarantee provides that any defect will be repaired or replaced. Thus, the advertising is inconsistent with the actual provisions of the guarantee. Either the advertising should be revised to conform with the guarantee and include the disclosure of a possible repair job or replacement, or the guarantee should be changed and made consistent with the proposed advertising. If an election is made to change the advertising, it should also disclose whether the guarantor or the purchaser has the option of repairing or replacing.

(2) The guarantee provides that the manufacturer will repair or replace any parts he finds defective. The fact that the manufacturer alone makes the determination as to whether or not a part is defective is a material limitation and should be disclosed in advertising.

(3) The guarantee provides that the customer will pay an "analysis charge for determining defects." This is a material limitation on the 10-year guarantee which could be a significant factor in the purchaser's selection of a refrigerator, and therefore the fact that an analysis charge is imposed should be disclosed in the advertising.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 7, 1970.

By direction of the Commission.

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

[F.R. Doc. 70–8625; Filed, July 7, 1970; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Zion National Park; Limitations on Load, Weight and Size of Vehicle; Convoy Required, Convoy Fee

A proposal was published in the FEDERAL REGISTER of September 11, 1968, to amend § 7.10 of Title 36 of the Code of Federal Regulations. The effect of this amendment is to delete specific weight limits since these are now covered by State statutes; to delete the special regulations on speed limits; and to amend the convoy restrictions.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed amendments. No comments were received; therefore, the proposed regulation is adopted with minor change. This amendment will become effective 30 days after the publication of this notice in the FEDERAL REGISTER.

Section 7.10 of Title 36 of the Code of Federal Regulations is amended as follows:

§ 7.10 Zion National Park.

(a) *Limitations on load, weight, and size of vehicles.* * * *

(2) [Revoked]

* * * * *

(c) *Convoy required; convoy fee.* No vehicle, including any load or equipment thereon, which exceeds the size limitations in paragraph (a)(1) of this section, may be driven over the highways in Zion National Park except under convoy authorized by the Superintendent or some person acting under his authority. Traffic control shall be at the direction only of the Superintendent or other person acting under his authority. For providing the required convoy service, a convoy fee shall be charged for each vehicle or combination of vehicles as specified in Part 6 of this chapter. (36 CFR 6.4(d)).

(d) [Revoked]

ROBERT I. KERR, *Superintendent, Zion National Park.*

[F.R. Doc. 70–8631; Filed, July 7, 1970; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 138—FOR THE BLIND

Minimum Size Requirement for Sightsaving Type

In the daily issue of Wednesday, May 13, 1970 (35 F.R. 7427), the Department published a notice of proposed rule making consisting of an amendment to regulations to specify the minimum size requirement for sightsaving type in unsealed letters which may be mailed free by a blind person or one having a physical impairment.

Interested persons were given 30 days within which to submit comments on the proposed regulations. No comments were received.

Accordingly, the following amendment to Title 39, Code of Federal Regulations, is hereby made, to be effective on the 30th day after the date of this publication in the FEDERAL REGISTER.

In § 138.2 *Items mailable free,* make the following change: Amend paragraph (a) to read as follows:

§ 138.2 Items mailable free.

(a) Unsealed letters in raised characters or in 14 point or larger sightsaving-size type, or in the form of sound recordings, sent by a blind person or a person having a physical impairment as described in § 138.1(a);

* * * * *

NOTE: The corresponding Postal Manual section is 138.2a.

(5 U.S.C. 301, 39 U.S.C. 501, 4654)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-8598; Filed, July 7, 1970; 8:46 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 121—FOOD ADDITIVES

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

THIABENDAZOLE

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (30-103V et al.) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co. Inc., Rahway, N.J. 07065, proposing revised labeling for thiabendazole intended for use in cattle, sheep, goats, and swine. The supplemental applications are approved.

The Commissioner concludes that in addition to the changes set forth below associated with the supplemental applications, the zero tolerances (§ 121.1153) for residues of thiabendazole in edible tissues of cattle, goats, sheep, and swine and in milk should be changed to negligible residue. The negligible residue levels are the basis upon which the "zero" tolerances were formerly established.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.260(c), tables 1 and 2 are revised to read as follows:

§ 121.260 Thiabendazole.

* * * * *

(c) * * *

TABLE 1—MISCELLANEOUS

Principal ingredient	Amount	Limitations	Indications for use
1. Thiabendazole	3 gm. per 100 lb. body weight.	For cattle; as a single oral dose; as a drench or bolus; may repeat once in 2 to 3 weeks; do not treat animals within 3 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*).
2. Thiabendazole	5 gm. per 100 lb. body weight.	....do....	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.,*); control of infections with *Cooperia* species.
3. Thiabendazole	2 gm. per 100 lb. body weight.	For sheep and goats; as a single oral dose; as a drench or bolus; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; in severe infections in sheep, treatment should be repeated in 2 to 3 weeks.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*).
4. Thiabendazole	3 gm. per 100 lb. body weight.	For goats; as a single oral dose; as a drench or bolus; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food; treatment should be repeated in 2 to 3 weeks.	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*).

TABLE 2—THIABENDAZOLE IN FEED

Principal ingredient	Amount	Limitations	Indications for use
1. Thiabendazole	3 gm. per 100 lb. body weight.	For cattle; 3 gm. per 100 lb. body weight at a single dose; may repeat once in 2 to 3 weeks; do not treat animals within 3 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*).
2. Thiabendazole	5 gm. per 100 lb. body weight.	For cattle; 5 gm. per 100 lb. body weight at a single dose or divided into 3 equal doses, administered 1 dose each day, on succeeding days; may repeat once in 2 to 3 weeks; do not treat animals within 3 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp.*); control of infections of *Cooperia* species.
3. Thiabendazole	2 gm. per 100 lb. body. weight.	For sheep and goats; 2 gm. per 100 lb. body weight at a single dose; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*).
4. Thiabendazole	3 gm. per 100 lb. body weight.	For goats; 3 gm. per 100 lb. body weight at a single dose; do not treat animals within 30 days of slaughter; milk taken from treated animals within 96 hours (8 milkings) after the latest treatment must not be used for food.	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp., Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.,* and *Oesophagostomum spp.*).
5. Thiabendazole	45.4-908 gm. per ton (0.005-0.1%).	For swine; administer continuously feed containing 0.05-0.1% thiabendazole per ton for 2 weeks followed by feed containing 0.005-0.02% thiabendazole per ton for 8-14 weeks; do not treat animals within 30 days of slaughter.	Aid in the prevention of infections of large roundworms (genus *Ascaris*).

* * * * * * * *

2. Section 121.1153 is revised to read as follows:

§ 121.1153 Thiabendazole.

Tolerances are established at 0.1 part per million for negligible residues of thiabendazole in edible tissues of cattle, goats, sheep, and swine, and at 0.05 part per million for negligible residues in milk.

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. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: June 26, 1970.

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

[F.R. Doc. 70-8594; Filed, July 7, 1970; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 0—STANDARDS OF CONDUCT

Statements of Employment and Financial Interests

To reflect new positions and title changes occasioned by organization of the Department of Housing and Urban Development, Part 0 of Subtitle A of Title 24 of the Code of Federal Regulations (32 F.R. 13921, Oct. 6, 1967) is amended by revising the Appendix to read as follows:

APPENDIX—LIST OF POSITIONS SUBJECT TO SUBPART D

Officers and employees in the following positions are subject to the provisions of Subpart D of this part:

OFFICE OF THE SECRETARY

Special Assistants to the Secretary.
Federal Insurance Administrator.
Executive Assistant.
Administrative Officer to the Secretary.
Director, Office of Industrial Participation.
Special Assistant to the Secretary for Labor Relations.

OFFICE OF THE UNDER SECRETARY

Under Secretary.
Deputy Under Secretary.
Special Assistants to the Under Secretary.

OFFICE OF THE GENERAL COUNSEL

General Counsel.
Deputy General Counsels.
Special Assistants to the General Counsel.
Associate General Counsels.
Assistant General Counsels.
Regional Counsels.

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Assistant Secretary.
Deputy Assistant Secretary for Equal Opportunity.
Director, Office of Housing Opportunity.
Deputy Director, Office of Housing Opportunity.
Director, Investigation Division.
Director, Conciliation Division.
Director, Office of Contract Compliance and Employment Opportunity.
Director, Contract Compliance Division.
Director, Business Development Division.
Director, Job Development Division.
Director, Education and Training Office.
Director, Program Planning and Evaluation Office.

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Assistant Secretary.
Deputy Assistant Secretary for Housing Production and Mortgage Credit and Deputy Federal Housing Commissioner.
Executive Assistant Commissioner.
Assistant Commissioner for Field Operations.
Assistant Commissioner for Technical and Credit Standards.
Assistant Commissioner for Programs.
Assistant Commissioner for Subsidized Housing Programs.
Assistant Commissioner for Unsubsidized Insured Housing Programs.
Assistant Commissioner for Rehabilitation.
Assistant Commissioner for Administration.
Assistant Commissioner for Property Improvement.
Assistant Commissioner-Comptroller.
Administrator, Office of Interstate Land Sales Registration.
Deputy Assistant Commissioner for Technical and Credit Standards.
Deputy Assistant Commissioner for Programs.
Deputy Assistant Commissioner for Subsidized Housing Programs.
Deputy Administrator, Office of Interstate Land Sales Registration.
Director, Mortgage Insurance Programs Support Division.
Director, Publicly Financed Programs Support Division.
Director, Architecture and Engineering Division.
Director, Subsidized Mortgage Insurance Division.
Director, Publicly Financed Housing Division.
Director, Multifamily Division.
Director, Single Family Division.
Director, Compliance Coordination.
Director, Management and Operations Assistance Division.
Director, Administrative Proceedings Division.
Director, Examination Division.
Director, New York Multifamily Housing Insuring Office
Director, Insuring Office.
Deputy Director, Insuring Office.
Assistant Director, Insuring Office.[1]
Assistant Director (Chief of Operations).[1]
Chief Underwriter.[1]
State Director (New York.)
Assistant State Director.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

President.
Executive Vice President.
Vice President-Controller.
Secretary-Treasurer.

ASSISTANT SECRETARY FOR METROPOLITAN PLANNING AND DEVELOPMENT

Assistant Secretary.
Deputy Assistant Secretary for Metropolitan Planning and Development.
Director, Office of Plans, Programs and Evaluation.
Deputy Director, Office of Plans, Programs and Evaluation.
Director, Office of Planning Assistance and Standards.
Deputy Director, Office of Planning Assistance and Standards.
Director, Comprehensive Planning Assistance Division.
Director, Planning Standards Division.
Deputy Director, Planning Standards Division.
Director, Environmental Planning Division.
Deputy Director, Environmental Planning Division.
Director, Office of Small Town Services and Intergovernmental Relations.
Assistant Director for Small Town Services.
Assistant Director for Intergovernmental Relations.
Director, Office of New Communities Development.
Director, Application Review Division.
Director, Government, Public and Industrial Liaison Division.
Director, Project Development and Management Division.
Director, Office of Resources Development.
Deputy Director, Office of Resources Development.
Director, Community Facilities Development Division.
Deputy Director, Community Facilities Development Division.
Director, Open Space and Urban Beautification Division.

ASSISTANT SECRETARY FOR MODEL CITIES

Assistant Secretary.
Deputy Assistant Secretary.
Executive Assistant.
Director, Office of Operations.
Director, Office of Program Development.
Director, Office of Evaluation and Information Systems.
Director, Division of Evaluation.
Director, Division of Information Systems.
Director, Office of Management Systems.
Director, Division of Program Budgeting.
Director, Division of Financial Management.
Director, Division of Administrative Management.

ASSISTANT SECRETARY FOR RENEWAL AND HOUSING MANAGEMENT

Assistant Secretary.
Deputy Assistant Secretary for Renewal and Housing Management.
Assistant to the Assistant Secretary for Problems of the Elderly and Handicapped.
Director, Relocation and Special Services Division.
Director, Plans, Programs, and Evaluation Staff.
Director, Administration Division.
Director, Office of Renewal Assistance.
Deputy Director, Office of Renewal Assistance.
Director, Program Development Division.
Chief, Program Control and Statistics Branch.
Director, Special Renewal and Areas Division.
Director, Program Management Division.
Director, Redevelopment Division.
Director, Office of Housing Management.
Deputy Director, Office of Housing Management.
Director, Counseling and Tenant Assistance Staff.
Chief, Statistics Branch.
Director, Property Disposition Division.
Director, Housing Program Management Division.
Director, Loan and Contract Services Division.
Supervisory Supply Management Officer, Housing Program Management Division.

ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Assistant Secretary.
Assistant Director for Research Planning and Coordination.
Administrative Officer.

[1] See § 0.35-401(d).

Director, Utilities Technology.
Director, Building Technology.
Director, Low-Income Housing Demonstration Program.
Director, Urban Renewal Demonstration Program.
Director, Urban Planning Research and Demonstration Program.
Director, City and Regional Administration Research.
Director, Social Research.
Director, Operation BREAKTHROUGH.
Director, Land and Site Development.
Director, Community Liaison.
Director, Market Aggregation.
Director, Building Systems and Operations.
Director, Management Information and Program Control Status.

ASSISTANT SECRETARY FOR ADMINISTRATION

Assistant Secretary.
Deputy Assistant Secretary for Administration.
Director, Financial Systems and Services.
Deputy Director, Financial Systems and Services.
Director, Office of General Services.
Deputy Director, Office of General Services.
Director, Contracts and Agreements Division, Office of General Services.
Deputy Director, Contracts and Agreements Division, Office of General Services.
Director, Supply and Facilities Management Division, Office of General Services.
Assistant Director, Supply and Facilities Management Division, Office of General Services.
Director, Office of Audit.
Deputy Director, Office of Audit.
Regional Audit Managers, Office of Audit.
Director, Office of Investigation.
Deputy Director, Office of Investigation.
Investigation Field Directors.
Director, FHA Audit Division, Office of Audit.
Deputy Director, FHA Audit Division, Office of Audit.
Area Audit Managers.

REGIONAL OFFICES OF THE DEPARTMENT

Regional Administrator.
Deputy Regional Administrator.
Assistant Regional Administrator for Model Cities.
Director, Southwest Area Office, Los Angeles, Calif.

PROGRAM COORDINATION AND SERVICES OFFICE

Assistant Regional Administrator for Program Coordination and Services.
Director, Planning Division.
Director, Economic and Market Analysis Division.
Director, Relocation Division.

FEDERAL HOUSING ADMINISTRATION OFFICE

Assistant Regional Administrator for FHA.
Director, Project Review Division.
Director, Low-Income Housing and Rent Supplement Division.
Director of Regional Advisory and Technical Services.

METROPOLITAN PLANNING AND DEVELOPMENT

Assistant Regional Administrator for Metropolitan Planning and Development.
Deputy Assistant Regional Administrator for Metropolitan Planning and Development.
Director, Program Field Service Division.
Chief, Engineering Branch.

HOUSING ASSISTANCE OFFICE

Assistant Regional Administrator for Housing Assistance.
Deputy Assistant Regional Administrator for Housing Assistance.
Director, Production Division.
Director, Special Loans Division.
Chief, College Housing Loans Branch.
Chief, Elderly Housing Programs Branch.
Director, Tenant and Operations Services Division.
Director, Technical Services Division.

RENEWAL ASSISTANCE OFFICE

Assistant Regional Administrator for Renewal Assistance.
Deputy Assistant Regional Administrator for Renewal Assistance.
Director, Field Services Division.
Director, Neighborhood Facilities Program.
Chief, Rehabilitation Loan and Grant Branch.
Chief, Acquisition Branch.
Chief, Land Marketing and Redevelopment Branch.
Chief, Project Planning and Engineering Branch.

EQUAL OPPORTUNITY OFFICE

Assistant Regional Administrator for Equal Opportunity.
Deputy Assistant Regional Administrator for Equal Opportunity.
Director, Housing Opportunity Division.
Director, Contract Compliance and Employment Opportunity Division.

(18 U.S.C. 201 through 209; E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on June 16, 1970, and are effective as of the date of publication in the FEDERAL REGISTER.

RICHARD C. VAN DUSEN,
Acting Secretary of Housing and Urban Development.

[F.R. Doc. 70-8612; Filed, July 7, 1970; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

Facilities of the Washington Metropolitan Area Transit Authority

Subpart 101-17.7 is amended to provide that the buildings and facilities constructed by the Washington Metropolitan Area Transit Authority shall accommodate the physically handicapped. This is in accordance with Public Law 91-205, approved March 5, 1970.

Subpart 101-17.7—Accommodations for the Physically Handicapped

1. Section 101-17.701 is revised to read as follows:

§ 101-17.701 Authority and applicability.

This subpart implements Public Law 90-480, approved August 12, 1968, as amended by Public Law 91-205, approved March 5, 1970. The standards prescribed apply to all Federal agencies and instrumentalities, and to non-Federal organizations to the extent provided in the Act.

2. Section 101-17.702 is revised to read as follows:

§ 101-17.702 Definitions.

The following definitions shall apply to this Subpart 101-17.7:

(a) "Building" means any building or facility (other than (a) residential structures; (b) buildings, structures, and facilities of the Department of Defense; and (c) any other building or facility on a military reservation designed and constructed primarily for use by able-bodied military personnel) the intended use for which either will require that such building or facility be accessible to the public or may result in the employment therein of physically handicapped persons, which is to be:

(1) Constructed or altered by or on behalf of the United States;

(2) Leased in whole or in part by the United States after August 12, 1968, if constructed or altered in accordance with plans and specifications of the United States;

(3) Financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan; or

(4) Constructed under authority of the National Capital Transportation Act of 1960, the Natinal Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) "Alteration" means repairing, improving, remodeling, extending, or otherwise changing a building.

3. Section 101-17.704(d) is revised to read as follows:

§ 101-17.704 Exceptions.

* * * * *

(d) The construction or alteration of a building for which bids have already been solicited or plans and specifications have been completed or substantially completed on or before September 2, 1969, provided, however, that any building defined in § 101-17.702(a)(4) shall be designed, constructed, or altered in accordance with the standards prescribed in § 101-17.703 regardless of design status or bid solicitation as of September 2, 1969.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 82 Stat. 718, 42 U.S.C. 4151-4156, as amended by Public Law 91-205)

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

Dated: July 1, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-8630; Filed, July 7, 1970; 8:48 a.m.]

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 101–40.1—General Provisions

REPRESENTATION

Section 101–40.102 is revised to specify the type of data to be submitted by executive agencies when requesting the General Services Administration to represent them in proceedings before Federal and State regulatory bodies on transportation matters.

Section 101–40.102 is revised to read as follows:

§ 101–40.102 Representation before regulatory bodies.

GSA, in behalf of executive agencies, will, as it deems appropriate, institute formal or informal action, with respect to tariff, rate, or service matters, before Federal and State regulatory bodies. Executive agencies shall submit their requests and recommendations for action before Federal and State regulatory bodies to the General Services Administration, Transportation and Communications Service, Washington, D.C. 20405, or the Transportation and Communications Service at the appropriate GSA regional office. Agency requests for GSA representation shall be accompanied by detailed supporting data including, where appropriate, such items as the following:

(a) The nature of the traffic, including exact commodity description;

(b) The points between which, or the area within which, the property is expected to move or the service is needed;

(c) The approximate volume or average monthly tonnage of traffic (Data submitted should show the total number, total weight, and average weight of carload, truckload, less-than-carload, and less-than-truckload shipments to and from each point where service is required.);

(d) Any characteristics of the traffic involved that require special equipment or services;

(e) Any local conditions at actual or proposed origin or destination which would affect transportation, for example, whether installations or activities are served by rail and motor carriers (If not, show the distance from carrier facilities.);

(f) Names of existing carriers serving origin and destination;

(g) Nature of economic or service difficulties, if any, experienced with existing carriers and a statement covering any efforts made to correct deficiencies or resolve problems (Copies of correspondence or other documents evidencing failure to provide economic and satisfactory service should be attached.);

(h) Citation of carriers' rates or charges for service involved, together with reference to applicable tariffs or Government rate tenders (section 22 quotations);

(i) Statement as to whether services require permanent, temporary, or limited authority;

(j) Details of any special request from a carrier for support of an application, including docket number, place, and time of hearing, and copy of the application, if available; and

(k) The names of any individuals qualified to testify as to the foregoing information and as to other factual matters relating thereto.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

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

Dated: June 30, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70–8591; Filed, July 7, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4852]
[New Mexico 10954]

NEW MEXICO

Modification of Public Land Order No. 1230

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

1. Public Land Order No. 1230 dated September 27, 1955, partially revoked by Public Land Order No. 4348 of December 21, 1967, reserving lands for use of the Forest Service as administrative sites, campsites, lookouts, and roadside zones, is hereby modified to the extent necessary to open the following described lands to all forms of appropriation under the public land laws applicable to national forest lands, except under the U.S. mining laws:

NEW MEXICO PRINCIPLE MERIDIAN

APACHE NATIONAL FOREST

New Mexico State Highway No. 32 Roadside Zone

A strip of land 200 feet on each side of the centerline of New Mexico State Highway No. 32 where it traverses forest land through the following legal subdivisions:

T. 1 S., R. 17 W.,
Secs. 16, 21, 28, 33.
T. 2 S., R. 17 W.,
Secs. 3, 4, 10, 15, 22, 27, 28, 33.
T. 3 S., R. 18 W.,
Secs. 13, 24, 25, 36.
T. 4 S., R. 17 W.,
Sec. 31.
T. 4 S., R. 18 W.,
Secs. 1, 12, 13, 24.
T. 5 S., R. 17 W.,
Secs. 5, 8, 17, 20, 21, 28.

New Mexico State Highway No. 12 Roadside Zone

A strip of land 200 feet from the centerline on each side of New Mexico State Highway No. 12 where it traverses forest land through the following legal subdivisions:

T. 4 S., R. 15 W.,
Secs. 27, 28, 29, 30.
T. 4 S., R. 16 W.,
Secs. 25, 33, 34, 35, 36.
T. 5 S., R. 16 W.,
Secs. 3, 4, 7, 8, 9.
T. 5 S., R. 17 W.,
Secs. 13, 14, 15, 21, 22, 28, 31, 32, 33.
T. 6 S., R. 18 W.,
Secs. 1, 2, 10, 11, 15, 16, 20, 21, 29, 30, 31.
T. 6 S., R. 19 W.,
Sec. 36.
T. 7 S., R. 18 W.,
Sec. 6.
T. 7 S., R. 19 W.,
Secs. 1, 2, 3, 4, 8, 9, 11, 12, 17, 18.
T. 7 S., R. 20 W.,
Sec. 13.

U.S. Highway No. 180 (formerly 260) Roadside Zone

A strip of land 200 feet from the centerline on each side of U.S. Highway No. 180 (formerly 260) where it traverses forest land through the following legal subdivisions:

T. 5 S., R. 21 E.,
Secs. 34, 35, 36.
T. 6 S., R. 20 W.,
Secs. 6, 7, 18, 30, 31, 32.
T. 6 S., R. 21 W.,
Secs. 1, 2, 3, 4, 5, 6, 13, 24, 25.
T. 7 S., R. 20 W.,
Secs. 5, 6, 8, 9, 10, 11, 13, 14, 24, 25, 26, 34, 35.
T. 8 S., R. 20 W.,
Secs. 3, 10, 15, 21, 22, 28, 32, 33.
T. 9 S., R. 20 W.;
Secs. 5, 6, 7, 17, 18, 20, 29, 31, 32.

2. At 10 a.m. on August 4, 1970, the above described lands shall be open to such forms of disposition as may by law be made of national forest lands except location and entry under the U.S. mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 29, 1970.

[F.R. Doc. 70–8606; Filed, July 7, 1970; 8:46 a.m.]

[Public Land Order 4853]

[Montana 14225]

MONTANA

Addition to National Forest

By virtue of the authority vested in the President by section 13 of the Act of June 28, 1934, 48 Stat. 1274, 43 U.S.C. section 315–1 (1964), and section 1 of the Act of July 20, 1939, 53 Stat. 1071, 16 U.S.C. section 471b (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The boundaries of the Custer National Forest are hereby extended to include the following described public lands and, subject to valid existing rights, the lands are hereby added to and made a part of the said national forest and hereafter shall be subject to all laws and regulations applicable thereto:

PRINCIPAL MERIDIAN

T. 6 S., R. 17 E.,
Sec. 5, lot 4, S½NW¼, W½SW¼;
Sec. 8, lots 4, 5, 6, 7;
Sec. 17;
Sec. 21, W½W½.
T. 6 S., R. 18 E.,
Sec. 30, lots 3 and 4;
Sec. 31, lot 1.
T. 7 S., R. 19 E.,
Sec. 24, NW¼SW¼, S½S½.
T. 7 S., R. 20 E.,
Sec. 19, lot 4, SE¼SW¼, SW¼SE¼.

The area described aggregates 1,580.64 acres in Stillwater and Carbon Counties.

June 29, 1970.

HARRISON LOESCH,
Assistant Secretary of the Interior.

[F.R. Doc. 70-8607; Filed, July 7, 1970; 8:47 a.m.]

[Public Land Order 4854]

[Oregon 5710]

OREGON

Withdrawal for National Forest Campground

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

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

WINEMA NATIONAL FOREST

WILLAMETTE MERIDIAN

Corral Springs Campground

T. 27 S., R. 8 E.,
Sec. 7, S½ of lot 1.

The area described contains approximately 21 acres in Klamath County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 29, 1970.

[F.R. Doc. 70-8608; Filed, July 7, 1970; 8:47 a.m.]

[Public Land Order 4855]

[Sacramento 2827]

CALIFORNIA

Withdrawal for National Forest Recreation Area

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

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

KLAMATH NATIONAL FOREST

MOUNT DIABLO MERIDIAN

East Fork Camping Site

T. 38 N., R. 11 W.,
Sec. 21, that portion described as: Beginning at a point on the centerline of the Callahan-Cecilville Road No. 40N18, also known as Forest Highway No. 93, said point of beginning being Engineer's Station 1472+62; thence north 70° E., 1,500 feet; thence south 15° W., 570 feet; thence south 70° W., 1,500 feet; thence north 15° E., 570 feet to the point of beginning.

The area described contains approximately 16 acres in Siskiyou County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 29, 1970.

[F.R. Doc. 70-8609; Filed, July 7, 1970; 8:47 a.m.]

[Public Land Order 4856]

[Utah 7490]

UTAH

Addition to National Forest

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891, 26 Stat. 1103, 16 U.S.C. § 471 (1964), and the Act of June 4, 1897, 30 Stat. 34, 36, 16 U.S.C. § 473 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The boundaries of the Wasatch National Forest are hereby extended to include the following described nonpublic land and subject to valid existing rights, the land shall become a part of the said national forest and subject to all laws and regulations applicable thereto, upon acquisition of title to said land or interest therein, by the United States under applicable law:

SALT LAKE MERIDIAN

T. 2 N., R. 1 E.,
Sec. 21, N½NW¼.
T. 1 S., R. 3 E.,
Sec. 8, N½S½.

The area described aggregates 240 acres in Salt Lake and Davis Counties.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 30, 1970.

