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FEDERAL REGISTER

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Pages 18177–18252

Part I

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Agricultural Research Service
Agriculture Department
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Consumer and Marketing Service
Defense Department
Environmental Quality Council
Federal Aviation Administration
Federal Communications Commission
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Oil Import Administration
Packers and Stockyards Administration
Public Health Service
Rural Electrification Administration
Securities and Exchange Commission
Tariff Commission
Veterans Administration

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Title 3—THE PRESIDENT

Executive Order 11570

PROVIDING FOR THE REGULATION OF CONDUCT FOR THE POSTAL RATE COMMISSION AND ITS EMPLOYEES

Under the Postal Reorganization Act (Public Law 91-375), the Postal Rate Commission (referred to hereafter as the "Commission") is charged with the establishment and adjustment of fair and equitable rates of postage, fees for postal services, and classifications of mail. It is essential to public confidence in the United States Postal Service that the activities, procedures, decisions, and recommendations of the Commission be impartial and disinterested and free from taint or suspicion of favoritism of any kind whatsoever, both in fact and in appearance.

NOW THEREFORE, by virtue of the authority vested in me by Section 301 of Title 3, and Section 7301 of Title 5, United States Code, and the Postal Reorganization Act, it is hereby ordered as follows:

SECTION 101. The Commission is subject to Executive Order No. 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and Part 735 of the regulations of the Civil Service Commission (5 CFR Part 735).

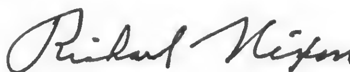
SEC. 102. The Civil Service Commission shall prepare initial standards of conduct regulations for the Commission. The regulations shall contain such provisions as will ensure that the Commissioners and employees of the Commission are fully guarded against involvement in conflicts of interest situations, or the appearance thereof, or other conduct that may lessen public confidence. The regulations shall include provision for:

(a) concurrent filing of confidential statements of outside employment and financial interests by employees of the Commission with a designated official of the Commission and the Chairman of the Civil Service Commission;

(b) strict control of *ex parte* contacts with the Commission and the Commissioners or employees of the Commission regarding particular matters at issue in contested proceedings before the Commission. The control of such contacts shall include, but not be limited to, the maintenance of public records of such contacts which fully identify the individuals involved and the nature of the subject matter discussed; and

(c) prohibition against the receipt of honoraria, travel expenses, entertainment, gifts, loans, favors, or anything of value by a Commissioner or employee of the Commission from an individual (other than one having a close family or personal relationship) or organization having, or likely to have, business with the Commission.

SEC. 103. The Civil Service Commission shall issue the initial standards of conduct regulations applicable to the Commission not later than 120 days after the effective date of this Order. Thereafter, the Commission may from time to time amend the regulations, consistent with this Order. The regulations and any amendments thereto shall be published in the FEDERAL REGISTER.



THE WHITE HOUSE,
November 24, 1970.

[F.R. Doc. 70-16081; Filed, Nov. 25, 1970; 4:21 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3308 is amended to show that the position of Confidential Assistant (Economic Utilization Policy) to the Assistant Secretary (Installations and Logistics) is no longer in Schedule C, and that the position of Special Assistant (Administration) to the Under Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (8) is revoked and subparagraph (10) is added to paragraph (a) of § 213.3308 as set out below.

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* * * *

(8) [Revoked]

* * * * *

(10) One Special Assistant (Administration) to the Under Secretary.

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

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

[F.R. Doc. 70-16082; Filed, Nov. 27, 1970; 8:51 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 456]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.756 Lemon Regulation 456.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 24, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 29, 1970, through December 5, 1970, are hereby fixed as follows:

(i) District 1: 20,000 cartons;
(ii) District 2: 55,000 cartons;
(iii) District 3: 120,000 cartons.

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

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

Dated: November 25, 1970.

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

[F.R. Doc. 70-16045; Filed, Nov. 27, 1970; 8:51 a.m.]

Chapter XXVI—Office of the Inspector General, Department of Agriculture

PART 2610—AVAILABILITY OF INFORMATION TO THE PUBLIC

Chapter XXVI, Title 7 CFR, is hereby amended by adding a new Chapter XXVI consisting of Part 2610 dealing with availability to the public of records of the Office of the Inspector General. The fee schedule for copies of available documents is published as a notice in the FEDERAL REGISTER (currently 35 F.R. 14733). Such notice is subject to revision from time to time. The new Part 2610 supersedes section 6 of the notice published in the FEDERAL REGISTER on June 21, 1967 (32 F.R. 8822), as amended by the notices published in the FEDERAL REGISTER on July 6, 1967 (32 F.R. 9850), and February 13, 1969 (34 F.R. 2139). The new Part 2610 reads as follows:

Sec.
2610.1 General statement.
2610.2 Requests.
2610.3 Exempt records.
2610.4 Denials.
2610.5 Appeals.

AUTHORITY: The provisions of this Part 2610 issued under 5 U.S.C. 301; 5 U.S.C. 552(a) (2), (3), and (b); 5 U.S.C. 559.

§ 2610.1 General statement.

This part is issued in accordance with and subject to the regulations of the Secretary of Agriculture, §§ 1.1 through 1.4 of this title, and governs the availability of records of the Office of the Inspector General (OIG) to the public upon request.

§ 2610.2 Requests.

(a) Requests for OIG records shall be made in writing to the Assistant Inspector General, Analysis and Evaluation, OIG, Administration Building, U.S. Department of Agriculture, Washington, DC 20250.

(b) Each record requested must be identified with reasonable specificity.

(c) Records so requested will be made available, except for exempt records in the categories specified in § 2610.3.

(d) Available records may be inspected and copied in the Office of the Assistant Inspector General, Analysis and Evaluation, during regular working hours, or may be obtained by mail. Copies will be provided upon payment of applicable

fees prescribed by regulations issued by the Director, Office of Plant and Operations.

§ 2610.3 **Exempt records.**

The following records of OIG are exempt from disclosure:

(a) Matters specifically required by executive order to be kept secret.

(b) Matters relating solely to the internal personnel rules and practices.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial and financial information obtained from a person and privileged or confidential.

(e) Interagency or intra-agency memorandums or letters that would not be available to a party other than an agency in litigation with the agency.

(f) Personnel and medical files, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a party other than an agency. This would include investigation and audit reports and related work papers.

(h) Matters contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency of the Department responsible for the regulation or supervision of financial institutions.

§ 2610.4 **Denials.**

If the Assistant Inspector General, Analysis and Evalution, determines that a requested record is exempt, he shall give prompt written notice of denial, together with the reasons therefor: *Provided*, That except where disclosure is prohibited by executive order or statute, or by regulations of other Government agencies, the Assistant Inspector General, Analysis and Evaluation, may, in individual cases, make records exempt from disclosure available if he determines that disclosure will not adversely affect the national interest or constitute an unwarranted invasion of individual privacy.

§ 2610.5 **Appeals.**

The denial of a requested record may be appealed, by the person who made the request, to the Inspector General, Administration Building, U.S. Department of Agriculture, Washington, DC 20250. The appeal shall be made in writing within 15 days of the date of receipt of the notice of denial. The Inspector General will give written notice of his final determination.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 24th day of November 1970.

NATHANIEL E. KOSSACK,
Inspector General.

[F.R. Doc. 70-15985; Filed, Nov. 27, 1970; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-303]

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 paragraph (e)(5) relating to the State of Texas, new subdivisions (xviii) relating to Galveston County, and (xix) relating to Tom Green County are added to read:

(xviii) That portion of Bolivar Peninsula in Galveston County lying southwest of Gilchrist Bridge on State Highway 87.

(xix) That portion of Tom Green County bounded by a line beginning at the junction of U.S. Highway 67 and U.S. Highway 87; thence, following U.S. Highway 87 in a northwesterly direction to Mount Nebo Road; thence, following Mount Nebo Road in a northwesterly direction to the Tom Green-Coke County line; thence, following the Tom Green-Coke County line in an easterly direction to the Tom Green-Runnels County line; thence, following the Tom Green-Runnels County line in a southerly direction to U.S. Highway 67; thence, following U.S. Highway 67 in a southwesterly direction to its junction with U.S. Highway 87.

2. In § 76.2, in paragraph (e)(13) relating to the State of Ohio, subdivision (i) relating to Brown County is deleted, and subdivision (ii) relating to Clinton County is amended to read:

(ii) That portion of Clinton County bounded by a line beginning at the junction of State Highway 72 and State Highway 729; thence, following State Highway 729 in a southwesterly direction to State Highway 73; thence, following State Highway 73 in a southeasterly direction to State Highway 28; thence, following State Highway 28 in a westerly direction to Martinsville Road; thence, following Martinsville Road in a northwesterly direction to U.S. Highway 68; thence, following U.S. Highway 68 in a northeasterly direction to State Highway 22; thence, following State Highway 22 in a northeasterly direction to State Highway 72; thence, following State Highway 72 in a southeasterly direction to its junction with State Highway 729.

3. In § 76.2, in paragraph (e)(12) relating to the State of North Carolina, subdivisions (v) relating to Halifax County, and (ix) relating to Jones County are deleted.

(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 portions of Galveston 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 portions of such counties.

The amendments also exclude portions of Brown and Clinton Counties in Ohio, and portions of Halifax and Jones Counties in North Carolina from the areas quarantined because of hog cholera. Therefore, 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 not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

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, unnecessary, 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 24th day of November 1970.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-16022; Filed, Nov. 27, 1970; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9486, Amdt. 21-36, 37-26, 121-72, 127-23, 135-22, 145-13]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

PART 145—REPAIR STATIONS

Reporting Requirements for Manufacturers; Failures, Malfunctions, and Defects

The purpose of these amendments to the Federal Aviation Regulations is to clarify and relax the reporting requirements for manufacturers and to revoke the amendments to Parts 21, 37, 121, 127, 135, and 145 of the Federal Aviation Regulations contained in Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 published in the FEDERAL REGISTER on February 19, 1970 (35 F.R. 3154).

Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9, effective April 2, 1970, require certain manufacturers to notify the FAA of any failure, malfunction, or defect in any product or part manufactured by them that could result in a hazard to flight. The effective date of those amendments was later extended to November 30, 1970, by Amendments 21-35, 37-25, 121-68, 127-20, 135-21, and 145-12 (35 F.R. 15288). Subsequently, however, it has come to the attention of the FAA that the reporting requirements are, in some instances, ambiguous and in certain areas may require duplicate reporting. Since Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 do not become effective until November 30, 1970, the FAA considers it appropriate to clarify the regulations containing the reporting requirements for manufacturers and to remove any requirement that could result in duplicate reporting before those regulations become effective. These changes are discussed hereinafter.

The requirements of §§ 21.3 and 37.17 require a holder of a type certificate (including a supplemental type certificate), or a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a type certificate, to notify the FAA within 24 hours after it discovers or is informed of a failure, malfunction, or defect in any product or part manufactured by it, of any such failure, malfunction, or defect that could result in a hazard to flight. Several interested persons have recently advised the FAA that this requirement is ambiguous, since any failure, malfunction, or defect, including the failure of a single rivet, could result in a hazard to flight. Thus, they contend, the manufacturers would have to report all failures, malfunctions, and defects. The FAA is aware that this would defeat the purpose of the regulation. Therefore, it is considered appropriate to clarify the regulation by listing the particular occurrences which constitute a hazard to flight for the purpose of reporting requirements and by requiring the reporting of a failure, malfunction, or defect only after it has been determined that such failure, malfunction, or defect has resulted in any of the listed hazards to flight. The requirements of §§ 21.3 and 37.17 have also been revised to make it clear that where a manufacturer determines that there is a defect in any product, part or article that it manufactures that would result in any of the listed hazards to flight, the manufacturer need only report the defect if any of the defective products, parts or articles have left its quality control system.

The FAA is also aware that requiring a manufacturer to report failures, malfunctions and defects which it "discovers or is informed of" could result in the reporting of unconfirmed occurrences. Such reports would be of no value to the FAA. Therefore, the provisions of §§ 21.3 and 37.17 have been revised so that manufacturers need report only failures, malfunctions, and defects which they have determined have resulted or would result in any of the listed hazards.

In addition to the foregoing, the requirements of §§ 21.3 and 37.17 have been relaxed to make them consistent with similar reporting requirements in the operating rules. In this connection, special late reporting provisions have been added covering reports that would be due on Saturday, Sunday, or a holiday.

Finally, the regulation has been revised to eliminate additional areas where duplicate reporting could occur. Thus, reports need not be made of any failure, malfunction, or defect that the manufacturer knows has already been reported by another person under the Federal Aviation Regulations or that the manufacturer has already reported to the National Transportation Safety Board. Moreover, the FAA is not interested in a manufacturer's report on any failure, malfunction, or defect that is caused by improper maintenance or improper usage.

These amendments contain clarifications and relaxations of the rules that were adopted to become effective on November 30, 1970. They have been coordinated with representatives of the industry to the extent possible. However, in view of the imminent effective date of Amendments Nos. 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9, further notice and public procedure hereon is impracticable and good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing:

1. The amendments to Parts 21, 37, 121, 127, 135, and 145 of the Federal Aviation Regulations contained in Amendments 21-29, 37-19, 121-58, 127-15, 135-15, and 145-9 and published in the FEDERAL REGISTER on February 19, 1970 (35 F.R. 3154) and Amendments 21-30, 37-20, 121-59, 127-16, 135-16, and 145-10 published in the FEDERAL REGISTER on March 31, 1970 (35 F.R. 5319) and Amendments 21-33, 37-22, 121-63, 127-18, 135-19, and 145-11, published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653) and Amendments 21-35, 37-25, 121-68, 127-20, 135-21, and 145-12, published in the FEDERAL REGISTER on October 1, 1970 (35 F.R. 15288) are hereby revoked effective November 30, 1970; and

2. Parts 21, 37, 121, 127, 135, and 145 of the Federal Aviation Regulations are amended, effective November 30, 1970, as follows:

A. Part 21 is amended by adding a new § 21.3 to read as follows:

§ 21.3 Reporting of failures, malfunctions, and defects.

(a) Except as provided in paragraph (d) of this section, the holder of a Type Certificate (including a Supplemental Type Certificate), or a Parts Manufacturer Approval (PMA), or the licensee of a Type Certificate shall report any failure, malfunction, or defect in any product or part manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) The holder of a Type Certificate (including a Supplemental Type Certificate), or a Parts Manufacturer Approval (PMA), or the licensee of a Type Certificate shall report any defect in any product or part manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

(c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this section:

(1) Fires caused by a system or equipment failure, malfunction, or defect.

(2) An engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components.

(3) The accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin.

(4) A malfunction, failure, or defect of a propeller control system.

(5) A propeller or rotorcraft hub or blade structural failure.

(6) Flammable fluid leakage in areas where an ignition source normally exists.

(7) A brake system failure caused by structural or material failure during operation.

(8) A significant aircraft primary structural defect or failure caused by any autogenous condition (fatigue, understrength, corrosion, etc.).

(9) Any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure.

(10) An engine failure.

(11) Any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft or which derogates the flying qualities.

(12) A complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft.

(13) A failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(d) The requirements of paragraph (a) of this section do not apply to—

(1) Failures, malfunctions or defects that the holder of a Type Certificate (including a Supplemental Type Certificate), or Parts Manufacturer (Approval) (PMA), or the licensee of a Type Certificate—

(i) determines were caused by improper maintenance, or improper usage;

(ii) knows were reported to the FAA by another person under the Federal Aviation Regulations; or

(iii) has already reported under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board.

(2) Failures, malfunctions or defects in products or parts manufactured by a foreign manufacturer under a U.S. Type Certificate issued under § 21.29 or exported to the U.S. under § 21.502.

(e) Each report required by this section—

(1) Shall be made to the FAA Regional Office in the region in which the person required to make the report is located within 24 hours after it has determined that the failure, malfunction, or defect required to be reported has occurred. However, a report that is due on a Saturday or a Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday;

(2) Shall be transmitted in a manner and form acceptable to the Administrator and by the most expeditious method available; and

(3) Shall include as much of the following information as is available and applicable:

(i) Aircraft serial number.

(ii) When the failure, malfunction, or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate.

(iii) Product model.

(iv) Identification of the part, component, or system involved. The identification must include the part number.

(v) Nature of the failure, malfunction, or defect.

B. Part 37 is amended by amending § 37.17 to read as follows:

§ 37.17 Reporting of failures, malfunctions, and defects.

(a) Except as provided in paragraph (d) of this section, each manufacturer holding a TSO authorization under this Part, shall report any failure, malfunction or defect in any article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) Each manufacturer holding a TSO authorization under this Part shall report any defect in any article manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

(c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this section:

(1) Fires caused by a system or equipment failure, malfunction, or defect.

(2) An engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components.

(3) The accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin.

(4) A malfunction, failure, or defect of a propeller control system.

(5) A propeller or rotorcraft hub or blade structural failure.

(6) Flammable fluid leakage in areas where an ignition source normally exists.

(7) A brake system failure caused by structural or material failure during operation.

(8) A sigificant aircraft primary structural defect or failure caused by any autogenous condition (fatigue, understrength, corrosion, etc.).

(9) Any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure.

(10) An engine failure.

(11) Any structural or flight control system malfunction, defect, or failure, which causes interference with normal control of the aircraft or which derogates the flying qualities.

(12) A complete loss of more than one electrical power generating system of hydraulic power system during a given operation of the aircraft.

(13) A failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(d) The requirements of paragraph (a) of this section do not apply to—

(1) Failures, malfunctions, and defects that the holder of a TSO authorization—

(i) Determines were caused by improper maintenance or improper usage;

(ii) Knows were reported to the FAA by another person under the Federal Aviation Regulations; or

(iii) Has already reported under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board.

(2) Failures, malfunctions, or defects in articles manufactured by a foreign manufacturer and exported to the United States under § 21.502 of this chapter.

(e) Each report required by this section—

(1) Shall be made to the FAA Regional Office in which the holder is located within 24 hours after the holder has determined that the failure, malfunction, or defect required to be reported has occurred, except that a report due on a Saturday or a Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday;

(2) Shall be transmitted in a manner and form acceptable to the Administrator by the most expeditious method available; and

(3) Shall include as much of the following information on the article as is available and applicable:

(i) Aircraft serial number.

(ii) Article serial number.

(iii) Article model designation.

(iv) Identification of the part, component, or system involved. The identification must include the part number.

(v) Nature of the failure, malfunction, or defect.

(f) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon the request of the Administrator, report to the Administrator the results of his investigation and any action, taken or proposed by the manufacturer to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit to the Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), FAA Regional Office in the region in which he is located, the data necessary for the issue of an appropriate airworthiness directive.

C. Part 121 is amended by amending paragraph (f) of § 121.703 to read as follows:

§ 121.703 Mechanical reliability reports.

* * * * *

(f) A certificate holder that is also the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or that is the licensee of a Type Certificate, need not report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it under § 21.3 of this chapter or § 37.17 of this chapter or under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board.

* * * * *

D. Part 127 is amended by amending paragraph (f) of § 127.313 to read as follows:

§ 127.313 Mechanical reliability reports.

* * * * *

(f) An air carrier that is also the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or that is the licensee of a Type Certificate, need not report a failure, malfunction, or defect, under this section if the failure, malfunction,

or defect has been reported by it under § 21.3 of this chapter or § 37.17 of this chapter or under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board.

* * * * *

E. Part 135 is amended by amending paragraph (f) of § 135.57 to read as follows:

§ 135.57 Mechanical reliability reports.

* * * * *

(f) A certificate holder, that is also the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or that is the licensee of a Type Certificate need not report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it under § 21.3 of this chapter or §37.17 of this chapter or under the accident reporting provisions of Part 430 of the National Transportation Safety Board.

* * * * *

F. Part 145 is amended by adding a paragraph (c) to § 145.63 to read as follows:

§ 145.63 Reports of defects or unairworthy conditions.

* * * * *

(c) The holder of a domestic repair station certificate that is also the holder of a Part 121, 127, or 135 of this chapter certificate, a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or that is the licensee of a Type Certificate, need not report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it, under § 21.3, § 37.17, § 121.703, § 127.313, or § 135.57 of this chapter.

G. Section 145.79 is amended by adding a paragraph (d) to read as follows:

§ 145.79 Records and reports.

* * * * *

(d) The holder of a foreign repair station certificate that is also the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization or that is the licensee of a Type Certificate need not report a failure, malfunction, or defect under this section if the failure, malfunction, or defect has been reported by it, under § 21.3 of this chapter or § 37.17 of this chapter.

(Secs. 313(a), 601, 603, 604, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1427, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-16034; Filed, Nov. 26, 1970; 8:51 a.m.]

[Airworthiness Docket No. 70-WE-42-AD, Amdt. 39-1112]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), an airworthiness directive was adopted on November 5, 1970, and made effective immediately as to all known United States operators of Boeing 747 airplanes. The directive requires the determination of the code identification of the outboard bearing in all landing gear wheels and replacement of certain bearings with a specified replacement or equivalent.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing 747 airplanes by individual telegrams dated November 5, 1970. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive, applicable to all operators of Boeing 747 airplanes, is effective immediately upon receipt of this telegram. Because of two cases of loss of main landing gear wheels during airplane takeoff, within the next 125 hours time in service after receipt of this telegram, unless already accomplished, determine the coding identification of the outboard bearing, Timken Part No. LM 229139, in all landing gear wheels. Any bearing with code letter "A" through "F" must be replaced with a bearing with code letter "G" or "H," or with an equivalent bearing approved by the Chief, Aircraft Engineering Division, Western Region, before further flight.

NOTE: The bearing identification code letter is between the words "Timken" and "made" on the back face of the bearing cone.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated November 5, 1970.

