

FEDERAL REGISTER

VOLUME 35 • NUMBER 170

Tuesday, September 1, 1970 • Washington, D.C.

Pages 13815-13869

Agencies in this issue—

The President
Agriculture Department
Civil Aeronautics Board
Commerce Department
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Maritime Commission
Federal Register Administrative
Committee
Fish and Wildlife Service
Food and Drug Administration
Government National Mortgage
Association
Hazardous Materials Regulations
Board
Health, Education, and Welfare
Department
Immigration and Naturalization
Service
Interior Department
Interstate Commerce Commission
Labor Department
Land Management Bureau
National Park Service
Post Office Department
Securities and Exchange Commission
State Department
Wage and Hour Division

Detailed list of Contents appears inside.



Now Available

LIST OF CFR SECTIONS AFFECTED

1949-1963

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

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

Price: \$6.75

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

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



(49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

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

Contents

THE PRESIDENT

PROCLAMATION

- Fiftieth anniversary of Woman
Suffrage 13819

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See also Consumer and Marketing
Service.

Rules and Regulations

- Contract work; deletion 13822

CIVIL AERONAUTICS BOARD

Rules and Regulations

- Delegation of authority to Direc-
tor, Bureau of Operating Rights,
to grant exemptions to air taxi
operators to use large aircraft,
subject to conditions 13822

Notices

- Golden Eagle Aviation, Inc.; order
to show cause regarding estab-
lishment of service mail rate... 13849

COMMERCE DEPARTMENT

Notices

- Business and Defense Services Ad-
ministration; functions 13853

CONSUMER AND MARKETING SERVICE

Rules and Regulations

- Grapefruit juice, frozen concen-
trated; standards for grades... 13822
Lemons grown in California and
Arizona; handling limitation... 13825
Milk handling in certain market-
ing areas; orders amending
orders:
Paducah, Ky 13826
Rio Grande Valley 13826

Proposed Rule Making

- Milk handling in upper Florida,
Tampa Bay, and southeastern
Florida marketing areas; hear-
ing 13843

CUSTOMS BUREAU

Proposed Rule Making

- Security of cargo in unloading
areas; permit to unladen; ex-
tension of time 13843

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

- Control area and jet route; altera-
tion 13822

Proposed Rule Making

- Transition area; alteration 13843

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:

- Central Gulf Steamship Corp.
and General Maritime Corp. 13856
Foss Alaska Line, Inc., and
States Steamship Co. 13856
Midland Pacific Shipping Co. 13856

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

- CFR checklist 13821

FISH AND WILDLIFE SERVICE

Rules and Regulations

- Hunting on certain national wild-
life refuges (17 documents) ... 13838-
13842

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

- Drugs containing neomycin sul-
fate and radiopaque agents;
confirmation of order deleting
provisions for certification... 13831
Food additives; octyltin stabilizers
in vinyl chloride plastics 13831
Pesticide chemical tolerances:
Endosulfan 13830
2 - Ethylamino - 4 - isopropyla-
mino-6-methylthio-s-triazine... 13830

Notices

- Diamond Crystal Salt Co.; food
additive petition 13853
5,6-Dichloro-1-phenoxycarbonyl-
2-trifluoromethyl-benzimidaz-
ole; reextension of temporary
tolerance 13853
Drugs for human or veterinary
use; efficacy study implemen-
tation:
Captodiamine hydrochloride... 13853
Carisoprodol alone and in com-
bination with phenacetin and
caffeine with or without co-
caine phosphate 13854
Sodium sulfamethazine 13854
Tranlycypromine sulfate 13855

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Notices

- Government National Mortgage
Association Advisory Board; es-
tablishment 13856

HAZARDOUS MATERIALS REGULATIONS BOARD

Rules and Regulations

- Transportation of hazardous ma-
terials:
Dimethyl ether in cargo tanks... 13837
Miscellaneous amendments... 13834

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Adminis-
tration.

Notices

- Regional Director; statement of
organization and functions;
correction 13855

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Government National Mort-
gage Association.

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

- Miscellaneous amendments to
chapter 13828

INTERIOR DEPARTMENT

See also Fish and Wildlife Serv-
ice; Land Management Bureau;
National Park Service.