[F.R. Doc. 70-8610; Filed, July 7, 1970; 8:47 a.m.]

[Public Land Order 4857]

[Colorado 2972]

COLORADO

Opening of Reclamation Lands to the Mining Laws

By virtue of the authority contained in the Act of April 23, 1932, 47 Stat. 136, 43 U.S.C. § 154 (1964), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, those portions of the following described lands lying below elevation 6,150 feet, mean sea level, in the proposed Juniper Reclamation Project, shall at 10 a.m. on August 5, 1970, be open to appropriation under the mining laws (30 U.S.C., ch. 2), subject to the stipulations quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records, and in the U.S. Land Office at Denver, Colo., before any rights attach by virtue of this order:

SIXTH PRINCIPAL MERIDIAN

T. 6 N., R. 94 W.,
Sec. 9, lots 1 and 4, E½NE¼, NE¼SW¼, N½SE¼;
Sec. 10, lot 1, S½NW¼, N½SW¼.

The areas lying below the 6,150 foot level in the above described subdivisions, aggregate approximately 250 acres in Moffat County.

The following stipulations are made part of this order:

1. Any mining location made on the lands is subject to the provisions that if and when the lands are actually required for reclamation purposes they may be utilized by the United States without payment, and any structures or improvements placed on the lands which may interfere with contemplated reclamation works will be removed or relocated without expense to the United States, its successors or assigns.

2. The locator shall obtain the approval of the Secretary of the Interior of any plans for millsites or tailings ponds on the lands restored by this order prior to their installation, it being understood that if in the opinion of the Secretary such plans portend a hazard from the standpoint of water pollution, approval will be denied.

The lands restored to appropriation under the mining laws by this order were withdrawn for reclamation purposes by Public Land Orders Nos. 3735 and 3736 of July 6, 1965.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 30, 1970.

[F.R. Doc. 70-8611; Filed, July 7, 1970; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 58, 4th Rev.]

PART 221—DOCUMENTATION, TRANSFER, OR CHARTER OF VESSELS

Miscellaneous Amendment

Item "1" in F.R. Doc. 68-1824 appearing in the FEDERAL REGISTER issue of February 14, 1968 (33 F.R. 2943), is hereby corrected by changing the words "local officer in charge, Marine Inspection, United States Coast Guard" to read "appropriate Customs officer." (See § 221.5 *Types of vessels approved by § 221.4*, par. (c).)

Dated: July 2, 1970.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-8652; Filed, July 7, 1970; 8:50 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Tariff Circular 3; Exemption Application 1]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemption; Bulk Liquids in the United States/Puerto Rico Trade

On March 3, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER, 35 F.R. 4025, an application for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereto, for liquid cargoes in bulk in tank vessels transported between the continental United States and Puerto Rico. The application, filed by the Hendy International Co. (Hendy) specifically requests an exemption reading as follows:

> The provisions of sections 2, 3 and 4 of the Intercoastal Shipping Act, 1933 and section 18(a), Shipping Act, 1916, as amended, shall not apply to the transportation to and from the Continental United States and Puerto Rico of liquid cargoes in bulk in tank vessels designed for use exclusively in such service and certified under regulations approved by the Commandant of the Coast Guard pursuant to the provisions of section 391(a) of title 46.

The effect of such an exemption would be to permit tank vessels to operate between the contiguous States and Puerto Rico with freedom from tariff filing requirements and regulation with respect to reasonableness of rates. Comments, with respect to the application, were solicited by the Federal Maritime Commission and have been submitted and considered by the Commission.

Hendy is an ocean carrier operating American-flag tank vessels specifically designed and equipped for the handling and transporting of liquid chemicals and petrochemical products in bulk between various U.S. ports. The operations that Hendy conducts in the U.S. coastwise and intercoastal trades are presently exempt under section 303(d) of the Interstate Commerce Act. The exemption requested here is similar to that exemption.

The Commonwealth of Puerto Rico supports the application stating that the exemption is a matter of transportation necessity because of the recent and continuing expansion of the chemical and petrochemical industries in Puerto Rico. The increasing production of these industries simply cannot be transported, economically in dry cargo vessels (carrying portable tank cars, tank trucks or liquid containers) currently serving the trade. The only feasible means for such transportation is by large tankships specifically designed for that purpose. To deny the exemption would rob the service of its necessary flexibility in achieving lower cost services.

Transamerican Trailer Transport, Inc. (TTT) filed a protest but later withdrew it, provided the application was amended to reflect a 200,000 gallon minimum per shipper. TTT is a common carrier operating in the United States/Puerto Rico trade. Sea-Land Service, Inc. (Sea-Land) filed comments with respect to the application but had no objections to the granting of such an exemption. Sea-Land did suggest that a 200,000 gallon minimum be required so that no possible conflict between the exempted operations and regulated operations can exist. Sea-Land is a common carrier by water engaged in the United States/Puerto Rico trade. Applicants have requested that the application be amended to reflect the Sea-Land suggestion.

Tanker operations are generally thought of as consisting of shipload quantities of proprietary cargo, mostly oil by long term commitment contracts under charter parties with a single shipper. However, in the coastwise and intercoastal tanker trade, particularly between U.S. Atlantic and Gulf States, where chemicals and petrochemicals are carried in specialized tankers, the cargo of a number of companies is usually carried on the same ship in exempt transportation. Though not in full shipload quantities the amount for any one shipper is still vastly greater than are conceivable in dry cargo ships, and customary charter party terms prevail rather than the usual common carrier booking and bill of lading basis.

Puerto Rico is presently building substantial numbers of large chemical complexes. In many instances, the production, while large, is not sufficiently large so that one company will be able to operate a tank vessel and carry a full vessel load of its own liquid chemicals. On the other hand, the quantities carried for each shipper even in one tank is immeasurably greater in relationship to the quantities which an ordinary berth line dry cargo vessel or a vessel carrying portable tank cars, tank trucks or liquid containers is capable of handling. In shipping in such vast quantities it is to the benefit of the shipper and the carrier alike to be able to negotiate terms of carriage on an individual basis. The differences between the transportation services rendered to one shipper from that rendered to another shipper are such that a tariff with general applicability is impracticable.

It is clear, that the intent of the application is to permit the exemption to apply "between" the continental United States, on the one hand, and Puerto Rico, on the other, rather than "to and from" the continental United States and Puerto Rico. The exemption proviso will, therefore be modified accordingly. It is also clear that the application now reading (in part) "in tank vessels designed for use exclusively in such service" obviously is intended to mean "* * * In tank vessels designed exclusively for the carriage of such cargoes * * *" and it will be so modified.

Applicants have further requested that the 200,000-gallon minimum be required from shippers utilizing the tanker operation. This restriction would further remove the exempted carriage from any competitiveness with regulated common carriage in the United States/Puerto Rico trade. That restriction is so directed here.

In the light of such observations, it appears that the carriage of bulk liquids in tanker vessels between the United States on the one hand and Puerto Rico on the other, requires the flexibility of negotiated charters between shipper and carrier if the trade is to prosper at the lowest possible costs. The exemption from tariff filing requirements and associated regulatory controls will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce.

Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553; the Intercoastal Shipping Act, 1933, 46 U.S.C. 843; and sections 18(a), 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 817, 833(a), and 841(a); Part 531 of Title 46 CFR is amended as follows:

Section 531.26 is amended by the addition of a new paragraph (d), reading as follows:

§ 531.26 Exemptions.

* * * * *

(d) The provisions of sections 2, 3 and 4 of the Intercoastal Shipping Act, 1933,

and section 18(a), Shipping Act, 1916; as amended, shall not apply to the transportation between the continental United States and Puerto Rico of liquid cargoes in bulk of not less than 200,000 gallons per shipper for any one consignee per voyage in tank vessels designed exclusively for the carriage of such cargoes and certified under regulations approved by the Commandant of the Coast Guard pursuant to the provisions of section 391(a) of title 46 U.S.C.

Effective date. The exemption granted herein shall become effective upon publication of this order in the FEDERAL REGISTER.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8599; Filed, July 7, 1970; 8:46 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. 266]

INVESTIGATION INTO THE STATUS OF FREIGHT FORWARDERS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of June 1970.

This proceeding is directed to an examination into and the consideration of the status and operations of freight forwarders engaged in service subject to part IV of the Interstate Commerce Act, and their dealings with common carriers by rail, motor, and water operating pursuant to parts I, II, and III of that statute. This investigation, which we deem necessary to carry out the provisions of the Act, is being undertaken at the request of the Committee on Interstate and Foreign Commerce of the House of Representatives transmitted to this Commission on May 27, 1970. The background of that request and hence this proceeding is described below.

Freight forwarders assemble and consolidate shipments and provide break-bulk and delivery service for the shipping public. They are transportation intermediaries which depend upon other transport modes for the underlying carriage of freight. As a consequence, they derive their income from the spread between the carload, truckload, or volume transportation charges they pay to the rail, motor, or water carriers and the higher rates paid to them by shippers for the transportation of their small shipments. Accordingly, a freight forwarder is defined in section 402(a)(5) of the Act as—

* * * any person which (otherwise than as a carrier subject to part I, II, or III of this Act) holds itself out to the general public as a common carrier to transport or provide transportation of property or any class or classes of property, for compensation, in interstate commerce, and which, in the ordinary and usual course of its undertaking, (A) assembles and consolidates or provides for assembling and consolidating shipments of such property, and performs or provides for the performance of break-bulk and distributing operations with respect to such consolidated shipments, and (B) assumes responsibility for the transportation of such property from point of receipt to point of destination, and (C) utilizes for the whole or any part of the transportation of such shipments, the services of a carrier or carriers subject to part I, II, or III of this Act.

Freight forwarders thus are deemed to be common carriers[1] in the sense that they hold themselves out to the shipping public to receive and transport freight, issue bills of lading, assume liability for the safe delivery of traffic tendered to them, and otherwise perform functions normally attributed to carriers. In their relationship toward the underlying carriers upon whose services they must rely for the actual movement of the goods, however, freight forwarders traditionally have been treated as shippers. Thus, except as provided in section 409 of the Act, 49 U.S.C. 1009, freight forwarders are obligated to pay the underlying carriers their published charges, just as any other shippers are required to do. In contrast, common carriers by rail, motor, or water are permitted, and in some cases may be required, to establish intermodal joint-rate and through-route arrangements in which the respective parties receive negotiated divisions of the revenues.

A prominent example of the resulting dichotomy is to be found in trailer-on-flatcar (TOFC) service. See Substituted Service—Piggyback, 322 ICC 301 (1964). Pursuant to Plan I TOFC service (described generally at 322 ICC 304), motor carriers and railroads may agree upon the sharing of the total revenue from shipments moving in substituted rail-for-motor TOFC service. Information dealing with the revenue received by each mode, and the basis therefor, is not available to the shipping public, nor is it filed with this Commission. On the other hand, pursuant to Plans II, II½, III, and IV TOFC service (described at pages 305 of the cited decision), rates are published by the rail carriers for all shippers, including freight forwarders and other carrriers. The freight forwarders, therefore, feel themselves to be at a competitive disadvantage because—unlike other carrriers—they may not today negotiate lower divisions of joint rates in addition to their being able to tender traffic to the railroad under the latter's generally available open-tariff TOFC rates.

The only exception to the rule requiring freight forwarders to pay the generally available tariff rates published by the underlying carrier modes is found in section 409 of the Act. This exception allows frieght forwarders, subject to certain conditions and requirements, to negotiate contracts of reduced rates with motor carriers for line-haul transportation between concentration and break-bulk points less than 450 highway miles apart. In recent years, freight forwarders repeatedly have sought the enactment of legislation designed to permit their negotiation of reduced rates and charges with railroads as well as with motor carriers. See hearings on H.R. 10831 and S. 3714, 90th Cong., and on the pending measure, H.R. 10293.[2] The freight forwarders' interest in such legislation has heightened as their use of rail TOFC services has increased.

Legislation enabling forwarder-railroad negotiation of reduced rates is generally acceptable to or favored by the Departments of Justice and Transportation, and the Federal Maritime Commission. Certain railroad associations generally favor this legislative direction, as ber of shippers and associations repredo their employee unions. While a numresenting shipper interests feel that such legislation is of vital importance, other shippers opposed H.R. 10831 and H.R. uniformly and vigorously opposed by mo-10293. Legislation of this nature also is tor carriers and associations thereof and by cooperative shipping associations.

In testifying on the above-described legislative efforts, we expressed our view that such legislation represents but a minor manifestation of certain more pressing problems to which we must address ourselves, and we offered to initiate the instant proceeding to explore these issues more fully. Simply put, the more basic questions to which proper answers must be found concern whether the time has come to alter the relation between freight forwarders and the carriers which they employ for performing as to these, the freight forwarders perpers but rather as full-fledged common haps no longer should be treated as shipcarriers able or required to join with other freight forwarders or with connecting rail, motor, and water carriers in the establishment of through routes and joint rates.

At the Congressional hearings, we stated that, charged as we are with the responsibility of administering the Interstate Commerce Act, we do not feel that we are presently in a position to propose any final answers to these questions. This continues to be our position. Statistics heretofore provided by our Bureau of Economics indicate that the tonnage handled by the regulated freight forwarder industry has not kept pace with the growth of other carriers or with the national economy in general. While total revenues have increased over the years, so also have total transportation expenses; the volume and number of shipments have remained relatively static. The information required to be reported to us has not been sufficient to

[1] Section 402(a)(5) of the Act was amended, effective Dec. 20, 1950 (64 Stat. 1113), to include in the freight forwarder definition the phrase "as a common carrier."

[2] Hearings before the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce, House of Representatives (91st Cong. second session) on H.R. 10293, Jan. 27, 28, 29, 30; Feb. 3, 4, and 5, 1970.

arrive at any satisfactory explanation of the industry's economic condition. At the same time, we are aware that any action here taken with respect to the freight forwarder industry should not adversely affect or be unduly prejudicial to any of the other transport modes. We feel that a comprehensive study of the nature and operations of freight forwarders is required at this time. Further, the relationship between the operations of freight forwarders, on the one hand, and, on the other, regulated common carriers by rail, motor, or water, must be made clear in order to determine how any change of policy with respect to freight forwarders would affect the operations of the other modes. Finally, based on the information and statements to be received in this two-stage (information-gathering and rulemaking) proceeding, we hope that constructive steps might be proposed or taken which will either obviate the necessity for legislative action or lead to the recommendation of constructive and useful legislation.

It is ordered, That based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of parts I, II, III, and IV of the Interstate Commerce Act, and more specifically sections 12(1), 204(a) (1), (6), and (7), 304(a) and 403 (a) and (e) thereof, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to inquire into the status and operations of freight forwarders subject to part IV of the Interstate Commerce Act and their dealings with common carriers by rail (and express companies), motor, or water operating pursuant to parts I, II, and III of the Act, for the purposes (1) of considering whether changes should be made in the relation between freight forwarders and the carriers which they employ for the underlying physical transportation services, (2) of determining whether, as to these, the freight forwarders should no longer be treated as shippers, but rather as carriers able to join with connecting rail, motor, or water carriers in the establishment of through routes and joint rates, (3) of exploring whether freight forwarders should no longer be treated as a separate mode of transportation under part IV of the Act, and (4) of taking such other and further action, including the recommendation of any legislation, as the facts and circumstances may justify or require.

It is further ordered, That all freight forwarders operating in interstate commerce within the United States and subject to part IV of the Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That all freight forwarders operating in interstate commerce within the United States subject to part IV of the Interstate Commerce Act, be, and they are hereby, directed to submit data respecting their traffic and companies, and other information, for each of the years 1965 through 1969, except as otherwise indicated, as set forth in Appendix I hereto; that class I intercity motor carriers of general freight subject to part II of the Interstate Commerce Act, handling forwarder traffic, be, and they are hereby, required to submit data for each of the calendar years 1965 to 1969, except as otherwise indicated, as set forth in Appendix II–A hereto, and that class I intercity motor carriers of general freight handling less-than-truckload traffic be, and they are hereby invited to submit data for each of the calendar years from 1965 to 1969, except as otherwise indicated, as set forth in Appendix II–B below; and that such forwarders and motor carriers, class I railroads, other carriers and persons subject to the Interstate Commerce Act, shippers and shipper associations, State and local regulatory authorities, and other interested persons, who may participate in this proceeding, be, and they are hereby, invited to submit representations respecting the matters set forth in Appendix III below, other data respecting carriers and forwarders parties to this proceeding, or other matter deemed pertinent to the disposition of this proceeding.

It is further ordered, That the statements required to be submitted by this order and others which parties desire to offer, consisting of a signed original and 15 copies, shall be filed with this Commission on or before September 1, 1970; and that class I intercity motor carriers of general freight not subject to Appendix II–A, or electing not to file data under Appendix II–B hereof, or any other class I railroad electing not to file representations on matters set forth in Appendix II below, shall notify the Commission to that effect, on or before August 3, 1970.

It is further ordered, That thereafter any person intending to participate in the formal pleadings (rulemaking) stages in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before September 10, 1970, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed, and that initial statements and reply statements must be filed on or before October 30, 1970, and November 30, 1970, respectively.

And it is further ordered, That a copy of this order be served upon the freight forwarder respondents and upon all class I intercity motor carriers of general freight and class I railroads; that a copy be mailed to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; and that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX I—DATA REQUIRED TO BE SUBMITTED BY FREIGHT FORWARDERS

A. TRAFFIC

(Yearly data, 1965–69; except as noted)

1. Received from shippers:

	No. of shipments	Tons	Revenues	Ton-miles
a. Domestic traffic				
b. Traffic moving on export-import rates				

2. Number of shipments, tons, and revenues for the following weight groups (in pounds):

	0 to 100	101 to 200	201 to 300	301 to 500	501 to 1,000	1,001 to 10,000	Over 10,000
a. Number of shipments							
b. Tons							
c. Revenues							

3. Principal directional movements of forwarder traffic between markets, representing cumulatively at least 50 percent of total 1969 forwarder revenues received from shippers:

From—	To—	1969		
		Revenues	Shipments	Tons

(1) _____ etc. _____
(Name points) (Name points)

B. PURCHASED TRANSPORTATION BETWEEN CONCENTRATION AND BREAK-BULK POINTS

(Yearly data, 1965–69)

	Tons	Payments to carriers	Ton-miles	Trailer and container units [1]
4. Rail				
5. Motor				
6. Water				
7. Air				
8. Other				
9. Totals				

[1] Show where applicable.

10. Piggyback by rail included in item 4:

Tons	Payment to carriers	Ton-miles	Trailer and container units [1]

[1] Show where applicable.

11. Traffic by motor carrier under Section 409 contracts included in item 5:

Tons			Payments to carriers	Ton-miles
Total	TL	LTL		

12. Up to 450 miles at less than published rates, included in item 11:

Tons	No. of TL's	Payments to carriers	Ton-miles	Trailer and container units

13. Explain the basis(es) of charges by motor carriers for section 409 movements at less than published motor carrier rates. Give examples of payments made to motor carriers.

C. CORPORATE DATA

List all companies (a) controlling respondent, (b) controlled by respondent, and (c) under common control with respondent, all as of December 31, 1969. Show the principal type of business of each such company and also indicate if any have (1) forwarding licenses or rights under authority of either the Civil Aeronautics Board or the Federal Maritime Commission, or (2) motor carrier operating authority issued by this Commission.

14. Companies controlling respondent:

Name	Principal business	Forwarding rights (check if applicable)		Motor carrier operating rights (Indicate docket number if applicable)
		CAB	FMC	

15. Companies controlled by respondent:

Name	Principal business	Forwarding rights (check if applicable)		Motor carrier operating rights (Indicate docket number if applicable)
		CAB	FMC	

16. Companies under common control with respondent:

Name	Principal business	Forwarding rights (check if applicable)		Motor carrier operating rights (Indicate docket number if applicable)
		CAB	FMC	

APPENDIX II—DATA TO BE SUBMITTED BY CLASS I INTERCITY MOTOR CARRIERS OF GENERAL FREIGHT

A. DATA REQUIRED TO BE SUBMITTED BY CLASS I INTERCITY MOTOR CARRIERS OF GENERAL FREIGHT HANDLING FORWARDER TRAFFIC:

1. Forwarder traffic handled:

No. of shipments	Tons			Revenues	Ton-miles
	Total	TL	LTL		

2. Forwarder traffic under section 409 contracts, included in item 1:

Tons			Revenues	Ton-miles
Total	TL	LTL		

3. Forwarder traffic moving up to 450 miles, at less than published rates, included in item 2:

Tons	No. of TL's	Revenues	Ton-miles

4. Give principal directional forwarder traffic movements between markets representing cumulatively at least 50 percent of total 1969 revenues from forwarders.

From—	To—	1969		
		Revenues	Shipments	Tons

(1)----------etc.----------.
(Name points) (Name points)

5. Explain the basis(es) of charges to forwarders for section 409 movements at less than published rates. Give examples of payments by forwarders.

6. Forwarder traffic moved in plan I piggyback, included in item 1:

Trailer or container units	Tons	Unit-miles	Payments to railroads

7. Explain basis(es) of plan I piggyback payments, loaded or empty units. Give examples of the payments made for loaded or empty units in plan I piggyback.

B. DATA INVITED TO BE SUBMITTED BY CLASS I INTERCITY MOTOR CARRIERS OF GENERAL FREIGHT HANDLING LTL TRAFFIC: (YEARLY DATA, 1965–69, EXCEPT AS NOTED)

1. LTL freight:

No. of shipments	Tons	Revenues	Ton-miles

2. Number of LTL shipments, tons, and revenues for the following weight groups (in pounds):

	0 to 100	101 to 200	201 to 300	301 to 500	501 to 1,000	1,001 to 10,000
Number of shipments						
Tons						
Revenues						

3. Give principal directional LTL movements between markets, representing cumulatively at least 50 percent of total 1969 LTL revenues:

From—	To—	1969		
		Revenues	Shipments	Tons

(1) ---------- etc. ----------.
(Name points) (Name points)

4. Extent of service, plan I (yearly data, 1965–69):

Trailer or container units	Tons			Ton-miles	Payments to railroads
	Total	TL	LTL		

5. Explain basis(es) of plan I piggyback payments, loaded or empty units. Give examples of the payments made for loaded or empty units in plan I piggyback.

APPENDIX III—OPTIONAL INFORMATION TO BE SUBMITTED BY PARTIES, SHIPPERS, AND OTHERS

A. Reasons for trends in piggyback plans used by forwarders:

Data on file with the Commission show for 1968 and 1969 a shift in forwarder use of piggyback from plan III to plan II½. Explanator statements pertaining to this trend will be of assistance to the Commission.

B. Possible examples of rates favorable to forwarders:

From time to time there have been allegations that carriers, particularly railroads, have established rates for forwarder use, sometime restricted so as to discourage use by shippers generally.

Examples should give tariff authorities and describe important characteristics of the rates.

C. Data on shipper associations, and their traffic—tons, revenues, and ton miles by modes; also their use of piggyback, 1965 to 1969:

While shipper associations generally have available and seek to retain rates on the same bases as forwarders, little is known of their volume of traffic or their impact on the transportation system.

D. Traffic trends related to changes in underlying rates and charges:

Examples may be submitted by forwarders, other carriers, shippers, or other parties, showing known instances where changes in the relations between motor carrier and forwarder rates—especially those resulting from changes in charges for underlying services, e.g., piggyback rates or section 409 charges

for forwarders, or plan I charges for motor carriers—have resulted in the transfer of traffic from one mode to another. Examples should show points of origin and destination, rates, and volume of traffic for 1969 or other relevant period.

E. Competitive rates of forwarders and motor carriers:

Examples of typical rates maintained by forwarders and motor carriers between principal points served by either mode on types of forwarder or LTL traffic considered to be competitive for the two modes, with tariff authorities and a statement of the volume of traffic involved, for the year 1969.

[F.R. Doc. 70-8568; Filed, July 7, 1970; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 4, 5, 6, 8, 15, 18]

UNIFORM SYSTEM OF ACCOUNTING

Manifested and Entered Quantities of Merchandise; Extension of Time for Submissions

JULY 1, 1970.

On June 6, 1970, a notice of proposed rule making concerning the above subject was published in the FEDERAL REGISTER (35 F.R. 8829). A period of 30 days from the date of such publication was provided in accordance with section 553, title 5, United States Code, for all interested parties to submit relevant data, views, or arguments to the Commissioner of Customs.

In order to provide additional time in which to submit relevant data, views, or arguments, as requested by several parties, the time period for submission of such data, views, or arguments is hereby extended until August 15, 1970.

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

[F.R. Doc. 70-8653; Filed, July 7, 1970; 8:50 a.m.]

Internal Revenue Service

[26 CFR Part 31]

DEPOSIT OF TAX IMPOSED BY FEDERAL UNEMPLOYMENT TAX ACT

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to provide rules for the deposit, in certain cases, of the tax imposed by the Federal Unemployment Tax Act, § 31.6302(c)-3 of the Employment Tax Regulations (26 CFR Part 31) is amended as follows:

Section 31.6302(c)-3 is amended by inserting immediately after paragraph (a)(2) a new paragraph (a)(3) and by redesignating paragraph (d) as paragraph (c). These amended and added provisions read as follows:

§ 31.6302(c)-3 Use of Government depositaries in connection with tax under the Federal Unemployment Tax Act.

(a) *Requirement.* * * *

(3) *Requirement for deposit in lieu of payment with return.* If the amount of tax reportable on a return on Form 940 for a calendar year beginning after December 31, 1969, exceeds by more than $100 the sum of the amount deposited by the employer pursuant to subparagraph (1) of this paragraph for such calendar year, the employer shall, on or before the last day of the first calendar month following the calendar year for which the return is required to be filed, deposit the balance of the tax due with a Federal Reserve bank or with an authorized commercial bank.

* * * * *

(c) *Effective date.* The provisions of this section apply with respect to calendar years beginning after December 31, 1969.

[F.R. Doc. 70-8654; Filed, July 7, 1970; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Approval of Expenses and Fixing of Rate of Assessment for the 1970-71 Fiscal Period

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1970, through March 31, 1971, will amount to $3,737.

(2) That there be fixed, at $1 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

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: July 1, 1970.