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

Issued in Los Angeles, Calif., on November 13, 1970.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 70-15964; Filed, Nov. 27, 1970; 8:46 a.m.]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 177 Series Airplanes

There have been reports that pilots operating Cessna 177 series airplanes were unable to reopen the fuel shutoff valve control located on the instrument panel after the valve was pulled to the closed position. These incidents occurred because the fuel shutoff valve flexible control wire bowed to the extent that the valve could not be returned to the closed position. This deficiency can result in fuel starvation. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring with 50 hours' time in service after the effective date of this AD, either a visual inspection of the fuel shutoff valve for proper operation or replacement of the fuel shutoff valve flexible control wire with a heavier control wire in accordance with Cessna Service Letter No. SE70-24, dated September 25, 1970. Visual inspection must be repeated every 100 hours after the initial inspection until the control wire is replaced with P/N S2113-1.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practicable and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Cessna 177 Series (Serial Nos. 17700001 through 17701530) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To assure that the fuel shutoff valve will return to the full open position after being shut off, accomplish either Paragraph A or B as follows:

(A) Within 50 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 100 hours' time in service from the date of the last inspection, accomplish the following:

(1) Visually inspect the operation of the fuel shutoff valve by removing the safety wire between the knob and bracket. Then pull the knob out to the full closed position followed by moving the knob forward to the full open position.

(2) Check the fuel shutoff valve arm at the firewall to assure that it has returned to the full open position.

(3) If the inspection discloses that the fuel shutoff valve is operating normally, reinstall 0.018 mild steel wire between the knob and bracket.

(4) If the inspection discloses that bending of the fuel shutoff valve flexible control wire occurs between the firewall support and the shutoff valve which prevents the fuel shutoff valve from returning to the full open position, prior to further flight make the necessary replacements, adjustments or repairs to assure proper fuel shutoff valve operation, and reinstall 0.018 mild steel wire between the knob and bracket or alternatively install a heavier fuel shutoff valve control cable P/N S2113-1 and associated parts in accordance with Cessna Service Letter SE70-24, dated September 25, 1970, or later FAA-approved revision or any other method approved as an equivalent by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(B) Within 50 hours' time in service after the effective date of this AD, install heavier fuel shutoff valve control cable P/N S2113-1 and associated parts in accordance with Cessna Service Letter SE70-24, dated September 25, 1970, or later FAA-approved revision or any other method approved as an equivalent by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(C) When the replacement of the heavier fuel shutoff valve control cable P/N S2113-1 and associated parts described in either Paragraphs A(4) or B of this AD have been accomplished, the inspections required by this AD are no longer required.

This amendment becomes effective December 8, 1970.

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

Issued in Kansas City, Mo., on November 20, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-15965; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airworthiness Docket No. 70-WE-45-AD, Amdt. 39-1113]

PART 39—AIRWORTHINESS DIRECTIVES

North American Rockwell Model NA-265 Series Airplanes

There has been a malfunction of the Engine Emergency Fire Control System wherein the interlock bar between the fire pull "T" handle toggle mechanism disengaged and caused unwanted actuation of the right engine fire pull "T" handle to the emergency position when the left engine fire pull "T" handle was returned to the stowed or normal position.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require installation of redesigned interlock actuator pins which prevent disengagement of the interlock bar from the fire pull "T" handle toggle mechanisms on North American Rockwell NA-265 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

NORTH AMERICAN ROCKWELL. Applies to all NA-265 Series Airplanes.

Compliance required within the next 100 hours' time in service, or 120 days, whichever occurs earlier, after the effective date of this AD, unless already accomplished.

To prevent unwanted actuation of the Engine Emergency Fire Control "T" handle to the emergency position, modify the fire emergency engine control fire pull assembly by replacing the two E858-15 interlock actuator pins with E858-21 pins in accordance with the instructions contained in Los Angeles Division of North American Rockwell Corp. Sabreliner Field Service Bulletin No. 70-13, dated November 11, 1970, or later FAA-approved revision, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective on November 28, 1970.

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

Issued in Los Angeles, Calif., on November 17, 1970.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-15966; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-79]

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

Designation of Transition Area

On October 15, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 16180), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lake City, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 4, 1971, as hereinafter set forth.

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

LAKE CITY, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake City Municipal Airport (lat. 30°10'45" N., long. 82°34'45" W.).

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

Issued in East Point, Ga., on November 18, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-15949; Filed, Nov. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 70-SW-68]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Fort Stockton, Tex., transition area.

On July 24, 1970, a final rule was published in the FEDERAL REGISTER (35 F.R. 11901) altering the airspace description of the Fort Stockton, Tex., transition area, effective September 17, 1970. Subsequently, more precise plotting by Coast and Geodetic Survey indicated that the airspace description needed to be modified slightly to permit the desired charting configuration. The Fort Stockton, Tex., transition area is described in part as that airspace "within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the (Pecos County Airport) 6-mile radius area to 8 miles northwest of the VORTAC." Preliminary charting indicated that the VORTAC 308° radial would not coincide with or join the 6-mile radius area as described.

Since this alteration and the effect on the airspace are minor in nature and will impose no additional burden on any person, notice and public procedure are unnecessary.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

In § 71.181 (35 F.R. 11901), the Fort Stockton, Tex., 700-foot transition area is amended in part by deleting "128° radials extending from the 6-mile radius area to 8 miles northwest" and substituting "128° radials extending from the airport to 8 miles northwest" therefor.

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

Issued in Fort Worth, Tex., on November 17, 1970.

KIRBY L. BRANNON,
Acting Director, Southwest Region.

[F.R. Doc. 70-15951; Filed, Nov. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 70-WE-68]

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

Alteration of Control Zone

On October 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15935) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Spokane, Wash. (Felts Field), control zone.

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

Effective date. This amendment shall be effective 0901 G.m.t., February 4, 1971.

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

Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on November 18, 1970.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Spokane, Wash. (Felts Field), control zone is amended to read as follows:

SPOKANE, WASH. (FELTS FIELD)

That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.); within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC, and within 2 miles each side of the 086° bearing from the Fort LOM, extending from the 5-mile radius zone to the LOM, excluding the portion within the Spokane, Wash. (International) control zone.

[F.R. Doc. 70-15952; Filed, Nov. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 70-CE-82]

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

Alteration of Transition Area

On pages 14326 and 14327 of the FEDERAL REGISTER dated September 11, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kenosha, Wis.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., February 4, 1971.

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

Issued in Kansas City, Mo., on November 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

KENOSHA, WIS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kenosha Municipal Airport (latitude 42°35'30" N., longitude 87°55'15" W.), and within 3 miles each side of the 332° bearing from Kenosha Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport, excluding the portions which overlie the Chicago, Ill., and Milwaukee, Wis., 700-foot floor transition areas.

[F.R. Doc. 70-15953; Filed, Nov. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 70-CE-37]

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. 70-12070, on pages 14303 and 14304 in the issue of Friday, September 11, 1970, line 15 of the transition area redesignation recited as "5-mile radius area to 11½ miles south of the" should be changed to read "7-mile radius area to 11½ miles south of the" and line 28 of the transition area redesignation recited as "west and 4½ miles northeast of the 300°" should be changed to read "west and 4½ miles northeast of the 313°".

Issued in Kansas City, Mo., on November 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-15954; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-69]

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

Alteration of Control Zone and Transition Area

On October 6, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15647), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tallahassee, Fla., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 4, 1971, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Tallahassee, Fla., control zone is amended to read:

TALLAHASSEE, FLA.

Within a 5-mile radius of Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within 1.5 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 1.5 miles south of the VORTAC; within 1 mile each side of the ILS localizer north course, extending from the 5-mile radius zone to 1.5 miles south of Joseph Intersection.

In § 71.181 (35 F.R. 2134), the Tallahassee, Fla., transition area is amended to read:

TALLAHASSEE, FLA.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within a 6.5-mile radius of the Tallahassee Commercial Airport (lat. 30°33'02" N., long. 84°22'31" W.); within 3 miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM.

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

Issued in East Point, Ga., on November 16, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-15955; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-75]

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

Alteration of Control Zones and Transition Areas

On October 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15936), stating that the Federal Aviation Admistration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Valdosta, Ga. (Moody AFB and Valdosta Municipal Airport), control zones and the Valdosta, Ga. (Moody AFB and Valdosta), transition areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 4, 1971, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Valdosta, Ga. (Moody AFB) and Valdosta, Ga. (Valdosta Municipal Airport), control zones are amended to read:

VALDOSTA, GA. (MOODY AFB)

Within a 5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 1.5 miles each side of Moody TACAN 180° radial, extending from the 5-mile radius zone to 4.5 miles south of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

VALDOSTA, GA. (VALDOSTA MUNICIPAL AIRPORT)

Within a 5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'44" W.).

In § 71.181 (35 F.R. 2134), the Valdosta, Ga. (Moody AFB) and Valdosta, Ga. (Valdosta), transition areas are amended to read:

VALDOSTA, GA. (MOODY *AFB*)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 3 miles each side of Moody AFB ILS localizer north course, extending from the 8.5-mile-radius area to 8.5 miles north of the OM; within 3 miles each side of Moody VOR 007° radial, extending from the 8.5-mile-radius area to 12.5 miles

north of the VOR. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

VALDOSTA, GA. (VALDOSTA MUNICIPAL AIRPORT)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30° 46'58" N., long. 83°16'44" W.).

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

Issued in East Point, Ga., on November 17, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-15956; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-75]

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

Alteration of Control Zones and Transition Area

On October 7, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15763) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Spokane, Wash. (International), (Fairchild AFB) control zones and Spokane, Wash., transition area.

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

Effective date. This amendment shall be effective 0901 G.m.t., February 4, 1971.

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

Issued in Los Angeles, Calif., on November 18, 1970.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Spokane, Wash. (International), control zone is amended to read as follows:

SPOKANE, WASH. (INTERNATIONAL)

Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), within 2 miles each side of the Runway 21 centerline extended, extending from the 5-mile radius zone to 6 miles southwest of the lift-off end of Runway 21, and within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the VORTAC to 11 miles northeast of the VORTAC, excluding the portion west of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.

In § 71.171 (35 F.R. 2054) the description of the Spokane, Wash. (Fairchild AFB), control zone, as amended by (35 F.R. 5583), is further amended by deleting the geographical coordinates "* * * latitude 47°40'57" N., longitude 117°36'00" W., to latitude 47°32'45" N., longitude 117°35'00" W." and substituting therefor "* * * latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.".

In § 71.181 (35 F.R. 2134) the description of the 700-foot portion of the Spokane, Wash., transition area as amended by (35 F.R. 5583) is further amended to read as follows:

SPOKANE, WASH.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); within a 15-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.); within 5 miles northwest and 10 miles southeast of the Spokane 228° radial extending from the 15-mile radius area to 18.5 miles southwest of the VORTAC, and within 3 miles each side of the Spokane VORTAC 060° radial extending from the Felts Field 5-mile radius zone to 26 miles northeast of the VORTAC.

[F.R. Doc. 70-15957; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airspace Docket No. 70-CE-76]

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

Alteration of Control Zone and Transition Area

On pages 14089 and 14090 of the FEDERAL REGISTER dated September 4, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Goodland, Kans.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., February 4, 1971.

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

Issued in Kansas City, Mo., on November 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

GOODLAND, KANS.

Within a 5-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.).

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

GOODLAND, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.); within 3 miles each side of the 320° bearing from Renner Field-Goodland Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; within 3 miles each side of the 125° bearing from Renner Field-Goodland Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 18½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 23½-mile radius of the Goodland VORTAC, extending from the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; 4½ miles northeast and 9½ miles southwest of the 320° bearing from Renner Field-Goodland Municipal Airport, extending from the airport to 18½ miles northwest of the airport; and within 4½ miles west and 9½ miles east of the Goodland VORTAC 163° radial, extending from the 23½-mile radius area to 25½ miles south of the VORTAC.

[F.R. Doc. 70-15958; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airspace Docket No. 70-CE-98]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Fort Leonard Wood, Mo.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Fort Leonard Wood, Mo. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations

is amended effective 0901 G.m.t., February 4, 1971, as hereinafter set forth:

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

FORT LEONARD WOOD, MO.

Within a 4-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 3 miles each side of the Forney AAF VOR 323° radial extending from the 4-mile-radius zone to 7½ miles northwest of the VOR; and within 3 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile-radius zone to 7½ miles southeast of the Forney AAF RBN.

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

FORT LEONARD WOOD, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 323° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the 146° and 326° bearings from Forney AAF RBN, extending from Forney AAF to 18½ miles southeast of the Forney AAF RBN; and within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 152° radial extending from the VOR to 18½ miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VORTAC to Forney AAF VOR; Maples VORTAC to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; and Vichy VORTAC to Forney AAF RBN; and within 5 miles each side of the Forney AAF VOR 086° radial and the Forney AAF RBN 080° bearing extending from the VOR and the RBN to V-72, excluding the portions which overlie the Vichy and Maples, Mo., transition areas.

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

Issued in Kansas City, Mo., on November 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-15959; Filed, Nov. 27, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-84]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of the Oceanside, Calif., Restricted Area R-2533.

The Department of the Navy has requested that the using agency for R-2533 be listed as the Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 73.25 (35 F.R. 2316) is amended as follows: The Oceanside, Calif., Restricted Area R-2533 is amended by deleting "Using Agency: Commanding Officer, U.S. Marine Corps Air Station, El Toro, Calif." and substituting "Using Agency: Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif." therefor.

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

Issued in Washington, D.C., on November 19, 1970.

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

[F.R. Doc. 70-15950; Filed, Nov. 27, 1970; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-115; Amdt. 4]

PART 300—RULES OF CONDUCT IN BOARD PROCEEDINGS

Post-Employment Restrictions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1970.

By PR-75, effective March 15, 1963 (28 F.R. 2707), the Board revised its regulations to conform to the then recently enacted conflicts-of-interest law (Public Law 87-849, 18 U.S.C. 201 et seq.). At that time the rules of ethical conduct, which were contained in Parts 300 and 302 of the procedural regulations were consolidated in Part 300. Conformity with Public Law 87-849 was achieved by making minimum changes in the Board's then existing regulations, and thus where the existing regulations were more stringent with respect to activities of former Members and employees than were required by the new legislation, they were retained.

The Board is unable to conclude in the light of experience that its regulations should be more stringent than the conflicts-of-interest law, and furthermore finds that the requirement for filing and processing waiver requests imposes an unnecessary burden upon former employees and the Board's staff. Accordingly, the Board is hereby conforming its regulations to the Federal conflicts-of-interest statute.

For the purposes of these conforming amendments, § 300.15 providing for the temporary disqualification of former Board Members and employees who have acquired particular knowledge (the "six-months rule") and § 300.18 prohibiting assistance from disqualified persons have been deleted since there are no comparable statutory restrictions, and §§ 300.13 and 300.14 have been revised.

Since these amendments constitute rules of practice, the Board finds that notice and public procedure hereon are unnecessary and that the amendments should be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 300 of its procedural regulations (14 CFR Part 300), effective November 24, 1970, as follows:

1. Amend the table of contents by deleting and reserving §§ 300.15 and 300.18 as follows:

Sec.
300.15 [Reserved]
300.18 [Reserved]

2. Amend § 300.13 to read as follows:

§ 300.13 Permanent disqualification of former Board Members and employees in matters in which they personally participated.

No former Board Member or employee, including a special Board employee, shall act as agent or attorney before the Board for anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise as a Board Member or employee. (18 U.S.C. 207(a).)

3. Amend § 300.14 to read as follows:

§ 300.14 Temporary disqualification of former Board Members and employees in matters formerly under their official responsibility.

Within 1 year after termination of employment with the Board, no former Board Member or employee, including a special Board employee, shall appear personally before the Board on behalf of any person other than the United States in any Board proceeding or matter in which the United States is a party or has a direct and substantial interest and which was under his official responsibility at any time within 1 year preceding termination of such responsibility. The term "official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action (18 U.S.C. 202(b) 207(b)).

4. Delete and reserve § 300.15 as follows:

§ 300.15 [Reserved]

5. Delete and reserve § 300.18 as follows:

§ 300.18 [Reserved]

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 202, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 742, 788; 49 U.S.C. 1322, 1481; secs. 202, 207, Chapter 11 of Title 18 U.S.C. 76 Stat. 1121, 1123)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16020; Filed, Nov. 27, 1970; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 33-5110, 34-9024, 35-16910, 39-285, IC-6249, IAA-276]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 203—RULES RELATING TO INVESTIGATIONS

Requests for Transcripts in Private Investigations

The Commission today amended its rules relating to investigations (17 CFR Part 203) to provide that witnesses whose testimony is to be taken in private investigations will have the right not only to inspect but also to purchase a transcript of their testimony. This action has been effected by amending the second sentence in Rule 6 of the Commissions rules relating to investigations (17 CFR 203.6).

Technical amendments necessitated by the foregoing action have also been made to the rules delegating certain authority to the Director of the Division of Corporation Finance, the Director of the Division of Corporate Regulation, and the Director of the Division of Trading and Markets, as indicated below. The effect of these amendments is to withdraw from such officials present authority to pass upon requests for copies of transcripts of testimony hereafter to be given in private proceedings; this will no longer be necessary in view of the amendment to Rule 6 mentioned above.

Commission action. Pursuant to authority set forth in section 19 of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940, section 211 of the Investment Advisers Act of 1940, and section 1 of Public Law 87-592, the Commission hereby amends §§ 203.6, 200.30-1(b)(2), 200.30-2(f)(2), and 200.30-3(a)(2) of Chapter II of Title 17 of the Code of Federal Regulations as follows:

I. The second sentence of § 203.6 of this chapter is amended and as so amended it reads as follows:

§ 203.6 Transcripts.

Transcripts, if any, of formal investigative proceedings, shall be recorded solely by the official reporter, or by any other person or means designated by the officer conducting the investigation. A person submitting documentary evidence or testimony in a formal investigative proceeding shall be entitled to procure a copy of his documentary evidence or a transcript of his testimony on payment of the appropriate fees. In any event, any witness (or his counsel), upon proper identification, shall have the right to inspect the official transcript of the witness' own testimony.

§§ 200.30-1—200.30-3 [Amended]

II. Subparagraph (2) of paragraph (b) of § 200.30-1 of this chapter, subparagraph (2) of paragraph (f) of § 200.30-2 of this chapter, and subparagraph (2) of paragraph (a) of § 200.30-3 of this chapter, are each amended by deleting certain language, and by adding new language reading "as in effect prior to November 27, 1970" immediately preceding the comma which follows the word "Investigations" in each of said subparagraphs; so that as amended each shall read as follows:

(2) In nonpublic investigatory proceedings within the responsibility of the director, to grant requests of persons to procure copies of the transcripts of their testimony given pursuant to Rule 6 of the Commission's rules relating to investigations as in effect prior to November 27, 1970 (§ 203.6 of this chapter).

The Commission finds that the foregoing amendments relate only to rules of agency organization, procedure and practice and, therefore, the provisions of 5 U.S.C. 553 relating to notice and procedures are not applicable. The foregoing amendments are declared to be effective with respect to all testimony given in private investigations commencing on or after November 27, 1970, but shall not be applicable with respect to any testimony given before this date in any private investigation.

(Secs. 19, 209, 48 Stat. 85, 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 90, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b-11; sec. 1, 76 Stat. 394, 15 U.S.C. 78d-1)

By the Commission, November 27, 1970.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-15813; Filed, Nov. 27, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Nitrodan

The Commissioner of Food and Drugs has evaluated a new animal drug application (39-769V) filed by Cooper Laboratories, Inc., proposing the safe and effective use of nitrodan in dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.26 Nitrodan.

(a) *Chemical name.* 3-Methyl-5-[(*p*-nitrophenyl)azo]rhodanine.

(b) *Specifications.* The drug consists of a suitable and harmless food supplement containing 3 percent of nitrodan.

(c) *Sponsor.* Cooper Laboratories, Inc., 229 Cleveland Avenue, Harrison, NJ 07029.

(d) *Conditions of use.* (1) It is indicated for use in dogs as an aid in the continuous control of intestinal worm infections caused by the hookworms *Ancylostoma caninum* and *Uncinaria stenocephala* and by the common dog ascarid *Toxocara canis.*

(2) Administer, on a continuous basis, 1 level teaspoonful (approximately 2 grams) of food supplement (60 milligrams of nitrodan) daily for each 10 pounds of body weight.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

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

Dated: November 18, 1970.

C. D. VAN HOUWELING, *Director,* *Bureau of Veterinary Medicine.*

[F.R. Doc. 70-15993; Filed, Nov. 27, 1970; 8:48 a.m.]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Decoquinate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (39-417V) filed by Hess & Clark, Division of Richardson-Merrell Inc., Ashland, Ohio 44805, proposing (1) the deletion of the 4-day withdrawal period prior to slaughter from the use of decoquinate in broiler chickens and (2) the establishment of tolerances for residues of decoquinate in the uncooked edible tissues of chickens. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135e and 135g are amended as follows:

§ 135e.51 [Amended]

1. Section 135e.51 *Decoquinate* is amended in the table in paragraph (g) by deleting from item 1 under the "Limitations" column that portion of the text which reads "withdraw 4 days before slaughter."

2. Section 135g.70 is revised to read:

§ 135g.70 Decoquinate.

Tolerances are established for residues of decoquinate in the uncooked edible tissues of chickens as follows:

(a) 2 parts per million in tissues other than skeletal muscle.

(b) 1 part per million in skeletal muscle.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

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

Dated: November 18, 1970.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[F.R. Doc. 70-15994; Filed, Nov. 27, 1970; 8:48 a.m.]

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

Soybean-Casein Digest Medium

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 141.2(b)(5) is revised to read as follows to change the culture medium:

§ 141.2 Sterility test methods and procedures.

* * * * *

(b) * * *

(5) *Medium E.* Use U.S.P. XVIII soybean-casein digest medium.

* * * * *

Notice and public procedure are unnecessary prerequisites to this order which provides for use of a new culture medium shown to give a better recovery of organisms than the one currently in use.

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

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

Dated: November 10, 1970.

H. E. SIMMONS,
Director, Bureau of Drugs.

[F.R. Doc. 70-15995; Filed, Nov. 27, 1970; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 257—ACCEPTANCE OF SERVICE OF PROCESS

The Deputy Secretary of Defense approved the following revision to Part 257:

Sec.
257.1 Purpose.
257.2 Applicability.
257.3 Service of process defined.
257.4 Designation.
257.5 Receipt of service of summons and complaint by the United States Marshal for the District Court of the District of Columbia.