Notices

- Otis B. Hoeker; report of appoint-
ment and statement of financial
interests 13852

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

- Car service:
Chicago and North Western
Railway Co. authorized to op-
erate over tracks of Burling-
ton Northern, Inc. 13838
Distribution of refrigerator
cars 13837

Proposed Rule Making

- Railroad companies; uniform sys-
tem of accounts 13844

Notices

- Fourth section applications for re-
lief 13862
Household Goods Carriers' Bu-
reau; petition for modification
of regulations 13862
Motor carriers:
Temporary authority applica-
tions (2 documents) ... 13863, 13867
Transfer proceedings 13869

JUSTICE DEPARTMENT

See Immigration and Naturaliza-
tion Service.

LABOR DEPARTMENT

See also Wage and Hour Division.

Notices

- Wood & Brooks Co.; certification
of eligibility of workers to apply
for adjustment assistance... 13859

(Continued on next page)

LAND MANAGEMENT BUREAU**Rules and Regulations**

Alaska; public land order; withdrawal of public land..... 13821

Notices

Colorado; proposed withdrawal and reservation of lands..... 13849

Oregon; classifications of public lands:

Disposal by exchange..... 13850

Multiple use management..... 13850

NATIONAL PARK SERVICE**Notices**

National Register of Historic Places; additions, deletions, or corrections 13851

POST OFFICE DEPARTMENT**Rules and Regulations**

Air carriers; conditions of service for air transport of intra-Alaska mail 13831

SECURITIES AND EXCHANGE COMMISSION**Notices***Hearings, etc.:*

Penn Mutual Life Insurance Co. et al..... 13857

Union Electric Co..... 13858

STATE DEPARTMENT**Notices**

Culturally significant objects; temporary exhibition in United States 13849

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See Customs Bureau.

WAGE AND HOUR DIVISION**Notices**

Certificates authorizing employment of full-time students working outside of school hours at special minimum wages in retail or service establishments or in agriculture..... 13860

List of CFR Parts Affected

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

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

3 CFR**PROCLAMATION:**

3998..... 13819

7 CFR

10..... 13822

52..... 13822

910..... 13825

1099..... 13826

1138..... 13826

PROPOSED RULES:

1006..... 13843

1012..... 13843

1013..... 13843

8 CFR

103..... 13828

204..... 13828

214..... 13829

223..... 13829

238..... 13829

245..... 13829

247..... 13829

299..... 13829

341..... 13829

14 CFR

71..... 13822

385..... 13822

PROPOSED RULES:

71..... 13843

19 CFR**PROPOSED RULES:**

4..... 13843

19..... 13843

111..... 13843

21 CFR

120 (2 documents)..... 13830

121..... 13831

1481..... 13831

39 CFR

531..... 13831

43 CFR**PUBLIC LAND ORDERS:**

4582 (modified by PLO 4884)..... 13821

4884..... 13821

49 CFR

170..... 13834

171..... 13834

172 (2 documents)..... 13834, 13837

173 (2 documents)..... 13834, 13837

174..... 13834

175..... 13834

176..... 13834

177..... 13834

178..... 13834

179..... 13834

1033 (2 documents)..... 13837, 13838

PROPOSED RULES:

1201..... 13844

50 CFR

32 (17 documents)..... 13838-13842

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3998

FIFTIETH ANNIVERSARY OF WOMAN SUFFRAGE

By the President of the United States of America

A Proclamation

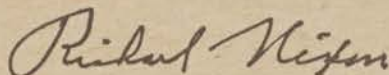
Fifty years ago today, Bainbridge Colby, Secretary of State of the United States, certified that the 19th Amendment had become valid as a part of the Constitution.

It is hard for any of us living in 1970 to imagine a time when women did not vote. Yet for more than seventy-five years, American women faced adversity, ridicule and derision on every level of our society as they sought this precious right. Brave and courageous women, knowing their cause was just, drawing strength and inspiration from one another through generations, fought long and hard for Woman Suffrage. Their victory was a victory for civil rights in America and it marked the beginning of a proud, new chapter in our nation's history.