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

[F.R. Doc. 70-8604; Filed, July 7, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

DDT

Notice of Filing of Pesticide Petitions

Pursuant to the order of the U.S. Court of Appeals for the District of Columbia Circuit in Environmental Defense Fund, Inc. v. United States Department of Health, Education, and Welfare (No. 23,812), and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(m), 68 Stat. 517; 21 U.S.C. 346a(m)) and delegated to him by the Secretary (21 CFR 2.120), the Commissioner hereby gives notice that pesticide petitions have been filed by Environmental Defense Fund, Inc., et al. (0E0894) and William H. Rodgers, Jr. (0E0893) proposing that §§ 120.147a, 120.147b and 120.147c be repealed and that § 120.147 be revised to read as follows:

§ 120.147 DDT; tolerances for residues.

A tolerance of zero is established for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o* - chlorophenyl) - 2-(*p*-chlorophenyl) ethane) in or on raw agricultural commodities.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments on this proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 1, 1970.

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

[F.R. Doc. 70-8626; Filed, July 7, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 69-PC-9]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would relocate Restricted Area R-7201 from Nafatan Rock, Aguijan Island, Mariana Islands, to Farallon de Medinilla Island, Mariana Islands.

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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. 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.

Since this action involves navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

If the proposal contained in this docket is adopted, Restricted Area R-7201 would be amended to read as follows:

R-7201 FARALLON DE MEDINILLA ISLAND, MARIANA ISLANDS

Boundaries: The area within a 3-nautical-mile radius of lat. 16°01'00" N., long. 146°-04'30" E.

Designated altitudes: Surface to FL-600.

Time of use: Continuous.

Using agency: Commander, Naval Forces, Marianas.

The relocation of R-7201 is proposed for the following reasons:

1. Bombing activity at the present location of R-7201 is diminishing the sea birds which make their homes in the target area. Local fishermen rely on the sea birds to show them the way to supplies of fish.

2. Commercial aircraft approaching and departing Saipan pass near the present location of R-7201.

3. The proposed location of R-7201 is on the Farallon de Medinilla Island which is uninhabited and completely removed from any airway routes. The proposed site is approximately 80 miles northeast of the present site.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 11, 1970.

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

[F.R. Doc. 70-8627; Filed, July 7, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 14119; FCC 70-511]

BROADCAST ANNOUNCEMENT OF FINANCIAL INTERESTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of broadcast announcement of financial interests of broadcast stations and networks and their principals and employees in service and commodities receiving broadcast promotions.

1. On May 19, 1970, the Commission issued a notice of tentative decision in this proceeding (FCC 70-511) (35 F.R. 7982), including a proposed report and order and the text of a "plugola" rule, the latter including 23 examples of the rule's operation in particular situations. The dates for comments and reply comments on the tentative decision were specified as July 6, and August 3, 1970, respectively.

2. On June 25, 1970, the National Association of Broadcasters (NAB) filed a "Request for Extension of Time Within Which To File Comments", asking that the above dates be extended to September 15 and October 13, respectively. Stating that the proposed rule and examples should be reexamined and clarified, and that the national networks and other interested parties believe that the report and order and rule could be improved without altering its basic purpose, NAB states that the matter could be expedited if the networks and others could first coordinate their comments and synthesize them into a single draft to be followed by consultation with the staff before formal comments. The additional time requested, it is said, will facilitate this process and ultimately expedite final resolution of this matter. The matter of the upcoming August vacation period is also mentioned.

3. We do not at this point agree that all of the procedural steps envisaged by NAB are necessarily appropriate. However, it appears that additional time in this rather complex matter is warranted, substantially as requested. *Accordingly, it is ordered,* That the time for filing comments and reply comments in response to the notice of tentative report and order in this proceeding is extended, to September 15 and October 13, respectively; and in this respect the petition of National Association of Broadcasters is granted. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 29, 1970.

Released: June 30, 1970.

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

[F.R. Doc. 70-8615; Filed, July 7, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 6410]

OREGON

Notice of Proposed Classification of Public Lands for Multiple-Use Management

JUNE 30, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands within the areas described in paragraph 3 for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C., Ch. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation.

3. The lands proposed to be classified are located within Curry County and are shown on maps on file in the Coos Bay District Office, Coos Bay, Oreg. 97420, and at the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208.

The description of the areas is as follows:

WILLAMETTE MERIDIAN

T. 30 S., R. 13 W.,
Secs. 32, 33, and 34.
T. 30 S., R. 14 W.,
Sec. 23.
T. 30 S., R. 15 W.,
Secs. 32 and 33.
T. 31 S., R. 13 W.,
Secs. 2, 4, 5, 6, and 9.
T. 31 S., R. 14 W.,
Secs. 1, 7, 8, 9, 10, 14, 15, 17, 18, 20, and secs. 22 to 34, inclusive.
T. 31 S., R. 15 W.,
Sec. 35.
T. 32 S., R. 13 W.,
Sec. 17.
T. 32 S., R. 14 W.,
Secs. 7, 10, 11, 12, and 14.
T. 32 S., R. 15 W.,
Secs. 4, 24, 25, and 26.
T. 33 S., R. 14 W.,
Secs. 30 and 31.
T. 33 S., R. 15 W.,
Secs. 12 and 35.
T. 34 S., R. 14 W.,
Secs. 1 to 6, inclusive, secs. 9 to 14, inclusive, and secs. 33 and 34.
T. 35 S., R. 13 W.,
Secs. 1, 2, 4, 6, 7, secs. 11 to 15, inclusive, secs. 17, 20, 21, 23, 24, 25, and 26.
T. 35 S., R. 14 W.,
Secs. 11, 12, 13, 14, 23, 24, 26, and 34.
T. 36 S., R. 14 W.,
Secs. 3, 10, 13, 24, 25, 33, 34, and 35.
T. 37 S., R. 14 W.,
Secs. 1 to 5, inclusive, sec. 7, secs. 9 to 15, inclusive, secs. 17, 23, 24, and 25.
T. 38 S., R. 14 W.
Secs. 1, 2, 4, 5, 12, 13, and 34.
T. 39 S., R. 12 W.,
Secs. 8 and 9.
T. 39 S., R. 13 W.,
Secs. 1 to 15, inclusive, and secs. 17 to 35, inclusive.
T. 39 S., R. 14 W.,
Secs. 23 and 35.
T. 40 S., R. 13 W.,
Secs. 4 to 6, inclusive, secs. 8 to 11, inclusive, secs. 14, 15, and secs. 17 to 21, inclusive.

The above-described lands aggregate approximately 31,825.11 acres of public lands.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 375 Park Avenue, Coos Bay, Oreg. 97420.

5. A public hearing on the proposed classification will be held at 9 a.m. on July 22, 1970, at the Curry County Courthouse, Gold Beach, Oreg. 97444.

MERLE H. WINN,
Acting State Director.

[F.R. Doc. 70–8605; Filed, July 7, 1970; 8:46 a.m.]

[Wyoming 23775]

WYOMING

Proposed Classification of Public Lands for Multiple-Use Management

JUNE 29, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2400 to 2460, inclusive, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice segregates the land from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. 21), but not the Recreation and Public Purposes Act. The lands will further be segregated from the operation of the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification are shown on a map on file in the Lander District Office, Bureau of Land Management, Lander, Wyo., and in the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo., and further described as follows:

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY

T. 40 N., R. 106 W.,
Sec. 22, SE¼NE¼ and S½.
T. 41 N., R. 106 W.,
Sec. 19, lots 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 29, S½S½;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 31;
Sec. 32.
T. 41 N., R. 107 W.,
Sec. 24, SE¼SE¼;
Sec. 25, N½NE¼ and S½SE¼.

The public lands described above aggregate 2,599.03 acres.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views in writing to the District Manager, Lander District Office, Bureau of Land Management, Post Office Box 589, Lander, Wyo. 82520.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70–8596; Filed, July 7, 1970; 8:46 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

By notice in the FEDERAL REGISTER of February 3, 1970, Part II (pp. 2476–2496), there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on March 3 (pp. 4013–4014), April 7, (pp. 5635–5636), May 5 ((pp. 7086–7087), and June 3 (pp. 8600—8602). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with Section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since June 3:

ARKANSAS

Pulaski County

Little Rock, *Villa Marre (Angelo Marre House)*, 1321 Scott Street.

Washington County

Fayetteville, *Old Main, University of Arkansas*, Arkansas Avenue.

GEORGIA

Chatham County

Savannah, *Central of Georgia Railway Company Shop Property*, Between West Jones Street and Louisville Road.

Clarke County

Athens, *Wilkins House*, 387 South Milledge Avenue.

MAINE

Cumberland County

Cape Elizabeth, *Spurwink Congregational Church (South Meetinghouse)*, Spurwink Avenue.
Portland, *Morse-Libby Mansion*, 109 Danforth Street.

Lincoln County

Alna Center, *Alna Meetinghouse*, Maine 218.
Damariscotta, *Chapman-Hall House*, Maine and Vine Street.
Pemaquid vicinity, *Harrington Meetinghouse*, Northwest of Pemaquid on Old Harrington Road.
Waldoboro vicinity, *German Church and Cemetery*, Maine 32, 1 mile south of Waldoboro.

MINNESOTA

Houston County

Brownsville, *Emmanuel Evangelical Lutheran Church (Methodist Episcopal Church)*, Main Street.

MISSOURI

Cape Girardeau County

Burfordville vicinity, *Burfordville Covered Bridge*, Eastern edge of Burfordville on County Route HH.

Cass County

Harrisonville vicinity, *Brown, Robert A., House*, 0.7 mile north of Harrisonville on U.S. 71 Bypass, 0.5 mile west and northwest on gravel road.

Franklin County

St. Albans vicinity, *Tavern Cave*, 2 miles northeast of St. Albans off the Chicago, Rock Island & Pacific Railroad.

Jackson County

Independence, *Jackson County Jail and Marshal's House*, 217 North Main Street.

Johnson County

Warrensburg, *Johnson County Courthouse (Old Johnson County Courthouse)*, Old Public Square.

Linn County

Laclede vicinity, *Locust Creek Covered Bridge*, 3 miles west of Laclede on U.S. 36, then north 1 mile and east 0.63 mile on a gravel road.

Monroe County

Paris vicinity, *Union Covered Bridge*, c. 6 miles southwest of Paris on the Elk Fork of the Salt River.

Phelps County

Newburg vicinity, *Ozark Iron Furnace Stack*, SW¼NW¼ sec. 21, T. 37 N, R. 9 W and SE¼NE¼ sec. 20, T. 37 N, R. 9 W.

St. Louis (independent city)

Bissell Street Water Tower, Intersection of Bissell Street and Blair Avenue.
Grand Avenue Water Tower, Intersection of East Grand Avenue and 20th Street.
St. Louis Union Station, 18th and Market Streets.
Wainwright Tomb, Bellefontaine Cemetery, 4947 West Florissant Avenue.

Wright County

Mansfield vicinity, *Wilder, Laura Ingalls, House*, 1 mile east of Mansfield on U.S. Business 60.

MONTANA

Roosevelt County

Poplar, *Fort Peck Agency*, Parts of T. 27 N, R. 50 E and T. 27 N, R. 51 E.

NEBRASKA

Namaha County

Brownville, *Brownville Historic District*, bounded on the south by Allen and Richard Streets, on the north by Nemaha and Nebraska Streets, on the west by Seventh Street, on the east by the Missouri River, and on the northwest and southwest by Second Street.

NEW JERSEY

Passaic County

Paterson, *Great Falls of Paterson and Society for Useful Manufactures Historic District*, bounded on the north by West Broadway and Ryle Avenue; on the south by Grand Street; on the east by Morris, Barbour, Spruce, Market, Mill, Van Houten, Curtis, and River Streets; and on the west by the west bank of the Passaic River, crossing at Wayne and McBride Avenues, then south to Grand Street.

NORTH CAROLINA

Beaufort County

Bath, *Palmer-Marsh House*, Main Street.

Carteret County

Atlantic Beach vicinity, *Fort Macon*, On Bogue Point, on Fort Macon Road 4 miles east of Atlantic Beach.

Chowan County

Edenton, *Chowan County Courthouse*, East King Street.
Edenton, *Cupola House*, 408 South Broad Street.

Forsyth County

Winston-Salem, *Single Brother's House*, southwest corner of South Main and Academy Streets.

Nash County

Rocky Mount vicinity, *Stonewall*, Falls Road Extension.

SOUTH CAROLINA

Bamberg County

Ehrhardt vicinity, *Rivers Bridge State Park*, 8 miles southwest of Ehrhardt via U.S. 601 and South Carolina 641.

Beaufort County

Beaufort vicinity, *Hunting Island State Park Lighthouse*, 17 miles south-southeast of Beaufort via U.S. 21.

McCormick County

Willington vicinity, *De La Howe State School*, 3 miles southeast of Willington on South Carolina 81.

Oconee County

Westminster vicinity, *Prather's Bridge*, over Tugaloo River, 10 miles southwest of Westminster via U.S. 124, then 1 mile northwest on County Route 68, then 0.25 mile west on County Route 160.

Orangeburg County

Eutawville vicinity, *Eutaw Springs Battleground Park*, 1 mile east of Eutawville on South Carolina 6.

Pickens County

Clemson, *Hanover House*, Clemson University Campus.

Richland County

Columbia, *Mills Building, South Carolina State Hospital*, 2100 Bull Street.
Columbia, *Old Campus District, University of South Carolina*, bounded on the west by Sumter Street, on the south, east, and north by buildings not included in the old campus quadrangle.
Columbia, *South Carolina Governor's Mansion*, 800 Richland Street.
Columbia, *South Carolina Statehouse*, bounded on the north by Main Street, on the west by Assembly Street, on the south by Senate Street, and on the east by Sumter Street.

Union County

Union vicinity, *Rose Hill*, 9 miles south-southwest of Union on County Route 16.

TEXAS

Bexar County

San Antonio, *Edward H. White II Museum (Hangar Nine)*, Brooks Air Force Base.

UTAH

Salt Lake County

Salt Lake City, *Chase, Isaac, Mill*, Liberty Park, Sixth Street East.
Salt Lake City, *Fort Douglas*, Fort Douglas Military Reservation.
Salt Lake City, *Salt Lake City and County Building*, 451 Washington Square.

VIRGINIA

Mathews County

Hudgins vicinity, *Cricket Hill (Fort Cricket Hill)*, Northeast of Hudgins, 0.2 mile east of the intersection of Routes 669 and 223.

Surry County

Surry vicinity, *Smith's Fort*, 0.8 mile northeast of the intersection of Routes 31 and 620.

WASHINGTON

King County

Seattle, *Pioneer Hall*, 1642 43d Avenue East.
Seattle, *Pioneer Square-Skid Road Historic District*, Starting at the intersection of Alaskan Way Viaduct and Columbia Street, proceeding east to the midpoint between First and Second Avenues; then south to Cherry Street and east on Cherry to the midpoint between Second and Third Avenues; then south to a point about 75 feet north of Washington Street, then east to Third Avenue South; and south to a point about 75 feet south of Washington Street; proceeding west to Second Avenue South, then south to the midpoint between South Jackson and South King Streets; west to the midpoint between Occidental Avenue South and First Avenue South, then south to South King Street and west to First Avenue South; then south to a point about 125 feet south of South King Street, then west to the Alaskan Way Viaduct and north to the intersection with Columbia Street.

WEST VIRGINIA

Pocahontas County

Hillsboro vicinity, *Buck (Pearl) House*, Northeast of Hillsboro on U.S. 219.

WISCONSIN

Grant County

Cassville vicinity, *Stonefield*, 2.5 miles west of Cassville, on County Route VV.

WYOMING

Sublette County

Daniel vicinity, *Father De Smet's Prairie Mass Site*, S½SE¼ sec. 36, T. 34 N., R. 111 W.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology and Historic Preservation.

[F.R. Doc. 70-8659; Filed, July 7, 1970; 8:51 a.m.]

Office of the Secretary

E. CLYDE McGRAW

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Add:
American Smelting & Refining Co.
Baltimore Gas & Electric Co.
Bethlehem Steel Corp.
Burlington-Northern Railway Co.
Bucyrus Erie Co.
City of Corpus Christi, Tex., 3½ percent G.O. bond.
Cooper Industries.
Family Finance Corp.
Federal Land Banks, 8.375 percent farm loan bonds.
Ford Motor Co.
Freeport Sulphur Co.
Gulf Oil Corp.
Los Angeles, Calif., 6.70 percent electric plant revenue bonds.
Public Service Electric & Gas Co.
Transcontinental Gas Pipe Line, 9½ percent first mortgage pipeline bonds.
Delete:
General Telephone & Electronic.
Inland Steel Corp.
National Lead.
Santa Fe Industries.
Southern Railway Co.
Standard Oil Co. of New Jersey.
Union Pacific.
New York, 4.30 percent municipal bonds.
State of California, 2 percent veteran bonds.
U.S. Treasury Bills.
(3) None.
(4) None.

This statement is made as of June 9, 1970.

Dated: June 10, 1970.

E. CLYDE MCGRAW.

[F.R. Doc. 70-8595; Filed, July 7, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (35 F.R. 2895, 4976, 5594, 7457, and 9221) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Pioneer Packing Co.	372					(*)		
Steinbacher Packing Co	597		(*)	(*)	(*)			
Wagner Provision Co	2770	(*)	(*)					
Caroline Abattoir, Inc.	7404	(*)	(*)			(*)		
Abercrombie Meat Processing Co.	7601	(*)	(*)			(*)		
Goldades Butcher Shop	7606	(*)				(*)		
Hillside Meat Co.	7642	(*)				(*)		
New establishments reported: 7.								
Memphis Butchers Association, Inc.	488		(*)					
Pivte Packing Co.	550					(*)		
Maple Brook Packing House	5301			(*)				
Species added: 3.								

Done at Washington, D.C., on July 1, 1970.

H. M. STEINMETZ,
Acting Deputy Administrator, Consumer Protection.

[F.R. Doc. 70-8649; Filed, July 7, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 0012NV]

TETRACYCLINE HYDROCHLORIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Polyotic Capsules; containing 50 milligrams, 100 milligrams, or 250 milligrams of tetracycline hydrochloride per capsule; by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

2. Polyotic Soluble Powder; contains 25 grams of tetracycline hydrochloride per pound; by American Cyanamid Co.

3. Polyotic Oblets; contains 500 milligrams of tetracycline hydrochloride per oblet; by American Cyanamid Co.

4. Panmycin Aquadrops; each cubic centimeter contains tetracycline equivalent to 100 milligrams tetracycline hydrochloride; by The Upjohn Co., Kalamazoo, Mich. 49001.

5. Tetracycline-Vet Bolus; each bolus contains 500 milligrams of crystalline tetracycline hydrochloride; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

6. Tetracycline-Vet Soluble Powder; each pound represents 25 grams of tetracycline hydrochloride activity; by Chas. Pfizer & Co., Inc.

7. Tetra-D Capsules; containing 50 milligrams, 100 milligrams, or 250 milligrams of tetracycline hydrochloride per capsule; by Diamond Laboratories, Inc., 2538 Southeast 43d Street, Des Moines, Iowa 50317.

8. Tetra-D Soluble Powder Concentrate; contains 40 grams tetracycline hydrochloride (150 grams per lb.) per 4.27 ounces; by Diamond Laboratories, Inc.

9. Tetra-D Soluble Powder, Tetracycline Hydrochloride Powder; contains 10 grams of tetracycline hydrochloride per 6.4-ounce packet; by Diamond Laboratories, Inc.

10. Tetrazon Capsules; contains 50 milligrams of tetracycline hydrochloride per capsule; by Myzon Laboratories, Kansas City, Kans. 66110.

11. Tetrazone Soluble Powder Concentrate, Poultry Formula; contains 25.6 grams of tetracycline hydrochloride per 3-ounce packet; by Myzon Laboratories,

12. Tetrazone Soluble Powder Tetracycline Hydrochloride; each 6.4-ounce packet contains 10 grams of tetracycline hydrocloride; by Myzon Laboratories, Inc.

13. Tetrazone Soluble Powder Concentrate; contains 150 grams of tetracycline

hydrochloride per pound; by Myzon Laboratories, Inc.

14. Myzon Tetrazone Soluble Powder Concentrate; contains 40 grams of tetracycline hydrochloride (150 grams per pound) per 4.27-ounce; by Myzon Laboratories, Inc.

15. Tetracycline Hydrochloride Soluble Powder; each 6.4-ounce packet contains 10 grams of tetracycline hydrochloride; by Southwestern Laboratories, Inc., Wichita, Kans. 67201.

16. Tetracycline Hydrochloride Soluble Powder; each 6.4-ounce packet contains 10 grams of tetracycline hydrochloride; by Trans-World Laboratories, Inc., Kansas City, Kans. 66110.

17. Tetracycline Hydrochloride "136"; contains 25.6 grams of tetracycline hydrochloride per 3-ounce packet; by Trans-World Laboratories, Inc.

18. Tetracycline Hydrochloride 50 mg. Capsules; contains 50 milligrams of tetracycline hydrochloride per capsule; by Trans-World Laboratories, Inc.

19. Vetcormycin "25" Soluble Powder; contains 25 grams of tetracycline hydrochloride activity per pound; by Veterinary Corporation of America, Summit, N.J. 07901.

20. Vetcormycin Soluble Powder; contains 102.4 grams of tetracycline hydrochloride activity per pound; by Veterinary Corporation of America.

21. Tetracycline Hydrochloride Soluble Powder; each 6.4-ounce packet contains 10 grams of tetracycline hydrochloride; by Bio-Laboratories, Inc., Kansas City, Kans. 66110.

22. Tetrachel-Vet Soluble Powder-25; contains 25 grams of tetracycline hydrochloride per pound; by Rachelle Laboratories, Inc., 700 Henry Ford Avenue, Long Beach, Calif. 90801.

23. Vetquamycin-25 Soluble Powder; contains 10 grams of tetracycline hydrochloride per 6.4-ounce packet; by Rachelle Laboratories, Inc.

24. Vetquamycin-102 Soluble Powder; contains 25.6 grams of tetracycline hydrochloride per 4-ounce packet; by Rachelle Laboratories, Inc.

25. Tetrachel-Vet Capsules; containing 125 milligrams or 250 milligrams of tetracycline hydrochloride per capsule; by Rachelle Laboratories, Inc.

26. Tetrachel-Vet Tablets; contains 250 milligrams of tetracycline hydrochloride per tablet; by Rachelle Laboratories, Inc.

The Academy evaluated the above drugs as probably effective for oral treatment of animal diseases when such diseases are caused by pathogenic microorganisms sensitive to tetracycline hydrochloride, diseases such as: (1) Enteric and respiratory diseases in poultry; (2) gastrointestinal and respiratory diseases in swine; (3) infected wounds, gastrointestinal and respiratory diseases in calves, sheep, and goats; (4) digestive system and respiratory diseases, pyelonephritis, peritonitis, infected wounds, abscesses, ulcers, and secondary bacterial invaders in dogs and cats; (5) coccidiosis in dogs; and (6) hexamitiasis in turkeys.

The Academy evaluated the products Polyotic Oblet and Tetracycline-Vet Bolus as probably effective for intrauterine treatment of metritis, cervicitis, and vaginitis of cattle, swine, and sheep when such conditions are caused by pathogens sensitive to tetracycline hydrochloride.

The Academy concluded that: (1) Most of the dosage directions provide for a less than effective dose, and the recommended minimum oral dose for large animals is 10 milligrams per pound of body weight daily in divided doses and for small animals 25 milligrams per pound of body weight daily in divided doses; (2) claims for the treatment of viral diseases must be limited to microorganisms belonging to the psittacosis-lymphogranuloma group; (3) 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; (4) claims made "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; (5) as applicable, the manufacturer's label should warn that treated animals must actually consume enough medicated water or medicated feed to provide a therapeutic dose under the conditions that prevail—as a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water or feed; (6) the manufacturer of boluses, oblets, or tablets must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect; (7) information is needed from manufacturers of boluses or oblets recommended for insertion in the uterus with respect to the degree of disintegration within the uterus, the presence of hazardous foreign body ingredients, and the chemical compatibility of the vehicle and active agent or agents, and the labeling should also provide information regarding proper sanitary techniques for intrauterine administration; and (8) additional documentation of effectiveness is needed to establish activity against Clostridia in animals.

The Food and Drug Administration concurs with the Academy's findings.

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

This announcement is published (1) to inform manufacturers of the subject drugs 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.

Manufacturers of the subject drugs are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The manufacturers of the listed drugs have been mailed a copy of the NAS-NRC report. 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 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 26, 1970.

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

[F.R. Doc. 70-8593; Filed, July 7, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-90]

BRIDGE OVER ALBEMARLE AND CHESAPEAKE CANAL AT GREAT BRIDGE, VA.

Suspension of Operating Regulations, Temporary Pontoon Bridges

1. The Corps of Engineers has advised the District Commander, Fifth Coast Guard District, that the replacement of the operating machinery of their drawbridge on State Highway 168 over the Albemarle and Chesapeake Canal at Great Bridge, Chesapeake, Va., is required to avoid a complete breakdown in the future. The Corps of Engineers proposes to maintain the draw of this bridge in the open position during the 40 days needed to replace the machinery. During this period, commencing July 15, 1970, the Corps proposes to maintain two pontoon bridges immediately west of the present bridge to carry highway traffic across the Canal daily between the hours of 10 a.m. to 4 p.m. After 4 p.m., until

10 a.m., the middle portions of the temporary bridges will be removed to permit waterborne traffic to pass.

2. By Public Notice 5–96, dated April 6, 1970, the Commander, Fifth Coast Guard District, set forth the above proposal which was made available to all persons known to have an interest in this subject. In addition, the proposal was also published in Local Notice to Mariners, Notice No. 16, dated April 14, 1970, issued by the Commander, Fifth Coast Guard District.

3. A number of the comments received in response to the public notice objected to the proposal to maintain the dual pontoon bridges in place between the hours of 10 a.m. and 4 p.m. It was suggested that these bridges be maintained during the morning and evening rush hours. However, it is apparent that the pontoon bridges cannot meet the heavy traffic demands existing during the rush hours, since the vehicles using these bridges must proceed at a very reduced speed. Furthermore, two other bridges are readily accessible, the one located about 2½ miles west and the other 2 miles east of the instant bridge. The placement of the pontoon bridges is intended to accommodate the moderate traffic which exists during the middle of the day. For these reasons the proposal of the Corps of Engineers to maintain the pontoon bridges in place between the hours of 10 a.m. and 4 p.m. each day during this period is accepted.

4. The Corps of Engineers has entered into a contract to perform this essential work commencing on July 15, 1970. Since time is of essence and in view of the fact that the public notice issued by the Commander, Fifth Coast Guard District has provided effective notice to the interested parties, I find that it is unnecessary to publish the notice of proposed rule making in the FEDERAL REGISTER. For these reasons, I also find that good cause exists for making these temporary rules effective in less than 30 days after publication in the FEDERAL REGISTER.