AUTHORITY: The provisions of this Part 257 issued under 5 U.S.C. 301, 10 U.S.C. 133.

§ 257.1 Purpose.

This part confirms the designation of certain offices within the Department of Defense to receive service of process upon the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force (hereafter referred to collectively as "Secretaries").

§ 257.2 Applicability.

The provisions of this part apply to the Departments of the Army, Navy, and Air Force, and to the Office of the Secretary of Defense.

§ 257.3 Service of process defined.

When applied to the filing of a court against an officer or agency of the United States, this term signifies the delivery by a U.S. marshal of a summons and complaint, by serving the United States and by delivering a copy of the summons and complaint to such officer or agency. It further signifies the delivery of a subpoena requiring a witness to appear and give testimony, or a subpoena requiring production of documents, or for any other reason whether or not the matter involves the United States.

§ 257.4 Designation.

The following officers have been designated to receive service of process on behalf of the Secretaries specified in § 257.1.

(a) Office of the Secretary of Defense: General Counsel, DOD

(b) Department of the Army: Assistant Judge Advocate General for Civil Law

(c) Department of the Navy: Director, Litigation Division, Navy, Judge Advocate General.

(d) Department of the Air Force: Director of Civil Law, Air Force Judge Advocate General

§ 257.5 Receipt of Service of Summons and Complaint by the U.S. Marshal for the District Court of the District of Columbia.

(a) The respective Secretaries have agreed that in litigation before the U.S. District Court for the District of Columbia, service of a summons and complaint upon the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, may be accomplished by the U.S. Marshal for the District Court of the District of Columbia by serving the Director of Civil Law, Office of the Judge Advocate General, U.S. Air Force, Room 7B248, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20024.

(b) Acceptance of process is not to be deemed to constitute an admission or waiver with respect to the jurisdiction or to propriety of service.

(c) Upon receipt of a summons and complaint on behalf of the Secretary concerned, Director of Civil Law, Office of the Judge Advocate General, U.S. Air Force, shall forward such documents for necessary action to the respective Secretaries' representatives designated in § 257.4, except documents involving the Air Force over which he has assigned responsibility.

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

[F.R. Doc. 70-15967; Filed, Nov. 27, 1970; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7066]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Certain Combat Pay of Members of the Armed Forces; Correction

On November 11, 1970, T.D. 7066 was published in the FEDERAL REGISTER (35 F.R. 17326). The month "November" appearing in the sixth line of example (1), the ninth line of example (2), and the fourth line of example (3) in § 1.112-1 (k)(3) of the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7066, should have been, in each of the above-listed examples, "December". Accordingly, please replace the month "November" with the month "December".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 70-16017; Filed, Nov. 27, 1970; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

WITHDRAWAL OF APPROVAL

In § 203.7 paragraph (a)(2) is amended by adding the Federal Savings and Loan Insurance Corporation as an alternative insurer of accounts, as follows:

§ 203.7 Withdrawal of approval.

(a) * * *

(2) The failure of a nonsupervised mortgagee to segregate all escrow funds received from mortgagors on account of

ground rents, taxes, assessments and insurance premiums, and to deposit such funds to a special account or accounts with a financial institution whose accounts are insured by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation;

* * * * *

(Secs. 203, 211, 52 Stat. 10, 23; 12 U.S.C. 1709, 1715b)

Issued at Washington, D.C., November 23, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 70-16012; Filed, Nov. 27, 1970; 8:50 a.m.]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	San Gabriel	E 06 037 3300 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department, Engineering Division, 532 West Mission Dr., San Gabriel, CA 91776.	Nov. 27, 1970.
Do	Ventura	San Buenaventura.	E 06 111 4027 01 through E 06 111 4027 10	do	Office of the City Manager, City of San Buenaventura, Post Office Box 99, Ventura, CA 93001.	Do.
Florida	Hillsborough	Tampa	E 12 057 2950 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Comptroller, City of Tampa, Tampa, FL 33602.	Do.
New Jersey	Cape May	Ocean City	I 34 009 2370 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Engineer, City Hall, Ninth St. and Asbury Ave., Ocean City, NJ 08226.	Do.
South Carolina	Beaufort	Beaufort	E 45 013 0140 01 E 45 013 0140 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Beaufort County Joint Planning Commission, Post Office Box 406, Beaufort, SC 29902.	Do.
Tennessee	Campbell	Jellico	E 47 013 1240 01 E 47 013 1240 02	Office of Federal and Urban Affairs, 321 Seventh Ave. North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	Office of the Mayor, City of Jellico, Jellico, TN 37762.	Do.
Texas	Brazoria	Hillcrest Village	E 48 039 3202 01	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	105 West Crestmont Dr., Hillcrest Village, TX 77511.	Do.
Do	do	Sweeney	E 48 039 6710 01 E 48 039 6710 02	do	City Hall, 222 Pecan St., Sweeney, TX 77480.	Do.
Washington	Snohomish	Unincorporated areas.	E 53 061 0000 01	Washington State Department of Ecology, 335 General Administration Bldg., Olympia, WA 98501. Washington Insurance Department, Insurance Bldg., Olympia, WA 98501.	Snohomish County Planning Department, Court House, Everett, WA 98201.	Do.
Wisconsin	Rock	Beloit	E 55 105 0440 01 through E 55 105 0440 07	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	City Planning Department, City of Beloit, Beloit, WI 53511.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969, 33 F.R. 17804, Nov. 28, 1968, as amended secs. 408-410, Public Law 91-152, Dec. 24, 1969, 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: November 27, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70-15926; Filed, Nov. 27, 1970; 8:45 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Los Angeles	San Gabriel	T 06 037 3300 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Public Works Department, Engineering Division, 532 West Mission Dr., San Gabriel, CA 91776.	Nov. 27, 1970.
Do	Ventura	San Buenaventura.	T 06 111 4027 01 through T 06 111 4027 10	do	Office of the City Manager, City of San Buenaventura, Post Office Box 99, Ventura, CA 93001.	Do.
Florida	Hillsborough	Tampa	T 12 057 2950 01	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Comptroller, City of Tampa, Tampa, FL. 33602.	Do.
New Jersey	Cape May	Ocean City	H 34 009 2370 02	New Jersey Department of Environmental Protection, Division of Water Policy and Supply, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Engineer, City Hall, Ninth St. and Asbury Ave., Ocean City, NJ 08226.	Apr. 17, 1970.
South Carolina	Beaufort	Beaufort	T 45 013 0140 01 T 45 013 0140 02	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the Beaufort County Joint Planning Commission, Post Office Box 406, Beaufort, SC 29902.	Nov. 27, 1970.
Tennessee	Campbell	Jellico	T 47 013 1240 01 T 47 013 1240 02	Office of Federal and Urban Affairs, 321 Seventh Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	Office of the Mayor, City of Jellico, Jellico, TN 37762.	Do.
Texas	Brazoria	Hillcrest Village	T 48 039 3202 01	Texas Water Development Board, 301 West Second St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	105 West Crestmont Dr., Hillcrest Village, TX 77511.	Do.
Do	do	Sweeney	T 48 039 6710 01 T 48 039 6710 02	do	City Hall, 222 Pecan St., Sweeney, TX 77480.	Do.
Washington	Snohomish	Unincorporated areas.	T 53 061 0000 01	Washington State Department of Ecology, 335 General Administration Bldg., Olympia, WA 98501. Washington Insurance Department, Insurance Bldg., Olympia, WA 98501.	Snohomish County Planning Department, Court House, Everett, WA 98201.	Do.
Wisconsin	Rock	Beloit	T 55 105 0440 01 through T 55 105 0440 07	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 4802 Sheboygan Ave., Madison, WI 53081.	City Planning Department, City of Beloit, Beloit, WI. 53511.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969, 33 F.R. 17804, Nov. 28, 1968, as amended secs. 408–410, Public Law 91–152, Dec. 24, 1969, 42 U.S.C. 4001–4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: November 27, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70-15927; Filed, Nov. 27, 1970; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Miscellaneous Amendments

In Part 2, §§ 2.93 and 2.94 are added to read as follows:

§ 2.93 Chief Medical Director is delegated authority to enter into sharing agreements authorized under provisions of 38 U.S.C. 5053 and § 17.210 of this chapter and which may be negotiated pursuant to provisions of 41 CFR 8–3.204(c); contracts with medical schools or clinics to provide scarce medical specialist services (including, but not limited to services of radiologists, pathologists, psychiatrists, etc.) in facilities under the direct and exclusive jurisdiction of VA and which may be negotiated pursuant to provisions of 41 CFR 8–3.204(b); and when a sharing agreement or contract for scarce medical specialist services is not warranted, contracts authorized under the provisions of 38 U.S.C. 213 for medical and ancillary services.

This delegation of authority is identical to § 17.98 of this chapter.

§ 2.94 Director of VA hospital, domiciliary or outpatient clinic, or his designated contracting officer, is authorized to enter into arrangements authorized under provisions of 38 U.S.C. 213 for providing medical services on a fee basis or on an individually authorized basis subject to limitations in § 17.53 of this chapter; contracts or arrangements on individually authorized basis pursuant to § 17.50b of this chapter to provide care in public and private hospitals; and contracts authorized by 38 U.S.C. 620 for furnishing nursing home care in community facilities.

This delegation of authority is identical to § 17.99 of this chapter.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-16021; Filed, Nov. 27, 1970; 8:50 a.m.]

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.50b, that portion preceding paragraph (a) is amended to read as follows:

§ 17.50b Use of public or private hospitals for veterans.

When it is in the best interests of the Veterans Administration and Veterans Administration patients, contracts may be entered into for the use of public or private hospitals for the care of veterans. When demand is only for infrequent use, individual authorizations may be used. Admissions in public or private facilities, however, subject to the provisions of § 17.50c, will only be authorized, whether under a contract or as an individual authorization, for any veteran, if:

* * * * *

2. Section 17.52, and the center title preceding § 17.52 are revised to read as follows:

USE OF FEE BASIS, CONTRACT OR SHARED MEDICAL SERVICES

§ 17.52 Use of services of other Federal agencies.

Pursuant to agreements between the Veterans Administration and other Federal departments or agencies, the Veterans Administration may authorize other Federal agencies or departments to furnish medical services on a fee basis for any veteran eligible for Veterans Administration medical services. Except as provided in §§ 17.50 and 17.50a, medical services will not be authorized under the provisions of this section if furnishing the services involves transfer of a veteran as an inpatient.

3. Section 17.53 is added to read as follows:

§ 17.53 Use of community medical services.

Subject to such terms and conditions as the Chief Medical Director may prescribe, community medical installations, professional associations or individuals may be authorized to furnish medical services of acceptable standards on a fee basis, or authorized to furnish such services pursuant to the terms of a sharing agreement, or pursuant to the terms of any other agreement, authority for the negotiation of which has been delegated in §§ 17.98 and 17.99 and 41 CFR Part 8–75, for any veteran eligible for the services at Veterans Administration expense. Except as provided in §§ 17.50b through 17.50f, services will not be authorized under the provisions of this section if furnishing services involves transfer of a veteran to a non-Veterans Administration facility as an inpatient.

4. Sections 17.98 and 17.99 are added to read as follows:

§ 17.98 Authority to approve sharing agreements, contracts for scarce medical specialist services and contracts for other medical services.

The Chief Medical Director is delegated authority to enter into (a) sharing agreements authorized under the provisions of 38 U.S.C. 5053 and § 17.210 and which may be negotiated pursuant to the provisions of 41 CFR 8–3.204(c); (b) contracts with medical schools or clinics to provide scarce medical specialist services (including, but not limited to the services of radiologists, pathologists, psychiatrists, etc.) in facilities under the direct and exclusive jurisdiction of the Veterans Administration and which may be negotiated pursuant to the provisions of 41 CFR 8–3.204(b); and (c) when a sharing agreement or contract for scarce medical specialist services is not warranted, contracts authorized under the provisions of 38 U.S.C. 213 for medical and ancillary services. The authority under this section generally will be exercised by approval of proposed contracts or agreements negotiated at the field station level. Such approval, however, will not be necessary in the case of any purchase order or individual authorization for which authority has been delegated in § 17.99. All such contracts and agreements will be negotiated pursuant to 41 CFR Chapters 1 and 8.

§ 17.99 Authority to procure fee basis services, community hospital or nursing home care and individually authorized services.

The Director of a Veterans' Administration hospital, domiciliary, or outpatient clinic, or his designated contracting officer, may enter into (a) arrangements authorized under the provisions of 38 U.S.C. 213 for providing medical services on a fee basis or on an individually authorized basis subject to the limitations in § 17.53; (b) contracts or arrangements on an individually authorized basis pursuant to § 17.50b to provide care in public and private hospitals; and (c) contracts authorized by 38 U.S.C. 620 for furnishing nursing home care in community facilities.

5. In § 17.210, that portion preceding paragraph (a) and paragraph (a)(1) are amended to read as follows:

§ 17.210 Sharing specialized medical resources.

Subject to such terms and conditions as the Chief Medical Director shall prescribe, agreements may be entered into for sharing medical resources with other hospitals, including State or local, public or private hospitals, medical schools or other medical installations having hospital facilities in a medical community with geographical limitations determined by the Chief Medical Director, provided:

(a) The agreement will achieve one of the following purposes:

(1) It will secure the use of a specialized medical resource which otherwise might not be feasibly available by providing for the mutual use or exchange of use of specialized medical resources when such an agreement will obviate the need for a similar resource to be installed or provided at a facility operated by the Veterans' Administration, or

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective October 22, 1970.

Approved: November 23, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-15979; Filed, Nov. 27, 1970; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Burlington-Keokuk Interstate Air Quality Control Region

On September 12, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14406) to amend Part 81 by designating the Burlington-Keokuk Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on September 29, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.98, as set forth below, designating the Burlington-Keokuk Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.98 Burlington-Keokuk Interstate Air Quality Control Region.

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

IN THE STATE OF ILLINOIS:

Hancock County. Henderson County.

IN THE STATE OF IOWA:

Des Moines County. Lee County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: November 3, 1970.

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

Approved: November 23, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc 70-15983; Filed, Nov. 27, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[9th Rev. S.O. 1041, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of November 1970.

Upon further consideration of Ninth Revised Service Order No. 1041 (35 F.R. 17842), and good cause appearing therefor:

It is ordered, That:

Ninth Revised Service Order No. 1041 (§ 1033.1041) be, and it is hereby, amended by substituting the following paragraph (a) (1) thereof:

§ 1033.1041 Service Order No. 1041.

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

(1) Return to owners empty, except as otherwise authorized in subparagraphs (2) and (4) of this paragraph, all plain boxcars which are listed in the registration of the specific railroads named herein in the Official Railway Equipment Register, ICC R.E.R. 377, issued by E. J. McFarland, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide and bearing the identification marks shown:

Burlington Northern, Inc., identification marks—BN, CBQ, GN, NP, SPS.

* * * * *

Effective date. This amendment shall become effective at 11:59 p.m., November 20, 1970.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16000; Filed, Nov. 27, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 910]

LEMONS GROWN IN STATES OF CALIFORNIA AND ARIZONA

Approval of Expenses and Fixing of Rate of Assessment for 1970–71 Fiscal Year

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period November 1, 1970, through October 31, 1971, will amount to $252,000.

(2) That the rate of assessment for said period, payable by each handler in accordance with § 910.41, be fixed at $0.021 per carton of lemons.

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, DC 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: November 24, 1970.

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

[F.R. Doc. 70-16023; Filed, Nov. 27, 1970; 8:51 a.m.]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Handling

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 915.110–915.150) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment of the said rules and regulations was proposed by the Avocado Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment would establish rules, regulations, and safeguards pursuant to § 915.55, applicable to the handling of avocados for commercial processing into products by: (1) Defining the term "commercial processing into products", (2) providing for "approved manufacturers", and (3) prescribing the requirements and conditions with respect to such approved manufacturers.

The committee reports that at times avocados allegedly handled for commercial processing into products have entered the fresh market. Hence, it deems the proposed amendment necessary to prevent avocados handled pursuant to the provisions of § 915.55 for commercial processing into products from entering channels of trade for other than such purpose.

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

The proposal is to add a paragraph (c) to § 915.140 *Avocados not subject to regulation,* and add a new § 915.141 *Handling avocados for commercial processing into products,* reading respectively as follows:

§ 915.140 Avocados not subject to regulation.

* * * * *

(c) *Commercial processing into products.* The term "commercial processing into products", as used in § 915.55(c), means the manufacture of any avocado product which is preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation. Such term does not include the production of avocado edible portions that are not so preserved.

§ 915.141 Handling avocados for commercial processing into products.

(a) No person shall handle any avocados for commercial processing into products unless prior to such handling, such person notifies the Avocado Administrative Committee of the proposed handling and provides the committee with the name of the intended processor. If the intended processor's name is not on the Avocado Administrative Committee's current list of approved manufacturers of avocado products, as prescribed in paragraph (b) of this section, such person shall furnish the committee, prior to each such handling, with a statement executed by the intended processor that the avocados will be used for the stated purpose only.

(b) Any person who desires to have his name placed on the Avocado Administrative Committee's list of approved manufacturers of avocado products shall, prior to such listing, submit to the Avocado Administrative Committee an application containing the following information: (1) Name and address of applicant; (2) location of processing facilities; (3) proposed type of product or products to be made or derived from avocados; (4) description of facilities for processing avocados; (5) quantity of avocados processed during the previous year and estimate of quantity to be processed during the current year; (6) expected source of avocados for processing; (7) method of transporting and unloading point; (8) Avocado Administrative Committee handler certificate of registration number, if any; (9) a statement that the avocados obtained for commercial processing into products will be used for that purpose only and will not be resold or disposed of in fresh fruit channels; and (10) an agreement to submit such reports as are required by the Avocado Administrative Committee with approval of the Secretary. Each application shall be investigated by the Avocado Administrative Committee. Based upon the results of such investigation and other available information, the committee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved the Avocado Administrative Committee shall have the applicant's name placed upon the then current list of approved manufacturers of avocado products maintained by the committee.

Dated: November 24, 1970.

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

[F.R. Doc. 70-16024; Filed, Nov. 27, 1970; 8:51 a.m.]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1971 crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin on or about March 1.

The grade and size requirements proposed herein are recommended to prevent culls and poor quality onions, as well as undesirable sizes, from being distributed to fresh market channels. This should provide consumers with desirable onions, at reasonable prices and at the same time result in higher returns to producers for the better grades and preferred sizes and enhance the reputation of South Texas onions.

The proposed container requirement should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade and other designated special purpose containers which have been the subject of experimental shipments for the past five seasons, provided they comply with the special purpose shipments requirements.

The proposed prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices.

The proposal is as follows:

§ 959.311 Limitation of shipments.

During the period beginning March 1, 1971, through May 29, 1971, no handler may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) Title 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal Agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided,* That shipments of 2-, 3-, and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments: *And provided further,* That shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles such shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126 (a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraph (d) or (e)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection, as shown on the certificate.

(g) *Definitions.* (1) The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety.

(2) All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated: November 24, 1970.

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

[F.R. Doc. 70-16025; Filed, Nov. 27, 1970; 8:51 a.m.]

[7 CFR Part 1064]

[Docket No. AO 23-A40]

MILK IN GREATER KANSAS CITY MARKETING AREA

Notice of Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on November 17, 1970, giving notice of a public hearing to be held at the Aladdin Hotel, 1215 Wyandotte Street, Kansas City, MO, beginning at 9:30 a.m., local time, on December 1, 1970, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Kansas City marketing area.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that the said hearing is rescheduled to be held at the Aladdin Hotel, 1215 Wyandotte Street, Kansas City, MO, beginning at 9:30 a.m., local time, on December 15, 1970.

Signed at Washington, D.C., on: November 23, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-15978; Filed, Nov. 27, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

GROUNDFISH FISHERIES

Supplemental Notice of Proposed Rule Making

NOVEMBER 24, 1970.

The proposed regulations of October 20, 1970 (35 F.R. 16380) would implement recommendations of the International Commission for the Northwest Atlantic Fisheries under authority of the Northwest Atlantic Fisheries Act (64 Stat. 1067; 16 U.S.C. 981-991) to regulate the amount and means of taking the annual catch of yellowtail flounder.

This supplement to the notice of proposed rule making of October 20, 1970, is intended to provide alternative proposals to the ICNAF recommendations. These alternatives include a quarterly quota system and a minimum mesh size of 5⅛ inches.

The needs of conservation require that catch quotas be imposed on this important marine resource. By dividing the available quota into quarterly increments based on seasonal fluctuations of the stocks, these desired conservation objectives would be maximized.

In a further effort to rebuild the yellowtail flounder stocks in Subarea 5, a mesh size of 5⅛ inches is proposed. This enlarged mesh size would provide greater escapement of young fish. Thus, it would effectively reduce the amount of "discard" which must be considered when projecting the total permissible catch of this species.

In § 240.3 it is proposed to require a 5⅛-inch minimum mesh size for yellowtail flounder in Subarea 5.

In § 240.6 it is proposed to regulate the annual total catch (landings, plus discards) of yellowtail flounder by quarterly quotas in Subarea 5. These quotas will not necessarily be equal in size.

It is proposed in § 240.7 to express the open season for yellowtail flounder in Subarea 5 on a quarterly basis.

It is proposed in § 240.8 to provide for closure of the first, second, and third quarter when the accumulative catch (landings, plus discards) equals the announced quota for that quarter in Subarea 5 either east or west of 69°00' west longitude.

It is proposed in § 240.9 that certain restrictions shall apply during the period when the yellowtail flounder season is closed after the quarterly quota has been met.

The amendments proposed herein are to be considered as alternatives to the annual quota and mesh size provisions proposed on October 20, 1970, regarding yellowtail flounder. Any data, views, or arguments pertaining thereto may be submitted in writing to the Director, National Marine Fisheries Service, Washington, DC 20235 during the same period provided for such coments in the notice of proposed rulemaking of October 20, 1970 (35 F.R. 16380). This period expires on December 19, 1970.