5. Based on the foregoing the following temporary rules are issued:

(a) Permission is granted to the Corps of Engineers for the maintenance of temporary dual pontoon bridges from July 15, 1970, through August 23, 1970, across the Albemarle and Chesapeake Canal located immediately west of the existing bridge at Great Bridge, Va., between the hours of 10 a.m. and 4 p.m. daily. Such installation shall be as shown on the approved map of location and plans dated April 10, 1970. The temporary dual pontoon bridges shall be removed from the waterway in their entirety and the waterway cleared to the satisfaction of the Commander, Fifth Coast Guard District prior to August 24, 1970.

(b) The special operating regulations governing the Government bridge over the Albermarle and Chesapeake Canal at Great Bridge, Va., contained in 33 CFR 117.350, are suspended during the period from July 15, 1970, to August 23, 1970, to permit the replacement of the bridge machinery. During the progress of this work, the bridge will be maintained in an open position.

(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) (35 F.R. 4959)).

Effective date. These temporary rules shall become effective on July 15, 1970.

Dated: July 2, 1970.

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

[F.R. Doc. 70–8655; Filed, July 7, 1970; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–201; Amdt. 2]

NUCLEAR FUEL SERVICES, INC., AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

Notice of Issuance of Safeguards to Provisional Operating License

The Atomic Energy Commission (Commission) has issued, effective as of the date of issuance, Safeguards Amendment No. 2 to Provisional Operating License No. CSF–1, dated April 19, 1966. The license authorized Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority (licensees), to operate the irradiated nuclear fuel processing plant located at the Western New York Nuclear Service Center in Cattaraugus and Erie Counties, N.Y.

By letter dated April 24, 1970, the Commission proposed to modify the safeguards amendment to License No. CSF–1 to incorporate changes in the conditions of Safeguards Amendment No. 1. These changes are identical to those being made in all special nuclear material license safeguards amendments and are being made to clarify one condition pertaining to measurements of special nuclear material, and to add a new condition to require certain safeguards reports to the Commission. The licensees responded by letters dated May 12 and May 18, 1970, agreeing to the proposed changes.

The Commission has made the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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

For further details with respect to this amendment, see (1) the Commission's letter of April 24, 1970; (2) the licensees' letters of May 12 and May 18, 1970; and (3) the amendment to the provisional operating license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Division of Nuclear Materials Safeguards.

Dated at Bethesda, Md., this 30th day of June 1970.

For the Atomic Energy Commission.

RALPH G. PAGE,
Acting Director, Division of
Nuclear Materials Safeguards.

[F.R. Doc. 70–8586; Filed, July 7, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22065]

CANCELLATION OF PICK-UP AND DELIVERY SERVICE AND RATES FOR FURS AT NEW YORK/NEWARK

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned for July 14, 1970, at 10 a.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Requests for information and evidence shall be submitted to the Examiner and served on parties named in order 70–3–160 and order 70–4–122 on or before July 10, 1970.

Dated at Washington, D.C., July 1, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70–8592; Filed, July 7, 1970; 8:45 a.m.]

[Docket No. 20291; Order 70–7–15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement proposes to revise 21-day first-class and economy excursion fares which apply between points in

Florida and the Bahamas by canceling fares currently available for travel between Fort Lauderdale/Miami and Freeport/West End and by eliminating the midweek/weekend fare differential which is currently applicable for travel between Fort Lauderdale/Miami/West Palm Beach and Nassau/Rock Sound. With respect to the latter, the higher weekend fare level is proposed for application throughout the entire week, and, in the case of economy-class excursion travel, would be increased by $3–$4. The carriers say these revisions were adopted partly because of the inadequacy of existing fare levels under present operating costs and because the differentiated fare structure is not suitable for short-haul sectors. Except insofar as it applies to the cancellation of economy-class excursion fares in Fort Lauderdale/Miami-Freeport/West End markets, we are herein approving the excursion fare resolution. The carriers' earnings on Latin American operations are marginal. The excursion fares to be retained, while effecting increases for many passengers, will continue to provide substantial reductions from normal fares of 12 to 17 percent for first-class passengers and of 15 to 22 percent for economy passengers. Moreover, the Board has traditionally allowed the carriers flexibility to adjust discounted fares in a manner designed to improve economic results.

As indicated, the Board is not prepared to extend its approval to the cancellation of economy-class excursion fares in the Fort Lauderdale/Miami-Freeport/West End markets. In this respect, the carriers have supplied no factual justification in the way of costs, or traffic volume, and there is no apparent reason for a different treatment of promotional fares in these markets than in the other Bahamas markets involved in the agreement. Stated differently, we find no basis for the cancellation of the fares and, moreover, application of the current weekend fares throughout the week would provide a fare structure consistent with that in the other markets. Our approval of the agreement is conditioned accordingly.

The agreement also includes a resolution proposing to establish group inclusive tour (GIT) fares, at a level of $99, to apply between New York/Philadelphia/Baltimore/Washington and points in the Bahamas. We will also approve this resolution, which provides substantial reductions from the normal economy-class fares, and will impose the Board's usual conditions relating to cancellations and refunds upon our outstanding approval of the basic resolution governing the subject fares as well as other resolutions relating to GIT fare travel to the Caribbean as recently approved by the Board.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act, provided that approval shall be subject to the conditions hereinafter stated:

CAB Agreement	*IATA Resolution*
21774, R–1_____	100(Mail 845)070.

Provided that the weekend economy-class excursion fares between Fort Lauderdale or Miami, on the one hand, and Freeport or West End, on the other hand, proposed for cancellation be retained and applied throughout the week.

CAB Agreement	*IATA Resolution*
21774, R–2_____	100(Mail 845) 0841.

Provided that the Board's outstanding approval of Resolutions 084i and 084j, as well as provisions approved by Order 70–6–16, dated June 2, 1970, shall be subject to the following conditions:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs.

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

Accordingly, it is ordered, That:

CAB Agreement 21774 be and hereby is approved, provided that approval is subject to the conditions set forth in the finding paragraph above.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–8628; Filed, July 7, 1970; 8:48 a.m.]

[1] Order 70–4–142, dated Apr. 28, 1970, and Order 70–6–16, dated June 2, 1970. Due to an inadvertent omission, GIT fare provisions which were approved by these orders were not made subject to conditions traditionally imposed by the Board.

[Docket No. 22335; Order 70–7–13]

CONTINENTAL AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of July 1970.

By Order 70–5–139, dated May 26, 1970, the Board suspended proposals of various carriers to increase or cancel coach and economy fares between points in Hawaii and points in the continental United States.[1] In doing so, however, the Board indicated it would permit certain increases of a lesser magnitude. By tariff revisions marked to become effective on various dates from July 8 to July 15, the carriers have filed amended proposals for coach- and economy-fare increases.[2]

The proposals as initially filed varied considerably from carrier to carrier and this has precipitated a series of refilings and requests for short notice amendments as the carriers attempted to match one another. For this reason, the Board has been delayed in its consideration of the matter. With the exception of Continental's proposed increases between Chicago and Hawaii, which are marked for effect July 8, the proposals of all carriers, as amended, are now marked to become effective on July 15.

In view of the imminent effective date of Continental's proposed fares between Chicago and Hawaii, we are herein suspending those fares to afford the Board a more adequate period of time within which to evaluate them in conjunction with the proposals which have been made by it and other carriers for effect on July 15. The Board contemplates reaching its decision on these matters at an early date.

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

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

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[3] and rules, regulations, and practices affecting such fares and 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 fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[3] are suspended and their use deferred to and

[1] The carriers were permitted to increase first-class fares.

[2] Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB No. 101.

[3] Filed as part of the original document.

including October 5, 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. A copy of this order will be filed with the aforesaid tariffs and be served on Continental Air Lines, Inc., who is hereby made a party 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. 70-8629; Filed, July 7, 1970; 8:48 a.m.]

CIVIL SERVICE COMMISSION

FIREFIGHTER POSITIONS, WASHINGTON, D.C.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-081 FIREFIGHTER (GENERAL)*
FIREFIGHTER (STRUCTURAL)*
FIREFIGHTER (AIRFIELD)*
FIRE PROTECTION INSPECTOR*
FIRE CHIEF
FIRE PROTECTION SPECIALIST*

*Note: Covers both nonsupervisory and supervisory positions at applicable grade levels.

Geographic Coverage: Washington, D.C. Standard Metropolitan Statistical Area, including Quantico Marine Base.

Effective Date: First Day of the first pay period beginning on or after July 12, 1970.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3	$6,604	$6,778	$6,952	$7,126	$7,300	$7,474	$7,648	$7,822	$7,996	$8,170
GS-4	7,023	7,218	7,413	7,608	7,803	7,998	8,193	8,388	8,583	8,778
GS-5	7,420	7,638	7,856	8,074	8,292	8,510	8,728	8,946	9,164	9,382
GS-6	8,023	8,266	8,509	8,752	8,995	9,238	9,481	9,724	9,967	10,210
GS-7	8,638	8,908	9,178	9,448	9,718	9,988	10,258	10,528	10,789	11,068
GS-8	9,255	9,554	9,853	10,152	10,451	10,750	11,049	11,348	11,647	11,946

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

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

[F.R. Doc. 70-8656; Filed, July 7, 1970; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18888; FCC 70-656]

CENTREVILLE BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Centreville Broadcasting Co., Centreville, Va., requests: 1000 kc., 1 kw., DA, Day, Class II, File No. BP-17564, for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) a petition to reject for filing or to deny, filed by the National Broadcasting Co., Inc. (NBC), licensee of station WRC, Washington, D.C.; (c) a petition for reconsideration or to deny, as supplemented, by O.K. Broadcasting Corp. (WEEL), licensee of station WEEL, Fairfax, Va.; and (d) pleadings and engineering statements in opposition and reply thereto.[1]

2. In its petition for reconsideration or to deny, WEEL alleges that Centreville is not a community within the meaning of the rules. WEEL states that Centreville was not listed as an urban place or area with a definable population in the 1960 U.S. Census and that there is no incorporated place in Virginia with the name Centreville. Rather, WEEL alleges that Centreville is a mere cross-roads with none of the attributes of a community. There is no hard and fast rule by which it can be determined whether a particular population grouping has sufficient community attributes as to be classified a community. However, it should be noted that the absence of incorporation does not compel the conclusion that an area is not a "community".[2] The corporate status of a population area is only one factor to be considered. All of the relevant facts in each case must be weighed before a "community" question may be resolved.[3] From the foregoing, we find that a substantial question exists as to whether Centreville, Va., is a community within the meaning of § 73.30 so as to entitle it to be assigned a radio station and an appropriate issue will be specified.

3. In Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information as to their awareness of and responsiveness to local community needs and interests. WEEL questioned the applicant's ascertainment in petitions filed February 23, and May 11 of 1967. Subsequently, on April 29, 1969, Centreville Broadcasting submitted an amendment to section IV

[1] Before the Commission are: (i) A petition to reject for filing or to deny filed Feb. 14, 1967, by the National Broadcasting Co., Inc.; (ii) a petition for reconsideration or to deny filed Feb. 23, 1967, by O.K. Broadcasting Corp.; (iii) an opposition to the aforementioned petitions filed Apr. 13, 1967, by the applicant; (iv) a reply to the opposition filed May 15, 1967, by NBC; (v) a supplement to petition for reconsideration or to deny filed May 29, 1968, by WEEL; (vi) a second supplement to petition for reconsideration or to deny filed Nov. 18, 1968, by WEEL; (vii) a third supplement to petition for reconsideration or to deny filed Jan. 21, 1969, by WEEL; (viii) a motion to dismiss the third supplement filed Feb. 5, 1969, by the applicant; (ix) an opposition to the motion to dismiss the third supplement filed Feb. 10, 1969, by WEEL; (x) a reply to opposition to motion to dismiss filed Feb. 20, 1969, by the applicant; and (xi) various engineering amendments, and an opposition to an amendment filed Apr. 1, 1970, by WEEL.

[2] Mercer Broadcasting Co., 22 FCC 1009, 13 RR 891 (1957).

[3] Ibid.

of the application. However, this amendment indicates that only program prefences were elicited. In addition, the applicant failed to establish that the persons contacted represented a true cross-section of the area to be served. Thus, we are unable at this time to determine whether the applicant is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

4. According to the information in its application, it appears that $83,499 will be required to construct and operate the station for 1 year without revenues, assuming no loan repayments are required during that period. The applicant plans to finance the proposal with a loan from two stockholders of $90,000. However, the two stockholders, Laurence Levitan and Paul H. Weinstein, who have pledged to loan funds, do not show sufficient liquid assets to meet their commitments. In addition, even if they do have sufficient liquid assets to meet their commitment, the specific terms of repayment which would add additional charges to first-year costs were omitted. Thus, a financial issue will also be specified.

5. Petitioner points out that Mr. Serge Bergen is a director of the applicant corporation and is proposed as a 17.5 percent stockholder. Mr. Bergen, as the application notes, is the husband of Kathi P. Bergen, the secretary, director, and largest stockholder (20 percent) of Seven Locks Broadcasting Co., permittee of standard broadcast station WXLN in Potomac-Cabin John, Md. Commission studies indicate that there is substantial overlap between WXLN's authorized and the applicant's proposed 1 mv./m. contours. In light of the family relationship in this case, we find that a substantial question as to whether the proposed operation would violate § 73.35 of the rules is presented. Accordingly, an issue with respect thereto will be included.

6. Station WRC, Washington, D.C., and WEEL, Fairfax, Va., have both alleged that the applicant's 25 mv./m. contour would overlap WRC's 2 mv./m. contour in violation of § 73.37 of the rules. The applicant has used figure M–3 to determine that no such overlap would exist. WRC has submitted data, taken in January of 1967, which indicate that a prohibited overlap of approximately 0.4 miles would occur. However, an amendment to the application was filed on June 21, 1967, containing measurements compiled in June of 1967, taken on WRC, indicating that the proposed 25 mv./m. contour would not overlap the WRC 2 mv./m. contour. These measurements were taken on the same radial (250.5°) as used by WRC.

7. On January 21, 1969, WEEL filed a third supplement to petition for reconsideration or to deny in which, for the first time, the petitioner claimed that the proposed Centreville operation would receive prohibited overlap of its 1 mv./m. contour from the .05 mv./m. contour of WIOO, Carlisle, Pa., in violation of § 73.37(b)(2) of the rules. In support of its contention, WEEL submitted measurement data to establish the extent of the WIOO .05 mv./m. contour. These measurements indicate a conductivity substantially higher than shown on figure M–3, which had been relied upon by the applicant to establish the extent of the pertinent contours. By letter dated August 1, 1969, the applicant submitted an opposition to the measurement data made on WIOO by WEEL. According to the applicant, the measurements made by WEEL are not acceptable since they follow a high voltage transmission line along the latter part of the radial 250.5°. Included with the opposition were measurements indicating a substantially lower conductivity than found by WEEL, and demonstrating that the proposal would not receive overlap from WIOO. The applicant asserts that these measurements were made along the same radial at approximately the same points but with appropriate precautions to avoid the effects of the transmission line. It is contended, however, by WEEL that their measuring points were far enough removed from this power line that no adverse effects on the measured values of field intensity would occur. Nevertheless, the measured fields of WEEL are in considerable disagreement with the values obtained by the applicant even though both sets of data were made in the summer and many of the measuring points were located at essentially the same place. Moreover, the results of a partial joint field survey submitted on March 24, 1970, conducted by WEEL and the applicant have not resolved the question of overlap.

8. With respect to the question of 2 and 25 mv./m. overlap, the Commission finds the proposal would not involve prohibited overlap with station WRC. This conclusion was arrived at by determining the average extent of WRC's 2 mv./m. contour along the 250.5° radial. When confronted with two or more sets of measurement data along a given path taken at different seasons of the year, an averaging of all the data is the method employed. Jeannette Broadcasting Co., 29 FCC 44, 19 RR 480; United Broadcasting Co., Inc., 1 FCC 2d 55, 5 RR 2d 684. Having examined all the data bearing on the question of prohibited overlap with WIOO, however, we are unable at this juncture to draw any conclusions. Since the inconsistencies between both sets of data are irreconcilable, an evidentiary hearing must be held to resolve the matter.[4]

9. Except as indicated by the issues specified below, the applicant is qualified to construct, own and operate the proposed station. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity. Therefore, the application will be designated for hearing on the issues specified below.

10. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application 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 existing .05 mv/m contour of station WIOO, Carlisle, Pa., would overlap the proposed 1.0 mv/m contour in contravention of § 73.37(b)(2) of the Commission's rules.

(2) To determine whether Centreville is a community within the meaning of § 73.30 of the Commission's rules.

(3) To determine whether a grant of the proposal of Centreville Broadcasting Co. would be in contravention of the provisions of § 73.35 of the Commission's rules with respect to multiple ownership of standard broadcast stations.

(4) To determine the efforts made by Centreville Broadcasting Co. to ascertain the community needs and interests of the area to be served and the manner in which the applicant proposes to meet such needs and interests.

(5) To determine, with respect to the financial portion of the Centreville Broadcasting proposal:

(a) Whether Laurence Levitan and Paul H. Weinstein have sufficient liquid assets available to meet their $90,000 loan commitment;

(b) The terms of repayment of the $90,000 loan;

(c) The amount of funds required to construct and operate the station for one year without revenues; and

(d) Whether, in light of the evidence adduced pursuant to (a), (b), and (c), above, the applicant is financially qualified.

(6) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

(11) *It is further ordered,* That the petition to reject for filing or to deny the application filed by the National Broadcasting Co., is denied.

(12) *It is further ordered,* That the petition for reconsideration or to deny filed by O.K. Broadcasting Corp. is granted to the extent indicated above and is denied in all other respects.

(13) *It is further ordered,* That O.K. Broadcasting Corp., licensee of station WEEL in Fairfax, Va., is made a party to the proceeding.

(14) *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 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.

(15) *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the

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[4] Recently, in Harvest Radio Corp., FCC 70–477, released May 11, 1970, —— FCC 2d ——, we were also compelled to withhold our judgment on the question of prohibited overlap because of conflicting measurements.

hearing, within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: June 24, 1970.

Released: June 30, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[5]

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

[F.R. Doc. 70-8613; Filed, July 7, 1970; 8:47 a.m.]

[Dockets Nos. 18889, 18890; FCC 70-670]

POST-NEWSWEEK STATIONS, FLORIDA, INC., AND GREATER MIAMI TELECASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of: Post-Newsweek Stations, Florida, Inc. (WPLG-TV), Miami, Fla., File No. BRCT-509, for renewal of broadcast license and Greater Miami Telecasters, Inc., Miami, Fla., File No. BPCT-4312, for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, one requesting a renewal of its license to operate on channel 10, Miami, Fla., and the other requesting a construction permit for a new television broadcast station to operate on channel 10, Miami, Fla.

2. Since Federal Aviation Administration approval has not been obtained for Greater Miami Telecasters, Inc.'s antenna structure, an air menace issue has been specified and the Federal Aviation Administration has been made a party to this proceeding with respect to this application.

3. The transmitter proposed by Greater Miami Telecasters, Inc., has not been type accepted by the Commission. Accordingly, in the event of a grant of its application, the grant shall be made subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of the proposed transmitter in accordance with section 73.640 of the Commission's rules.

4. In our Notice of Inquiry in Docket No. 18774, 20 FCC 2d 880 (1969), we set forth tentative standards concerning the ascertainment of community problems by broadcast applicants. We find that both applicants have satisfactorily complied with those standards.

5. Post-Newsweek Stations, Florida, Inc., is qualified to own and operate television broadcast station WPLG-TV and except as indicated by the issue specified below, Greater Miami Telecasters, Inc., is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below. Since this is a renewal-new applicant proceeding, it will be governed by our Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, 22 FCC 2d 424 (1970).[1] We note that Post-Newsweek Stations, Florida, Inc., had operating control of station WPLG-TV for a period of only 65 days before Greater Miami Telecasters, Inc., filed its competing application. However, in the application (BALCT-385) for consent to assign the station's license, Post-Newsweek made substantial representations concerning its plans for the future operation of the station. It will be allowed to show the extent to which it has implemented or is implementing those representations and this showing will be taken into account under the cited policy statement.

6. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Post-Newsweek Stations, Florida, Inc., and Greater Miami Telecasters, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether there is a reasonable possibility that the tower height and location proposed by Greater Miami Telecasters, Inc., would constitute a menace to air navigation.

(2) To determine which of the proposals would better serve the public interest.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered,* That, the Federal Aviation Administration is made a party to this proceeding with respect to the application of Greater Miami Telecasters, Inc.

8. *It is further ordered,* That, in the event of a grant of the application of Greater Miami Telecasters, Inc., such application shall be granted subject to the condition that, prior to licensing, the permittee shall submit acceptable data for type acceptance of its proposed transmitter in accordance with the requirements of § 73.640 of the Commission's rules.

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

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

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 70-8614; Filed, July 7, 1970; 8:47 a.m.]

[5] Commissioner Robert E. Lee concurring in the result.

[1] In this connection, prehearing discovery, pursuant to §§ 1.311-1.325 of the Commission's rules, for the purposes of making a comparative evaluation of the competing applications should await a determination as to whether Post-Newsweek Stations, Florida, Inc.'s program service has been substantially attuned to meeting the needs and interests of its area and that its operation of the station has not been characterized by serious deficiencies.

[2] Commissioners Burch, Chairman; and Johnson dissenting.

[Canadian List No. 270]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

JUNE 15, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
		1150 kHz							
CJRC (increase in day-time power—PO: 1150 kHz, 10 kw D/5 kw N, DA-2).	Ottawa, Ontario, N. 45°16'-14", W. 75°40'39".	50D/5N	DA-2	U	III				6-14-71.
		1170 kHz							
CFML (PO: 1110 kHz, 1 kw, DA-D).	Cornwall, Ontario, N. 45°-00'27", W. 74°37'05".	10	DA-D	D	II				Do.
		1240 kHz							
(NEW)	Fernie, British Columbia, N. 49°31'36", W. 115°02'-40".	1D/0.25N	ND-183	U	IV	149.5	120	317	Do.
		1340 kHz							
(NEW)	Chapais, Quebec, N. 49°46'-40". W, 74°50'12".	0.25	ND-176	U	IV	140	120	293	Do.
		1450 kHz							
CKYR (now in operation).	Jasper, Alberta, N. 52°52'-51", W. 118°04'26".	0.1	ND-150	U	IV	80	120	60-160	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY,
Chief, Broadcast Facilities.

[F.R. Doc. 70-8616; Filed, July 7, 1970; 8:47 a.m.]

[Mexican List No. 263]

MEXICAN STANDARD BROADCAST STATIONS

Notification List

MAY 16, 1970.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
		660 kHz							
XEYG (in operation since 4-6-70. This notifies the supplementary information).	Matias Romero, Oax., *N. 16°53'59", W. 95°01'40".*	250	ND-*150*	D	II	*186*	*120*	*223*	*4-6-70.*
		990 kHz							
XEUM (this corrects the geographical coordinates included in List No. 262).	Valladolid, Yuc., N. 20°41'18", W. 88°11'48".	250	ND-190	U	II	249	120	249	2-14-71 (probable).
		1100 kHz							
XEBV (this complements the coordinates included in List No. 262).	Moroleon, Gto., N. 20°07'18", W. 101°10'12".	500	ND-175	D	II	177	120	186	2-10-71 (probable).
		1190 kHz							
XEPK (this corrects the antenna characteristic radiation notified in List No. 256).	Pachuca, Hgo., N. 20°07'41", W. 98°43'59".	500	ND-*190*	D	II	208	120	208	
		1310 kHz							
XEVB (previously notified at Monterrey, N.L., with call letters XEADM).	*Villa de Juarez, N.L., N. 25°39'00", W. 100°05'30".*	1000	ND-185	D	III	184	120	172	4-12-71 (probable).
		1380 kHz							
XEFAC (in operation since 3-14-70).	Salvatierra, Gto., *N. 20°12'06", W. 100°53'36".*	1000	ND-*190*	D	III	*180*	*120*	*180*	*3-14-70.*
		1490 kHz							
XEKN (this corrects the antenna characteristic radiation notified in List No. 261).	Huetamo, Mich., N. 18°34'36", W. 100°53'06".	250	ND-*168*	U	IV	118	120	102	
		1520 kHz							
XEEG (new).	Panzacola, Tlax., N. 19°08'30", W. 98°12'00".	500	DA-D	D	II				2-16-71 (probable).
		1530 kHz							
XEYP (in operation since 3-10-70).	El Limon, Tams., N. 22°50'00", W. 99°00'00".	1000	ND-191	D	II	164	120	167	*3-10-70.*
		1530 kHz							
XEXY (in operation since 12-12-69. This notifies the supplementary information).	Cd. Altamirano, Gro., *N. 18°18'36", W. 100°40'45".*	500	ND-*193*	D	II	*177*	*120*	*161*	*12-12-69.*
		1540 kHz							
XENJ (in operation since 3-20-70).	San Juan de los Lagos, Jal., N. 21°15'00", W. 102°19'21".	1000	ND-175	D	II	121	90	159	*3-20-70.*

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY,
Chief, Broadcast Facilities.

[F.R. Doc. 70-8617; Filed, July 7, 1970; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Authority, Pier 2, Pratt Street, Baltimore, Md. 21202.

Agreement No. T-2439 between The Baltimore and Ohio Railroad Co. (B & O), United Fruit Co. (United), and the Maryland Port Authority (Authority), is a 10-year lease of the "Fruit Pier" at Baltimore Harbor whereby Authority will lease the premises to United after purchasing same from B & O. United will have exclusive use of the premises but may permit other carriers to call, in which event the prevailing terminal charges will be assessed against vessel, cargo, and land carrier which are in effect at Locust Point Marine Terminal. As rental, United will pay Authority charges set forth in the agreement subject to a minimum guarantee of $180,000 per lease year, and vessels owned and/or chartered by United will pay no additional dockage or wharfage. Any rentals paid by United and collected by Authority because of use of the terminal by others will be applied as a credit to United's annual guarantee.

Dated: July 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8633; Filed, July 7, 1970; 8:49 a.m.]

GREECE/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Hagemann, Secretary, Greece/U.S. Atlantic Rate Agreement, c/o Prudential-Grace Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9238-4, between the parties of the Greece/United States Atlantic Rate Agreement, amends the basic agreement to require that new members pay an admission fee of $2,500.

Dated: July 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8635; Filed, July 7, 1970; 8:49 a.m.]

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 3103-41 would modify Article 25(a)(2) of the Japan-Atlantic & Gulf Freight Conference's basic agreement to permit the Neutral Body (self-policing) to act "in a similar capacity for any other conference."

Dated: July 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-8636; Filed, July 7, 1970; 8:49 a.m.]