In addition a public hearing will be held in the Fisherman's Union Hall, 62 North Water Street, New Bedford, MA, beginning at 10 a.m. December 14, 1970. Any interested persons may appear personally or by his agent to present any data, views, or arguments on proposals made in this notice or in the notice of proposed rulemaking of October 20, 1970, referred to above. Written submissions may also be made at that time.

The proposed amendments would be issued under the authority contained in the subsection (a) of Section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 16527).

Issued at Washington, D.C., and dated November 24, 1970.

HARVEY R. BULLIS, Jr.,
Acting Director, National Marine Fisheries Service.

The proposed amendments are as follows:

1. Amend subparagraphs (1) and (2) of paragraph (a) and subparagraph (1) of paragraph (d) of § 240.3 to read as follows:

§ 240.3 Restrictions on fishing gear.

(a) * * *

(1) In Subarea 1, and in Subarea 5 for yellowtail flounder only, no person shall use or attempt to use from any vessel for which a license is in force, a trawl net or nets, parts of nets, or netting of manila or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manila or polypropylene twine unless it shall have a selectivity equivalent to that of a 5⅛-inch (130 mm.) manila trawl net.

(2) In Subareas 2, 3, 4, and in Subarea 5 except for yellowtail flounder, any master or other person in charge of a fishing vessel shall not use from any vessel a trawl net or nets, parts of nets, or netting of manila or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 4½ inches (114 mm.), or a trawl net or nets, or netting of material other than manila or polypropylene twine unless it shall have a selectivity equivalent to that of a 4½-inch (114 mm.) manila trawl net. Any master or other person in charge of a fishing vessel shall not possess at any time on board a vessel a trawl net or nets, parts of nets, or netting having a mesh size less than that specified in this subparagraph.

* * * * *

(d) * * *

(1) In Subarea 1, and in Subarea 5 for yellowtail flounder only, in relation to 5⅛ inch (130 mm.) mesh size:

* * * * *

2. Amend § 240.6 to read as follows:

§ 240.6 Catch limits.

(a) An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X of Subarea 4 and Subarea 5 by the fishing vessels of all contracting governments participating in the fishery in each year during 1970, 1971, and 1972.

(1) The annual catch in Subarea 4, Division 4X, shall not exceed 18,000 metric tons (round, fresh weight).

(2) The annual catch in Subarea 5 shall not exceed 12,000 metric tons (round, fresh weight).

(b) An annual limitation of 29,000 metric tons (63,945,000 pounds) is placed on yellowtail flounder taken by fishing vessels of contracting governments in 1971.

(1) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area east of 69°00' west longitude shall not exceed 16,000 metric tons (35,280,000 pounds). For the purpose of the U.S. yellowtail flounder

fishery, the following quarterly catch quotas will be effective:

Jan. 1–March 31—1,900 metric tons (4,189,500 pounds).
April 1–June 30—3,800 metric tons (8,379,000 pounds).
July 1–Sept. 30—4,400 metric tons (9,702,000 pounds).
Oct. 1–Dec. 31—2,500 metric tons (5,512,500 pounds).

Incidental catches made during the closed quarterly seasons are not included in the quarterly quota but will be recorded separately and reported to ICNAF Headquarters as such, and will be applied to the total annual quota.

(2) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area west of 69°00′ west longitude shall not exceed 13,000 metric tons (28,665,000 pounds). For the purpose of the U.S. yellowtail flounder fishery, the following quarterly catch quotas will be effective:

Jan. 1–Mar. 31—3,100 metric tons (6,835,500 pounds).
Apr. 1–June 30—1,500 metric tons (3,307,500 pounds).
July 1–Sept. 30—2,600 metric tons (5,733,000 pounds).
Oct. 1–Dec. 31—3,100 metric tons (6,835,500 pounds).

Incidental catches made during the closed quarterly seasons are not included in the quarterly quota but will be recorded separately and reported to ICNAF Headquarters as such, and will be applied to the total annual quota.

(3) The Director by Notice in the FEDERAL REGISTER may adjust by addition or subtraction the quotas for any of the quarters succeeding a quarter in which the actual catch either exceeds or falls short of the quota for that quarter.

3. Amend §240.7 by designating the introductory paragraph as paragraph (a), delete the numbers 1970 in said paragraph, and add new paragraph (b) to read as follows:

§ 240.7 Open season.

* * * * *

(b) The open season for yellowtail flounder fishing in Subarea 5 in 1971 shall begin at 0001 hours local time on the first day of January, April, July, and October, and terminate at a time and date to be determined. The Director of the National Marine Fisheries Service shall announce the time and date of each closure as provided in § 240.8(a)(4).

4. Amend paragraph (a) of § 240.8 to read as follows:

§ 240.8 Closed seasons and areas.

(a) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of regulated species made in Division 4X of Subarea 4 and Subarea 5 during the open season by the fishing vessels of all contracting governments participating in the fishery.

(1) He shall notify each contracting government of the date on which accumulative landings of haddock in Division 4X of Subarea 4 and Subarea 5 equal 80 percent of the catch limits described in § 240.6(a) (1) and (2).

(2) He shall notify each contracting government when the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5 in either the area east of 69°00′ west longitude or west of 69°00′ west longitude equal 80 percent of the annual catch limits for each such area, described in § 240.6(b) (1) and (2).

(3) The Director of the National Marine Fisheries Service shall announce the closure date for the entire season within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if the Executive Secretary determines that the original notification has been affected by changed circumstances, he may substitute a further notification and the Service Director may in like manner announce a new season closure date.

(4) The Director of the National Marine Fisheries Service shall announce the closing time and date of the first, second, and third quarters when he has made a determination from catch data and catch rates that the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5 in either area (east or west of 69°00′ west longitude) will equal the quarterly quota as described in § 240.6(b) (1) and (2). Such announcement shall be made by publication in the FEDERAL REGISTER. Closure of the yellowtail flounder season when the total annual catch is reached will be in accordance with the procedures set forth in subparagraph (2) of this paragraph.

* * * * *

5. Amend § 240.9 by adding new paragraphs (f), (g), (h), and (i) to read as follows:

§ 240.9 Restrictions applicable to fishing vessels.

* * * * *

(f) Except as provided in paragraphs (g) and (h) of this section, after the dates announced in the manner provided in § 240.8(a) for the closing of the yellowtail flounder fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowtail flounder in the regulatory areas or to land yellowtail flounder taken in those areas in any port or place until the next succeeding open season for yellowtail flounder.

(g) Notwithstanding the provisions in paragraph (f) of this section, any master or other person in charge of a fishing vessel which has departed port to engage in the yellowtail flounder fishery prior to the date of closure of any yellowtail flounder fishing season in Subarea 5 may continue to take and retain yellowtail flounder without restriction as to quantity, but in no case may the trip extend more than 5 days after the closure date.

(h) Any master or other person in charge of a fishing vessel which has departed port after the date of closure of the yellowtail flounder season may possess and land in any port or place yellowtail flounder taken as incidental to fishing for other species, but in no event shall the yellowtail flounder permitted to be possessed or landed by such vessel exceed 10 percent by weight, or more than 5,000 pounds of all other fish on board caught in the closed area.

(i) Any master or other person in charge of a fishing vessel which has departed port after the date of closure in any quarter shall be limited to the quantity specified in paragraph (h) of this section regardless of the vessel's date of arrival in port.

[F.R. Doc. 70-15984; Filed, Nov. 27, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 72]

DISCHARGE OF WASTES FROM RAILROAD CONVEYANCES

Extension of Time for Submitting Data, Views, or Arguments

The notice of proposed rule making (42 CFR 72.1(b), 72.2, 72.154) published in the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16179), concerning discharge of wastes from railroad conveyances, provided for the submitting of data, views, or arguments thereon within 30 days of said publication date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for submitting such written material is hereby extended to December 14, 1970.

This action is taken pursuant to the authority of section 361 of the Public Health Service Act (42 U.S.C. 264).

Dated: November 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-15991; Filed, Nov. 27, 1970; 8:48 a.m.]

[42 CFR Part 81]

CERTAIN AIR QUALITY CONTROL REGIONS

Proposed Designation and Redesignation of Regions; Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of New York as set forth in the following new §§ 81.127–81.131 inclusive which would be added to

Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate five new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Champlain Valley (Vermont-New York) Interstate Air Quality Control Region (§ 81.48) and the New Jersey-New York-Connecticut Interstate Air Quality Control Region (§ 81.13), as provided for in section 107(a)(2) of the Clean Air Act, as amended.

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

Interested authorities of the States of Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and redesignations, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designations and redesignations. Such consultation will take place at 1:30 p.m., December 4, 1970, in Room 106, Department of Environmental Conservation, 50 Wolf Road, Albany, NY.

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

State and local authorities wishing to participate in the consultation should notify the Chairman, Mr. Doyle J. Borchers, National Air Pollution Control Administration, Parklawn Building, Room 17-82, 5600 Fishers Lane, Rockville, MD 20852, of such intention at least 1 week prior to the consultation.

In Part 81 the following new sections are proposed to be added to read as follows:

§ 81.127 Central New York Intrastate Air Quality Control Region.

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

In the State of New York:

Cayuga County.
Cortland County.
Herkimer County.
Jefferson County.
Lewis County.
Madison County.
Oneida County.
Onondaga County.
Oswego County.

§ 81.128 Genesee-Finger Lakes Intrastate Air Quality Control Region.

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

In the State of New York:

Genesee County.
Livingston County.
Monroe County.
Ontario County.
Orleans County.
Seneca County.
Wayne County.
Wyoming County.
Yates County.

§ 81.129 Hudson Valley Intrastate Air Quality Control Region.

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

In the State of New York:

Albany County.
Columbia County.
Dutchess County.
Fulton County.
Greene County.
Montgomery County.
Orange County.
Putnam County.
Rensselaer County.
Saratoga County.
Schenectady County.
Schoharie County.
Ulster County.

§ 81.130 Southern Tier East Intrastate Air Quality Control Region.

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

In the State of New York:

Broome County.
Chenango County.
Delaware County.
Otsego County.
Sullivan County.
Tioga County.

§ 81.56 [Amended]

Broome and Tioga Counties were originally proposed as part of the Binghamton (New York)-(Pennsylvania) Interstate Air Quality Control Region (§ 81.56) on May 20, 1970. The results of the Consultation held on July 2, 1970, showed that air pollution problems were not significantly interstate in nature. Susquehanna and Bradford Counties, Pa., originally proposed for the Binghamton Interstate Air Quality Control Region, have since been recommended for inclusion in the Northeast Pennsylvania-Upper Delaware Valley Interstate Air Quality Control Region.

§ 81.131 Southern Tier West Intrastate Air Quality Control Region.

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

In the State of New York:

Allegany County.
Cattaraugus County.
Chautauqua County.
Chemung County.
Schuyler County.
Steuben County.

§ 81.13 [Amended]

The New Jersey-New York-Connecticut Interstate Air Quality Control Region (§ 81.13) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

Bethel Township.
Bridgeport Township.
Brookfield Township.
Danbury Township.
Darien Township.
Easton Township.
Fairfield Township.
Greenwich Township.
Monroe Township.
New Cannan Township.
New Fairfield Township.
Newton Township.
Norwalk Township.
Redding Township.
Ridgefield Township.
Stamford Township.
Stratford Township.
Trumbull Township.
Weston Township.
Wilton Township.

In the State of New York:

Bronx County.
Kings County.
Nassau County.
New York County.
Queens County.
Richmond County.
Rockland County.
Westchester County.

In the State of New Jersey:

Bergen County.
Essex County.
Hudson County.
Middlesex County.
Monmouth County.
Morris County.
Passaic County.
Somerset County.
Union County.

It is now proposed to add Suffolk County, in New York, to the Region.

§ 81.48 [Amended]

The Champlain Valley Interstate Air Quality Control Region (Vermont-New York) (§ 81.48) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Vermont:

Addison County.
Chittenden County.
Franklin County.
Grand Isle County.
Rutland County.

In the State of New York:

Clinton County. Essex County.

It is now proposed to add Franklin, Hamilton, St. Lawrence, Warren, and Washington Counties, in New York, to the region. The portion of this Region within the State of New York is defined as the Northern Air Quality Control Region for identification purposes by State officials.

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

Dated: November 24, 1970.

RAYMOND SMITH,
Acting Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-15998; Filed, Nov. 27, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 70-WE-12-AD]

BOEING MODELS 707/720, 727, AND 737 SERIES

Withdrawal of Proposed Airworthiness Directive

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic testing and replacement of Wood Model 108 circuit breakers installed on Boeing aircraft was published in the FEDERAL REGISTER on April 8, 1970 (35 F.R. 5710).

Comments were received and considered. The proposed rule is now covered in an airworthiness directive published in the FEDERAL REGISTER as an adopted rule applicable to aircraft incorporating various Wood Electric Corp. series circuit breakers. See 35 F.R. 16590, October 24, 1970; AD Docket No. 70-EA-91; Amdt. 39-1096. The Agency has determined that the proposed AD is not required at this time.

Withdrawal of this Notice of Proposed Rule Making constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), the proposed airworthiness directive published in the FEDERAL REGISTER on April 8, 1970 (35 F.R. 5710), is hereby withdrawn.

Issued in Los Angeles, Calif., on November 13, 1970.

LEE E. WARREN,
Acting Director, FAA Western Region.

[F.R. Doc. 70-15960; Filed, Nov. 27, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-93]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Oneida, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, TN 38118. 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. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Oneida transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.); within 9.5 miles northwest and 4.5 miles southeast of the 221° bearing from Scott RBN (lat. 36°27'22" N., long. 84°35'16" W.), extending from the RBN to 18.5 miles southwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Scott Municipal Airport, utilizing the Scott (private) RBN, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on November 18, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-15961; Filed, Nov. 27, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-94]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Daytona Beach, Fla., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, FL 33159. 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. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Daytona Beach control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long 81°03'20" W.); within a 5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); within 3 miles each side of Daytona Beach VORTAC 256° radial, extending from the 5-mile-radius zone to 8.5 miles west of the VORTAC.

The Daytona Beach transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 6.5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00' N., long. 81°06'49" W.); excluding the portion outside the continental limits of the United States

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Daytona Beach terminal area requires the following actions:

CONTROL ZONE

1. Increase the basic radius circle predicated on Ormond Beach Municipal Airport from 3 to 5 miles.
2. Revoke the extensions predicated on Daytona Beach VORTAC 156° radial and the 065° bearing from Daytona Beach LOM.
3. Increase the extension predicated on Daytona Beach VORTAC 256° radial 2 miles in width and 0.5 mile in length.

TRANSITION AREA

1. Increase the basic radius circle predicated on Daytona Beach Regional Airport from 8 to 8.5 miles.
2. Increase the basic radius circle predicated on Ormond Beach Municipal Airport from 5 to 6.5 miles.
3. Revoke the extensions predicated on Daytona Beach ILS localizer SW course and the 236° bearing from Daytona Beach LOM.

The proposed alterations are required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

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

Issued in East Point, Ga., on November 17, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-15962; Filed, Nov. 27, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-95]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vero Beach, Fla., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, FL 33159. 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. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Vero Beach control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.).

The Vero Beach transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.); within 3 miles each side of Vero Beach VORTAC 291° radial, extending from the 8.5-mile radius area to 8.5 miles west of the VORTAC; within a 6.5-mile radius of St. Lucie County Airport, Fort Pierce, Fla. (lat. 27°29'38" N., long. 80°22'02" W.); excluding the portion outside the continental limits of the United States.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria, and the refinement of the Vero Beach Municipal Airport geographic coordinate require the following actions to controlled airspace in the Vero Beach terminal complex:

CONTROL ZONE

Change the geographic coordinate of Vero Beach Municipal Airport.

TRANSITION AREA

1. Increase the basic radius circles predicated on Vero Beach Municipal Airport from 8 to 8.5 miles and St. Lucie County Airport from 5 to 6.5 miles, respectively.
2. Increase the extension predicated on Vero Beach VORTAC 291° radial 2 miles in width and 0.5 mile in length.
3. Revoke the extension predicated on Vero Beach VORTAC 150° radial.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Vero Beach terminal complex.

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

Issued in East Point, Ga., on November 18, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-15963; Filed, Nov. 27, 1970; 8:46 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 1-5; Notice 5]

BRAKE HOSES AND BRAKE HOSE ASSEMBLIES

Extension of Time for Comments

A notice of proposed amendment to 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 106 (Brake Hoses and Brake Hose Assemblies), was published on August 28, 1970 (35 F.R. 13738) with a closing date for comments of November 24, 1970. On November 6, 1970, the National Highway Safety Bureau amended this proposal (35 F.R. 17116) without extending the closing date for comments. The Automobile Manufacturers Association, supported by General Motors Corp., has petitioned for an extension of the closing date in order to allow time to evaluate the amendments to the original proposal, to prepare more definitive comments, and to give more careful consideration to the effect of the proposal on replacement equipment for vehicles in use. In response to this request, the closing date for comments is hereby extended to January 25, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on November 23, 1970.

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

[F.R. Doc. 70-16009; Filed, Nov. 27, 1970; 8:49 a.m.]

[49 CFR Part 571]

[Docket No. 2-15, Notice 6]

CHILD SEATING SYSTEMS

Extension of Time for Comments

A notice of proposed rulemaking to amend Motor Vehicle Safety Standard No. 213, "Child Seating Systems" was published September 23, 1970 (35 F.R. 14786). The closing date for comments in the notice was November 23, 1970. Both Beranek and Newman, Inc., has requested an extension of time to submit comments on this notice of not less than 60 days from the present closing date in order to complete research concerning the proposed requirements. It has been determined that an extension of time is in the public interest, and the time to submit comments is accordingly extended to January 22, 1971. However, it is not anticipated that the amendment's proposed effective date of January 1, 1972, will be extended.

This notice is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1401, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on November 24, 1970.

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

[F.R. Doc. 70-16008; Filed, Nov. 27, 1970; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Credit Cards—Issuance and Liability

Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C.

1601), as amended by Public Law 91-508, October 26, 1970, the Board of Governors proposes to amend Part 226 by adding § 226.13 as follows.

§ 226.13 Credit cards—issuance and liability.

(a) *Supplemental definitions applicable to this section.* In addition to the definitions set forth in § 226.2, as applicable, the following definitions apply to this section:

(1) "Accepted credit card" means any credit card which the cardholder has requested or applied for and received, or has signed, or has used, or has authorized another person to use for the purpose of obtaining money, property, labor, or services on credit. Any credit card issued in renewal of, or in substitution for, an accepted credit card becomes an accepted credit card when received by the cardholder.

(2) "Adequate notice" means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

(3) "Card issuer" means any person who issues a credit card, or the agent of such person for the purpose of issuing such card.

(4) "Cardholder" means any person to whom a credit card is issued and any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(5) "Credit" means the right granted by a card issuer to a cardholder to defer payment of debt, incur debt and defer its payment, or purchase property or services and defer payment therefor.

(6) "Credit card" means any card, plate, coupon, coupon book, or other credit device existing or created for the purpose of obtaining money, property, labor, or services on credit.

(7) "Unauthorized use" means the use of a credit card by a person other than the cardholder:

(i) Who does not have actual, implied or apparent authority for such use, or

(ii) Who has only apparent authority for such use if the cardholder receives no benefit from the use.

(b) *Issuance of credit cards.* No credit card shall be issued except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card.

(c) *Liability of cardholder.* A cardholder shall be liable for the unauthorized use of a credit card only if,

(1) The credit card is an accepted credit card;

(2) Such liability is not in excess of $50;

(3) The card issuer has given adequate notice to the cardholder of the potential liability for unauthorized use;

(4) The card issuer has provided the cardholder with an addressed notification requiring no postage to be paid by the cardholder to be mailed by the cardholder in the event of the loss, theft, or possible unauthorized use of the credit card; and

(5) The unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or other occurrence.

(d) *Other conditions of liability.* Notwithstanding the provisions of paragraph (c) of this section, no cardholder shall be liable for the unauthorized use of any credit card which was issued on or after January 24, 1971, and, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless:

(1) The conditions of liability specified under paragraph (c) of this section are met; and

(2) The card issuer has provided a method whereby a cardholder can be identified by signature, photograph, or fingerprint on the credit card or by electronic or mechanical confirmation.

(e) *Notice to cardholder.* The notice to cardholder pursuant to paragraph (c) (3) of this section may be given by printing the notice on the credit card, on the periodic statement of account, or on the statement required under paragraph (a) of § 226.7, or by any other means reasonably assuring the receipt thereof by the cardholder. An acceptable form of notice should read substantially as follows, but it may include any additional information which is not inconsistent with the provisions of this section:

> You may be liable for the unauthorized use of your credit card [or other term which describes the credit device]. You will not be liable for unauthorized use which occurs after you notify [name of card issuer or his designee] at [address] orally or in writing of loss, theft, or possible unauthorized use. In any case liability shall not exceed [insert—$50 or any lesser amount under other applicable law or under any agreement with the cardholder].

(f) *Notice to card issuer.* For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information with respect to such loss, theft, or other unauthorized use of any credit card, whether or not any particular officer, employee, or agent of the card issuer does, in fact, receive such notice or information. Irrespective of the form of notice provided under paragraph (c)(4) of this section, at the option of the cardholder such notice may be given to the card issuer or his designee by telephone or by letter, telegram, radiogram, cablegram, or other written communication which sets forth the pertinent information. Notice by mail shall be considered given at the time of mailing; notice by telegram, radiogram, cablegram, or other such communication shall be considered given at the time of filing for transmission, and notice by other writing shall be considered given at the time of delivery to the card issuer.

(g) *Preservation of records.* A card issuer shall preserve evidence of a request or application for a credit card for a period of not less than 2 years after the date of request. A written notation of the date, name of applicant, and the manner in which the request was received will serve as evidence when such request is not made in writing.