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. R. Harper, Secretary, Pacific Coast-Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreement No. 50–20 between the parties of the Pacific Coast-Australasian Tariff Bureau (PCATB) modifies the basic conference agreement, as amended, by (1) adding to article VI the prohibition of the absorption of expenses for transshipment between ports except as may be agreed between the parties of the Conference, and (2) changing article XIV, paragraph (a), to provide that any changes in any tariff rule permitting the absorption of any expenses in connection with transshipment or equalization would require the unanimous consent of all members entitled to vote.

In his transmittal letter of June 22, 1970, the Secretary of the PCATB states in part:

On approval of the two changes to Agreement 50 filed herewith the Member Lines intend to change the tariffs to permit carriers to absorb the expense of transshipping between ports within specified areas or districts such as, the Puget Sound area, Columbia River ports, San Francisco Bay ports. The absorption of the expenses for transshipment would be between ports within the respective districts or areas and not between ports in different districts or areas.

Dated: July 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–8638; Filed, July 7, 1970; 8:49 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE (JAPAN)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 150–45 would modify article 25(a)(2) of the Trans-Pacific Freight Conference's (Japan) basic agreement to permit the Neutral Body (self-policing) to act "in a similar capacity for any other conference."

Dated: July 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–8637; Filed, July 7, 1970; 8:49 a.m.]

TURKEY/UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. C. Hagemann, Secretary, Turkey/U.S. Atlantic Rate Agreement, c/o Prudential-Grace Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Agreement No. 9239–4, between the parties of the Turkey/United States Atlantic Rate Agreement, amends the basic agreement to require that new members pay an admission fee of $2,500.

Dated: July 2, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–8634; Filed, July 7, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

MUNICIPAL LIGHT BOARDS OF READING AND WAKEFIELD, MASS. ET AL.

Order Granting Motion in Part, Denying Motion in Part, and Incorporating Limited Issue of Service Quality and Adequacy Into Consolidated Proceeding

JUNE 26, 1970.

Municipal Light Boards of Reading and Wakefield, Mass., complainant, vs. Boston Edison Co., respondent, Docket No. E–7400; Norwood Municipal Light Department, Norwood, Mass., complainant, vs. Boston Edison Co., respondent, Docket No. E–7517; Boston Edison Co., Dockets Nos. E–7485 and E–7533.

This order grants, to a limited extent, a request filed by motion, April 22, 1970, that the question of whether the quality and adequacy of Boston Edison Co.'s (Edison) wholesale electric service may affect the lawful rates to be charged for such service be investigated and incorporated as an issue in this consolidated proceeding.

The motion was filed by the Municipal Light Boards and Departments of Reading and Wakefield, Mass. (Municipalities). In it they requested rejection of Edison's proposed Rate S–1 rate increase filing on the grounds that Edison is not furnishing a utility grade of electric service. Alternatively, the Municipalities requested the Commission to investigate the alleged inadequate electric service rendered by Edison, to give notice to the Massachusetts Department of Public Utilities and others of this matter, and to defer assignment of a filing date and acceptance for filing of the rate increase proposal.

By our order issued April 29, 1970, we accepted the Rate S–1 rate schedule for filing, suspended its operation for 1 day, provided for public hearing on the lawfulness of that rate schedule (Docket No. E–7533) and consolidated that hearing with investigations of formal complaints filed by three of Edison's municipal customers (Dockets Nos. E–7400, E–7517), and another proposed rate increase tendered by Edison which was suspended by order issued March 27, 1970 (Docket No. E–7485). In the April 29 order we also denied the motion filed by Municipalities on April 22, 1970, insofar as that motion requested rejection of Edison's Rate S–1 rate increase filing. As to the other relief requested in that motion, we stated that we would consider the remainder of the motion "following opportunity for answer by Edison." Thus, the issue remaining before us is Municipalities' request for an investigation and incorporation into this consolidated proceeding of the issue of the quality and adequacy of Boston Edison's wholesale electric service.

In support of the motion, the Municipalities contend that the electric service from Edison has had frequent and substantial voltage reductions and that the frequency of those reductions is on the increase. They also contend that Edison officials are predicting major service interruptions during 1970 because of power supply and transmission problems and that Edison is planning to place limitations on the connection of new loads because of those expected interruptions. The Municipalities also contend that electric service to the town of Reading is further jeopardized by Edison's unwillingness to commit itself to the 115 kv. interconnection which the parties had agreed upon for operation by November 1969. Municipalities contend that rates must be related to service under the Federal Power Act and that when service is inadequate the utility is not entitled to increase its rates.

On May 4, 1970, Edison filed its answer requesting the Commission to deny the motion to the extent that it was not previously denied by the order of April 29, 1970. In its answer, Edison states that not all of the voltage reductions are due to problems on Edison's own system, but rather, are area-wide reductions for the protection of the New England power grid. Edison also disputes, as a factual matter, the number and duration of voltage reductions set forth in the motion. Further, Edison denies that it is responsible for the delay in constructing the transmission lines needed for reliable, uninterrupted service during the 1970 summer peak. Edison also asserts that it has diligently pressed to meet the completion date desired by Reading for the 115 kv. interconnection.

In further response, Edison contends that the adequacy of service issue is not properly presented in a rate proceeding under the Federal Power Act.

To the extent that the motion and answer thereto raise questions involving adequacy and reliability of electric service in the New England area as a whole, we do not believe a rate investigation involving a single company in that region is a practical or appropriate forum for consideration of such issues, and these issues are specifically excluded from consideration in this proceeding. Order No. 383–2, issued April 10, 1970, provides an orderly means for Commission consideration of these questions. However, the motion raises service questions which involve Boston Edison alone, namely, the alleged failure to provide timely 115 kv. service to Reading, possible limitations on power use and connection of new loads in the summer of 1970, and alleged voltage reductions which may be due in part to problems on Edison's own system. Edison states in its answer that not all voltage reductions are due to problems on its own system, it does not deny that there may be voltage problems relating solely to its own system. Additionally, the motion and answer raise factual questions as to the number and duration of the voltage reductions alleged. It is appropriate that we consider in this proceeding whether interstate rates should be adjusted to reflect these specific alleged service inadequacies to the extent that they relate to Edison's system.

The motion also seeks to invoke this Commission's authority under section 207 of the Federal Power Act. We find it unnecessary to reach this question in light of Order No. 383–2 and our consideration in this proceeding of the local service questions described above.

The inclusion of this issue in the consolidated proceeding will occasion no change in the dates for service of Edison's case-in-chief and for cross-examination set by the presiding examiner at the prehearing conference held May 19, 1970.

The Commission further finds: Good cause exists for granting the Municipalities' request for an investigation into whether the quality and adequacy of electric service rendered by Edison may affect the lawful rates to be charged for such service, except to the extent that it involves questions of the reliability and adequacy of electric service on a New England-wide basis, and to incorporate that issue into this consolidated proceeding as hereinafter ordered.

The Commission orders:

(A) The motion filed by the Municipalities on April 22, 1970, is granted insofar as it requests an investigation into whether the quality and adequacy of electric service rendered by Edison to its wholesale customers may affect the lawful rates to be charged for such service, exclusive of New England-wide problems of reliability and adequacy of electric service. In all other respects, the motion is denied.

(B) The issue referred to in (A) above is hereby incorporated into the consolidated proceeding in Docket No. E–7533.

By the Commission.

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

[F.R. Doc. 70–8588; Filed, July 7, 1970; 8:45 a.m.]

[Docket No. RP70–35]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, and Accepting and Suspending Proposed Alternative Revised Tariff Sheets

JUNE 26, 1970.

On May 28, 1970, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on July 1, 1970.[1] The proposed rate changes would increase charges for jurisdictional sales and services by $46,353,851 annually, based on estimated sales volumes related to firm contract demands to be effective on December 1, 1970. Rates would be increased under all sales rate schedules except Rate Schedules I–2 which is sought to be canceled and CD–2 which Natural states it intends to seek to cancel effective December 1, 1970, in a filing to be made approximately 30 days prior thereto.

Natural's filing consists of two alternative sets of revised tariff sheets, one of which sets contains a proposed new paragraph, to be included in the General Terms and Conditions of the Tariff, providing that Natural would be permitted, or required, to revise its rates periodically to reflect increases or decreases in its cost of purchased gas.[2] Natural requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Natural's filing, the Commission accept for filing the alternative set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

Natural states that the principal reason for the proposed rate increases is an increase in revenue requirements not limited to any category of expense or allowance, but reflecting a general increase in cost levels in the Nation and in the natural gas industry. The proposed rates include a claimed 8.75 percent rate of return, calculated by including

[1] The proposed revised tariff sheets (described by Natural as "alternative" sheets) hereinafter accepted for filing and suspended are as follows: 13th Revised Sheet No. 6, 11th Revised Sheet No. 9, Seventh Revised Sheet No. 10–A, 15th Revised Sheet No. 15, 10th Revised Sheet No. 16, Ninth Revised Sheet No. 17, 15th Revised Sheet No. 18, 10th Revised Sheet No. 19, 14th Revised Sheet No. 19–A, 13th Revised Sheet No. 19–B, Ninth Revised Sheet No. 19–C, Seventh Revised Sheet No. 19–D, Sixth Revised Sheet No. 19–E, Eighth Revised Sheet No. 22, Sixth Revised Sheet No. 25–D, Fourth Revised Sheet No. 25–L and Eighth Revised Sheet No. 25–O.

[2] The revised tariff sheets setting forth Natural's proposed purchased gas adjustment provision are Original Sheets Nos. 38–G through 38–L.

Accumulated Deferred Income Taxes in capitalization at a zero cost.

The reasonableness of including a purchased gas adjustment provision in Natural's tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Natural's customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act to permit the filing of Natural's set of revised tariff sheets containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Natural will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed for by Natural in this proceeding.

Review of the rate filing indicates that certain other issues are raised which also require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

At the prehearing conference hereinafter ordered, we contemplate that all parties will be fully prepared to discuss the stipulation of noncontroverted facts, the definition of issues to be tried, as well as any other substantive and procedural problems involved in this proceeding. The parties are expected to fully effectuate the intent of § 2.59 of the Commission's rules of practice and procedure. In the exercise of the authority delegated to him under § 1.27 of the rules, the Presiding Examiner, in the exercise of his discretion, may determine which issues, if any, shall be heard in an initial phase of the hearing; and set dates for service of testimony and exhibits by staff and intervenors, the rebuttal evidence of the applicant and commencement of cross-examination, which will serve to proceed with such hearing as expeditiously as feasible.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Natural's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided; and

(2) The disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with a prehearing conference on July 21, 1970, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Natural's revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until December 1, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Natural's revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission staff, as a proposed purchased gas adjustment provision to be included in Natural's tariff.

(D) Presiding Examiner Seymour Wenner or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(E) At the hearing on July 21, 1970, Natural's prepared testimony (Statement P) filed and served on June 12, 1970, together with its entire rate filing as submitted and served on May 28, 1970, be admitted to the record as Natural's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's Regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(F) Following admission of Natural's complete case-in-chief, the parties shall proceed to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

By the Commission.

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

[F.R. Doc. 70-8589; Filed, July 7, 1970; 8:45 a.m.]

[Dockets Nos. G-7004, etc.]

PENNZOIL UNITED, INC., ET AL.

Notice of Application for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JUNE 23, 1970.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued June 4, 1970, and published in the FEDERAL REGISTER June 12, 1970, 35 F.R. 9231, Column 5, Docket No. G-14962: Change pressure base to read "14.65" in lieu of "15.025".

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-8587; Filed, July 7, 1970; 8:45 a.m.]

[Dockets Nos. RI70-1754 etc.]

SUN OIL CO. 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 24, 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

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

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 August 8, 1970.

By the Commission.

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any futher action by a 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.
RI70-1754	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	402	[3] 10	Oklahoma Natural Gas Gathering Corp. (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	$30,802	5-11-70	6-11-70	(4)	12.0	[3] [5] 15.0	
		450	[3] 8		10,260	5-11-70	6-11-70	(4)	12.0	[3] [6] 15.0	RI68-708.
RI70-1755	Big Chief Drilling Co., Post Office Box 14837, Oklahoma City, Okla. 73114.	14	[3] 7	do	2,550	5-13-70	6-13-70	(4)	12.0	[3] [5] 15.0	RI68-387.
RI70-1756	Post Oak Oil Co., Post Office Box 14837, Oklahoma City, Okla. 73114.	2	[3] 3	do	2,567	5-13-70	6-13-70	(4)	12.0	[3] [5] 15.0	RI66-253.
RI70-1757	Payne, Inc., Post Office Box 14837, Oklahoma City, Okla. 73114.	2	[3] 6	do	2,567	5-13-70	6-13-70	(4)	12.0	[3] [5] 15.0	RI66-253.

[3] Applicable to high pressure gas produced from below the lowest formation of the Mississippian age.
[4] The proposed rate is suspended for 1 day from the date of initial delivery from the Hunton formation.
[5] Renegotiated rate increase.
[6] Pressure base is 14.65 p.s.i.a.

The five proposed renegotiated rate increases from 12 cents to 15 cents per Mcf at 14.65 p.s.i.a. are for sales of gas to Oklahoma Natural Gas Gathering Corp. from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area). The proposed 15-cent rate is applicable to high pressure gas well gas from a newly-discovered deeper formation under previously committed acreage. The rate is provided for in recently filed supplemental agreements which also provide for a delivery pressure of 800 p.s.i.g. or greater. The 15 cents per Mcf initial service ceiling in the Oklahoma "Other" Area has been applied at the tailgate of the plant, not at the wellhead, for sales of gas from the Ringwood Field. Consequently, newly discovered gas sold at the wellhead in the Ringwood area does not qualify for such ceiling. However, in light of the fact that the proposed 15-cent rates would otherwise be acceptable (with proper documentary support) were not special circumstances involved, we believe it appropriate to suspend these proposed increases for only 1 day from the respective dates of initial delivery.

[F.R. Doc. 70-8590; Filed, July 7, 1970; 8:45 a.m.]

OFFICE OF EMERGENCY PREPAREDNESS

TEXAS

Amendment to Major Disaster Declaration of May 13, 1970

The first paragraph of the major disaster declaration for the State of Texas dated May 13, 1970, notice of which was published on May 21, 1970 (35 F.R. 7832), is amended to read as follows:

I have determined that the damages in those areas of the State of Texas adversely affected by tornadoes, windstorms, and flooding beginning on or about April 17, 1970, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the State of Texas. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

The change in the description of the disaster permits Federal assistance to cover damages resulting from tornadoes, windstorms and flooding.

The notice of major disaster is further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 13, 1970:

The county of: Hays

Dated: July 1, 1970.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[F.R. Doc. 70-8632; Filed, July 7, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 2, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41989—*Ethylene Glycol to Decatur, Ala.* Filed by O. W. South, Jr., agent (No. A6180), for interested rail carriers. Rates on ethylene glycol, in tank carloads, as described in the application, from Wilmington, N.C., to Decatur, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 185 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8647; Filed, July 7, 1970; 8:50 a.m.]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 2, 1970.

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

Protests against the use of any proposed deviation route hereing described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR

1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 549), GREYHOUND LINES, INC. (Eastern Division), 1400 West Street, Cleveland, Ohio 44113, filed June 22, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Winchester, Ky., over U.S. Highway 60 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction of the Mountain Parkway, thence over the Mountain Parkway to junction Kentucky Highway 15 (near Campton, Ky.), thence over Kentucky Highway 15 to Campton, Ky., and (2) from Lost Creek, Ky., over relocated Kentucky Highway 15 to Hazard, Ky., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Winchester, Ky., over Kentucky Highway 15 to junction Kentucky Highway 476 (formerly portion Kentucky Highway 15), at Lost Creek, Ky., thence over Kentucky Highway 476 to junction Kentucky Highway 80 (formerly portion Kentucky Highway 15), thence over Kentucky Highway 80 to Hazard, Ky., and return over the same routes.

No. MC 1515 (Deviation No. 550) (Cancels Deviation No. 492), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed June 25, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: From Jacksonville, Fla., over Interstate Highway 95 to junction Florida Highway 60, thence over Florida Highway 60 to Vero Beach, Fla., with the following access routes: (1) From junction Interstate Highway 95 and Florida Highway 16 over Florida Highway 16 to St. Augustine, Fla., (2) from junction Interstate Highway 95 and Florida Highway 207 over Florida Highway 207 to St. Augustine, Fla., (3) from junction Interstate Highway 95 and Florida Highway 100 over Florida Highway 100 to Bunnell, Fla., (4) from junction Interstate Highway 95 and U.S. Highway 92 over U.S. Highway 92 to Daytona Beach, Fla., (5) from junction Interstate Highway 95 and Florida Highway 406 over Florida Highway 406 to Titusville, Fla., (6) from junction Interstate Highway 95 and Florida Highway 405 to Titusville, Fla., (7) from junction Interstate Highway 95 and Florida Highway 528 over Florida Highway 528 to junction U.S. Highway 1 north of Cocoa, Fla., (8) from junction Interstate Highway 95 and Florida Highway 520 over Florida Highway 520 to Cocoa, Fla., and (9) from junction Interstate Highway 95 and U.S. Highway 192 over U.S. Highway 192 to Melbourne, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Jacksonville, Fla., over U.S. Highway 1 via Bunnell and Daytona Beach, Fla., to Key West Fla., and (2) from Jacksonville, Fla., over U.S. Highway 90 to Jacksonville Beach, Fla., thence over Florida Highway A1A Via St. Augustine, Fla., to Daytona Beach, Fla., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8641; Filed, July 7, 1970; 8:49 a.m.]

[Notice 23]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 2, 1970.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 83), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed June 24, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction of the Ohio Turnpike and Ohio Highway 5 (Ohio Turnpike Gate 14) over Ohio Highway 5 to Warren, Ohio, thence over Ohio Highway 82 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 970, thence over Pennsylvania Highway 970 to Woodland, Pa., thence over U.S. Highway 322 to Harrisburg, Pa., thence over access roads to the Pennsylvania Turnpike, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8642; Filed, July 7, 1970; 8:49 a.m.]

[Notice 60]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 2, 1970.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 76264 (Sub-No. 25) (Republication), filed May 18, 1970, published in the FEDERAL REGISTER of June 11, 1970, and republished this issue to reflect the hearing information. Applicant: WEBB TRANSFER LINE, INC., Post Office Box 231, Shelbyville, Ky. 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies, and materials* used in the manufacture of building materials (except commodities in bulk), between Springfield, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 117606, therefore dual operation may be involved.

HEARING: July 15, 1970, in Room 545, U.S. Post Office, 601 West Broadway,

Louisville, Ky., before Examiner Donald R. Sutherland.

No. MC 106497 (Sub-No. 45) (Republication), filed May 18, 1970, published in the FEDERAL REGISTER of June 11, 1970, and republished to reflect the hearing information. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, from Rosenburg, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that tacking is possible on tubing which requires special equipment, but tacking would not be practical at Rosenburg, Tex. Tacking possibilities, therefore, are unforeseen. Common control may be involved.

HEARING: August 3, 1970, at 8A07 Fritz Garland Lanham Federal Building, 819 Taylor Street, Fort Worth, Tex., before Examiner W. Wallace Wilhite.

No. MC 114194 (Sub-No. 154) (Republication), filed January 16, 1970, published in the FEDERAL REGISTER issue of February 27, 1970, and republished this issue. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as applicant). The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated June 5, 1970, and served June 18, 1970, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of clay, in bulk, from points in Montgomery County, Mo., to points in Illinois, Indiana, Wisconsin, Michigan, Tennessee, Kentucky, Arkansas, Alabama, Nebraska, Kansas, Oklahoma, Texas, Colorado, New Mexico, Wyoming, and Missouri; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133444 (Republication), filed January 31, 1969, published in the FEDERAL REGISTER February 20, 1969, and republished, this issue. Applicant: JOHN E. BRUNER AND JOHN P. BRUNER, a partnership, doing business as BRUNER TRANSFER, 1545 Henry Avenue, Beloit, Wis. 53511. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. A decision and order of the Commission, Review Board No. 2, dated June 24, 1970, and served June 30, 1970, finds, upon consideration of the application and the record in the proceeding, including the report and recommended order of the Examiner, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of engine parts and accessories, motors, and compressors, between the plantsite of Fairbanks Morse, Inc., Power System Division at or near Beloit, Wis., on the one hand, and, on the other, points in Arizona, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, Ohio, South Dakota, Texas, Virginia, and West Virginia under a continuing contract or contracts with Fairbanks Morse, Inc., Power Systems Division, of Beloit, Wis., subject to the following restrictions: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that this carrier's operations shall conform to the provisions of sections 210 of the Act; will be consistent with the public interest and the national transportation policy. The Board further finds that the holding by applicant of the permit granted herein, and of the certificate of public convenience and necessity No. MC 4575, will be consistent with the public interest and the national transportation policy, subject to the condition that applicant within 30 days after the date of service of the appended order shall file with the Commission its written consent that each separate grant of authority now contained in certificate No. MC 4547 is modified by adding the following restriction: The authority granted herein is restricted against the transportation of traffic to or from the plantsite of Fairbanks Morse, Inc., Power Systems Division, at or near Beloit, Wis. Because it is possible that other parties who have relied upon the notice of the application as previously published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133967 (Sub-No. 1) (Republication), filed October 20, 1969, published in the FEDERAL REGISTER of November 27, 1969, and republished this issue. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, Wis. 54515. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 3, decided June 19, 1970, and served June 26, 1970, finds, that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes; (1) of cabinets, vanities, and cases, from Ladysmith, Wis., to points in Arkansas, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Oklahoma, Ohio, Pennsylvania, South Dakota, Tennessee, and West Virginia; and (2) of materials used in the manufacture of the commodities described in (1) above from points in the States named in (1) above to Ladysmith, Wis., under a continuing contract or contracts with Mica-Wood Corp., of Ladysmith, Wis., will be consistent with the public interest and national transportation policy; subject to the condition that operation shall be conducted separately from applicant's other business activities and that separate accounts and records shall be maintained; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings; a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

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

No. MC 66788 (Sub-No. 22), filed June 12, 1970. Applicant: RAYMOND MOTOR TRANSPORTATION, INC., 1912 Broadway NE., Minneapolis, Minn. 55413. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and household goods; (1) between points in Lake, McHenry, Boone, De Kalb, Kane, Du Page, Cook, Kendall, Grundy, and Will Counties, and that part of Kankakee County on and north of Illinois Highways 17 and 114; and (2) between points in the counties named in (1) above, on the one hand, and, on the other, points in Illinois, restricted to shipments originating at or destined to points in the counties named

above. NOTE: Applicant states that tacking will take place at Chicago, Ill. Operations will be conducted between points in Illinois within a 50-mile radius of Lombard, Ill., on the one hand, and, on the other, points in Minnesota and North Dakota. The instant application is a matter directly related to MC-F-10861, published in the FEDERAL REGISTER issue of June 24, 1970, wherein applicant seeks to convert the certificate of registration of Dex Motor Service, Inc., in MC 99399 Sub-1 into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-10871. Authority sought for purchase by JOHN L. KERR and G. O. KERR, JR., a partnership, doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8365, Jackson, Miss. 39204, of the operating rights of ELMER M. SMITH, doing business as COAST EXPRESS, Post Office Box 4127, Meridian, Miss. 39301, of control of such rights through the purchase. Applicants' attorney: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 98872 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce: (1) Over a regular route between Mississippi-Louisiana and Mississippi-Alabama lines over U.S. Highway 90 serving all intermediate points; (2) over irregular routes originating at or destined to Gulfport, Miss., over a territory described as a 75-mile radius of Gulfport, Miss., and interchange rights at Gulfport, Miss., without regard to origin or destination of the commodities, subject to the following restriction: Restricted so that no authority is herein granted to pick up or discharge any freight at any points or places on U.S. Highway 49. Vendee is authorized to operate as a *common carrier* in Mississippi. Application has not been filed for temporary authority under section 210a(b). NOTE: MC 66746 Sub-15 is a matter directly related.

No. MC-F-10872. Authority sought for control and merger by CLAIRMONT TRANSFER CO., 1903 7th Avenue N., Escanaba, Mich. 49829, of the operating rights and property of HINCHCLIFF MOTOR SERVICE, INC., 3400-3430 South Pulaski Road, Chicago, Ill., and for acquisition by RUTH K. NORTON also of Escanaba, Mich., of control through the transaction. Applicants' attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Operating right sought to be controlled and merged: *General commodities*, with usual exceptions as a *common carrier*, over regular routes, between certain specified points in Ohio, Illinois, and Indiana extending generally from Chicago, Ill., to Vincennes and Indianapolis, Ind., and Cincinnati, Marietta, and Cleveland, Ohio, *light bulbs or lamps, and the component parts* thereof, between Ravena, Ohio, and Cleveland, Ohio, *urethane and urethane products*, from Bremen, Ind., to points in St. Clair, Ingham, Kalamazoo, Kent, Lenawee, Livingston, Macomb, Monroe, Oakland, Ottawa, Shiawassee, Washtenaw, Allegan, and Wayne Counties, Mich. CLAIRMONT TRANSFER Co. is authorized to operate in Michigan, Minnesota, Missouri, Illinois, Indiana, Ohio, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10873. Authority sought for control and merger by CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19336, of the operating rights and property of DANDY MOTOR LINES, INC., Morristown Road, Matawan, N.J., and for acquisition by INTERNATIONAL UTILITIES, INC., 1500 Walnut Street, Philadelphia, Pa., and in turn by S. F. NINESS, also of Philadelphia, Pa., of control of such rights and property through the transaction. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Operating rights sought to be controlled and merged: *Commodities in bulk, as a common carrier* over regular routes, between Fernwood, Pa., and Wawa, Pa., serving all intermediate points and certain off-route points, with restriction; between New York, N.Y., and Jersey City, N.J., on the one hand, and, on the other, certain specified points in New Jersey, between Philadelphia, Pa., on the one hand, and, on the other, Camden and Trenton, N.J., Wilmington, Del., and certain specified points in Pennsylvania; and *commodities in bulk*, over irregular routes, between certain specified points in Pennsylvania, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, and the District of Columbia, and points in the New York, N.Y., commercial zone, as defined by the Commission. CHEMICAL LEAMAN TANK LINES, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MCV-F-10874. Authority sought for purchase by THE SQUAW TRANSIT COMPANY, 5121 South 49th West Avenue (Post Office Box 9415), Tulsa, Okla. 74107, a portion of the operating rights of M & H Trucking, Inc., 5001 East Main Street (Post Office Box 1995), Farmington, N. Mex. 87401, and for acquisition by COMMODORE STONE and RALEIGH W. BEATTY both of Tulsa, Okla., of control of such rights through the purchase. Applicants' attorneys: Joe G. Fender, Fender & Crawford, 802 Houston First Savings Building, Houston, Tex. 77002; and Alvin J. Meiklejohn, Jones, Meiklejohn, Kehl & Lyons, 420 Denver Club Building, 518-17th Street, Denver, Colo. 80202. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, as a *common carrier*, over irregular routes, between points in Nevada, on the one hand, and, on the other, points in Texas, and those in Ley, Eddy, San Juan, Rio Arriba, and McKinley Counties, N. Mex. Vendee is authorized to operate as a *common carrier* in Oklahoma, Colorado, Kansas, Nebraska, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, New Mexico, Texas, Ohio, Michigan, Montana, and North Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10876. Authority sought for purchase by TAJON, INC. (Ohio corporation), Rural Delivery 5, Box 146, Mercer, Pa. 16137, of a portion of the operating rights of OHIO VALLEY MOTOR FREIGHT, INC., Post Office Box 525, Moore's Junction, Marietta, Ohio 45750, and for acquisition by TAJON, INC. (a Delaware corporation), also of Mercer, Pa., of control of such rights through the purchase. Applicants' attorneys: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004 and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: *Ferro alloys*, in bulk, in dump trucks, as a *common carrier*, over irregular routes, from Riverview, Ohio, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania, and West Virginia; and *dry cement*, in bulk, in dump vehicles and in tank vehicles, from Riverview (near Marietta), Ohio, to points in Braxton, Calhoun, Clay, Doddridge, Gilmer, Jackson, Kanawha, Lewis, Pleasants, Ritchie, Roane, Tyler, Wetzel, Wirt, and Wood Counties, W. Va., from Riverview, Ohio (near Marietta, Ohio), to points in Cabell, Harrison, Marion, Marshall, Mason, Monongalia, Ohio, Putnam, and Taylor Counties, W. Va. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, New York, Kentucky, Indiana, Illinois, Missouri, Michigan, New Jersey, Delaware, Maryland, Tennessee, Virginia, Connecticut, Massachusetts, North Carolina, Rhode Island, New Hampshire, Vermont, South Carolina, Alabama, Florida, Georgia, Louisiana, Maine, Mississippi, Wisconsin, and Arkansas. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8643; Filed, July 7, 1970; 8:49 a.m.]

[Notice 62]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 2, 1970.

The following publications are governed by the new Special Rule 1.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of

December 3, 1963, which became effective January 1, 1964.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, et cetera, they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 113651 (Sub-No. 132), filed April 10, 1970. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co., and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Washington, D.C., Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at and destined to the named destination points.

HEARING: July 22, 1970, before Examiner Francis A. Welch at Omaha, Nebr., in Room 2404, New Federal Building, 215 North 17th Street.

No. MC 124211 (Sub-No. 148), filed June 24, 1970. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Sioux-Preme Packing Co., located in Sioux County, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

HEARING: July 22 1970, in Room 2404, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Francis A. Welch.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8644; Filed, July 7, 1970; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 2, 1970.

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

State Docket No. 3613 Sub-2, filed May 22, 1970. Applicant: R. PRICE WORSLEY, doing business as NATIONAL CARTAGE COMPANY, 2006 Sheridan Road, Salt Lake City, Utah 84108. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Applicant proposes to extend his general commodity cartage service and authority to Clearfield and Hill Air Force Base, Utah, so as to provide service between said points and Salt Lake City, Utah and intermediate points, over irregular routes. Both intrastate and interstate authority sought.

HEARING: Monday, July 13, 1970. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Utah Public Service Commission, 300 East Fourth South, Salt Lake City, Utah 84111, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8640; Filed, July 7, 1970; 8:49 a.m.]

[Notice 107]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 1, 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 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 28060 (Sub-No. 17 TA), filed June 25, 1970. Applicant: WILLERS INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57103. Applicant's representative: Clifford J. Willers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packing house*

products and such equipment, materials, and supplies used by meatpackers, from the plantsite of John Morrell & Co., Sioux Falls, S. Dak., and nearby warehouse and storage facilities utilized by John Morrell & Co., to Worthington and Duluth, Minn., from Worthington, Minn., to plantsite of John Morrell & Co., Sioux Falls, S. Dak., and nearby warehouse and storage facilities utilized by John Morrell & Co., for 180 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57101; Claude Stewart, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 52704 (Sub-No. 81 TA), filed June 24, 1970. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer 14, Lafayette, Ala. 36862. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coin-operated, refrigerated drink-vending machines and parts,* from the plantsite of Cavalier Corp., Chattanooga, Tenn., to points in Georgia, Florida, and Texas, for 180 days. Supporting shipper: Cavalier Corp., 1100 East 11th Street, Chattanooga, Tenn. 37403. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814—2121 Building, Birmingham, Ala. 35203.

No. MC 64100 (Sub-No. 6 TA), filed June 25, 1970. Applicant: GEORGE B. UTTER, Rural Delivery 3, Oneonta, N.Y. 13820. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients,* in bulk, in specially built dump trailers, from Oneonta, N.Y., to Andes, N.Y. (commodities have a prior interstate movement by railroad), for 180 days. Supporting shipper: E. M. Decker & Son, Inc., Andes, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 95540 (Sub-No. 779 TA), filed June 24, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates,* 61 M.C.C. 209 and 766, from Allen Township, Hillsdale County, Mich., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Mississippi, for 180 days. Supporting shipper: Walter Hoffner, Great Markwestern Packing Co., Detroit, Mich. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 107295 (Sub-No. 395 TA), filed June 24, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plumbers' goods; kitchen, bathroom, and lavatory fixtures; and accessories;* from Salem, Ohio, and Ford City, Pa., to points in Illinois, Indiana, Ohio, Iowa, Missouri, Kentucky, Tennessee, Michigan, Wisconsin, Arkansas, Minnesota, Louisiana, Mississippi, Oklahoma, Texas, Nebraska, and Kansas, for 180 days. Supporting shipper: Eljer Plumbingware Division of the Wallace-Murray Corp., Three Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 397 TA), filed June 26, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt roofing and roofing products and materials;* from Chicago, Joliet, and Summit, Ill., to points in Indiana, Iowa, Kentucky, Missouri, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Lloyd A. Fry Roofing Co., General Offices, 5818 Archer Road, Summit, Ill. 60501. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 108207 (Sub-No. 303 TA), filed June 26, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Candy and confectionery products,* from Minneapolis, Minn., to Tulsa and Oklahoma City, Okla., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Fanny Farmer Famous Candies, 900 North Third Street, Minneapolis, Minn. 55401. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 114362 (Sub-No. 12 TA), filed June 26, 1970. Applicant: H. A. PIERCE AND R. E. SCHUSTER, a partnership, doing business as PIERCE-SCHUSTER TRUCK LINES, Freeborn, Minn. 56032. Applicant's representative: R. E. Schuster (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prestressed concrete products,* from Wells, Minn., to Grand Forks and Fargo, N. Dak., for 180 days. Supporting shipper: Wells Concrete Products Co., Wells, Minn. 56097. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115322 (Sub-No. 72 TA), filed June 25, 1970. Applicant: REDWING REFRIGERATED, INC., 2939 Orlando Drive, Sanford, Fla. 32771. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, preserved, or frozen,* from points in Adams County and Chambersburg, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Knouse Foods Cooperative, Inc., Peach Glen, Pa. 17306. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commision, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 115353 (Sub-No. 12 TA), filed June 24, 1970. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Building materials, gypsum, and gypsum products,* except in bulk, from the plant and warehouse sites of the United States Gypsum Co. at Staten Island (Richmond County, N.Y. 100022. Send protests to: District Rhode Island; *returned shipments* in the reverse direction. Restriction: The proposed service to be under contract with United States Gypsum Co., for 180 days. Supporting shipper: United States Gypsum Co., 600 Madison Avenue, New York, N.Y. 10002. Send protests to: District Supervisor W. J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 127978 (Sub-No. 1 TA), filed June 26, 1970. Applicant: NEWSPRINT TRUCKING CO., Post Office Box 144, Garfield, N.J. 07026. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Newsprint and waste paper,* between Garfield, N.J., and Richmond, Va., for 150 days. Supporting shipper: Garden State Paper Co., Inc., 950 River Drive, Garfield, N.J. 07026. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133310 (Sub-No. 2 TA), filed June 26, 1970. Applicant: KENNETH L. PARKS AND KEITH O. PARKS, doing business as K & K WHOLESALE CO., Post Office Box 222, Lowell, Oreg. 97452. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from points in Benton, Clackamas, Douglas, Jackson, Josephine, Lane, Linn, Marion, Multnomah, Polk, Tillamook, and Yamhill Counties, Oreg., to points in Clark and Nye Counties, Nev., for 180 days. Supporting shipper: Van's Builders Supply, Inc., 1422 Western Street, Las

Vegas, Nev. 89102. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8645; Filed, July 7, 1970; 8:50 a.m.]

[Notice 555]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 2, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FD-26234. By order of June 26, 1970, the Motor Carrier Board approved the transfer to United States Lines, Inc., New York, N.Y., of amended certificate in No. W-497, issued August 28, 1944, to United States Lines Co. (Panama Pacific Lines), New York, N.Y.; authorizing the transportation of: Passengers and commodities generally, between the Atlantic ports of New York, N.Y., and Baltimore, Md., and the Pacific ports of Los Angeles Harbor and San Francisco, Calif. Russell T. Weil, 900 17th Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-72101. By order of June 29, 1970, the Motor Carrier Board approved the transfer to Les Darr Trucking Co., Kelso, Wash. 98626, of certificate No. MC-101483, issued May 31, 1941, to Leslie Darr, Kelso, Wash. 98626, authorizing the transportation of: Lumber, and wooden shingles, lath, and box shooks, between points in Clark and Cowlitz Counties, Wash., on the one hand, and, on the other, points in Multnomah, Clatsop, Columbia, Marion, and Clackamas Counties, Oreg. Leslie Darr, 520 Grade Street, Kelso, Wash. 98626, representative of applicants.

No. MC-FC-72171. By order of June 30, 1970, the Motor Carrier Board approved the transfer to Balboa Transfer & Storage, a California corporation, doing business as Balboa Transfer Co., 235-A East Paularino Street, Post Office Box 8, Costa Mesa, Calif., of the operating rights in certificate No. MC-124494 (Sub-No. 1) issued July 17, 1963 to C. E. McNeil and Ward Alfred Sherman, a partnership, doing business as Balboa Transfer Co., 235-A East Paularino Street, Post Office Box 8, Costa Mesa, Calif., authorizing the transportation of boats between points in California, on the one hand, and, on the other, the port of entry on the United States-Mexico boundary line at Calexico, Calif.

No. MC-FC-72216. By order of June 29, 1970, the Motor Carrier Board approved the transfer to AAA Van & Storage, Co., El Cajon, Calif., of the operating rights in certificate No. MC-128536 (Sub-No. 1) issued December 19, 1969, to Maurice J. Gallagher (Marie Gallagher, Executrix), and Marie Gallagher, a partnership, doing business as AAA Van & Storage, Co., El Cajon, Calif., authorizing the transportation of: Used household goods between points in San Diego and Orange Counties, Calif., subject to specified restrictions. Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006, attorney for applicants.

No. MC-FC-72223. By order of June 30, 1970, the Motor Carrier Board approved the transfer to Smith Transfer & Storage, Inc., Charlotte, N.C., of the operating rights in certificate No. MC-69201 issued September 9, 1940, to Harvey P. Smith, doing business as Smith Transfer & Storage Co., Charlotte, N.C., authorizing the transportation of household goods between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina, Georgia, Virginia, and the District of Columbia. Francis O. Clarkson, Jr., 914 American Building, Charlotte, N.C. 28202, attorney for applicants.

No. MC-FC-72224. By order of June 30, 1970, the Motor Carrier Board approved the transfer to T. J. Pendergrass, Henderson, N.C., of the operating rights in No. MC-127810, issued December 6, 1966, to Sherman & Boddie, Inc., Oxford, N.C., authorizing the transportation of: Fertilizer and fertilizer materials from specified points in Virginia to specified points in North Carolina. Charles B. Morris, Jr., Box 1606, Raleigh, N.C. 27602, attorney for applicants.

No. MC-FC-72227. By order of June 29, 1970, the Motor Carrier Board approved the transfer to Pinson Air Freight & Transport, Inc., Dalton, Ga., of certificates Nos. MC-33502 and MC-33502 (Sub-No. 1) issued to Joe L. Powell, Chattanooga, Tenn., authorizing the transportation of: Films and associated commodities and newspapers, including motion picture films, and sound films, and theater supplies, between specified points in Tennessee and Alabama. L. Hugh Kemp, Post Office Box 398, Dalton, Ga. 30720, attorney for applicants.

No. MC-FC-72228. By order of June 29, 1970, the Motor Carrier Board approved the transfer to Lyle H. Hacke, doing business as Brown Bus Lines, Libby, Mont., of certificate No. MC-123481 issued to Kenneth B. Corbett, doing business as Brown Bus Lines, Bonners Ferry, Idaho 83805, authorizing the transportation of: Passengers and their baggage, express and newspapers, between Bonners Ferry, Idaho, and Kalispell, Mont., serving all intermediate points. J. F. Lyons, Post Office Box 458, Bonners Ferry, Idaho 83805, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-8646; Filed, July 7, 1970; 8:50 a.m.]

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FEDERAL REGISTER

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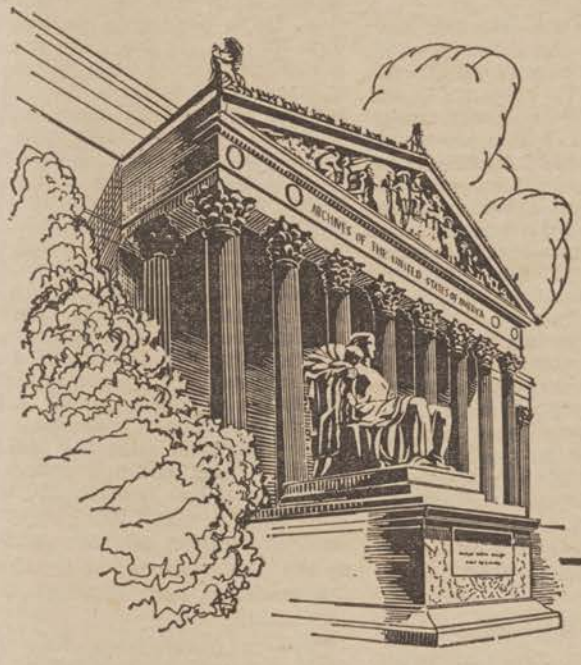
Wednesday, July 8, 1970 • Washington, D.C.

PART II

FEDERAL COMMUNICATIONS COMMISSION



SCHEDULE OF FEES

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18802; FCC 70-694]

PART 1—PRACTICE AND PROCEDURE

Schedule of Fees

1. In a notice of proposed rule making adopted February 18, 1970,[1] the Commission set forth its proposal to revise the existing schedule of fees on a broad basis. While the present proceeding is a reflection of the Commission's continuing review of this subject matter, its proposals reflect widespread changes in the existing fee schedule, designed insofar as possible to return to the Federal Government the amount of funds appropriated by the Congress for the Commission for fiscal year 1971. Comments, both formal and informal, were received in large number and have been fully considered in the Commission's continuing analysis of such matters.[2]

2. The Commission first adopted rules providing for a schedule of application filing fees in 1963 (Docket No. 14507, FCC 63-414, 28 F.R. 4658; FCC 63-856, 28 F.R. 10911) and the initial fee schedule became effective on March 17, 1964. In adopting that fee schedule, the Commission stated that it would undertake a continuing review of the schedule. This continuing review has since been carried forward on a regular basis and a number of changes and modifications have since been made in the original schedule. In the current review and its attendant changes, we have fully considered the thrust of the legislation which vested authority in the Commission to establish the original schedule. The pertinent provision which is included in title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. § 483(a)) and is applicable to all Federal agencies, reads as follows:

> It is the sense of the Congress that any work, service publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the Executive Branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this title shall repeal or modify existing statutes prescribing basis for calculation of any fee, charge, or price, but this provision shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount on any such fee, charge or price.

3. The fee schedule initially adopted in 1964 established nominal fees and produced fee revenues which approximated 25 percent of the Commission's annual appropriation at that time, and subsequent changes in the fee schedule have generally maintained the same ratio between fee revenues and our annual appropriations. However, after judicial affirmation of the Commission's authority to establish a schedule of fees, the Bureau of the Budget has regularly urged the establishment of higher fee schedules and many other agencies have taken steps to adopt fee schedules calling for higher fees. In 1969, the House Appropriations Subcommittee expressed its concern about the Commission's fee schedule and stated that,

> The Committee also feels that fee charges should be further reviewed and adjusted upward with the objective of assuring that the activities of the Commission are more nearly self-sustaining. The Committee will expect a report on these items during the budget hearings for 1971.[3]

Thereafter, the Conference Committee on the Independent Office Appropriations Bill, 1970, supported the views stated above, stating with respect to our fee schedule that

> The committee of conference is agreed that the fee structure for the Commission should be adjusted to fully support all its activities so the taxpayers will not be required to bear any part of the load in view of the profits regulated by this agency.[4]

Since the issuance of the notice of proposed rule making in this proceeding, in hearings on the Commission's appropriation for fiscal year 1971, both the House and Senate Appropriations Subcommittees reiterated their view that the Commission should establish its schedule of fees on a basis which would make it self-sustaining to the fullest extent possible. The fee schedule adopted herein, as a revision of the initial proposal, has been prepared in the light of these executive and congressional directives and, based upon a reasonable projection of our activities during the coming fiscal year, should produce fee revenues which will generally approximate our estimated expenditures for fiscal year 1971.[5]

4. Comments received from various industries affected by the Commission's fee schedule proposed in the notice indicated a wide disparity between the resulting fee revenues as estimated by the Commission and as estimated by the industries affected. Though comments of this nature were widespread, they had particular emphasis in the area of common carrier regulation and equipment approval action. Particular scrutiny has been paid to these contentions and the fee schedule adopted herein now sets forth not only more simplified methods for establishing the amount of individual fee charges, but also a schedule of charges which have been carefully designed to reach an estimated total revenue within a reasonable range of the Commission's appropriations for fiscal year 1971. In arriving at this goal, the Commission has given considerable but not exclusive consideration to its allocation of the cost of Commission activities as set forth in its supplemental notice of March 4, 1970. This breakdown of activity costs, both in terms of dollars and in terms of percentages of the total Commission budget request, is as follows:

		Percent
Broadcast	$9,661,200	38.8
Cable Television	1,145,400	4.6
Chief Engineer	323,700	1.3
Common Carrier	4,631,400	18.6
Field Engineering	1,294,800	5.2
Safety and Special Radio	7,843,500	31.5

It must be emphasized that these figures reflect only the cost factor and that other criteria such as "value to recipient" and "public policy and interest served" have also been considered in establishing the fee schedule set forth herein on a practicable, fair, and equitable basis. In this connection, numerous comments were to the effect that where the Commission determined that public policy considerations warranted various exemptions from the fee schedule, e.g., State and local governments, nonprofit licensees, etc., the cost of regulation of such activities should in effect be deducted from the total of fee revenues sought to be obtained by the Commission. These comments overlook the fact that there is no requirement that individual fee charges must be tied directly to processing costs or that individual activity costs set an outer limit for fee revenues resulting from such activity. The statutory objective is that the Commission shall establish a fee schedule which, after consideration of all of the factors referred to in 31 U.S.C. section 483(a), should produce total revenues which would make the Commission self-sustaining to the fullest extent possible. This general objective encompasses within it not only appropriate variations amongst the different Commission activities and staff units, but also appropriate variations between annual appropriations which may be enacted by the Congress some time after the beginning of the fiscal year, and may reflect changes from our budget request, and estimated fee revenues which must be based only upon projections of future activity and of the future impact of fee charges on the extent of such activity.[6] As revised

[1] A supplemental notice was adopted and issued on Mar. 4, 1970.

[2] A list of the parties filing comments, formal and informal, would be too large to warrant reprinting.

[3] House Report 91-316, June 19, 1969, pages 7 and 8.

[4] House Report 91-649, Nov. 18, 1969, page 6.

[5] This includes not only the expected regular appropriation of $24,900,000, but also additional expenditures deriving from the more recent Federal salary increase.

[6] Thus the Commission anticipates that the increase in the fee for restricted radiotelephone permits will operate to decrease the number of applications received for such permits although the extent of such cutback is not presently ascertainable.

from the initial proposal and keeping in mind the imponderables described above, it is estimated that the fee schedule adopted herein will produce the following revenues:

Broadcast Bureau	$9,600,000
Cable Television	1,145,000
Chief Engineer	355,900
Common Carrier	4,700,000
Field Engineering Bureau	2,007,300
Safety and Special Radio	7,750,300

The total revenue on a Commissionwide basis is $25,558,500, if the fee schedule were in effect for the entire fiscal year 1971.

5. Many comments alleged that the Commission's proposed fee schedule constituted a system of taxation which was beyond the authority of the Commission. It is clear to us, however, that the fee schedule adopted herein is directly tied to "work, service * * * benefit, privilege * * * franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued" by the Federal Communications Commission, and that the fees set forth in such schedules are fair and equitable and have been established after taking into consideration direct and indirect cost to the Government, value to recipient, public policy or interest served and other pertinent factors. As such, the fee schedule adopted herein, like its predecessor, is clearly within the authority of the Commission under title V of the Independent Office Appropriations Act of 1952. (See Aeronautical Radio Inc. v. F.C.C., 335 F. 2d 304; cert. den. 379 U.S. 966.)

6. As described in the notice, the fee schedule adopted herein imposes fees in two additional areas which are not now subject to fees of any kind, but are the subject of Commission regulation and which directly or indirectly receive what in effect is a Commission authorization tantamount to a "license." The first area concerns Community Antenna Television systems which, as interstate communication services are permitted to operate only in accordance with Commission rules and regulations adopted during the past 5 years. The Commission's authority to regulate the conduct of CATV activities under various permissive and restrictive regulations was affirmed by the U.S. Supreme Court in United States v. Southwestern Cable Co., 392 U.S. 157 (1968). Its regulation of this type of interstate communication service now constitutes a substantial portion of the Commission's responsibilities, and a major staff unit has now been given permanent status to deal with this area. While the Commission's regulatory approach does not require a prior approval by the Commission in the form of a "license" before one may provide this communication service to the subscribers, the rules and regulations which have been adopted affect every CATV system, and, in effect, each of the more than 2,240 operating CATV systems has been given general authorization to provide this interstate communication service in accordance with applicable rules and regulations. There, therefore, appears to be no reason for distinguishing this service from other communications services which the Commission authorizes and which are now encompassed in the present fee schedule.

7. The second additional area of Commission regulation and authorization reflected in the revised fee schedule adopted herein is in the field of radiofrequency equipment testing and approval. The Commission long ago established technical standards for various kinds of radio-frequency equipment which could be used under Commission authorization. While these restrictions were imposed upon the users of radiofrequency equipment, the Commission permitted equipment manufacturers to avail themselves of its testing, review, and approval procedures.[7] Having obtained Commission approval in advance, radio equipment manufacturers were thereby enabled to assure prospective purchasers that the equipment was in compliance with the Commission's technical standards applicable to such radio equipment. Subsequently, the enactment of section 302[8] of the Communications Act established a prohibition against the importation, shipment or sale of radiofrequency devices which did not comply with Commission regulations in this area. Rules have now been adopted, effective October 1, 1970, which would require type approval, type acceptance or certification of such devices prior to their importation, shipment or sale.[9] Thus, in effect, the equipment approval actions of the Commission will be tantamount to an authorization which must be obtained prior to importation, shipment, or sale of radiofrequency devices. The Commission's activities in this area are not insubstantial and currently average some 1,800 type approval, type acceptance, and certifications, annually. The fee schedule, therefore, includes an appropriate schedule of fees for these various kinds of radiofrequency equipment approval actions.

8. Some further observations of a general nature may be in order as to the considerations which have been taken into account by the Commission in establishing the separate license or authorization fees included in the proposed schedule. These have been established in light of the differing factors which are unique to one or another of the many communication services under the broad aegis of the Commission. For example, licenses in the broadcast services are by statute limited to a maximum of 3 years, while the grant of certificates of public convenience and necessity for common carrier communication services under section 214 of the Act are without such time limitations. The latter situation also applies to equipment approval actions and our authorization, by rule, of CATV system operations. Similarly, the "value to the recipient" factor needs by considered on a different basis amongst various services by reason of their different characteristics and operations. Broadcast services are commercial enterprises which exist on an "advertiser-supported" basis, without direct charge to the listening public, while common carrier communication companies provide their services to all users at charges set forth in tariffs. On the other hand, CATV systems operate on a somewhat similar basis as common carriers, but their provision of but one kind of service to each subscriber at the same price permits a different approach in considering "value to the recipient" than is possible with communications common carriers which utilize the same facilities for the provision of different services to different customers. Again, our equipment approval actions are taken with respect to many different types of equipment, and our consideration of the "value to the recipient" factor in establishing fees needs consider the small amount of processing costs involved. We have therefore selected different bases for considering "value to the recipient," both for different types of actions within each service and similar types of action among different services, which we believe are fair and equitable. We fully recognize that the factors we have used may not wholly or precisely reflect "value to the recipient." But such precision or accuracy is not required since our proposed fee schedule need only reflect some consideration of "value to the recipient," and our fees, in total, fall far short of the total value of Commission licenses, grants and authorizations computed by any standard. Revenues of our broadcast licensees in 1968 approximated $3.5 billion. Revenues from our authorized common carrier communication services in 1968 came close to $16 billion. In the same year, CATV system revenues approximated $220 million and in 1968, total sales of communications equipment under our equipment approval actions exceeded $3 billion. Obviously, these figures are the result of individual private business enterprise and effort and cannot be claimed to derive solely from the Commission's authorizations to the persons and companies receiving them. Nonetheless, they do serve to place in perspective the very limited extent to which the Commission has considered the "value to the recipient" factor in establishing the fee schedule adopted herein.

9. Other factors taken into consideration by the Commission in establishing a schedule of fees warrant mention. Simplicity of computation and ease in the administration of the fee system is reflected in the different approach being adopted in the schedule of fees for equipment approval actions. The tremendous number of applications filed in the Safety and Special Radio Services, in excess of 562,000 annually, together with the minimal percentage of denials of such applications militates against the establishment of separate application filing fees and license fees at this time because of the tremendous paper work involved. Where feasible, groupings have been

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[7] "Type Approval" procedures involve equipment testing by the Commission's laboratory. "Type Acceptance" and "Certification" procedures involve testing by the equipment manufacturer and analysis of test measurements by Commission engineers.

[8] 47 U.S.C. § 302.