(h) *Action to enforce liability.* In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in paragraphs (c) and (d) of this section, have been met.

(i) *Effect on other applicable law or agreement.* Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

Effective date: The provisions of this section are effective January 24, 1971.

The proposed amendment implements Title V of an Act (Public Law 91-508) dealing with Bank Records and Foreign Transactions; Credit Cards; and Consumer Credit Reporting. Title V is an amendment to the Truth in Lending Act (82 Stat. 146). The statutory provisions have been incorporated into the proposed amendment to the regulation so that it may be used by affected creditors as a single source of the requirements of both Title V and the regulation. Section 132 of the new Act dealing with issuance of credit cards became effective on October 26, 1970.

The regulation allows a creditor to send a renewal of a credit card provided the original card or a renewal thereof was requested and received, signed or used.

The Act provides that a method whereby the cardholder can be identified must be provided by the issuer for cards issued after January 24, 1971, and for all cards after January 24, 1972, in order for the card issuer to hold the cardholder liable for unauthorized use. The regulation specifies that such identification must be by signature, photograph, or fingerprint on the card or by electronic or mechanical confirmation. It also specifies that a card issuer's notice to the cardholder of his potential liability should read substantially as the form of notice set forth in the regulation.

The regulation provides that a cardholder may notify the card issuer of loss, theft, or possible unauthorized use by using the form of notice provided by the issuer or by telephone, letter, telegram, radiogram, cablegram, or other written communication. Notice is considered given at time of mailing, filing for transmission in the case of telegram, radiogram, cablegram, or delivery in the case of other written communication. Evidence of requests for cards must be preserved for 2 years.

To aid in the consideration of these matters by the Board, interested persons

are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 28, 1970. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

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

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-16027; Filed, Nov. 27, 1970; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9017]

SUCCESSOR ISSUERS

Proposed Registration and Reporting

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed rules relating to registration pursuant to section 12(g), and reporting under section 15(d), of the Securities Exchange Act of 1934 by certain successor issuers.

It is the position of the Commission that where an issuer which has succeeded, by merger, consolidation, exchange of securities or acquisition of assets, to another issuer which had securities registered pursuant to section 12 (g) of the Act, or securities which would have been required to be so registered but for the succession, the successor issuer assumes the duty to provide for such security holders a continuation of the benefits provided, or which would have been provided, by registration of the securities of the predecessor, unless upon consummation of the succession the securities are exempt from registration or all securities of the class are held of record by less than 300 persons.

In order to avoid a hiatus in registration and reporting, it is essential that the successor issuer be regarded as subject to section 12(g) of the Act immediately upon consummation of the succession. Accordingly, the Commission is publishing for comment a proposed rule which would provide that where an issuer has issued equity securities to the holders of equity securities of a predecessor which were registered under section 12(g) and there are at least 300 holders of the class so issued, such class shall be deemed to be registered pursuant to that section. In such case, in lieu of filing a registration statement under section 12(g), the successor issuer would be required to file a report pursuant to section 13 on Form 8-K (§ 249.308 of this chapter) with respect to the transaction.

Where the predecessor was required to register securities pursuant to that section but had not yet done so, the rule provides that the successor shall file a registration statement within the period of time the predecessor would have been required to file one, or within such extended period as the Commission may authorize.

It is also the position of the Commission that where an issuer which is not required to file reports pursuant to section 15(d) of the Act succeeds to an issuer which is required to file such reports, the successor issuer is deemed to have assumed the duty to file such reports unless it is exempt therefrom or the duty to file reports is suspended under the provisions of that section. The Commission is therefore publishing for comment a proposed rule which would operate to require the filing of reports in the case of such successions.

The text of the proposed §§ 240.12g-3 and 240.15d-5 of this chapter is as follows:

§ 240.12g-3 Registration of securities of successor issuers.

(a) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, not previously registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is registered pursuant to section 12(g), the class of securities so issued shall be deemed to be registered pursuant to section 12(g) of the Act unless upon consummation of the succession such class is exempt from such registration or all securities of such class are held of record by less than 300 persons.

(b) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, which are not registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file a registration statement pursuant to section 12(g) but has not yet done so, the duty to file such statement shall be deemed to have been assumed by the issuer of the class of securities so issued and such issuer shall file a registration statement pursuant to section 12(g) of the Act with respect to such class within the period of time the predecessor issuer would have been required to file such a statement, or within such extended period of time as the Commission may authorize upon application pursuant to § 240.12b-25, unless upon consummation of the succession such class is exempt from such registration or all securities of the class are held of record by less than 300 persons.

§ 240.15d-5 Reporting by successor issuers.

Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, which is not required to file reports pursuant to section 15(d) of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file such reports, the duty to file reports pursuant to such section shall be deemed to have been assumed by the issuer of the class of securities so issued and such issuer shall after the consummation of the succession file reports in accordance with such section, and the rules and regulations thereunder unless such issuer is exempt from filing such reports or the duty to file such reports is suspended under said section.

All interested persons are invited to submit their views and comments on the proposed rules, in writing, to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington, DC 20549, on or before December 11, 1970. All such communication will be considered available for public inspection.

By the Commission, November 12, 1970.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-15976; Filed, Nov. 27, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1, Revision 5]

CANADIAN IMPORTS; DISTRICTS I-IV

Notice of Proposed Rule Making

There is set forth below, in the form of an amendment to Oil Import Regulation 1 (Revision 5), as amended, a proposal to establish an allocation system for imports of Canadian crude oil and unfinished oils for the allocation period January 1, 1971 through December 31, 1971. Final action on the proposal will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, within a period of thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

DELL V. PERRY,
Acting Administrator,
Oil Import Administration.

NOVEMBER 27, 1970.

Sec. ______ Canadian imports—Districts I-IV.

(a) As used in this section, the term "Canadian imports" means crude oil and unfinished oils (1) which are entered for consumption or withdrawn from warehouse for consumption in Districts I-IV, (2) which, if crude oil, was produced in Canada, and, if unfinished oils, were processed from crude oil or natural gas produced in Canada, and (3) which were or are transported into the United States other than by sea, but the term "Canadian imports" does not include imports of natural gas liquids, or ethane, propane, or butane, or crude oil, covered by paragraph (e), (f), or (g) of Section 1A of Proclamation 3279, as amended.

(b) The Administrator shall make allocations of approximately 450,000 average barrels daily of Canadian imports into Districts I-IV for the allocation period January 1, 1971 through December 31, 1971.

(c) To be eligible for an allocation of imports under this section, a person must have in Districts I-IV, a facility or facilities for processing Canadian imports or pipeline facilities using crude oil as fuel.

(d) Under this section, the Administrator shall first make allocations of Canadian imports to persons who received allocations of Canadian overland imports under section 29 or section 21 of this regulation for the period July 1, 1970 through December 31, 1970. Except as provided in paragraph (e) of this section, the allocation made to each such person shall be twice the amount allocated to him for the period July 1, 1970 through December 31, 1970 under section 29 or section 21 or both sections, less the quantity of natural gas liquids imported during that period under such allocation or allocations.

(e) (1) Each person entitled to an allocation under paragraph (d) of this section shall in lieu thereof receive an allocation computed according to the following formula if the latter allocation is the larger:

$$\frac{\text{Eligible applicant's inputs for the year ending September 30, 1970}}{\text{Total inputs for the year ending September 30, 1970 of all eligible applicants who would receive an allocation pursuant to paragraph (e) or (f) of this section}} \times \text{Quantity of Canadian imports not allocated under paragraph (d) of this section}$$

(2) As used in this paragraph (e), the term "inputs" includes domestic crude oil and imported crude oil or unfinished oils except natural gas liquids imported from Canada and processed in an applicant's facilities.

(f) After the Administrator has made allocations pursuant to paragraphs (d) and (e) of this section, he shall allocate any remaining quantity of Canadian imports according to the formula set forth in subparagraph (1) of paragraph (e) among persons who are otherwise eligible.

(g) Licenses issued under allocations made pursuant to this section shall permit only Canadian imports to be entered for consumption or withdrawn from warehouse for consumption in Districts I-IV.

(h) (1) An allocation made pursuant to this section shall not be sold, assigned, or otherwise transferred. Each person who imports Canadian imports under an allocation made pursuant to this section shall process or consume such imports only in the facility or facilities set forth in his application. Such imports shall not be exchanged unless written permission is obtained from the Administrator as provided in subparagraph (2) of this paragraph.

(2) If a person demonstrates to the satisfaction of the Administrator that, during the period March 1, 1970, through December 31, 1970, he imported Canadian overland imports and exchanged such imports for domestic crude oil which he processed in his own facility, the Administrator may permit the applicant to enter into a similar exchange agreement. No person will be permitted to exchange a quantity more than 1.2 times the quantity such person exchanged during the period March 1, 1970, through December 31, 1970.

(i) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of such imports specified in the allocation or (unless an exchange is approved) if he fails to process all such imports in his facility or facilities before March 1, 1972, then any allocation for Districts I-IV to which such person may otherwise be entitled under section 9, 10, or 25 of this regulation for the first allocation period beginning after January 1, 1972, shall be reduced by the Administrator by the amount of Canadian imports which such person has failed to import or which such person has failed to process in his facility or facilities before March 1, 1972, except that the Administrator need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Administrator that such failures were without such person's fault and were beyond his control, or (2) such person on or before April 1, 1971, in writing relinquishes all or part of an allocation made under this section and returns to the Administrator licenses issued thereunder.

(j) A person to whom an allocation is made by the Administrator under this section shall report and certify in writing to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, not later than March 15, 1971 (1) the total quantity of Canadian overland imports which that person imported pursuant to allocations made under section 29 of this regulation during the period July 1, 1970 through December 31, 1970, and (2) the quantity of such imports that were processed in his facility or facilities before March 1, 1971. The amount so reported and certified shall be subject to verification by the Administrator. If a person to whom an allocation is made under this section fails to file by March 15, 1971, the written report and certification required by this paragraph, the Administrator shall suspend all licenses issued under an allocation made under this section until the written report and certification is received.

(k) An application for an allocation under this section shall be made by letter or telegram to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240. Applications must be received by the Administrator on or before December 28, 1970. An application must contain the following information which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed,

(2) The location or locations of each such facility,

(3) The average barrels daily of inputs (as defined in paragraph (e)) processed in each such facility during the period October 1, 1969 through September 30, 1970.

An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will (unless an exchange is approved) process or consume all such imports in such facility or facilities before March 1, 1972.

(l) The Oil Import Appeals Board may modify or make allocations of Canadian imports pursuant to section 21 of this regulation within the quantity of such imports made available to the Board for allocation for the period January 1, 1971, through December 31, 1971.

[F.R. Doc. 70-16083; Filed, Nov. 27, 1970; 10:56 a.m.]

[32A CFR Ch. X]

[Oil Import Reg. 1, Revision 5]

QUANTITIES OF IMPORTS UNDER LICENSES

Notice of Proposed Rule Making

There is set forth below, in the form of a section of Oil Import Regulation 1, a proposal to promote an orderly method of importation of overseas crude and unfinished oils in Districts I-IV and V. Final action with respect to the proposal will be subject to the concurrence of the Director of the Office of Emergency Preparedness. Interested persons are invited to submit written comments on the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240 within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Each person who submits comments is asked to provide fifteen (15) copies.

DELL V. PERRY,
Acting Administrator,
Oil Import Administration.

NOVEMBER 27, 1970.

A new paragraph (c), reading as follows, is added to section 7 of Oil Import Regulation 1 (Revision 5):

(c) If an allocation made pursuant to sections 9, 10, 11, or 25 of this regulation for the allocation period January 1, 1971 through December 31, 1971, is in excess of 1,300,000 barrels of imports, the Administrator shall first issue a license in the amount of 1,300,000 barrels or 35 percent of the allocation, whichever amount is greater. The Administrator shall, not late rthan June 1, 1971, issue a license, effective July 1, 1971, for the balance of the allocation.

If the allocation is 1,300,000 barrels of imports or less, the Administrator shall issue a license for the full amount of the allocation.

[F.R. Doc. 70-16084; Filed, Nov. 27, 1970; 10:56 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. 4]

CORNHUSKER CASUALTY CO.

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $151,000.00 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

CORNHUSKER CASUALTY COMPANY
OMAHA, NEBRASKA

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, DC 20226.

Dated: November 23, 1970.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 70-15982; Filed, Nov. 27, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-3579]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management; Correction

NOVEMBER 20, 1970.

F.R. Doc. 70-14334, appearing in the FEDERAL REGISTER issue of October 24, 1970, on page 16598, is hereby corrected as follows:

The land description in paragraph 4, column 2, "T. 6 N., R. 26 E., Secs. 33 through 36, inclusive," should be changed to "Secs. 32 to 36, inclusive." "T. 6 N., R. 27 E., Secs. 4 through 10, inclusive," should be changed to "T. 5 N., R. 27 E., Secs. 5 through 10, inclusive."

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-15996; Filed, Nov. 27, 1970; 8:48 a.m.]

National Park Service

YOSEMITE NATIONAL PARK, CALIF.

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Dr. Charles A. Woessner authorizing him to provide dental services for the public at Yosemite National Park, Calif., for a period of one (1) year from January 1, 1971, through December 31, 1971.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: November 17, 1970.

JOE HOLT,
Acting Deputy Director,
National Park Service.

[F.R. Doc. 70-15968; Filed, Nov. 27, 1970; 8:47 a.m.]

Office of the Secretary

WILLIAM ANGUS DAVIS

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 3, 1970.

Dated: November 3, 1970.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 70-15969; Filed, Nov. 27, 1970; 8:47 a.m.]

FRANK DRAKE

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 31, 1970.

Dated: November 13, 1970.

FRANK S. DRAKE.

[F.R. Doc. 70-15970; Filed, Nov. 27, 1970; 8:47 a.m.]

EDWARD C. GLASS

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) No change.
(2) No change.
(3) Kinsmen Co.
(4) No change.

This statement is made as of November 3, 1970.

Dated: November 3, 1970.

E. C. GLASS.

[F.R. Doc. 70-15971; Filed, Nov. 27, 1970; 8:47 a.m.]

DONALD B. GREGG

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 14, 1970.

Dated: November 2, 1970.

DONALD B. GREGG.

[F.R. Doc. 70-15972; Filed, Nov. 27, 1970; 8:47 a.m.]

EVAN W. JAMES

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 1, 1970.

Dated: November 2, 1970.

EVAN W. JAMES.

[F.R. Doc. 70-15973; Filed, Nov. 27, 1970; 8:47 a.m.]

JACK P. LEWIS

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) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of October 29, 1970.

Dated: October 29, 1970.

JACK P. LEWIS.

[F.R. Doc. 70-15974; Filed, Nov. 27, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

SHASTA LIVESTOCK AUCTION YARD, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

CALIFORNIA

Shasta Livestock Auction Yard, Inc., Cottonwood, Oct. 7, 1970.

KENTUCKY

Mayfield Feeder Pig Sale, Mayfield, Oct. 21, 1970.

MISSISSIPPI

East Mississippi Farmers Livestock Company, Philadelphia, Oct. 16, 1970.

TEXAS

Waxahachie Livestock Commission, Inc., Waxahachie, Sept. 1, 1970.

VIRGINIA

Halifax County Livestock Market, Halifax, Sept. 30, 1970.

Done at Washington, D.C., this 23d day of November 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-15980; Filed, Nov. 27, 1970; 8:47 a.m.]

Rural Electrification Administration

ORGANIZATION AND FUNCTIONS

The organization and functions of the Rural Electrification Administration are as follows:

Central organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-15, 921-924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Assistant Secretary, Rural Development and Conservation. He is aided directly by a Deputy Administrator and Assistant Administrators for the Electric Program, for the Telephone Program and for Administration. The work is carried on through the offices and divisions described in succeeding paragraphs.

JOINT ELECTRIC AND TELEPHONE PROGRAM ACTIVITIES

Office of Legislative and Regulatory Consultant. This office counsels and advises the Administrator as to policy, program and procedural implications of Federal and State legislative and regulatory matters relating to the REA program. Maintains liaison with agencies of the Department of Agriculture and other Government agencies concerning such matters. The director of this office reports to the Deputy Administrator.

Joint Program Operations Staff. The Joint Program Operations Staff administers activities carried on by the program specialists working in both the rural electric and telephone programs. The staff activities included are: Labor relations, architectural engineering, borrowers' safety and training, member services, community development, loan review and borrowers' insurance. The director of this staff reports to the Deputy Administrator.

Office of Civil Rights Coordinator. This office formulates and coodinates the agency's plans, policies, and procedures for a nationwide program of nondiscrimination on the part of REA borrowers. Also provides assistance to the REA area offices and borrowers in the development of borrower programs to carry out provisions of title VI of the Civil Rights Act of 1964 and Executive Order 11246. The director of this office reports to the Deputy Administrator.

Borrowers' Financial Management Division. This division administers REA activities concerned with electric and telephone borrowers' accounting and with the auditing of borrowers' records. The director of this division reports to the Deputy Administrator.

ADMINISTRATIVE ACTIVITIES

The administrative activities of the agency, as follows, are directed by the Assistant Administrator for Administration.

Office of Budget. This office administers the administrative and loan budget program of the agency and participates in program planning and evaluation. Maintains liaison on budgetary matters with congressional committees, the staff of the Department of Agriculture, the Office of Management and Budget, and other Government agencies.

Office of Program Analysis. This office analyzes and evaluates economic and statistical data concerning agency programs. Provides advice and assistance to the Office of the Administrator and to divisions and area offices to facilitate sound and effective program planning and appraisal. Conducts special program studies and analyses.

Information Services Division. The division administers the information services program of the agency to provide borrowers and the public with information concerning the operations, status, progress, and accomplishments of the rural electrification and rural telephone programs.

Personnel Management Division. The division administers the personnel program of the agency involving classification and wage administration; conduct of organization studies and surveys; development of recommendations for organization changes required to administer agency problems; preparation of organization charts; employment and placement functions; employee relations; training; safety; and health activities.

Accounting and Administrative Services Division. The division administers agency activities concerned with: Administrative and loan accounting and centralized statistical and data processing activities of the Agency; management analysis, cost reduction and operations improvement; and the general administrative service functions of the Agency pertaining to procurement, space, records management and communications.

ELECTRIC PROGRAM ACTIVITIES

The electric program activities of REA are administered under the direction of the Assistant Administrator—Electric.

Electric Area Offices. The line activities of REA in the electric program are carried out primarily through five area offices with headquarters in Washington. Field employees have their homes as headquarters and operate under supervision of the area office in Washington. Within its assigned geographic area, each area office is responsible for: the appraisal of loan applications and the preparation of loan recommendations to the Administrator; the advance of loan funds to borrowers; the analysis of engineering and construction plans, designs, specifications and contracts; the review and approval of completed construction; appraisal of the financial and operating performance of borrowers' systems; and advice and assistance to borrowers concerning design, construction, management, operation, and maintenance of electric systems. The Power Supply Management and Electric Standards Division supplements the work of the area offices by carrying out line and staff activities of REA related to construction of the facilities of Power Supply Borrowers.

The designation of the five area offices and the assigned geographic areas are as follows: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, Delaware, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in t e States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, California, and Alaska.

Power Survey and Requirements Office. This office provides technical staff assistance to the Assistant Administrator—Electric in helping borrowers to achieve the most advantageous power supply arrangements for accomplishing the objectives of the Rural Electrification Act and the conservation of REA loan funds. Existing and proposed power supply alternatives are evaluated as solutions to power supply problems and for cost and other benefits from closer cooperation between REA borrowers and other electric suppliers. As required, the office conducts surveys of power supply development proposed for REA financing to determine conformance to REA policy and loans eligibility requirements for electric generating and transmission facilities. In cooperation with power supply borrowers, the office makes studies of the future power requirements of their systems as the basis for loan studies and cost analyses.

Power Supply, Management and Electric Standards Division. This division administers electric program staff activities for the processing by REA of electric loan applications and the development of proposed policies, standards and procedures concerning the design, construction, management, technical operation, and retail rates of the electric systems of REA borrowers. The division is also responsible for the line activities of REA concerned with the construction of the facilities of Power Supply Borrowers included in approved loans. The division provides advice and assistance on the above subject matter to the electric area offices, and to borrowers as requested, and maintains liaison for REA with other organizations on matters within its functional responsibility.

TELEPHONE PROGRAM ACTIVITIES

The telephone program activities of REA are administered under the direction of the Assistant Administrator—Telephone.

Telephone Area Offices. The line activities of REA in the telephone program are carried out through five area offices with headquarters in Washington. The area offices employ field specialists, supervised from Washington, who have their homes as headquarters centrally located in areas they serve. Each area office, within its assigned geographic area: Appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; administers advance of funds to borrowers; and provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

The designation of the five area offices and the assigned geographic areas are as follows: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, Delaware, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, California, and Alaska.

Telephone Operations and Standards Division. The division administers the staff activities of REA pertaining directly to the telephone program. It is responsible for developing proposed policies, standards, and procedures concerning loans and the engineering, construction, management and operation of the rural telephone systems of borrowers. This includes studies and analyses regarding rates, toll traffic agreements, valuation and acquisition of facilities; and systems designs and costs. The division is responsible for the development of standards, specifications and other technical data relating to rural telephone systems. The division staff provides advice and assistance within their subject matter responsibility to agency officials and to borrowers as requested. The division maintains liaison with other organizations on matters concerned with its functions.

Submittals, requests, and information: Submittals, requests, and informational inquiries may be made to the Administrator or to any affected officer or organizational unit set forth above. The person or organizational unit should be addressed at the Rural Electrification Administration, U.S. Department of Agriculture, 2ashington, D.C. 20250.

This notice supersedes the notice on REA Organization Published in 34 F.R. 8301–8302.

Issued this 23d day of November.

DAVID A. HAMIL,
Administrator.

[F.R. Doc. 70-16026; Filed, Nov. 27, 1970; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. 258]

PRUDENTIAL-GRACE LINES, INC.

Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc. has applied for permission to make a minimum of 12 and a maximum of 18 sailings per annum with freight ships between U.S. Pacific ports in Washington, Oregon, and California (with the privilege to call at ports in British Columbia and ports in Alaska), and ports in the Caribbean Sea and ports in the Mediterranean Sea and Black Sea, Portugal, Spain south of Portugal, and Morocco.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on December 7, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof

will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: November 24, 1970.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-16030; Filed, Nov. 27, 1970; 8:51 a.m.]

Office of the Secretary

ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

Delegations To Certify Records

1. Pursuant to this authority delegated to the Assistant Secretary of Commerce for Administration by Department Administrative Order 201-17, the following officials of the National Oceanic and Atmospheric Administration are hereby authorized to sign as certifying officers certifications as to the official nature of copies of correspondence and records from the files, publications, and other documents of the Department and to affix the seal of the Department of Commerce to such certifications or documents for all purposes, including the purposes authorized by 28 U.S.C. 1733(b).

Director, Office of Sea Grant.
Director, Environmental Data Service.
Director, National Climatic Center.
Director, Executive and Technical Services, Staff National Ocean Survey.
Deputy Director, National Weather Service; Alternate—Chief, Executive Affairs Staff, National Weather Service.

2. Delegations of authority to officials of the Environmental Science Services Administration, dated May 6, 1966 (31 F.R. 7089 of May 13, 1966) are hereby revoked.

3. This delegation of authority shall be effective as of the date hereof.

Dated: November 24, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-15999; Filed, Nov. 27, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 11020; Docket No. FDC-D-241; NDA 11-020 etc.]

CERTAIN PREPARATIONS CONTAINING ACETOPHENAZINE MALEATE; FLUPHENAZINE HYDROCHLORIDE; OR THIOPROPAZATE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antipsychotic drugs for oral or injectable use:

1.a. Permitil Tablets containing fluphenazine hydrochloride (NDA 12-034), and

b. Permitil Chronotab Tablets containing fluphenazine hydrochloride (NDA 12-419), both marketed by White Laboratories, Inc., Galloping Hill Road, Kenilworth, NJ 07033.

2. Dartal Tablets containing thiopropazate hydrochloride, marketed by G. D. Searle and Co., Post Office Box 5110, Chicago, IL 60680 (NDA 11-020).

3.a. Prolixin Elixir (NDA 12-145), and

b. Proxlixin Tablets and Injection (NDA 11-751), all containing fluphenazine hydrochloride and marketed by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, NJ 08903.

4. Tindal Tablets containing acetophenazine maleate, marketed by Schering Corp., 60 Orange Street, Bloomfield, NJ 07003 (NDA 12-254).

ACETOPHENAZINE MALEATE; FLUPHENAZINE HYDROCHLORIDE; OR THIOPROPAZATE HYDROCHLORIDE

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. New-drug applications are required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. These drugs are effective for use in the control of moderate to severe agitation, anxiety, and tension when such symptoms are manifestations of schizophrenia.

2. These drugs lack substantial evidence of effectiveness when labeled for use in patients with anorexia, insomnia, or "in the nervous, hypertensive patient in whom drug-induced tranquilization often effectively lowers blood pressure."

3. These drugs are considered possibly effective for their other labeled indications.

B. *Form of drug.* These drug preparations are in tablet, solid sustained action tablet, elixir, or sterile aqueous solution form suitable for oral or intramuscular administration.

C. *Labeling conditions.* 1. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the effectiveness classification, the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970, and, where applicable, the Academy comments. The "Indications" section is as follows:

INDICATIONS

This drug is indicated for the control of moderate to severe agitation, anxiety, and tension when such symptoms are manifestations of schizophrenia.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is referenced in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

E. *Marketing status.* Marketing of the drugs may continue under the conditions described in paragraphs F and G of this announcement except that those indications referenced in paragraph D may continue to be used as described therein.

F. *Previously approved applications.* 1. Each holder of a "deemed approved" new drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the

claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed; if such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current.

2. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submited under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon: *Provided*, That within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

G. *New applications*. 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit a new drug application containing full information required by the new drug application form FD-356H (21 CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

2. Distribution of any such preparation currently on the market without an approved new drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new drug application to the Food and Drug Administration.

c. The applicant submits additional information that may be required for the approval of the application within a reasonable time as specified in a written communication from the Food and Drug Administration.

H. *Opportunity for a hearing*. 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of sectin 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.2 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

I. *Unapproved use or form of drug*. If the article is marketed in another form or labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such form or use is approved in a new-drug application or is otherwise in accord with this announcement.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11020 and be directed to the attention of the appropriate office named below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-5), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 31, 1970.

SAM D. FINE,
Associated Commissioner for Compliance.

[F.R. Doc. 70-15986; Filed, Nov. 27, 1970; 8:47 a.m.]

[DESI 13413]

DEXAMETHASONE SODIUM PHOSPHATE FOR ORAL INHALATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for oral inhalation:

Decadron Phosphate Respihaler, containing dexamethasone sodium phosphate; marketed by Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486 (NDA 13-413).

The drug is regarded as a new drug (21 U.S.C. 321 (p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification*. The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that the drug is effective for the treatment of bronchial asthma and related bronchospastic states only when such conditions cannot be controlled by other, less potentially dangerous methods.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve full new-drug applications and supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Dexamethasone sodium phosphate preparations are in aerosol spray form suitable for oral inhalation.

2. *Labeling conditions.* a. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request).

INDICATIONS

This drug is indicated for the treatment of bronchial asthma and related bronchospastic states only when such conditions cannot be controlled by other, less potentially dangerous methods.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling and a supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new-drug application as described in paragraph (a)(3)(iii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, DC 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 13413 and be directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-15987; Filed, Nov. 27, 1970; 8:47 a.m.]

[DESI 4054-3; Docket No. FDC-D-225; NDA 4-054, etc.]

CERTAIN SHORT-ACTING AND INTERMEDIATE-ACTING SYSTEMIC SULFONAMIDES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration published announcements in the FEDERAL REGISTER June 17, 1969 (34 F.R. 9464), and August 30, 1969 (34 F.R. 13948), regarding the efficacy of certain short-acting and intermediate-acting systemic sulfonamides. Based on a further reevaluation of the reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, the Commissioner of Food and Drugs finds it appropriate to qualify previous notices by this announcement.

The referenced drugs are regarded as new drugs. Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

SULFACHLORPYRIDAZINE, SULFADIAZINE, SULFAETHIDOLE, SULFAMERAZINE, SULFAMETHIZOLE, SULFAMETHOXAZOLE, SULFISOMIDINE, SULFISOXAZOLE, AND COMBINATIONS OF SULFADIAZINE AND SULFAMERAZINE WITH OR WITHOUT SULFAMETHAZINE

A. *Effectiveness classification.* The Food and Drug Administration concludes that:

1. All of these short-acting and intermediate-acting sulfonamides are effective in the treatment of chancroid; trachoma; inclusion conjunctivitis; nocardiosis; urinary tract infections (primarily pyelonephritis, pyelitis and cystitis) due to susceptible organisms (usually *Escherichia coli, Klebsiella,* the enterobacter, *Staphylococcus aureus, Proteus mirabilis,* and less frequently *Proteus vulgaris*) in the absence of obstructive uropathy or foreign bodies; toxoplasmosis as adjunctive therapy with pyrimethamine; malaria due to chloroquine-resistant strains of *Plasmodium falciparum,* when used as adjunctive therapy; meningococcal meningitis prophylaxis, when sulfonamide-sensitive group A strains are known to prevail in family groups or larger closed populations; in the treatment of acute otitis media due to *Hemophilus influenzae* when used concomitantly with adequate doses of penicillin.

In addition. Only sulfadiazine, sulfamerazine, sulfisomidine, sulfisoxazole, acetyl sulfisoxazole and combinations of sulfadiazine and sulfamerazine with or without sulfamethazine are considered effective in the treatment of meningococcal meningitis (where the organism has been demonstrated to be susceptible) and as adjunctive therapy with parenteral streptomycin in *H. influenzae* meningitis.

Only sulfadiazine is considered effective in the prophylaxis of rheumatic fever as an alternative to penicillin.

2. All of these short-acting and intermediate-acting sulfonamides are probably effective in recurrent and chronic infections of the urinary tract. In addition, sulfonamides other than sulfadiazine (listed in A.1 above as effective) are considered probably effective in the prophylaxis of rheumatic fever as an alternative to penicillin.

3. All of these short-acting and intermediate-acting sulfonamides are possibly effective for the treatment of pneumococcal infections; gas gangrene; lymphogranuloma venereum; shingellosis; for suppressive therapy in patients with indwelling catheters, ureterostomies, urinary stasis, cord bladder and before and after genitourinary surgery and instrumentation; and in acute and chronic otitis media except when caused by *H. influenzae* as noted above. Sulfonamides other than those listed in A.1 above as effective in the treatment of meningococcal meningitis and as adjunctive therapy in *H. influenzae* meningitis are considered possibly effective for those indications.

4. Except as noted above, all of these short-acting and intermediate-acting sulfonamides lack substantial evidence of effectiveness as therapeutic agents in common infections; actinomycosis; gonococcal infections; streptococcal infections; salmonella infections; staphylococcal infections; pseudomonas infections and infections due to *H. influenzae, Klebsiella pneumoniae* and the meningococci; or in meningitis prohylaxis when group B and C infections are prevalent.

B. *Form of drug.* These sulfonamide preparations are in tablet, suspension, or syrup form suitable for oral administration, or in a sterile form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are

substantially as follows: (Optimal additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

DESCRIPTION

A statement should be included that the sulfonamides exist in the blood as free, conjugated (acetylated and possibly other forms), and protein-bound forms. The "free" form is considered to be the therapeutically active form. Data should be included giving the amount of "free" and "total" sulfonamide level in the blood from an average dose of the drug. (Additional descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

The systemic sulfonamides are bacteriostatic agents having a similar spectrum of activity. Sulfonamides competitively inhibit bacterial synthesis of folic acid (pteroylglutamic acid) from aminobenzoic acid. Resistant strains are capable of utilizing folic acid precursors or preformed folic acid.

INDICATIONS

Chancroid.
Trachoma.
Inclusion conjunctivitis.
Nocardiosis.
Urinary tract infections (primarily pyelonephritis, pyelitis, and cystitis) due to susceptible organisms (usually *E. coli, Klebsiella*, the enterobacter, *S. aureus, P. mirabilis*, and less frequently, *P. vulgaris*) in the absence of obstructive uropathy or foreign bodies.
Toxoplasmosis as adjunctive therapy with pyrimethamine.
Malaria due to chloroquine-resistant strains of *P. falciparum*, when used as adjunctive therapy.
Meningococcal meningitis prophylaxis when sulfonamide-sensitive group A strains are known to prevail in family groups or larger closed populations. (The prophylactic usefulness of sulfonamides when group B or C infections are prevalent is not proven and in closed population groups may be harmful.)
In acute otitis media due to *H. influenzae* when used concomitantly with adequate doses of penicillin.
In recurrent and chronic infections of the urinary tract.
Prophylaxis of rheumatic fever as an alternative to penicillin.
Add for. Sulfadiazine, sulfamerazine, sulfisomidine, sulfisoxazole and combinations of sulfadiazine and sulfamerazine with or without sulfamethazine only.
H. influenzae meningitis (as adjunctive therapy with parenteral streptomycin).
Meningococcal meningitis (where the organism has been demonstrated to be susceptible).

Important note. In vitro sulfonamide sensitivity tests are not always reliable. The test must be carefully coordinated with bacteriologic and clinical response. When the patient is already taking sulfonamides, followup cultures should have aminobenzoic acid added to the culture media.

Currently, the increasing frequency of resistant organisms is a limitation of the usefulness of antibacterial agents including the sulfonamides.

Wide variation in blood levels may result with identical doses. Blood levels should be measured in patients receiving sulfonamides for serious infections. Free sulfonamide blood levels of 5–15 mg. per 100 ml. may be considered therapeutically effective for most infections, with blood levels of 12–15 mg. per 100 ml. optimal for serious infections; 20 mg. per 100 ml. should be the maximum total sulfonamide level as adverse reactions occur more frequently above this level.

CONTRAINDICATIONS

Hypersensitivity to sulfonamides.
Infants less than 2 months of age (except in the treatment of congenital toxoplasmosis as adjunctive therapy with pyrimethamine).
Pregnancy at term and during the nursing period because sulfonamides pass the placenta and are excreted in the milk and may cause kernicterus.

WARNING: USE IN PREGNANCY

The safe use of sulfonamides in pregnancy has not been established. The teratogenicity potential of most sulfonamides has not been thoroughly investigated in either animals or humans. However, a significant increase in the incidence of cleft palate and other bony abnormalities of offspring has been observed when certain sulfonamides of the short-, intermediate- and long-acting types were given to pregnant rats and mice at high oral doses (7 to 25 times the human therapeutic dose).

WARNINGS

Sulfonamides will not eradicate group A streptococci and have not been demonstrated to prevent such sequelae of these infections as rheumatic fever and glomerulonephritis.
Deaths associated with the administration of sulfonamides have been reported from hypersensitivity reactions, agranulocytosis, aplastic anemia, and other blood dyscrasias.
The presence of clinical signs such as sore throat, fever, pallor, purpura, or juandice may be early indications of serious blood disorders.
Complete blood counts should be done frequently in patients receiving sulfonamides.
The frequency of renal complications is considerably lower in patients receiving the more soluble sulfonamides. Urinalysis with careful microscopic examinations should be obtained frequently in patients receiving sulfonamides.

PRECAUTIONS

Sulfonamides should be given with caution to patients with impaired renal or hepatic function and to those with severe allergy or bronchial asthma.
Adequate fluid intake must be maintained in order to prevent crystalluria and stone formation.

ADVERSE REACTIONS

Blood dyscrasias. Agranulocytosis, aplastic anemia, thrombocytopenia, leukopenia, hemolytic anemia, purpura, hypoprothrombinemia, and methemoglobinemia.
Allergic reactions. Erythema multiforme (Stevens-Johnson Syndrome), generalized skin eruptions, epidermal necrolysis, urticaria, serum sickness, pruritus, exfoliative dermatitis, anaphylactoid reactions, periorbital edema, conjunctival and scleral injection, photosensitization, arthralgia, and allergic myocarditis.
Gastrointestinal reactions. Nausea, emesis, abdominal pains, hepatitis, diarrhea, anorexia, pancreatitis, and stomatitis.
C.N.S. reactions. Headache, peripheral neuritis, mental depression, convulsions, ataxia, hallucinations, tinnitus, vertigo, and insomnia.
Miscellaneous reactions. Drug fever, chills, and toxic nephrosis with oliguria and anuria. Periarteritis nodosum and L.E. phenomenon have occurred.

The sulfonamides bear certain chemical similarities to some goitrogens, diuretics (acetazolamide and the thiazides), and oral hypoglycemic agents. Goiter production, diuresis, and hypoglycemia have occurred rarely in patients receiving sulfonamides. Cross-sensitivity may exist with these agents.

DOSAGE AND ADMINISTRATION

(To be provided by manufacturer or distributor)

D. *Indications permitted during extended period for obtaining substantial evidence*. 1. Those indications for which the drug is described in paragraph A.2 above as probably effective are included in the labeling conditions in paragraph C and may continue to be used for 12 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

2. Those indications for which the drug is described in paragraph A.3 above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

3. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmited, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

E. *Previously approved applications*. 1. Each holder of a "deemed approved" new drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug, and complete current container labeling unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. For preparations claiming sustained action, timed release or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new drug application form FD-356H to the extent described for abbreviated new drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the periods stated.)

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing. For preparations claiming sustained action, timed release or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the periods stated.)

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time, additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

H. *Exemption from periodic reporting.* The period reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for conditions for use for which the drug is regarded as effective as described herein.

I. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Scientific Evaluation (BD-100), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

Any interested person may obtain a copy of the NAS-NRC report by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 4054-3 and should be directed to the attention of the following appropriate office and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 28, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-15988; Filed, Nov. 27, 1970; 8:48 a.m.]

[DESI 50183]

CHLORAMPHENICOL CREAM FOR TOPICAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Chloromycetin Cream, containing chloramphenicol, marketed by Parke, Davis & Co., Joseph Campau at the River, Detroit, MI 48232 (NDA 50-183).

Preparations containing chloramphenicol are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification or release of the drug in the dosage form described above should provide for labeling which is in accordance with the reevaluation of the drug as stated herein.

The Food and Drug Administration concludes that chloramphenicol cream is probably effective for treatment of superficial skin infections caused by bacteria susceptible to chloramphenicol.

The drug should be labeled to comply with all requirements of the Act and regulations. Its labeling should bear adequate information for safe and effective use of the drug and be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section should be as follows:

INDICATIONS

For the treatment of superficial skin infections caused by bacteria susceptible to chloramphenicol. Deeper cutaneous infections should be treated with appropriate systemic antibiotics.

Batches of the drug which bear labeling with this indication and are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 12 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions for which it has been evaluated as probably effective.

To be acceptable for consideration in support of the effectiveness of the drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 12-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 50183 and be directed to the attention of the appropriate office listed below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Amendment (identify with NDA number): Division of Anti-Infective Drugs (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: November 2, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-15989; Filed, Nov. 27, 1970; 8:48 a.m.]

[Docket No. FDC-D-111; NDA 14-241]

UNIMED INC.

Serc Tablets; Notice of Order Withdrawing Approval of New-Drug Application and Refusal To Approve All Supplements; Correction

In F.R. Doc. 70-15415 appearing at page 17563 of the FEDERAL REGISTER of November 14, 1970, the last sentence is corrected to read: "The Commissioner of Food and Drugs has filed, and is having served upon the applicant, rulings upon the exceptions, findings of fact, and conclusions of law, and this final order withdrawing approval of new-drug application No. 14-241, and all amendments and supplements thereto, and refusing to approve all supplements pending thereto."

Dated: November 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-15990; Filed, Nov. 27, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22673]

McCULLOCH INTERNATIONAL AIRLINES, INC.

Notice of Proposed Approval

Application of McCulloch International Airlines, Inc., for approval or exemption of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 22673.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., November 23, 1970.

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

ORDER OF APPROVAL

Issued under delegated authority.

Application of McCulloch International Airlines, Inc., for approval or exemption of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended; Docket 22673.

By application filed October 23, 1970, McCulloch International Airlines, Inc. (McCulloch) requests approval of certain control relationships pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) or exemption from that section pursuant to section 416(b) of the Act. These relationships will result from the acquisition of Oklahoma Airmotive Corp. (Airmotive) by McCulloch, a wholly owned subsidiary of McCulloch Properties, Inc. (Properties).[1] Properties entered into a stock purchase agreement with the shareholders of Airmotive by which it would acquire an immediate 80 percent interest in that company with a 5-year option to purchase the remaining 20 percent of the shares. Properties then assigned its rights under this agreement to McCulloch. In view of its 5-year irrevocable option from the date of closing to purchase additional shares, McCulloch seeks Board approval to acquire 100 percent of the Airmotive stock.

McCulloch engages in air transportation with Electra aircraft as a certificated supplemental carrier. About half of its business consists of land sale charters for Properties, its parent, which is developing new residential communities in western Arizona, south-central Colorado and northwestern Arkansas. Airmotive is a small, fixed-base operator located in Muskogee, Okla. The company now performs light maintenance work and paints aircraft. It has total revenues of about $327,000 annually, a significant portion of which represents payment for work done under federal contract. Airmotive has not

[1] In Order 70-9-100, Sept. 18, 1970, the Board authorized Properties to acquire 100 percent of the stock of Vance International Airways, Inc. The Board authorized that the name of that carrier could be changed to McCulloch International Airlines in Order 70-10-44, Oct. 7, 1970.

made sales in excess of $10,000 to any certificated air carriers within each of the past 2 calendar years.

In support of the application, McCulloch states that it intends to use the Oklahoma Airmotive facilities for the maintenance and overhaul of its Electra aircraft. It contends that its present facilities in Long Beach, Calif., are no longer fully adequate in view of its expanded operations.

Applicant states that the transaction does not affect the control of a direct air carrier, does not result in creating a monopoly nor tend to restrain competition and does not jeopardize any air carrier not a party thereto. Applicant notes that the transaction is similar to two previous cases in which the Board granted exemption to Capitol International Airways, Inc.[2] and Modern Air Transport, Inc.[3]

McCulloch requests expeditious action on the application in view of the inadequacy of its present maintenance facilities.

No comments or requests for a hearing have been received.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General not later than 1 day following the date of such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that McCulloch is an air carrier and that Airmotive is a person engaged in a phase of aeronautics, both within the meaning of section 408(a) of the Act, and that the control, and contemplated total acquisition, of Airmotive by McCulloch is subject to that section. However, it is not found that the transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled. The proposed transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. The acquisition will enable McCulloch to consolidate its maintenance and overhaul activities at a more geographically-centered location with respect to the area of its operation. The Board has approved similar acquisitions in the past[4] and this relationship does not present any new substantive issues. No person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing.

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

Accordingly, it is ordered, That:

The Acquisition and control of Airmotive by McCulloch be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16019; Filed, Nov. 27, 1970; 8:50 a.m.]

[2] Order 68-12-74, Dec. 13, 1968.

[3] Order 70-5-36, May 8, 1970.

[4] Capital International Airways control of Capital Sales, supra; Modern Air Transport control of American Airmotive, supra.

[Docket No. 19176]

TRANSAMERICA CORP. AND TRANS INTERNATIONAL AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled case is assigned to be held on December 16, 1970, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., November 23, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-16018; Filed, Nov. 27, 1970; 8:50 a.m.]

COUNCIL ON ENVIRONMENTAL QUALITY

GUIDELINES ON STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Invitation for Comment and Recommendations of Interested Parties

Notice is hereby given that the Council on Environmental Quality invites comment and recommendations of interested parties on the Council's Guidelines on Statements on Proposed Federal Actions Affecting the Environment (35 F.R. 7391). Communications, which should be sent prior to December 31, 1970, should be in writing and addressed to the General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, DC 20006.

RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality.