[9] Docket No. 18426, 34 F.R. 1057.

made of different kinds of applications and authorizations and a common fee established for the entire grouping in order to avoid undue complexity. Finally, it may be noted that the widespread use of restricted radiotelephone permits for purposes other than use of communications equipment has led to an increase in the fee for this life-time permit which is designed to cut down on the demand for this kind of authorization.

10. Effective date of new fee schedule: The fee schedule adopted herein is being made effective as of August 1, 1970. While the demands of time and workload may not permit publication in the FEDERAL REGISTER at least 30 days prior to August 1, 1970, the Commission believes that good cause exists for the adoption of this effective date. Actual or constructive notice will, in fact, be given to the industries and persons affected through the publication and release of numerous copies of this report and order by the Commission's Information Office immediately after adoption. Publication in the FEDERAL REGISTER should take place not later than the week of July 5–July 11, 1970, and widespread notice of the newly adopted fee schedule will undoubtedly be given by the press and numerous trade publications in the field. Since the fee schedule adopted herein sets forth annual fees in several areas, and since there will be proration of such fees on a monthly basis for the balance of the first year, it is necessary that the fee schedule be made effective as of the beginning of a month, and, in accordance with the Congressional directives cited above, that it cover as much of fiscal year 1971 as is reasonably possible.

11. The impact of effective date: Under the effective date of August 1, 1970, all applications received by the Commission on and after August 1, 1970, will be subject to the new fee schedule. Grants made on or after August 1, 1970, will not be subject to applicable fees if the application for such grant was filed with the Commission prior to July 1, 1970, the date of adoption of the new fee schedule.[10] Annual fees for broadcast stations are payable on the anniversary date of the expiration of the license, and in the first year under the new fee schedule, the fee is to be prorated over the number of full months of operation beginning on August 1, 1970, until the next payment date. The annual fee for CATV systems is payable on or before April 1 of the year following the calendar year to which the fee payment relates. Since the CATV annual fee will go into effect on August 1, 1970, the amount payable in 1971 will be prorated to reflect the fact that the fee applies only to the last 5 months of 1970.

12. Collection procedures: Rules adopted herein set forth procedures for the collection of fees which are designed to make these operations as simple as possible. Fees that are established for the filing applications must accompany the application. In the absence of such fee, the application will not be considered by the Commission. Where fees have been established in connection with the issuance of a grant or authorization by the Commission, the prescribed fee will be payable within 45 days after the issurance of the grant or authorization. While the Commission will not hold up the issuance of such grants or authorizations, the rules provide that they will be conditioned upon subsequent payment of the fee within the prescribed time, and failure to make such payment will result in cancellation of the grant or authorization. Annual fees will be payable in the broadcast services on the anniversary date of the expiration of the license, and in CATV on or before April 1 of the year following the calendar year to which the fee payment relates. Failure to pay such fees in the prescribed fashion may call for appropriate remedial action by the Commission under section 312 until the requisite fee has been paid.

13. Special temporary authorizations and waivers: As set forth in paragraph 15 of the notice, some 15,000 applications for special temporary authorization or for waiver under the Commission's rules are filed with the Commission annually and relate to all of the services encompassed in the fee schedule adopted herein. We have determined that it is appropriate to establish fees for the grant of STA's or waivers which represent a marked departure from our rules because of unusual circumstances and situations, or which encompass dispensation or authorization of an important character, or entailing special efforts on the part of the Commission in processing them. The grant of STA's or waivers which look simply to minor departures from our rules or to temporary operation of short duration will not be subject to fees. The different schedules adopted herein now prescribe fees ranging from $5 to $25 for the grant of STA's and waivers of the former type. It is not possible to definitively set forth all of the STA's and waivers which are of such an important character as to warrant the payment of the prescribed fee. This will be determined by the Commission at the time the application for STA or waiver is considered, and upon issuance of the grant, the recipient thereof will be notified of his liability for payment of fees, if any.

BROADCAST SERVICES

14. Of the comments filed by the broadcasting industry or broadcast oriented associations, two comments were in general support of the fee schedule as proposed. The other parties opposed the fee schedule, either in whole or in part. The comments in opposition raised three types of challenges: (1) The general challenge of legality to the entire fee schedule; (2) excessive allocation of fee burden to the broadcast industry; and (3) specific challenges to certain portions of the proposed fee schedule. The general legal arguments and allocation questions have been discussed above. Therefore, this portion of the report and order deals only with the comments directed at the broadcast fee schedule as proposed.

15. Fees for construction permits: The few comments concerning fees for construction permits dealt primarily with the proposition that fees from construction permit applications would have a deterring effect on qualified persons filing for new facilities and a very undesirable effect on existing broadcasters that need to improve their facilities. It is claimed that the result of these fees is that needed local service will be curtailed in small markets, and that needed improvement to marginal facilities will either be delayed or forestalled completely.

16. The Commission has considered the comments of the parties with respect to the foregoing contentions. Based on all the factors, i.e. activity costs in the broadcast field, value to recipient, public policy or interest served and other factors, we believe the fees are realistic in relation to the fees in the other services. On April 14, 1970, the Commission broadened the definition of "minor change" applications. Therefore, significant changes can now be made to an existing station's facilities under this new interpretation. While experience may prove a different result, we do not believe that the fees for applications for construction permit for new facilities or major changes in existing facilities will have a significant effect on a person's overall decision to apply for a new or improved facility.

17. Several parties urged that involuntary major modifications, such as the pending move of the antenna systems of the New York television stations to the World Trade Center, should not be subject to the new fee schedule. It is difficult to formulate a general rule in this type of case and, in many cases, a substantial improvement in facilities may take place. Section 1.1105(a) of the present rules reflects Commission consideration of this type of problem and will continue as the guide for action in specific cases.

18. For purposes of clarification in the assessment of fees for construction permits for standard broadcast stations, operating with different power day and night, the applicable fee will be for the highest power requested. For example, if the application calls for power of 250 w., 1 kw.–LS, the fee for a 1-kw. operation would be the one assessed.

19. *Fees for assignment and transfers.* A large number of comments concerning this portion of the broadcast fee schedule were directed to both the substance of the fee schedule and to the necessity of adopting certain specific procedures for administration of the assignment and transfer fees. In assignment and transfer proceedings, the notice proposed that the fee would be payable within 30 days after the Commission consented to the assignment or transfer. Several parties urged that this payment schedule could cause numerous problems because the cash for payment of fees is often not available until the transaction has been consummated. It is also pointed out that many sales are never closed due to changed

[10] It is to be understood, of course, that application processing during the period between July 1 and August 1 will proceed on the normal course, and action will not be held up because of the imminence of the August 1 grant date.

circumstances, and thus the grant fee would not be required. Because of uncertainties of the date of closing and other factors, the Commission has revised the rule so that the new licensee or transferee will become liable for the grant fee only upon consummation of the assignment and must transmit such fee at the same time that the Commission is notified of the consummation.

20. Some of the parties have raised the question whether the assignor/transferor or assignee/transferee is liable to the Commission for the fee. While the financial burden may be allocated as between the parties by contract, the assignee/transferee would be liable to the Commission for payment of the requisite fee.

21. The parties have also urged that assignments and transfers from receivers, trustees in bankruptcy, and persons who have taken title from an insolvent or bankrupt licensee, to a new ultimate licensee should be exempt from the grant portion of the fee. The basis of their comment is that the grant fee will serve to reduce the ultimate distribution to the creditors of an unsuccessful licensee. The grant fee may well have an effect on the overall sales price of the broadcast stations, but the Commission believes the assignee or transferee, as well as the interim licensee and the creditor, receive substantial benefit from the Commission's action. For instance, competing applications cannot be filed against the application filed by the receiver. Also, the buyer will be one who is financially qualified to perform under the contract, thus giving certainty for the creditors. The Commission believes that the general rule should obtain.

22. With respect to the filing and processing of the assignment and transfer applications, the parties filed numerous comments relating to the computation of the consideration for the assignment or transfer. The Commission is well aware of the difficulty of computing the consideration in cases where cash or other ascertainable market value is not specified. However, there is consideration to support the assignment or transfer in all cases, and the amount of the consideration is therefore a question of fact. The three most difficult areas will be the cases (a) in which the broadcast properties are only a portion of an entire sale such as one corporation buying a multimedia corporation, (b) cases in which there is no readily ascertainable market value for the consideration, such as the case involving transfer of stock of a closely held corporation, and (c) cases that involve consultant and noncompetition agreements. In the case in which the broadcast properties are just a small part of an entire transaction, the question becomes one of allocating a portion of the consideration to them. The rule of reason will be followed in this matter. For instance, if separate corporations are or will be in existence for the broadcast properties, a reasonable allocation has to be made for tax purposes. In all likelihood, the Commission would accept such valuation. Or, the relative value of the underlying assets may be the most reasonable basis for allocation. If the amount of the consideration is not certain or readily capable of being reduced to certainty, we would encourage the parties to confer with appropriate Commission personnel for assistance in determining the amount of the consideration allocable to the broadcast portion of a transaction. The Internal Revenue Service bases many of its computations involving gain or loss on the sale of property on the "amount realized", which is a fair-market value concept. The Commission would, in the absence of unusual circumstances, accept this valuation in noncash transactions as the amount of the consideration for basing the fee. The Commission realizes that some additional work is being placed on the parties in this regard, but fair-market value is a sufficiently definite standard on which to base fees in cases such as those involving a transfer of stock in a closely held corporation. Insofar as amounts paid for consultant and noncompetition agreements that are a part of the overall price of a sale, the Commission will follow the general principle of tax law, which permits a reasonable allocation of the total price to such agreements.

23. In the assignment and transfer field, the comments raised other specific questions. One is that fees should not be assessed in divestiture cases based on the decision in Docket No. 18110, the so-called "one-to-a-market" proceeding. Here again, § 1.1105(a) will serve as a guide to Commission action in this area. Certain parties have raised the question that an appearance will be created that one of the considerations of the Commission in favorably acting on an application will be the fee return. The Communications Act requires the Commission to make certain specific findings with respect to the grant of an application that cannot be abrogated except by Congress. There is no substance to the parties' contention. One other specific objection to the assignment and transfer grant fees has been raised. This is that the assignment and transfer grant fee and the annual operating fee amount to a "dual levy" on a station. The contention rests on the fact that the Notice stated that future profitability of a station is reflected in the sale price which amounts to "value to the recipient"; and, since the annual operating fee is based on the "rate card", it also is a measure of value. However, it is clear that value to the recipient does not rest on any single factor in any case. In sales, the fact that a person's purchase application is insulated from a competitive hearing has very significant value. Future profitability, as well as other things, are factors in arriving at the purchase price. The annual operating fee is based on a going-concern concept of value. The two charges rest on different, but not inconsistent concepts. Certain parties contend that the 2 percent grant fee in assignment and transfer cases is unfair because it does not appropriately reflect "cost to the government". However, the applicable statutory basis for our fee collection authority recognizes many factors, including "direct and indirect cost to the government", "value to the recipient", as well as others in setting fees. Another point raised is that the 2 percent fee could have a dampening effect on interested buyers of marginal stations. This may be true in some cases, but the fee is just one factor of many in a buyer's mind as he assesses a purchase of a broadcast station.

24. Annual operating fees. As we noted above, a substantial number of parties filed comments in this area alleging that the Commission is without authority to assess the annual operating fee. Certain specific objections were also raised. The major area of specific comment was directed at the use of the rate card as an index of value of the station's license. One of the arguments is that the rate card is just one factor to be considered in determining the value of a station's license. The thrust of a number of comments is that one station may have a low rate card, a high concentration of commercials and skimpy programing, while another may try to limit the frequency of commercials by having a higher spot rate. No doubt, various stations in a market will have different sales policies. This will result in different spot rates, but it is an objective index of value. The Commission is well aware that some disparity as to value exists. Over the long run, we believe that the spot rates will prove to be a feasible index of value. Licensees will therefore be required to file with the Commission a copy of the rate card in effect on June 1 of each year. The rate card must be filed at the time the annual operating fee is payable (i.e. anniversary license date). Any licensee claiming that the June 1 rate card is not reasonably descriptive of its yearly average may petition for filing of a more appropriate rate card.

25. A more specific objection is the one that stations rarely sell a highest 1-minute (radio) or 30-second (TV) spot announcement. Therefore, licensees will revise their applicable spot rates to reduce the amount of the annual operating fee. Licensees may well revise spot rates, but the amount of their respective rates will be in the public file. This will cause parties to file realistic data in relation to competitors. In the foreseeable future, at the time a review of fees is made, we may find that another rate, such as the "5 times" the highest rate will be more feasible. The spot rates used in the proposed schedule will be adopted, subject, of course, to a continuing review of fees.

26. Specific comments requested clarification as to joint AM–FM rates and rates for satellite television stations. The Commission will permit the payment of a single fee for joint AM–FM rate operations based on the highest 1-minute joint rate. No allocation will be required at this time between AM and FM. If satellite television stations are sold as a package with the parent station, a single annual fee will cover both operations.

27. Some comments claimed that the Notice was ambiguous as to whether renewal application fees would be abolished if the annual operating fee concept were to be adopted. We wish to clarify the

matter by stating that, upon the effective date of the fee schedule, renewal fees for all broadcast applications will be abolished in favor of annual operating fees.

28. While many comments objected to the size of the annual operating fee, the Commission finds that the multiple of 12 and 24 for television and radio, respectively, when applied to the spot rate, is not excessive when considering the value of the license. However, a number of the parties have urged that the Commission grant some relief from the annual operating fee in marginal and hardship cases. Primarily, the claim is that small market radio and UHF stations may be forced to curtail service and, in some instances, cease operations. The parties further point out that the annual fees are being added at the time that broadcast stations are suffering other revenue losses such as curtailment of cigarette advertising revenue and discounts for political broadcasting, as well as advertising competition from CATV. The parties note further that stations must also bear the recently increased transmission costs charged by American Telephone & Telegraph Co. The comments also pointed out that, based on the Commission's own data, 28 percent of all AM and FM operations, 65 percent of independent FM operations, 14 percent of the VHF television stations, and 55 percent of the UHF stations reported losses. The Commission is very aware that broadcasting is a competitive industry and takes notice of the significant number of unprofitable stations in the industry. We have considered the comments of the parties, especially as to the question of whether the annual operating fees will cause a diminution of program service by broadcast stations, in general, and marginal stations in particular. However, in the case of television stations, the annual operating fee will only be equivalent to the stations' charge for one spot announcement each month and for radio, two spots per month. Such fees should not constitute a significant burden in a broadcast station's total operations. The Commission will maintain a continuing review in this area and, if the facts indicate a change is necessary, it will be made. We therefore adopt this annual fee schedule for all broadcast licensees.

29. Comments were submitted which urged that the Commission reexamine the question of the desirability of charging fees for station auxiliaries. Since the renewal application fee has been abolished for the parent broadcast stations, and the auxiliaries are an integral part of the broadcast operation, the annual operating fee is reflective of the entire operation. Therefore, separate fees for renewal applications of broadcast auxiliaries are also being eliminated.

30. With respect to translators, several parties urged that all fees be abolished for television translator stations. The prime ground urged is that very few translators are profit making either in nature or practice and do bring sorely needed service to remote areas, and therefore any fee is a hardship. Since the annual operating fee is also a reflection of the feeder television station and all translators carrying it, we believe that fees for renewals of translators should similarly be eliminated. The few nominal fees for construction permits for translator stations are also being eliminated, because many translators are community owned and are not operated for profit. While a few translators may be operated for profit, the small loss of revenue, when balanced against the necessity of classifying various types of translators, enables us to reach that result.

31. We also received very specialized comments requesting exemption from fees for broadcast stations operated by organizations that are exempt from paying income taxes, even though the stations are not classified as noncommercial educational stations, but who do not accept commercial spots or any commercial sponsorship. Also some college broadcast stations, that operate on a limited commercial basis, requested an exemption from the grant portion of the fee for construction permit. The Commission does not have sufficient factual data to enable it to classify and delineate specific exemptions to stations that do not operate commercially, but who are not classified as noncommercial educational stations. Therefore, we will not "carve out" any exemptions in this class at this time, but will examine the matter in future reviews.

32. One party urged that the Commission adopt fees for the processing of data filed by the networks. The Commission believes that it would be inappropriate to adopt such a schedule at this time, but we will maintain a continuing review of the Commission's functions and duties, including those relating to the networks, and will revise, discontinue or adopt fees as the circumstances dictate.

Common Carrier Services

33. Comments in response to the notice of proposed rule making were received from a number of communications common carriers, including telephone and telegraph carriers, ComSat and organizations providing mobile radiotelephone service and paging services or point-to-point microwave communications services. Most of the respondents expressed opposition to the proposed use of a percentage of construction or annual lease costs as a measure of grant fees for facility authorizations. A.T. & T. and other representatives of the telephone industry contend that such costs do not uniformly or accurately reflect "value" to the applicant, as construction costs may vary widely for reasons unassociated with the revenue-producing capacity of the plant being constructed. Added costs of underground or hardened facilities for national security or for protection against natural disasters, and the provision of facilities to very remote locations in the public interest are cited as factors in support of this position. A.T. & T. in its filing also avers that reconciliation of estimated and final costs, as required by the initial proposal, would be difficult and time consuming and would impose substantial additional bookkeeping and accounting burdens on the industry and Commission alike.

34. A number of the miscellaneous common carriers (microwave) and those in the domestic public land mobile radio service also objected to the concept of grant fees based on construction costs, although generally on different grounds. Most of these carriers feel that the construction cost concept would place a much heavier relative financial burden on them than on the conventional telephone and telegraph carriers, and also discriminates in favor of private radio systems for which no grant fees are proposed A.T. & T. suggests an alternative plan of relating grant fees to maximum authorized bandwidth for common carrier radio authorizations and to interstate voice channel miles authorized by the grant of applications filed under section 214 of the Act for certificates of public convenience and necessity, and other applications which do not lend themselves to these yardsticks to be charged flat fees. The United Telephone System also recommends that the grant fees be based on a similar concept, suggesting route miles as an appropriate measure.

35. We do not favor authorized bandwidth as a measure of fees for radio services because of inequities which would result from the diverse bandwidth requirements and technical standards of radio services operating in different parts of the spectrum. We do, however, agree that channel miles authorized better signifies "value to the recipient" for authorizations to construct and operate communication channels on wire, cable, microwave, or satellite facilities than does construction cost. Moreover, this approach will simplify determination of correct fees at the time of grant and will eliminate the accounting burden of isolating and reconciling final construction costs with the estimated costs contained in the application. Consequently, the fee schedule has been restructured to delete the proposed use of a percentage of cost as the basis of grant fees for construction applications, with the substitution of communication channel miles as a measure of grant fees for section 214 facility applications,[11] and the use of flat license fees for services not conducive to the channel mile treatment, as set forth in the attached schedule.

36. Specifically, the new schedule calls for flat grant fees for construction or modification of base stations in the Domestic Public Land Mobile Radio Service, in lieu of a percentage of construction

[11] The number of each type of communication channel to be provided and route mileage is now required in section 214 applications or by § 21.706 of the rules for those carriers who elect to include a description of the proposed facilities as part of their microwave radio applications, in lieu of filing a separate 214 application. For ease of administration of the fee plan, we would propose to require all carriers to file separate section 214 applications for authority to channelize microwave routes.

cost, and also for central office stations in the Rural Radio Service and for point-to-point microwave construction authorizations. In the Satellite Communications Service flat fees are proposed for earth station construction permits and for grants to construct and launch satellites. For common carrier nonradio applications involving construction of cable routes (both landline and overseas) or the establishment of communication channels on existing wire, cable, radio, or satellite facilities or the lease of such channels from another carrier, the grant fee is based on the mileage and number of channels authorized, with specific charges per unit for the various categories as specified in the schedule.

37. The flat fees proposed for the public land mobile radio service should serve both to relieve the alleged excessive financial burden on these carriers and reduce the disparity between these common carrier services and private mobile radio systems. A threefold increase in fees for these authorizations is minimal in relation to the 25-fold increase required of common carrier services in total. Likewise, the flat fees now suggested for microwave construction permits will lessen the initial disparity between common carrier and private microwave systems, coupled with the upward adjustment in the filing fee for private systems, as discussed in the Safety and Special Radio Services section of the report and order. We do not consider a fee of $200 for common carrier microwave construction permits to be excessive, in light of Commission processing costs and value of the authorization to the applicant, although recognizing that the channel mileage fee will also be applied to those routes, if and when channelized to provide interstate communication services other than video.

SAFETY AND SPECIAL RADIO SERVICES

38. In the hundreds of comments filed discussing the fees proposed for the Safety and Special Radio Services, the most common objection was that the fees do not reflect the Commission's actual costs of processing these applications. However, as stated in the notice in this proceeding, the fees we have proposed are designed to cover the entire range of regulatory costs of the Commission and not simply application processing costs in particular services. They also take into consideration value and personal benefit to the recipients of licenses. The fees adopted herein meet these criteria. Thus, while the comments are accurate in suggesting that the fees exceed application processing expenses, there is no merit to any contention that they are excessive, unrelated to the costs of these services, or beyond the scope of our authority.

39. Another contention made by many was that the general public is, in fact, the principal beneficiary of the activities of licensees in the Safety and Special Radio Services and, therefore, the general tax revenues should be used to support at least a part of the Commission's expenses. A variation of this argument presented by some was that it is unfair to raise the fees for most Safety and Special licensees while continuing the fee exemptions for some categories of licensees in these services. In particular, it was urged that the public, through the general tax revenues and not the other Safety and Special licensees, should bear the expenses related to regulating these categories of non-fee-paying licensees. Under the current fee schedule which has been in effect for several years, several categories of licensees have been exempt from fees and propose to continue these exemptions. To a large extent, they cover stations connected with public safety activities, state and local government services, disaster, emergency, and rescue activities, some educational work, regulatory work connected with the compulsory safety at sea program, and beginning amateur radio operators. We consider these exemptions appropriate and in the public interest at this time and we note that objections were not directed to the specific exemptions themselves. The objection made reflects the mistaken notion that some licensees will be paying for the regulatory costs of other classes of stations. Our total fee schedule has been adjusted to cover all Commission costs, taking into account the regulatory expenses connected with particular services and also the value of the radio authorization to the licensees. In every instance of the new fees adopted herein for the Safety and Special Radio Services, there is no case where the fee is excessive, unreasonable, or unwarranted when value to the recipient is taken into account along with the regulatory costs. Under these circumstances, there is no merit to the contention that some licensees are bearing the expenses of others.

40. Another objection was that the revenues raised through the collection of these proposed fees would exceed the "Bureau's share of the Commission's budget." A short answer to this contention, as more fully set forth in paragraph 4 above, is that there is no requirement in the statute that the "Bureau's share" of fee revenues shall not exceed its share of the Commission's budget or the cost of the Commission's activities involved therein. As set forth above, the Commission's breakdown of activity costs was an important, but not an exclusive, factor in establishing the fee charges adopted herein. However, there is no merit either in fact or in principle to the contention that Safety and Special Service licensees will be subsidizing other services. It has been clear for some years that a major portion of the Commission's fee revenues since the adoption of the fee schedule in 1963, have derived from the Safety and Special Radio Services. But since this apparent disproportion was not based upon discriminatory factors, the validity of the existing schedule has passed the test of judicial review, as cited above. In the same vein, the fee schedule adopted herein is no less valid because the estimated fee revenues from the Safety and Special Radio Services fall some $93,205 short of the $7,843,500 of Commission costs allocated to such activities.

41. Some concern was expressed that the Safety and Special Radio Services fees will increase in the future if the Commission is to recover its budgetary costs through the assessment of fees. It is reasoned that so long as governmental expenditures rise, the Commission will have to resort to higher fees to remain substantially self-sustaining. In this context, concern was expressed that present and future spectrum management costs would be included in the Safety and Special Radio Services activity costs. In fact, the Safety and Special activity expenses now include its share of spectrum management costs and will continue to do so in the future. If the regional spectrum management project now under development and experimentation is continued and expanded, it may be expected that the costs of this program will be borne by the beneficiaries thereof. In any case, the Commission is obligated to keep the matter of fee schedules under continuing review, and if expenses of regulating these services rise, it may be expected that fee schedules must be adjusted upward.

42. The opinion was expressed by some that the fee to renew a station license should be considerably less than the $19 fee which was set forth in the notice of proposed rule making as a basic fee for most of the Safety and Special Radio Services. Contrariwise, broadcasting interests noted that the ranks of the land mobile licensees include some of the largest and most profitable corporations; that land mobile users report substantial savings as a direct result of the use of land mobile radio; and that, under these circumstances, land mobile licensees should be required to pay more than the $19 fee. As previously set forth, the standard fee we proposed to establish in the Safety and Special Radio Services reflected the tremendous number of applications received in these services. Further, the benefits and value of a radio license to a Safety and Special Radio Service licensee is not readily comparable to the benefit and value of a radio license to a communications common carrier or to a broadcaster, and the same criteria are not applicable. For most Safety and Special Radio Services licensees, the authorized use of radio facilities is an adjunct to the licensee's principal business or for safety purposes, and the regulatory programs connected with these services are different from those associated with the regulation of the broadcast and common carrier services. However, in order to more equitably distribute respective shares of estimated fee revenues amongst the various services, the fee schedule adopted herein provides for an increase in the basic fee for most Safety and Special Radio Services to $20, as against the $19 previously set forth in the notice of proposed rule making. As indicated above, this further change will still leave Safety and Special Radio Service's share of fee revenues below the amount of allocated activity costs set forth in paragraph 4 above.

43. Since the proposed fee schedules for the Safety and Special Radio Services

were first published in the notice of proposed rule making, certain changes to section 1.1115 have been made in response to the comments we have received and as the result of our own further reflection:

(a) The fees we will require of Operational Fixed stations using frequencies above 952 MHz have been raised from $35 to $75. We have reconsidered our original proposal, and feel this increase is warranted in view of the administrative effort devoted to the licensing and regulation of this category of station.

(b) Many amateur radio licensees stated that the basic fee proposed for the Amateur Radio Service ($9) was too high, especially when compared to the fees that must accompany applications for commercial operator's licenses. We believe, however, that this difference can be justified by the difference in the services involved (i.e., the commercial operators' license is necessary to employment as a commercial operator, while the amateur is essentially a hobbyist, although ofttimes performing an important service). We also considered the suggestion that in the Amateur Radio Service there should be an examination fee and a license fee, rather than a single fee for all Amateur applications. We deny this suggestion because of the impracticability of administration.

(c) Another exception to those requests which do not require a fee has been added. A licensee will be permitted to file a request to correct clerical, typographical, and other similar errors made in an application for license, without submitting an accompanying fee, if the request is filed within 60 days of the grant.

(d) A new subparagraph has been added to permit a refund whenever a formal application not required by our rules is filed by a current licensee in the Safety and Special Radio Services. A typical situation covered by this new provision would be where a corporation files a formal application to change its name without any concurrent change in its corporate structure or ownership, instead of simply notifying the Commission of this change by letter, as permitted by our rules.