[F.R. Doc. 70-16005; Filed, Nov. 27, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19031]

USE OF COMMUNICATION FACILITIES IN UNITED STATES BY FOREIGN ENTITIES

Order Granting Extension of Time; Correction

In the order granting extension of time in Docket No. 19031, released November 4, 1970 (35 F.R. 17215), the following omission and addition should be noted:

1. In paragraph 3, line 4, omit the word "and".

2. In the same paragraph add at the end, ", and the time for filing reply comments is extended from December 1, 1970, to December 31, 1970."

Adopted: November 18, 1970.

Released: November 20, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] A. C. ROSEMAN,
Chief, International and Satellite Communications Division.

[F.R. Doc. 70-16006; Filed, Nov. 27, 1970; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-45; Independent Ocean Freight Forwarder License Nos. 800, 1198]

NORMAN G. JENSEN, INC., AND WORLD FREIGHT FORWARDERS, INC.

Notice of Investigation and Hearing

Norman G. Jensen, Inc. (a Minnesota corporation), was issued independent ocean freight forwarder license No. 800 by the Federal Maritime Commission on October 27, 1965. World Freight Forwarders, Inc. was issued independent ocean freight forwarder license No. 1198 by the Federal Maritime Commission on May 28, 1968. Substantial amounts of stock of the two aforementioned firms are held by the same or related persons.

It has come to the attention of the Commission that International Traders & Counsellors, Inc., is a firm engaged in sales promotion, sales representation, and sales negotiations with respect to shipments to foreign countries and is associated substantially through common ownership with Norman G. Jensen, Inc., and World Freight Forwarders, Inc. Sections 1 and 44 of the Shipping Act, 1916, prohibit a licensed independent ocean freight forwarder from direct or indirect relationships with shippers, consignees, sellers, or purchasers of shipments to foreign countries and from having a beneficial interest in shipments to foreign countries.

The Federal Maritime Commission also has reason to believe that Norman G. Jensen, Inc., and World Freight Forwarders, Inc., concealed their relationship with International Traders & Counsellors, Inc., thereby falsifying their applications for the aforesaid licenses.

The Federal Maritime Commission has further reason to believe that the aforesaid relationship may have been used to violate section 16, Shipping Act, 1916, which prohibits any unjust or unfair device or means to obtain or attempt to obtain transportation by water for property at less than the rates or charges which would otherwise be applicable.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841b), that a proceeding is hereby instituted to determine whether Norman G. Jensen, Inc., and World Freight Forwarders, Inc., continue to qualify as independent ocean freight forwarders and whether their licenses should be continued in effect or be revoked pursuant to section 44 of the Shipping Act, 1916, and § 510.9 of the Federal Maritime Commission General Order 4.

It is further ordered, That this proceeding determine whether Norman G. Jensen, Inc., and World Freight Forwarders, Inc., are in fact independent of connections with shippers, consignees, sellers, or purchasers of shipments to foreign countries as defined by section 1, Shipping Act, 1916.

It is further ordered, That this proceeding determine whether any violation of section 16, Shipping Act, 1916, was incurred by virtue of the relationship between Norman G. Jensen, Inc., and International Traders & Counsellors, Inc.

It is further ordered, That this proceeding determine whether Norman G. Jensen, Inc., and World Freight Forwarders, Inc., willfully falsified their applications for license Nos. 800 and 1198.

It is further ordered, That Norman G. Jensen, Inc., and World Freight Forwarders, Inc., be made respondents in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Presiding Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondents.

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, DC 20573, with copies to respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-16013; Filed, Nov. 27, 1970; 8:50 a.m.]

KAWASAKI KISEN KAISHA, LTD., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.

Kawasaki Kisen Kaisha, Ltd., Nippon Yusen Kaisha, and Sea-Land Service, Inc.

Agreement No. 9908 would permit K Line, N.Y.K., and Sea-Land to discuss and agree upon rates, charges, classifications, practices, and related tariff matters in connection with the transportation of cargo from Hong Kong and Taiwan to Puerto Rico and the Virgin Islands subject to each line's right of independent action upon 48 hours notice to all other parties.

Dated: November 24, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-16014; Filed, Nov. 27, 1970; 8:50 a.m.]

TRANS-PACIFIC AMERICAN FLAG BERTH OPERATORS 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 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:

A. R. Page, Secretary, Trans-Pacific American Flag Berth Operators, 7 Front Street, San Francisco, CA 94111.

Agreement No. 8493-5 between the member lines of the Trans-Pacific American Flag Berth Operators amends the basic agreement by the deletion of Guam from the trade area covered thereby.

Dated: November 24, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-16016; Filed, Nov. 27, 1970; 8:50 a.m.]

SEA-LAND SERVICE, INC., AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commence.

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:

Gerald A. Malia, Esq., Ragan & Mason, The Farragut Building, 900 17th Street, NW., Washington, DC 20006.

Agreement No. 9907, a cooperative working arrangement, between Sea-Land Service, Inc., and United States Lines, Inc. provides for their joint use of container terminal facilities in the port of

Kobe, Japan which Sea-Land has leased from the Hanshin Port Development Authority, a Japanese public body. The agreement sets out the rights, duties, and obligations of each with respect to the facilities of which the significant provisions are: (1) Use of the facilities are to be coequal; (2) agreement to be reached concerning scheduling of days of each month when each shall have use of the berth and cranes; and (3) sharing prorata all monetary obligations incurred from the lease with the Hanshin Port Development Authority.

Dated: November 24, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-16015; Filed, Nov. 27, 1970; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of Commerce Bank of Bonne Terre, Bonne Terre, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)) an application by Commerce Bancshares, Inc., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of Commerce Bank of Bonne Terre, Bonne Terre, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 10, 1970 (35 F.R. 16021), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the second largest bank holding company and the third largest banking organization in Missouri, has 15 subsidiary banks with $823 million in deposits, which represents 7.6 percent of the total deposits of commercial banks in the State. (Unless otherwise indicated, all banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date).

Bank (deposits of $7 million as of Aug. 31, 1970) was organized in August 1970 by directors and officers of Applicant and its subsidiary banks under emergency circumstances as a successor to First State Bank of Bonne Terre. Bank is presently controlled by, and is operating under the close supervision of, Applicant's officers, and the present proposal was contemplated at the time of its organization. Bank, the only bank in Bonne Terre, 67 miles south of downtown St. Louis, is the sixth largest of nine banks serving the northern half of St. Francois County and portions of the three adjacent counties, and holds 11.7 percent of that area's commercial bank deposits. Applicant's closest subsidiary bank is 55 miles north of Bank, and neither it nor any other of Applicant's present subsidiaries compete with Bank to a significant extent. Nor does it appear likely that such competition would develop, because of distances between Applicant's present subsidiaries and Bank and Missouri's restrictive branching laws. It does not appear that existing competition would be eliminated or significant potential competition foreclosed by consummation of Applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. Considerations relating to the financial and managerial resources and future prospects are regarded as consistent with approval of the application as they relate to Applicant and its subsidiaries, and lend weight in support of approval as they relate to Bank, since Applicant would assist Bank in recruiting permanent and capable management. Applicant's early establishment of a new bank, in a time of emergency, has been instrumental in minimizing the inconvenience that resulted from the closing of the First State Bank of Bonne Terre. Bank's affiliation with Applicant would continue to provide the area with an additional source of quality banking services and would provide Bank with a stability which, in view of the financial difficulties of its predecessor, is important to the maintenance of public confidence. These considerations lend strong weight in support of approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] November 19, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-16028; Filed, Nov. 27, 1970; 8:51 a.m.]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Sherrill. Absent and not voting: Chairman Burns and Governors Daane, and Brimmer.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 24, 1970.

On December 12, 1969, there was published in the FEDERAL REGISTER (34 F.R. 19629) a letter dated December 9, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States during the 12-month period beginning January 1, 1970. During recent negotiations of a new bilateral cotton textile agreement the Government of the United States agreed to increase the amount of cotton textile products in Categories 48 and 49, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States during the 12-month period which began on January 1, 1970, the last year of the present agreement.

Accordingly, there is published below a letter of November 24, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textiles in Categories 48 and 49 for the 12-month period which began on January 1, 1970.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

President's Cabinet Textile Advisory Committee

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20226.

November 24, 1970.

Dear Mr. Commissioner: On December 9, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you effective January 1, 1970, to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported to the United States in excess of the designated levels of restraint.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 26, 1967, as modified by an exchange of notes of November 18, 1970 between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 9, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 48 and 49 produced or manufactured in the Socialist Federal Republic of Yugoslavia and exported from the Socialist Federal Republic of Yugoslavia to the United States, for the period beginning January 1, 1970, and extending through December 31, 1970, are hereby amended as follows to be effective as soon as possible:

Categories:		*Amended 12-month levels of restraint* [1]
48	dozen	9,000
49	do	20,000

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the Federal Register.

Sincerely yours,

Rocco C. Siciliano,
Acting Secretary of Commerce,
Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-15981; Filed, Nov. 27, 1970; 8:51 a.m.]

[1] These levels have not been adjusted to reflect entries made on or after Jan. 1, 1970.

TARIFF COMMISSION

[337-L-37]

AMPICILLIN

Notice of Investigation and Temporary Exclusion Order Action

A complaint was filed with the U.S. Tariff Commission on January 27, 1970, by Beecham Group, Ltd., and Beecham, Inc., of Clifton, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of ampicillin which is embraced within claim 5 of U.S. Patent No, 2,985,648 owned by Beecham Group, Ltd., in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Zenith Laboratories, Inc., Northvale, N.J., has been named as an importer of the subject products. Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 C.F.R. 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on September 25, 1970, *ordered:*

That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said ampicillin.

Public notice of the receipt of the complaint was published in the Federal Register for February 18, 1970 (35 F.R. 3139-40) and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary located in the Tariff Commission Building, and also in the New York City Office of the Commission located in Room 437 of the Customhouse.

Complainant requested that the Commission recommend to the President the issuance of a temporary exclusion order in accordance with the provisions of section 337(f) of the Tariff Act of 1930. Consideration by the Commission of this question resulted in an evenly divided vote with one group of Commissioners affirmative (Commissioners Clubb and Moore) and the other group negative (Presiding Commissioner Sutton and Commissioner Leonard). Pursuant to section 330(d)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1330(d)(1)) the recommendations of both groups are being forwarded to the President for his consideration, and his determination as to the issuance of a temporary exclusion order in accordance with section 337(f).

Issued: November 24, 1970.

By order of the Commission.

[SEAL] Kenneth R. Mason,
Secretary.

[F.R. Doc. 70-16010; Filed, Nov. 27, 1970; 8:49 a.m.]

[337-L-42]

LIGHTWEIGHT LUGGAGE

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on November 7, 1970, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Atlantic Products Corp. of Trenton, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of lightweight luggage which is embraced within claims of U.S. Patent No. 3,298,480 and Reissue 26,443 owned by the complainant. M & J Industries, Inc., 6246 North Pulaski, Suite 104, Chicago, IL; Efenel Corp., 410 North Milwaukee, Chicago, IL; Steinberg Baum Corp., 410 North Milwaukee, Chicago, IL, have been named as importers of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than January 11, 1971. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: November 24, 1970.

By order of the Commission.

[SEAL] Kenneth R. Mason,
Secretary.

[F.R. Doc. 70-16011; Filed, Nov. 27, 1970; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2423]

ACME FUND, INC.

Notice of Filing of Application

November 23, 1970.

Notice is hereby given that Acme Fund, Inc. (Applicant), % 660 Madison Avenue, New York, NY 10021, an open-end, diversified investment company registered under the Investment Company Act of 1940 (Act) has filed an application pursuant to section 6(c) of the Act for an order exempting it from Rule 22c-1 of the general rules and regulations under the Act, to the extent that said rule requires shares of Applicant to be priced for sale on the day orders for the purchase of such shares are received. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant was incorporated under the laws of New York in March 1962, as a successor to an investment club formed in 1959. Applicant registered under the Act on May 5, 1966, and its shares were registered under the Securities Act of

1933 on October 6, 1966. Applicant represents that subject to the Act and the rules promulgated thereunder, Applicant continues to function as an investment club. Applicant is managed by its own officers and directors who make no charge for their services. Applicant has no investment adviser, manager or distributor, and there is no sales commission or redemption charge by a third party in connection with the sale or redemption of the Applicant's shares. Applicant's public offering price is net asset value plus 1 percent thereof which is added to the assets of Applicant. Shares are redeemable at net asset value less 1 percent which is retained by Applicant.

Applicant states that its portfolio investment decisions are made by its directors, and its administrative responsibilities are performed by Long Island Trust Co. (Trust) which also acts as Applicant's custodian and transfer agent. For such services Trust receives a quarterly fee of one-eighth of 1 percent of Applicant's total net assets computed as of the last business day of each fiscal quarter. Applicant states that Trust absorbs all out-of-pocket expenses except a charge of 20 cents per item of mailing. For the year ended December 31, 1969, $1,916 was paid to Trust.

As of December 31, 1969, Applicant had approximately 111 shareholders and net assets of approximately $768,000. Applicant represents that in order to maintain operations on the above-described basis, the public offering price is determined as of the closing security prices of the last New York Stock Exchange trading day of the week during which the tender for purchase is received at the Fund's office by the close of the New York Stock Exchange (3:30 p.m.) on that day. This practice Applicant represents is in compliance with the forward pricing requirement of Rule 22c-1. Applicant represents that the investments of the stockholders are normally made at the beginning of each month and are seldom received during the middle of a month, thus it would be a hardship for the Fund to incur the expense of calculating a daily offering price. Applicant further represents that an average of less than 15 persons per week have placed orders for Applicant's shares during any 6-month period.

Applicant states that when a redemption order is received, which is infrequently, the redemption price is based on the closing security prices of the New York Stock Exchange if the order is received before 3:30 p.m., and if after, on the trading day next following the day on which the tender of redemption is received. Applicant states that because redemption requests are so infrequent no economic hardship is entailed in the occasional extra calculation of net asset value.

Applicant requests an order of the Commission under section 6(c) of the act granting an exemption from the once daily pricing requirement of Rule 22c-1 applicable to purchase orders of the Fund at all times in which there should be no intervening pricing of the Fund for purposes of redemption. Applicant agrees, however, that in the case of a pricing of the Fund for purposes of a redemption as of a date other than the last New York Stock Exchange trading day of the week in question, any purchase orders then on hand will be effectuated on the basis of the same asset value calculated for purposes of the pending redemption. Applicant further agrees that any exemptive order that may issue pursuant to this notice would remain in effect only until such time as Applicant's assets reach $5 million or until an average of 15 persons per week subscribe for Applicant's shares during any 6-month period.

Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than December 15, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-15975; Filed, Nov. 27, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42082—*Alcohol and related articles from Baytown, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-197), for interested rail carriers. Rates on alcohol and related articles, in tank carloads, as described in the application, from Baytown, Tex., to Chicago, Ill., and points taking same rates.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Southwestern Freight Bureau, agent, tariff ICC 4867.

FSA No. 42083—*Ferro-alloys from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A6210), for interested rail carriers. Rates on ferro-aluminum-manganese-silicon, in carloads, as described in the application, from Calvert, Ky., to East Liverpool, Ohio, and Pittsburgh, Pa., and points grouped therewith.

Grounds for relief—Commodity relationship.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16001; Filed, Nov. 27, 1970; 8:49 a.m.]

[Notice 618]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 23, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72389. By order of November 19, 1970, the Motor Carrier Board approved the transfer to Homer Transfer Co., Inc., Homer, Alaska, of the certificate of registration in No. MC-121629, issued October 29, 1968, to R. E. Cooper, doing business as Homer Transfer Co., Homer, Alaska, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Alaska, corresponding in scope to the service authorized by permit No. 241, issued January 31, 1968, by the Alaska Transportation Commission. Rice, Hoppner, Blair & Associates, 1016 West Sixth Avenue, Suite A, Anchorage, AK 99501, attorneys for applicants.

No. MC-FC-72435. By order of November 19, 1970, the Motor Carrier Board approved the transfer to Los Hermanitos Moving Co., Inc., Brooklyn, N.Y., of that portion of the operating rights in certificate No. MC-74656 issued November 27, 1968 to Moore's Moving & Storage Co., Inc., Andover, N.J., authorizing the transportation of various commodities between specified points and areas in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Rhode Island. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, representative for transferee. George A. Olsen, 69 Tonnelle Avenue, Jersey City, NJ 07306, representative for transferor.

No. MC-FC-72472. By order of November 19, 1970, the Motor Carrier Board approved the transfer to Columbus Motor Lines, Inc., Chadbourn, N.C., of certificate of registration No. MC-121081 (Sub-No. 1), issued February 3, 1964, to Emory Thomas Rabon, doing business as Columbus Motor Lines, Whiteville, N.C. (now Chadbourn, N.C.), evidencing a right to engage in transportation in interstate commerce as described in certificate of public convenience and necessity No. C-282, dated May 5, 1961, issued by the North Carolina Utilities Commission. Emory Thomas Rabon, Route 2, Box 164, Chadbourn, NC 28431, representative for applicants.

No. MC-FC-72482. By order of November 19, 1970, the Motor Carrier Board approved the transfer to Jules Tischler doing business as Raritan Motor Express, Middlesex, N.J., of the operating rights in permit Nos. MC-125440 (Sub-No. 2) and MC-125440 (Sub-No. 5) issued February 6, 1968, and January 16, 1969, respectively, to Jules Tischler and Paul Johnson, a partnership, doing business as Raritan Motor Express, Middlesex, N.J., authorizing the transportation of precast concrete panels, and materials, supplies, and equipment used in the manufacture, erection or installation thereof, between Bound Brook, N.J., and Brandywine, Md., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, District of Columbia, North Carolina, South Carolina, and specified portions of New York and Pennsylvania; from the above points to Worcester, Mass.; and between Worcester, Mass., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia. Mr. Bert Collins, registered practitioner, 140 Cedar Street, New York, NY 10006, representative for applicants.

No. MC-FC-72495. By order of November 19, 1970, the Motor Carrier Board approved the transfer to Mid-State Moving & Storage Co., Inc., Kissimmee, Fla., of the operating rights in Certificate No. MC-133152 (Sub-No. 1) issued December 2, 1969, to Mid-Florida Van Lines, Inc., Cocoa, Fla., authorizing the transportation of used household goods between points in Brevard, Indian River, Martin, Okeechobee, Osceola, Volusia, and St. Lucie Counties, Fla., restricted to traffic having a prior or subsequent movement in containers and further restricted to pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of the traffic. John A. Sutton, 145 North Magnolia Avenue (Post Office Box 367), Orlando, FL 32802, attorney for applicants.

No. MC-FC-72497. By order of November 19, 1970, the Motor Carrier Board approved the transfer to Berry Van Lines, Inc., Dover, Del., of the operating rights in certificates Nos. MC-2607, MC-2607 (Sub-No. 4), MC-2607 (Sub-No. 9), MC-2607 (Sub-No. 11), and MC-2607 (Sub-No. 12) issued July 26, 1968, January 26, 1967, March 12, 1965, December 4, 1969, and September 28, 1970, respectively, to L. F. Berry, doing business as Berry Van Lines, Easton, Md., authorizing the transportation of specified and general commodities from, to, and between specified points and areas in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, DC 20001, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16002; Filed, Nov. 27, 1970; 8:49 a.m.]

[Notice 198]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 23, 1970.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 31364 (Sub-No. 3 TA), filed November 19, 1970. Applicant: FRANCIS HILL, doing business as HILL FURNITURE CARRIERS, 8745 Cottage Street, Philadelphia, PA 19136. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office furniture and fixtures,* between Riverside, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Bernheim Siegel Corp., St. Mihiel Drive, Riverside, NJ. Send protests to: District Supervisor F. W. Doyle, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 59856 (Sub-No. 41 TA), filed November 19, 1970. Applicant: SALT CREEK FREIGHTWAYS, 333 Yellowstone Highway, Post Office Box 39, Casper, WY 82601. Applicant's representative: Joseph F. Sloan, 6540 North Washington, Denver, CO 80229. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* between Rawlins and Savery, Wyo., serving all intermediate points, over Wyoming Highway 789 to Baggs, Wyo., and Wyoming Secondary Highway 0401 to Savery, Wyo., and return. Applicant requests removal of restrictions (1) and (2) of the Commission's order granting emergency temporary authority as service is required and applicant intends to to transport shipments moving from or to origins and destinations outside the territory described in this application and will transport shipments requiring tacking with authority presently held by the applicant and interline service as required with other authorized carriers. Service is intended to the commercial zones of the points described, for 180 days. NOTE: It does intend to tack the authority here applied for to other authority held by it, or interline with other carriers under MC 59856 and related

subs. Supporting shippers: Dixon Garage, Dixon, WY 82323; Savery Store, Savery, WY 82332; and School District No. 1, Carbon County, Box 218, Baggs, WY 82321. Send protests to: Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 304, Lierd Building, 259 South Center Street, Casper, WY 82601.

No. MC 80428 (Sub-No. 75 TA), filed November 19, 1970. Applicant: McBRIDE TRANSPORTATION, INC., 289 West Main Street, Post Office Box 430, Goshen, NY 10924. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed*, in bulk, in tank vehicles, from Albany, N.Y., to points in Maine, Massachusetts, New Hampshire, and Vermont, and from Manheim, Pa., to points in New York, for 180 days. Supporting shipper: Agway, Inc., Feed Division, Post Office Box 128, Buffalo, NY 14240. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, NY 12207.