(e) At the present time, our rule covering the Safety and Special Radio Services reads in terms of "formal applications" and except for requests for duplicate licenses, STA's, and waivers, there was no intention to extend the applicability of fees to other than formal applications. Although the word "formal" was left out of our proposal by inadvertence, we are using it again in the rule herein adopted. Otherwise, the rule might be construed to have broader application than intended.

CATV

44. Elsewhere in this report and order, we have dealt with such underlying questions as: (i) Whether the Commission is legally authorized to establish a fee schedule which will provide the General Treasury with revenues sufficient to substantially offset the Commission's budgeted expenditures; (ii) whether, in particular, the CATV schedule is unfair as a whole either because (as some CATV parties allege) CATV regulation is primarily for the benefit of the television broadcast industry, and the latter industry should bear the costs, or because (as some broadcast parties allege) the schedule fails to anticipate a rapid proliferation of CATV throughout the country accompanied by accelerating regulatory costs; and (iii) whether CATV operation may be viewed as a federally licensed activity with respect to which the Commission may charge an annual fee.

45. Having already treated these and other broad questions of regulatory-agency-fee law and policy, we may now approach the particulars of the CATV fee schedule, and test each of the items therein with the simple question, "Is it fair?" We have modified somewhat the originally proposed CATV fee-schedule revision (as set forth in the notice of proposed rule making in this proceeding) in the light of that question and the comments which have been filed.

46. In view of the administrative burden entailed by petitions for special relief filed under section 74.1109 of the rules, we originally proposed a filing fee of $300 per petitioner. That fee has now been reduced to $25 per petition—in recognition of the fact that such petitions often draw the Commission's attention to situations in which the public interest would be disserved by routine application of the rules, and that parties considering the filing of such a petition should not be confronted with fees so high as to discourage them from doing so. The CARS $15 license application fee item has been corrected to make it clear that, as intended from the outset, the fee is for both new-license and license-renewal applications; the absence of a CARS license-renewal fee would be unjustifiably inconsistent with the schedule's provisions with respect to other licensed services. For the same reason, we have removed the annual-fee exemption originally proposed for CATV systems with 200 or fewer subscribers.

47. The 30-cents-per-subscriber-annual-fee formula has been attacked on diverse grounds: that it fails to take into consideration that different systems charge different subscription rates; that operating costs vary even when subscription rates are the same; that in some cases local franchise agreements bar systems from passing increased costs on to subscribers via rate increases; and that the 30-cents-per-subscriber fee would cut sharply into narrow profit margins.

48. The very diversity of these criticisms (which were not accompanied by specific supporting data) suggests that it would be exceedingly difficult to devise a formula that would be proof against all attack. In defense of the formula adopted, we would note: (i) That generally available information about the CATV industry indicates that subscription rates tend to cluster at about $5 per month or a bit higher; (ii) that 30 cents per subscriber per year thus appears to constitute in the typical case only one-half of 1 percent of CATV system gross revenues from subscription fees, if that much; (iii) that, particularly in view of the smallness of the fee, alternative formulas involving more complicated calculation to verify adequacy of the fee payment might be more precise but, under the circumstances, are unnecessary; (iv) that the Commission lacks reliable information about the operations and internal finances of CATV systems, but is currently readying new rules and procedures which will enable it to obtain such information, via annual reporting by CATV systems; and, finally, (v) that as the Commission obtains such information it will use it for periodic review of the equity of its CATV fee schedule.

49. The annual fee is payable on April 1 of each year for the preceding calendar year or part thereof.[12] It is computed on the basis of 30 cents times the number of subscribers during the calendar year. The number of subscribers is determined by averaging the number of subscribers on the last day of each quarter of the calendar year. The fee for periods less than a calendar year is the annual fee prorated by the number of full months covered.

EQUIPMENT TESTING AND APPROVAL

50. Many comments indicated that there was no objection to the establishment of a fee schedule for equipment approval actions which was fair and equitable and recovered an amount approximating necessary expenses of the Office of Chief Engineer. However, there was strong opposition to the concept of a grant fee the computation of which was based on the manufacturer's selling price and the number of units of the particular type of equipment produced. It was stated that the "manufacturer's selling price" was not a term of art uniformly defined by all manufacturers and that the use of production figures could involve the disclosure of information which has always been regarded by the industry as confidential. In addition, it was alleged that a projection of fee revenues made by industry members under the formulas originally proposed would produce a return far in excess of the allocated cost of equipment approval activities as set forth in our supplemental notice and, indeed, much beyond the Commission's announced goal.

51. Our reexamination of this subject has led us to markedly revise the schedule of fees for equipment approval actions. In lieu of the formula previously set forth, the fee schedule adopted herein provides for a flat filing fee ranging from $5 to $200, as well as a flat grant fee ranging from $15 to $800 for each model or type of equipment covered by the Commission's equipment approval action. As set forth in our rules, application filing fees must accompany each application

[12] The date of filing of the annual financial report, if required (see Docket 18397) will be coordinated with the fee payment date.

for equipment approval action.[13] Our past experiences in equipment approval activities indicate some 1,800 separate approval actions, many of which cover several models or types of the basic equipment. This is a new area for the Commission's fee schedule and we do not yet have the experience or the information which permits the adoption of a more refined schedule of fees, which would more accurately and precisely reflect the "value to recipient" factor, a fundamental aspect of the Commission's new fee schedule. We believe, however, that the simplified schedule adopted herein, which reflects primarily the cost to the Government, is generally fair and equitable and emphasizes the factor of simplicity from the standpoint of the industry affected.

52. Some comments, notably from aviation interests and others manufacturing equipment for Government, military, or foreign entities, or for emergency services, urged exemption from the fee schedule of those categories of equipment. Additionally, a number of comments suggested that consideration be given for those equipments used in serving the general public, e.g., navigation aids, etc. These comments mistake, however, the thrust of the Commission's fee schedule in this area. Fees are being established in connection with the Commission's equipment approval action without regard to the type of equipment involved. If the particular equipment is required by any other rule or statute to be approved in connection with its shipment, sale, or use, then a fee is properly chargeable for the work and benefit involved in such action. The important factor is the necessity or desirability of equipment approval action and not in the ultimate purpose or destination of such equipment.

53. One other comment indicated that since certin industrial heating equipment might not include conventional receivers or transmitters, it should not be subject to fees. This contention, too, is beside the point. Fees have been established to cover the work and benefit involved in equipment approval actions regardless of the type of equipment in question. If equipment approval action is requested and obtained, the fees set forth in the schedule adopted will be payable.

COMMERCIAL RADIO OPERATOR LICENSES AND EXAMINATIONS

54. The present fee schedule relating to commercial radio operators encompasses one fee to cover both the application to take radio operator examinations and the subsequent issuance of a license. The schedule adopted herein makes no change in this approach. While new fees are established for applications for verification cards and posting statements, no increase is made in existing fees except for the issuance of restricted radiotelephone permits. This increase is based in part on the fact that commercial radio operator licenses are normally issued for a period of 5 years, while restricted radiotelephone permits are valid for the lifetime of the holder. However, the proposed increase to $10 set forth in the notice has been reduced to $8. While the tremendous number of applications for such permits in the past would, if maintained, produce fee revenues markedly in excess of Commission costs allocated to operator licensing activities, it is anticipated that the fee increase will operate to decrease the number of such applications. That, too, is a Commission objective since it appears that such permits have been obtained and used by holders for other than communications purposes.

55. Comments directed to the increase in fees for the restricted radio operator permit claimed that such increase was unreasonable, prohibitive, discriminatory or would affect "the safety offered by the shipboard radio installations." It is unlikely, however, that safety of shipboard radio installations could be affected by increasing the fee since the increase should not deter applicants for a lifetime permit who require it to operate shipboard radios.

56. One comment suggested that renewals of First and Second Class licenses be nullified in order to reduce workload. Upon examination of this proposal, the Commission has determined it is necessary to provide for renewal of such licenses in order to maintain administrative control, particularly in cases where behavior by the operator warrants consideration by the Commission as to whether the license should be renewed.

57. Authority for the adoption of the amendments herein is contained in section 4(i) (47 U.S.C. section 154(i)) of the Communications Act, title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. section 483(a)), and Budget Bureau Circular A–25 and supplements thereto.

58. This proceeding is hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154; 31 U.S.C. 483(a); Budget Bureau Circular A–25)

Adopted: July 1, 1970.

Released: July 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[14]

[SEAL] BEN F. WAPLE,
Secretary.

Subpart G, Part 1 of Chapter I, Title 47 of the Code of Federal Regulations is revised to read as follows:

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this subpart is contained in title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.1102 Payment of fees.

(a) *Filing fees.* Each application or notification by a CATV system under § 74.105 filed on or after August 1, 1970, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, may be returned to the applicant. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, it would be of great assistance to the Commission if a transmittal letter or notice were attached stating what fees are covered by the check.

(b) *Grant fees.* Grant fees should be accompanied by a transmittal advice identifying the purpose of the check. A copy of the Commission's notice of grant, which will specify the amount of the fee, will suffice.

(1) Where a grant fee is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services, the grant fee, based on a percentage of the consideration, in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment.

(c) *Annual fees.* The annual fee prescribed for broadcast stations must be submitted each year on or before the anniversary date of the expiration date of the station's license. The licensee shall file the station's rate card as of the preceding June 1 together with the amount of the annual fee. A new station first becomes liable for the annual operating fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of program test authority until the next payment date. (Example, if a station is in operation for 7 full months prior to the next payment date, the fee is seven-twelfths of the annual rate.)

(1) If a station has filed an application for renewal of a station license that will expire after July 31, 1970, any filing fee paid with the renewal application will be credited against the initial annual operating fee. Licensees should note that

[13] Our proposed revision in procedures, announced in connection with our rules adopted under Section 302 of the Act, look to a clearly defined two-step procedure of application filing and subsequent action on such applications, but is not yet completed. The application filing fee for equipment certification should accompany the certificate filed by the manufacturer and the grant fees will be payable upon Commission acknowledgment and approval.

[14] Commissioner Wells dissenting; Commissioner Cox concurring in part and dissenting in part; statement filed as part of original document.

they are claiming this credit at the time they submit their rate card and pay their first annual operating fee.

(2) The annual fee prescribed for CATV systems must be submitted by April 1 for the preceding calendar year. A new CATV system becomes liable for the annual operating fee as of the date it begins to charge for service to 50 subscribers or more. In the first year of operation of the system, the fee will be computed based on the average of the number of subscribers being served on the last day of each full quarter of operation up to the end of the calendar year. (Example, if a system is in operation on the last day of three quarters prior to the end of the calendar year, the average of those three last-day figures is to be used in computing the fee required). The fee will cover the number of full months of operation until the end of the calendar year. (Example, if a system is in operation for 7 full months prior to the end of the calendar year, the fee is seven-twelfths of the annual rate.)

(d) Fee payments received in the Commission's Offices in Washington, D.C., or in any of the Commission's field offices, should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(e) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(f) Except as provided in §§ 1.1103 and 1.1104, all fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted.

§ 1.1103 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Where the application is filed for renewal without the reexamination of an amateur or commercial radio operator license after the grace period has expired.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(l) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(6) When applications (accompanied by fees) are filed where not actually required by Safety and Special Radio Service rules (e.g., change of address, pro forma change of corporate name, etc.).

(7) When construction permit holders and licensees make non-substantive corrections in license grants within a period of 60 days from grant.

(b) Payments in excess of an applicable fee will be refunded only if the overpayment exceeds $2.

§ 1.1104 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal Government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

§ 1.1105 General rule.

No filing fee is required for any application or request for special temporary authority (STA) or waiver in any service or for the grant of a STA or waiver of brief duration or minor character. Upon grant of an application or request for STA of an important character, the applicant will be notified to remit a fee in the following amount for the respective services:

Broadcast Services	$25
Common Carrier Services	25
Safety and Special Radio	5
Community Antenna TV	25

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

Construction Permits

Application for construction permit for new station or for major changes in existing station:

	Filing fee	Grant fee
VHF—Top 50 markets [1]	$5,000	$45,000
UHF—Top 50 markets	2,500	22,500
VHF—Next 50 markets	2,000	18,000
UHF—Next 50 markets	1,000	9,000
VHF—Balance	1,000	9,000
UHF—Balance	500	4,500
FM—Class A	100	900
FM—Class B and C	200	1,800
AM—Day—50 kw	500	4,500
AM—Day—25 kw	400	3,600
AM—Day—10 kw	300	2,700
AM—Day—5 kw	200	1,800
AM—Day—1 kw	100	900
AM—Day—500 w	50	450
AM—Day—250 w [2]	25	225
AM—Unlimited 50 kw	1,000	9,000
AM—Unlimited 25 kw	800	7,200
AM—Unlimited 10 kw	600	5,400
AM—Unlimited 5 kw	400	3,600
AM—Unlimited 1 kw	200	1,800
AM—Unlimited 500 w	100	900
AM—Unlimited 250 w [2]	50	450
AM—Class IV	100	900
For Directional Antenna in addition to the above	50	450

[1] The market size shall be determined by the rating of the American Research Bureau, on the basis of the net weekly circulation for the most recent year.

[2] The fee for major changes in 100 watt operations is the same as for 250 watt operations.

Other Applications

The following fees shall accompany each application:

	AM	FM	TV	Auxiliary [1]
Applications filed on FCC Form 316 (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved).	$250	$250	$250	No fee.
Application for construction permit to replace expired permit, FCC Form 321 [2]	500	500	500	$50
Application for modification other than a major change	50	50	50	----------
Application for change of call sign for broadcast station	100	100	100	----------
All other applications in the broadcast services	50	50	50	----------

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] The $500 fee applies to construction permits for new stations or major changes in existing stations. An application to replace a construction permit for a modification other than a major change must be accompanied by a fee of $50 in all services.

Subscription Television

Application for Subscription Television Authorizations:

Application Filing Fee	$1,000

Assignments and Transfers

Application for assignment of license or transfer of control, exclusive of FCC Form 316 applications (where more than one broadcast station license is involved, the total amount of fees prescribed for each license so involved will be paid in the manner set forth below):

Application Filing Fee.	$1,000.
Assignment and Transfer fee to be paid immediately following consummation of the assignment or transfer.	2 percent of consideration for assignment or transfer.

Annual License Fees

Each broadcast station shall pay an annual license fee to the Commission that is based on the station's rate card as of June 1 of each year.[1]

For AM and FM radio stations:

The annual fee will be a payment equal to 24 times the station's highest single "one-minute" spot announcement rate, but in no

[1] In the first year of this fee schedule, a station's fee will be computed by taking the number of months from the effective date to the payment date divided by 12 times the full year annual fee. Stations beginning operation, pursuant to program test authority, after the license expiration anniversary date are liable for a pro rata amount of the annual fee equal to the number of full months in operation from the date of program test authority to the payment date for the short period.

event shall the annual payment for each AM and each FM station be less than $52;

For television broadcast stations:

The annual fee will be a payment equal to 12 times the station's highest "30-second" spot announcement rate, but in no event shall the annual payment be less than $144.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

(2) Applications in the AM service requesting only authority to determine antenna power by direct measurement.

(3) All television translator applications.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

	Filing fee	Grant fee
Domestic Public Land Mobile Radio Service [1]		
Application for initial construction permit or for relocation of a base station, including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems.[3] [4]	$100	$150.
Application for initial construction permit or for relocation of a dispatch station,[5] control station or repeater station.[4]	50	$75.
Application for modification of construction permit or license for base station, dispatch station, control station or repeater station at an existing station location.	25	$50.
Application for renewal of license for base station	25	$125.
Application for renewal of license for dispatch station, control station or repeater station.	10	$50.
Application for license, modification of license, or renewal of license for individual mobile stations per mobile unit.	50	None.
Rural Radio Service		
Application for an initial construction permit or for relocation of facilities—Central Office.[4]	100	$100.
Application for modification of construction permit or license—Central Office	25	$50.
Application for license for operation of a rural subscriber station at temporary-fixed locations.	10	$20.
Application for license or modification of license for individual subscriber stations	5	Do.
Application for renewal of license Rural subscriber station	25	None.
Application for renewal of license Central Office Station	125	Do.
Point to Point Microwave Radio Services		
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities. [4] [6]	50	$150.
Application for license for operation of a station at temporary-fixed locations	50	$100.
Application for modification of construction permit or license	50	$150.
Application for renewal of license	25	$100.
Local Television Transmission Service		
Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities.[4]	50	$150.
Application for license for operation of an STL station at temporary-fixed locations.	50	$100.
Application for license for operation of a mobile television pickup station	50	Do.
Application for modification of license	25	$75.
Application for renewal of license	25	$50.

See footnotes at end of table.

	Filing fee	Grant fee
International Fixed Public Radiocommunication Services		
International Fixed Public Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station.[4]	$150	$500.
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if both applications are filed simultaneously).	75	$100.
Application for change of location of an authorized station	150	$400.
Application for modification of license	25	$100.
Application for renewal of license	100	$200.
International Control Station:		
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station.[4]	100	$400.
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if both applications are filed simultaneously).	50	$250.
Application for change of location of an authorized station	100	$400.
Application for modification of license	25	$100.
Application for renewal of license	50	Do.
Other Radio Applications		
Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application).	10	$50.
All other common carrier radio applications	25	None.
Satellite Communications Services		
Application for initial construction permit for earth station	500	$50,000.
Application for modification of construction permit for earth station	200	$2,000.
Application for renewal of license-earth station	100	$400.
Application for authority to construct and launch satellites	500	$100,000.
Application for assignment of an earth station construction permit or license or transfer of control of a licensee or permittee.	100	$200.
Application for Communications Common Carriers for authorization to own stock in the Communications Satellite Corporation.	25	$50.
Any other application filed under the Communications Satellite Act	25	$50.
Common Carrier Nonradio Applications		
Section 214 applications for construction of landline coaxial cable	100	$5/route mile.
Section 214 applications to extend or supplement facilities by construction of voice cables or installation of carrier equipment on landline wire, cable or radio routes.	50	$6 per 1,000 equivalent 4 KHz channel miles authorized or fraction thereof.
Section 214 applications to lease facilities from other carriers (except overseas)	25	$4 per 1,000 equivalent 4 KHz channel miles authorized or fraction thereof.
Section 214 applications for overseas cable construction	1,000	$50 per route mile (nautical).
Section 214 applications to establish communication channels on overseas cables	50	$10 per 1,000 equivalent 3 KHz channel miles authorized or fraction thereof.
Section 214 applications to lease overseas cable channels	50	$6 per 1,000 equivalent 3 KHz channel miles authorized or fraction thereof.
Section 214 applications to establish and operate satellite channels	100	$30 per equivalent 4 KHz channel.
Section 214 applications to lease satellite channels	50	$20 per equivalent 4 KHz channel.
Section 214 applications to discontinue, reduce or impair service to the public:		
Telephone companies	50	$50.
Telegraph companies	10	$15.
Cable landing license	100	$100.

	Filing fee	Grant fee
Interlocking Directorate applications	$10	$40.
Section 221 applications	10	$250.
Tariff applications to change charges or regulations on less than statutory notice	25	None.
All other Common Carrier nonradio applications	25	None.

[1] In this service each transmitter at a fixed location is a separate station notwithstanding the inclusion of more than one such station on a single authorization or under a single call sign.

[2] When included as part of a base station application, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application or fee. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for applications for licenses to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable

[5] This fee applies to any request for dispatch station authority not made pursuant to §21.519(a) of this chapter.

[6] For applicants who propose to multiplex their radio systems and who make the supplementary showing required by § 21.706 of the Rules in the lead application in lieu of filing a separate application under section 214 of the the Act, an additional grant fee will be payable at the rate of $6 per 1,000 equivalent 4 KHz channel miles, as prescribed in the schedule for section 214 applications to extend or supplement facilities.

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorizations filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	$20
Interim ship license including subsequent initial license	25
Operational fixed stations using frequencies above 952 MHz:	
Initial license and renewal	75
Assignment of license	75
Common Carrier Public Coast Stations:	
Initial license and renewal	75
Assignment of license	75
Amateur Service:	
Initial license, renewal and new class of operator license	9
Modification of license without renewal	4
Modification of license with renewal	9
Special Call Sign (plus other applicable fee)	25

(b) Except as provided in paragraph (c) of this section, the fees set forth below shall accompany the following applications or requests filed in the Safety and Special Radio Services:

Duplicate license	$6

(c) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry-Conservation, Highway Maintenance, Local Government, and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: Hospitals, Disaster Relief Organizations, Beach Patrols, School Buses, and nonprofit Ambulance Operators and Rescue Organizations.

(4) Applications filed in the Disaster Communications Service.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and parts II and III, title III, of the Communications Act of 1934, as amended.

(6) Applications for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Services (RACES).

(7) Operational Fixed Microwave Applications filed for Closed Circuit Educational Television Service.

(8) Applications for Civil Air Patrol Stations, Aeronautical Radionavigation Stations, and for Aeronautical Search and Rescue Stations.

§ 1.1116 Schedule of fees for Cable Television Services.

(a) Applications, notifications, and petitions filed in the Cable Television Services shall be accompanied by the fees prescribed below:

Applications in the Community Antenna Relay Service (CARS):	
For a construction permit	$50
For a license or renewal	15
For a modification of construction permit or license	15
Petitions:	
For special relief (other than that specified below), pursuant to § 74.1109	25
For experimental operations pursuant to paragraph 51 of the December 1968 notice of proposed rule making and notice of inquiry in Docket 18397 (see, also, proposed § 74.1107 (b) and (c) in appendix C of that notice)	25
For waiver of hearing re carriage of distant signals within the Grade A contour of a television broadcast station in a top-100 market:	
Per proposed commercial (a) VHF station or (b) network-affiliated UHF station, distant signal	25
Per proposed (a) educational station, or (b) independent UHF station, distant signal	10
Notifications pursuant to § 74.1105	10

(b) An annual fee shall be paid by each CATV system on or before April 1 of each year for the preceding calendar year. The fee for each system shall be equal to the number of its subscribers times 30 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter. (See § 1.1102(c)(2).)

NOTE: Where a system offers bulk rates to multiple-outlet subscribers, such as apartment house or motel operators, such contracts are not viewed as individual subscriptions for purposes of fee determination. Rather, each such contract is viewed as a number of subscriptions such number to be calculated by dividing the total annual-charge for that bulk-rate contract by the system's basic annual subscription rate for an individual household. (Thus, for example, if a CATV system charges an apartment house operator $1,000 a year for a bulk-rate contract and charges individual households a basic rate of $50 per year, the bulk rate contract is counted as 20 subscriptions (i.e. 1000÷50=20). It is not contemplated, however, that such calculations should be made with respect to extra payments for additional CATV outlets within the same individual household.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraph (b) of this section, applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for operator license:	
First-class license, either radio telephone or radiotelegraph, new, renewal, duplicate, or replacement	$5
Second-class license, either radiotelephone or radiotelegraph, new, renewal, duplicate, or replacement	4
Third-class permit, either radiotelephone or radiotelegraph, new, renewal, duplicate, or replacement	3
Provisional radiotelephone third-class operator certificate with broadcast endorsement—1 year term	2
Restricted radiotelephone permit, new duplicate, or replacement	3
Restricted radiotelephone permit (alien)—1 year term	2
Application for endorsement of license	2
Application for verification card (FCC Form 758-F)	2
Application for posting statement (FCC Form 759)	2

(b) Whenever an application requests both an operator license and an endorsement, the required fee will be the fee prescribed for the license document involved.

§ 1.1119 Experimental Radio Services (other than Broadcast).

Fees are not required in the case of applications filed in the Experimental Radio Services (other than Broadcast).

§ 1.1120 Schedule of fees for equipment approval, acceptance, or certification.

Type approval, type acceptance, certification, or approval of subscription television systems shall require payment of fees as prescribed below.

CERTIFICATION

Item	Filing fee	Grant fee
1. Application for certification of each receiver Model: [1]		
(a) Television receivers	$10	$40
(b) FM receivers	10	30
(c) All others	10	25
2. Application for prototype certification of equipment operating under Part 18	5	20
3. Request for modification of a certificated receiver with no change in model number: [2]		
(a) Television receivers	10	30
(b) FM receivers	5	20
(c) All others	5	20
4. Request for modification of a prototype certificated equipment operating under Part 18 with no change in model number [1] [2]	5	15

TYPE ACCEPTANCE

1. Application for type acceptance of each equipment type [3] [4]	25	75
2. Application for the addition of one or more radio services to existing type acceptance for each equipment type as identified by manufacturer (or trade name) and type number	25	75
3. Approval of subscription television system	200	800

TYPE APPROVAL

1. Application or submission for type approval: [5]		
(a) Part 73:		
(1) Broadcast modulation monitors—SCA & stereo	100	400
(2) Broadcast modulation monitors—other	50	200
(3) Other broadcasting equipment	50	200
(b) Part 81:		
(1) Ship transmitters including lifeboat transmitters	25	125
(2) Ship radar	25	75
(3) Ship automatic alarm systems	50	200
(4) Ship alarm automatic keyers	25	75
(5) Other maritime devices	50	150
(c) Part 15:		
(1) Wireless microphones	25	125
(2) Other low-power devices	25	75
(d) Part 18:		
(1) Medical diathermy	100	400
(2) Epilators	100	400
(3) Microwave ovens	200	800
(4) Medical ultrasonic	50	200
(5) Industrial ultrasonic	50	200
(6) Other ISM devices	50	200
2. Applications for modification of existing type approved equipment: [6]		
(a) Modifications which require retesting:		
(1) Parts 73 and 18	50	200
(2) Part 15 and Part 81	25	75
(b) All other modifications	10	40

[1] A filing fee must be paid for each receiver which is part of a transceiver model or of equipment in which one or more receivers and transmitters are packaged as an individual unit and identified by a common equipment model number. The certification and accompanying fee must be submitted at the same time as applications for type acceptance of the associated transmitter(s) is made.

[2] A request for modification of a certificated equipment which involves a change in type (or model) number will be considered as an application for a new certification under items 3 and 4 of the schedule.

[3] Application for type acceptance of equipments which bear different identification will be considered separate applications, regardless of whether such equipments may be otherwise identical.

[4] Fees for type acceptance are not required in the following cases:

(a) When a request for type acceptance is included in an application for station license and covers only the item of equipment to be authorized in that particular station;

(b) When a request is made by the licensee of a station for approval of modifications to a specific item or items of existing type accepted equipment authorized in that particular station.

[5] Application for type approval of equipments which bear different identification will be considered separate applications, regardless of whether such equipments may be otherwise identical.

[6] A request for modification of a type approved equipment which involves a change in type (or model) number will be considered as an application for a new type approval under item 1 of the schedule.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

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