No. MC 107743 (Sub-No. 13 TA), filed November 18, 1970. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, WA 99206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Smashed cars*, from points in Montana west of the Continental Divide, points in and north of Lemhi, Valley, and Adams Counties, Idaho, to points in Spokane County, Wash., for 180 days. Supporting shipper: A-American By-Products Co., Post Office Box 437, Parkwater Station, Spokane, WA 99211. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 108006 (Sub-No. 17 TA), filed November 16, 1970. Applicant: MAISLIN TRANSPORT LTD., 7401 Newman Boulevard, La Salle 660, PQ Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots*, between the international boundary between the United States and Canada at or near Champlain, N.Y., on the one hand, and, on the other, Williamsport, Pa., for 180 days. Supporting shipper: Aluminum Co. of Canada, Ltd., 1 place Ville Marie, Post Office Box 6090, Montreal 101, PQ Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 112801 (Sub-No. 111 TA), filed November 20, 1970. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea*, from the storage facilities of Occidental Chemical Co., at Pekin, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, and Wisconsin, for 150 days. Supporting shipper: Roy M. Delao, Supervisor—Traffic Services, Occidental Chemical Co., Post Office Box 1185, Houston, TX. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirkson Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114290 (Sub-No. 53 TA), filed November 20, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts and articles distributed by meat packinghouses; and (2) frozen foods;* (1) from points in Washington to points in Oregon and California; and (2) from points in Oregon to points in California and Washington, for 180 days. Supporting shippers: Bradley's Pies, 3580 Northeast Broadway, Portland, OR 97323; D. E. Nebergall Meat Co., Box 188, Albany, OR 97321; Western Packing Co., Post Office Box 552, Toppenish, WA 98948. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, OR 97204.

No. MC 114312 (Sub-No. 17 TA), filed November 20, 1970. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, OH 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, fungicides, herbicides, and insecticides*, between Orrville, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, IL 60606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 117344 (Sub-No. 208 TA), filed November 19, 1970. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Post Office Box 15010, Cincinnati, OH 45215, Applicant's representative: John C. Spencer, 10380 Evendale Drive, Cincinnati, OH 45215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Columbia Park, Miami Township, Hamilton County, Ohio, to Anderson, Connersville, Frankfort, Indianapolis, Lawrenceburg, Muncie, and New Castle, Ind., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 10th and Market Streets, Wilmington, DE 19898. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 118776 (Sub-No. 12 TA), filed November 19, 1970. Applicant: C. L. CONNORS, INC., Post Office Box 712, 2700 Gordon Expressway, Quincy, IL 62301. Applicant's representative: Mack Stephenson, 301 North Second Street, Springfield, IL 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Moulding sand*, bonded in bulk, from Aurora, Ill., to points in Iowa, Indiana, Michigan, Wisconsin, and Kansas, for 180 days. Supporting shipper: Aurora Metal Corp., Faskure Division, 1019 Jericho Road, Aurora, IL 60504. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 119759 (Sub-No. 1 TA), filed November 19, 1970. Applicant: O. L. HARE, doing business as GREEN COUNTY FAST FREIGHT, 1013 Fifth Avenue, Post Office Box 280, Monroe, WI 53566. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from Champaign, Ill., to points in St. Louis, Mo. commercial zone, as defined by the Commission, and those points in Missouri located on and east of U.S. Highway 67, restricted to traffic originating at the plantsites and facilities of Kraftco Corp. at Champaign, Ill., and destined to the specified points and territories in Missouri, for 180 days. Supporting shipper: Supervisor, Transportation Service, Kraft Foods Division, Kraftco, Inc., 505 North Sacramento Boulevard, Chicago, IL 60612. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 125513 (Sub-No. 5 TA), filed November 18, 1970. Applicant: HOWARD G. SLAUGHTER, doing business as SLAUGHTER BEVERAGE TRANSPORT, Rural Delivery No. 1, Townsend, DE 19734. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk, in tank vehicles), from Winston-Salem, N.C., to Wilmington and Milford, Del., *empty containers* in reverse direction, for 180 days. Supporting shippers: Major Distributing Co., Inc., Post Office Box 2206, Wilmington, DE 19899, Amos Fenstermack, Office Manager, Jos. Schlitz Brewing Co., Philadelphia Saving Fund Society Building, 12 South 12th Street, Philadelphia, PA 19107, William J. Sesdelli, Sales Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, MD 21801.

No. MC 126276 (Sub-No. 39 TA), filed November 19, 1970. Applicant: FAST

MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Chicago, Ill., to Munster, Ind., for 150 days. Supporting shipper: National Can Corp., 5959 Cicero Avenue, Chicago, IL 60638. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 126276 (Sub-No. 40 TA), filed November 19, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Baltimore, Md., to Charlotte, N.C., for 150 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, IL 60638. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, 219 Dearborn Street, Chicago, IL 60604.

No. MC 133777 (Sub-No. 3 TA), filed November 19, 1970. Applicant: METAL CARRIERS, INC., 400 West Main Street, Dallas, TX 75208. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Forth Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap, nonferrous metals*, from Dallas and Fort Worth, Tex., to points in Illinois, Missouri, and Tennessee, for 120 days. NOTE: Carrier does not intend to tack authority. Supporting shippers: Commercial Metal Co., 1729 North Westmoreland, Dallas, TX. Duggan Iron & Metal Corp., 3907 South Lamar Street, Dallas, TX. American Iron & Metal Corp., Post Office Box 1046, Dallas, TX. Liberty Steel Co., Post Office Box 20837, Dallas, TX 75220. Okon's Iron & Metal Co., 4801 South Lamar Street, Dallas, TX. Send protests to: District Supervisor E. K. Willis, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 133796 (Sub-No. 4 TA), filed November 20, 1970. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, PA 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fuel priming starting aids, penetrants, paint, protective coating, insecticides, and ice removers and corrosion inhibitors*, from Norristown, Pa., to Bell, Oakland, San Francisco and Stockton, Calif., Denver, Colo., Albany and Duluth, Ga., Chicago, Ill., New Orleans, La., Kansas City, Mo., Shelby, Ohio, Dallas and Fort Worth, Tex., and Auburn and Seattle, Wash., (2) *Paint, protective coatings, penetrants, and lubricants*, from Lansdale, Pa., to Bell, Oakland, San Francisco, and Stockton, Calif., Denver, Colo., Duluth, Ga., Chicago, Ill., New Orleans, La., Kansas City, Mo., Shelby, Ohio, Dallas and Fort Worth, Tex., and Auburn and Seattle, Wash., for 180 days. Supporting shipper: Allied Paint Manufacturing Co., Inc. 834 West Third Street, Lansdale, PA 19446. Strouse, Inc., Norristown, PA 19404. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 134213 (Sub-No. 4 TA), filed November 18, 1970. Applicant: SECURITIES TRANSPORT COMPANY, INC., Post Office Box 1331, 712 East Roosevelt, Phoenix, AZ 85006. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes, proofs, cuts, copy, artwork and materials related thereto, used in advertising, small parts used in the manufacture, replacement, and servicing of computer, calculator, typewriter, and photo reproduction equipment, bank checks, binders, checkbooks, drafts, cash letters, registers, and other bank stationery*, restricted to traffic having prior or subsequent out of State movement by air, between all points in Arizona, for 180 days. NOTE: Applicant states that shipment will be interlined at Phoenix or Tucson. Supporting shippers: Abbott Laboratories, Radio-Pharmaceutical Products Division, Abbott Park Building 8, North Chicago, IL 60064. Valley National Bank, Post Office Box 2934, Phoenix, AZ 85002. Olivetti Underwood Corp., 31 East Thomas Road, Post Office Box 7728, Phoenix, AZ 85011. Burroughs Corp., Post Office Box 13507, Phoenix, AZ 85002. Facit-Odhner, Inc., 895 Station Road, Burlingame, CA Amersham/Searle, 3120 Crow Canyon Road, San Ramon, CA 94583. Broadway Department Stores, Los Angeles, Calif. 90031. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, AZ 85025.

No. MC 135022R (Sub-No. 1 TA), filed November 18, 1970. Applicant: LAWRENCE C. ARTHUR, Box 601, Warsaw, VA 22572. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the plantsite of Koppers Co., Inc., near Newton, Va., and the plantsite of DeJarnette Lumber Corp., at or near Milford, Va., to Spring Grove, Pa.; *crossties*, from the plantsite of Koppers Co., Inc., at or near Newton, Va., to Newport, Del., for 150 days. Supporting shippers: Koppers Co., Inc., Philadelphia, Pa.; DeJarnette Lumber Corp. Milford, Va. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, VA 23240.

No. MC 135033 (Sub-No. 1 TA) (Correction), filed October 26, 1970, published FEDERAL REGISTER, issue November 4, 1970, and republished as corrected this issue. Applicant: SILVEY & COMPANY, South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. NOTE: The purpose of this partial republication is to reflect a new number assigned as MC 135033 Sub-No. 1 TA in lieu of MC 125951 Sub-No. 14 TA. The rest of publication remains as previously published.

No. MC 135066 (Sub-No. 1 TA), filed November 18, 1970. Applicant: SILVER CITY FROZEN FOODS, INC., 16500 West Glendale Drive, New Berlin, WI 53151. Applicant's representative: Victor L. Leben (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs and supplies*, from Milwaukee, Wis., to various Big Boy Restaurants in the Metropolitan Chicago, Ill., area; from Big Boy Commissary in La Grange, Ill., to Big Boy Commissary in Milwaukee, Wis., for 180 days. Supporting shipper: Bon Host Service Corp., 1201 North 35th Street, Milwaukee, WI (Gene Kilburg, Executive Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 135079 TA, filed November 18, 1970. Applicant: R. C. HOUSELEY, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Applicant's representative: Monty Schumacher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal or poultry, and ingredients*, from Chicago Heights, Ill., to points in Georgia, Alabama, Tennessee, Florida, and Mississippi, for 180 days. Supporting shipper: Dawe's Laboratories, Inc., 450 State Street, Chicago Heights, IL 60411. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, NW, Atlanta, GA 30309.

No. MC 135081 TA, filed November 18, 1970. Applicant: MODERN MOVING AND STORAGE, INC., 1706 Hillcrest Road, Post Office Box 673, Marshalltown, IA 50158. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Iowa and Nebraska, restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Four Winds Forwarding, Inc., 4600 Eisenhower Avenue, Alexandria, VA 22304; Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, WA 98109. Send protests to:

Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 667 Federal Building, Des Moines, IA 50309.

No. MC 135084 TA, filed November 19, 1970. Applicant: AIRPORT DELIVERY, INCORPORATED, 10060 Natural Bridge Road, No. 9 Highwood Lane, Belleville, IL 62223, St. Louis County, MO 63134. Applicant's representative: Robert Whitson, 4715 West Main Street, Belleville, IL 62223. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Luggage and baggage* of individuals, from St. Louis Municipal Airport, Mo., to points in Missouri and Illinois, and return, for 180 days. Supporting shippers: Frontier Airlines, Inc.; TWA Airlines; Pan American Air Lines; Allegheny Airlines; Delta Airlines, Inc.; Southern Airways, Inc.; Eastern Airlines; Ozark Airlines; Braniff Airways, Inc. All of St. Louis Municipal Airport, Missouri. Send protests to: District Supervisor J. P. Werthamnn, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 135085 TA, filed November 19, 1970. Applicant: BENTON BROTHER DRAYAGE AND STORAGE COMPANY, 4111 Montgomery Street, Savannah, GA 31405. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE. Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between points in Georgia, and points in Aiken, Allendale, Edgefield, Hampton, McCormick, Barnwell, Jasper, and Beaufort Counties, S.C. Restriction: The operations authorized herein are subject to the following conditions, said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protest to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135086 TA, filed November 19, 1970. Applicant: RUDONI, INC., 11936 Ravenna Road, Chardon, OH 44024. Applicant's representative: J. A. Kundtz, National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cleaning and buffing compounds, household cleaning aids, soaps, cosmetics and related advertising and packaging materials*, from Elk Grove Village, Ill., to points in the United States, including the District of Columbia, but excluding Alaska and Hawaii, under continuing contract or contracts with Bestline Products, Inc., for 180 days. Supporting shipper: Bestline Products, Inc., 1100 West Toughy Avenue, Elk Grove Village, IL. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Ninth Street, Cleveland, OH 44199.

No. MC 135092 (Sub-No. 1 TA), filed November 20, 1970. Applicant: LEON F. WANGENSTEIN, doing business as LYNWAY EQUIPMENT LEASING, 92 Main Street, Farmingdale, NJ 07227. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Men's and boys' outerwear*, from Corinth, Miss.; Waycross, Comer, and Rutledge, Ga.; and Dover, Pa., to Farmingdale, N.J.; *materials*, used in the manufacture of men's and boys' outerwear, from Farmingdale, N.J., and New York, N.Y., to Corinth, Miss.; Waycross, Comer, and Rutledge, Ga.; Dover, Pa.; Farmingdale, and Avenel, N.J., under contract with United Pioneer Corp., for 180 days. Supporting shipper: United Pioneer Corp., 10 West 33d Street, New York, NY 10001. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, NJ 08608.

No. MC 135093 TA, filed November 19, 1970. Applicant: HENRY J. ROHRSSEN, 1685 Fleetwood Drive, Elgin IL 60120. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and ale*, from Cleveland, Ohio, and South Bend, Ind., to Elgin, Ill., under a continuing contract with E. H. Schick Distributing Co., for 150 days. Supporting shipper: E. H. Schick Distributing Co., 165 South Grove Avenue, Elgin, IL 60120. Send protests to: William J. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135094 TA, filed November 19, 1970. Applicant: T. C. TRUCKING, INC., 75 Montclair Avenue, Newark, NJ 07104. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed advertising circulars*, from the plant of Mattia Press, Inc., Belleville, N.J., to Bristol, Danbury, Hartford, and Waterbury, Conn.; Bloomsburg, Coatsville, Danville, Milton, Shamokin, and Westchester, Pa.; Amityville, Binghamton, Hempstead, Hicksville, Mount Vernon, Newburgh, New York, and Poughkeepsie, N.Y., and Philadelphia, Pa., for 150 days. Supporting shipper: Mattia Press, Inc., 91 Terry Street at Cortlandt, Belleville, NJ 07109. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135095 TA, filed November 19, 1970. Applicant: SUDDATH OF SAVANNAH, INC., 5003 Liberty Parkway, Savannah, GA 31405. Applicant's representative: Monty Schumacher, Suite 310, Bakers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between points in Georgia, and Aiken, Allendale, Edgefield, Hampton, McCormick, Barnwell, Jasper, and Beaufort Counties, S.C. Restriction: The operations authorized herein are subject to the following conditions. Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West, Bay Street Jacksonville, FL 32202.

No. MC 135096 TA, filed November 19, 1970. Applicant: BENTON MOVING AND STORAGE COMPANY, 3740 Pampas Drive, Jacksonville, FL 32207. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and unaccompanied baggage and personal effects, between points in Baker, Bradford, Clay, Duval, Nassau, St. Johns, Union, Alachua, Columbia, Dixie, Gilchrist, Levy, Flagler, Marion, and Putnam Counties, Fla., and Charlton and Ware Counties, Ga. Restriction: The operations authorized herein are subject to the following conditions. Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commisison, Box 35008, 400 West Bay Street, Jacksonville, FL 32207.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-16003; Filed, Nov. 27, 1970; 8:49 a.m.]

[Notice 199]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests musts 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 2229 (Sub-No. 159 TA), filed November 19, 1970. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: David R. Barth, Post Office Box 47407, Dallas, TX 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading, serving from and to the plantsite of Industrial Generating Co. (Blundell Creek Steam Electric Station in Titus County, near Mount Pleasant, Tex.), as an off-route point in connection with carrier's presently authorized regular route operations between Dallas, Tex., and Texarkana, Tex., for 180 days. NOTE: Carrier intends to tack with its authority held in MC-2229 Sub 73. Supporting shipper: Industrial Generating Co., 1506 Commerce Street, Dallas, TX 75201. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 56640 (Sub-No. 26 TA), filed November 20, 1970. Applicant: DELTA LINES, INC., 8201 Edgewater Drive, Post Office Box 2081, 94606, Oakland, CA 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment. Regular routes: (1) between junction U.S. Highway 99 and California Highway 36 and Leavitt, Calif.: From junction U.S. Highway 99 and California Highway 36 over California Highway 36 to Johnstonville, thence over unnumbered highway to Leavitt, and return over the same route (also over California Highway 172 from junction California Highway 36 via Mill Creek to junction California Highway 36), serving all intermediate points; (2) Between junction California Highway 36 and unnumbered highway and California Highway 36; from junction California Highway 36 and unnumbered highway over highway via Westwood to junction California Highway 36, and return over the same route, serving all intermediate points. Alternate routes for operating convenience only: (1) Between junction U.S. Highway 99 and unnumbered highway and junction California Highway 70 and unnumbered highway; from junction U.S. Highway 99 and unnumbered highway over unnumbered highway via Pentz to junction California Highway 70 and unnumbered highway, and return over the same route;

(2) Between Pulga, Calif., and junction California Highway 89 and 36: from Pulga over California Highway 70 to junction California Highway 89, thence over California Highway 89 to junction California Highway 36, and return over the same route: (3) Between junction California Highway 89 and California Highway 147 and junction unnumbered highway and California Highway 36: from junction California Highway 147, over California Highway 147 to junction unnumbered highway, thence over unnumbered highway to junction California Highway 36 (also over unnumbered highway to junction unnumbered highway approximately 2 miles west of Westwood), and return over the same route: (4) Between Chico, Calif., and junction California Highway 32 and 36: from Chico over California Highway 32 to junction California Highway 36, and return over the same route, for 150 days. NOTE: Applicant states it intends to tack with its existing authority in MC 56640 and interline with other carriers on traffic going to points in this application. Interline would be at Red Bluff, Chico, and Sacramento, Calif. and other points. Supported by: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 102982 (Sub-No. 20 TA) (Correction), filed November 6, 1970, published FEDERAL REGISTER issue of November 17, 1970, and republished as corrected this issue. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Post Office Box 6064, Ellet Station, Akron, OH 44312. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and refractory products, and materials and supplies used in the installation thereof* (except commodities in bulk) from Carol Stream and Streator, Ill., and the commercial zones thereof, to points in North Carolina, for 150 days. Supporting shipper: Clow Corp., Streator Division, 300 South Gary Avenue, Carol Stream, IL. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199. NOTE: The purpose of this republication is to reflect the territorial description which was shown in error in previous publication, and republished as corrected this issue.

No. MC 114632 (Sub-No. 31 TA) (Correction), filed October 21, 1970. Published in the FEDERAL REGISTER, issue Novembre 17, 1970, and republished in part as corrected this issue. Applicant: APPLE LINES, INC., Post Office Box 507, 225 South Van Epps, Madison, SD 57024. Applicant's representative: Robert A. Appelwick (same address as above). NOTE: The purpose of this partial republication is to show applicant address as Madison, S. Dak., in lieu of Madison, Wis., as previously published in error. The rest of publication remains as previously published.

No. MC 119880 (Sub-No. 43 TA) (Amendment), filed October 13, 1970, published in the FEDERAL REGISTER issue of October 23, 1970, and republished as amended, this issue. Applicant: DRUM TRANSPORT, INC., Post Office Box 205, 616 Chicago Street, East Peoria, IL 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyridine, mixed picolines, 2-vinyl pyridine*, in overseas tank containers, from Indianapolis, Ind., to Elizabeth, N.J., for 180 days. NOTE: The purpose of this republication is to reflect a change in the commodity description to omit the words "in bulk, in tank vehicles", and substitute therefor "in overseas tank containers". Supporting shipper: Reilly Tar & Chemical Corp. 11 South Meridian Street, Indianapolis, IN 46204. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 124796 (Sub-No. 76 TA) (Correction), filed November 6, 1970, published FEDERAL REGISTER issue of November 17, 1970, and republished as corrected this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., Post Office Box 1257, 15045 East Salt Lake Avenue, City of Industry, CA 91747. Applicant's representative: William J. Monheim (same address as above). Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, and washing compounds; solvents; sponges; starch; lubricating oils; carbon, gum and sludge removing compounds, and advertising materials, and racks* moving with the described commodities for the account of Morton-Norwich Products, Inc., (1) from Piscataway, N.J., to points in and west of the States of Michigan, Ohio, Kentucky, Arkansas, and Louisiana, and (2) from Medina, Ohio to points in and west of the States of Michigan, Indiana, Kentucky, Arkansas, and Louisiana, for 150 days. Supporting shipper: Texize, Inc. (Affiliate of Morton-Norwich Products, Inc.), Post Office Box 368, Greenville, SC 29602. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012. NOTE: The purpose of this republication is to correct the commodity description and add (2) above to the territorial scope of the application, inadvertently omitted in the previous publication.

No. MC 135080 TA, filed November 18, 1970. Applicant: BEARLIEU TRANSPORT LIMITEE, 10272 Des Hetres Boulevard, Shawinigan, PQ Canada. Applicant's representative: Adrien R. Paquette, 200 Rue St-Jacques, Suite 1010, Montreal 126, PQ Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from ports of entry on the international boundary line, between the United States and Canada, located in New York, Minnesota, and Michigan to points in New York, Michigan, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Les Industries Dauphin Ltee, Grand'Mere, PQ Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

MOTOR CARRIER OF PASSENGERS

No. MC 108378 (Sub-No. 7 TA), filed November 16, 1970. Applicant: SUN VALLEY BUS LINES, INC., 600 East Jefferson Street, Phoenix, AZ 85004. Applicant's representative: Harold L. Jerman, 1004 Security Center, 222 North Central Avenue, Phoenix, AZ 85004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers; (1) between Parker, Ariz., and Needles, Calif., from Parker over Arizona Highway 95 to junction U.S. Highway 66 thence over U.S. Highway 66 to Needles, and return over the same route, serving all intermediate points; and (2) applicant also proposes to conduct charter operations, over irregular routes, beginning and ending at points on the above routes, and extending to points in the United States, for 180 days. NOTE: Applicant proposes to tack new service route between junctures of existing authority. Supporting shippers: Lake Havasu Irrigation and Drainage District, Drawer 704, Lake Havasu City, AZ 86403; McCulloch Properties, Inc., Post Office Box 608, Lake Havasu City, AZ 86403; Lake Havasu City Chamber of Commerce, Lake Havasu City, AZ 86403; Central Business Owner's Association, Lake Havasu City, AZ 86403. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, AZ 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-16004; Filed, Nov. 27, 1970; 8:49 a.m.]

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