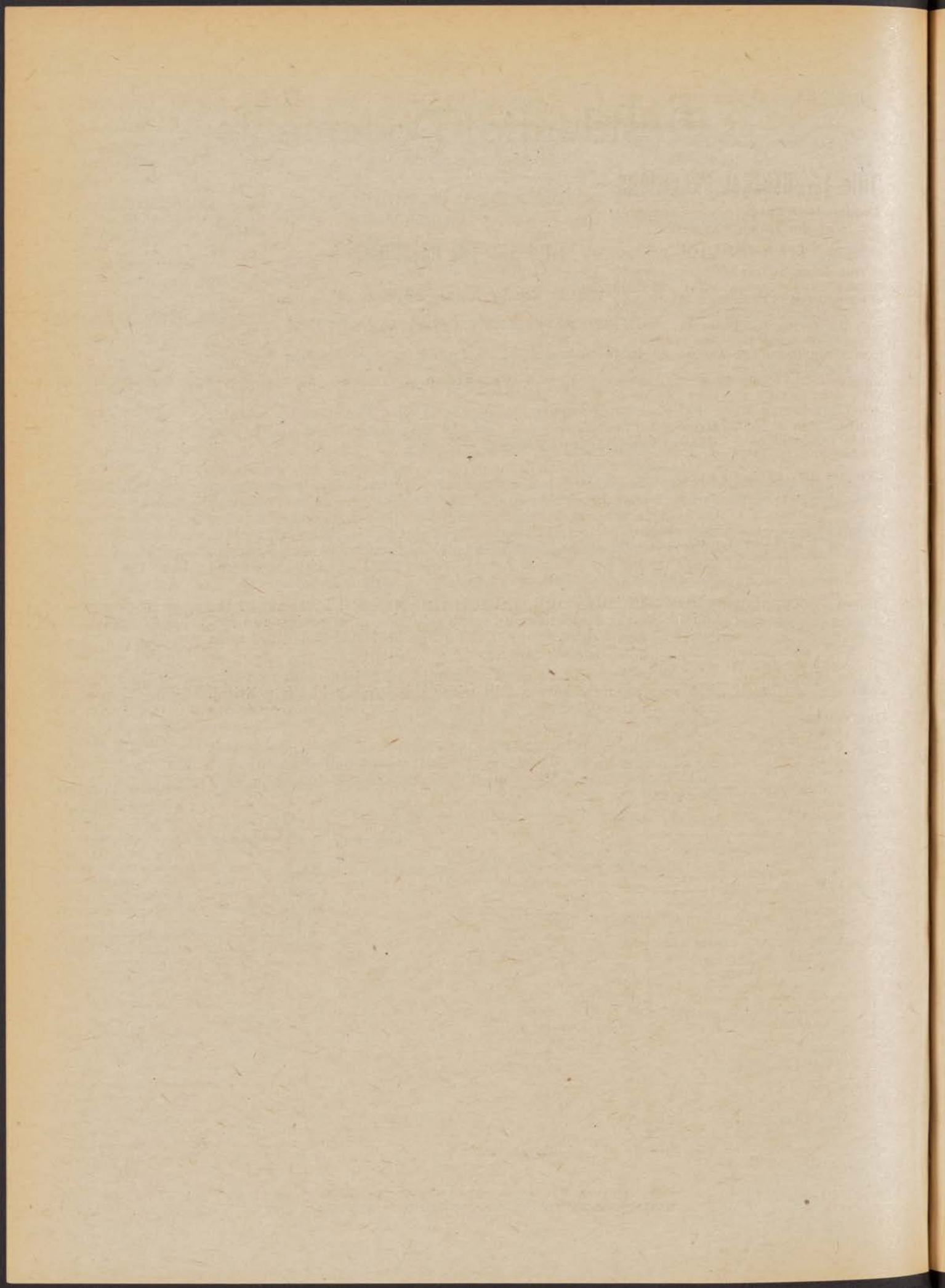
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America do hereby call upon all Americans to recognize the great debt we owe to those who dedicated their life's work to the cause of Woman Suffrage.

While we herald their great accomplishment, let us also recognize that women surely have a still wider role to play in the political, economic and social life of our country. And, in respect for American women, let all of us work to bring this about.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of August, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fifth.



[F.R. Doc. 70-11584; Filed, Aug. 28, 1970; 4:09 p.m.]



Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes of the Code of Federal Regulations. The rate for subscription service to all revised volumes issued as of January 1, 1970, is \$175 domestic, \$50 additional for foreign mailing. The subscription price for revised volumes to be issued as of January 1, 1971, will be \$175 domestic, \$45 additional for foreign mailing.

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

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

Title	Price
1	\$1.00
2-3	1.75
3	1936-1938 Compilation 6.00
	1938-1943 Compilation 9.00
	1943-1948 Compilation 7.00
	1949-1953 Compilation 7.00
	1954-1958 Compilation 4.00
	1959-1963 Compilation 6.00
	1964-1965 Compilation 3.75
	1966 Compilation 1.00
	1967 Compilation 1.00
	1968 Compilation .75
	1969 Compilation 1.00
4	.50
5	1.50
6	[Reserved]
7	Parts:
	0-45 2.75
	46-51 1.75
	52 3.00
	53-209 3.00
	210-699 2.50
	700-749 2.00
	750-899 1.50
	900-944 1.75
	945-980 1.00
	981-999 1.00
	1000-1029 1.50
	1030-1059 1.25
	1060-1089 1.25
	1090-1119 1.25
	1120-1199 1.50
	1200-1499 2.00
	1500-end 1.50
8	1.00
9	2.00
10	1.75
11	[Reserved]
12	Parts:
	1-299 2.00
	300-end 2.00
13	1.25
14	Parts:
	1-59 2.75
	60-199 2.50
	200-end 3.00
15	1.75

Title	Price	Title	Price
16	Parts:	42	1.75
	0-149 3.00	43	Parts:
	150-end 2.00		1-999 1.50
17	2.75		1000-end 3.00
18	Parts:	44	.45
	1-149 2.00	45	4.00
	150-end 2.00	46	Parts:
19	2.50		1-65 2.75
20	3.75		66-145 2.75
21	Parts:		146-149 3.75
	1-119 1.75		150-199 2.50
	120-129 1.75		200-end 3.00
	130-146e 2.75	47	Parts:
	147-end 1.50		0-19 1.75
22	1.75		20-69 2.00
23	.35		70-79 1.75
24	2.50		80-end 2.75
25	1.75	48	[Reserved]
26	Parts:	49	Parts:
	1 (§§ 1.0-1-1.300) 3.00		1-199 3.75
	1 (§§ 1.301-1.400) 1.00		200-999 1.50
	1 (§§ 1.401-1.500) 1.50		1000-1199 1.25
	1 (§§ 1.501-1.640) 1.25		1200-1299 3.00
	1 (§§ 1.641-1.850) 1.50		1300-end 1.00
	1 (§§ 1.851-1.1200) 2.00	50	1.25
	1 (§ 1.1201-end) 3.25		General Index 1.50
	2-29 1.25		List of Sections Affected, 1949-1963 (Compilation) 6.75
	30-39 1.25		
	40-169 2.50		
	170-299 3.50		
	300-499 1.50		
	500-599 1.75		
	600-end .65		
27	.45		
28	.75		
29	Parts:		
	0-499 1.50		
	500-899 3.00		
	900-end 1.25		
30	1.50		
31	1.75		
32	Parts:		
	1-8 3.25		
	9-39 2.00		
	40-399 2.75		
	400-589 2.00		
	590-699 .75		
	700-799 3.50		
	800-1199 2.00		
	1200-1599 1.50		
	1600-end 1.00		
32A	1.25		
33	Parts:		
	1-199 2.50		
	200-end 1.75		
34	[Reserved]		
35	1.75		
36	1.25		
37	.70		
38	3.50		
39	3.50		
40	[Reserved]		
41	Chapters:		
	1 2.75		
	2-4 1.00		
	5-5D 1.25		
	6-17 3.25		
	18 3.25		
	19-100 .75		
	101-end 1.75		

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4884]

[Anchorage 5691]

ALASKA

Modification of Public Land Order No. 4582 and Withdrawal of Public Land

By virtue of the authority vested in the President by the Act of June 25, 1910, 36 Stat. 847, as amended, 43 U.S.C. section 141 (1964), and by the Act of March 12, 1914, 38 Stat. 305, as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, and reserved for use by the Alaska Railroad, Department of Transportation, as a storage yard terminal:

VALDEZ, ALASKA

Beginning at the intersection of the centerline of McKinley Street and Alaska Avenue in the Valdez Townsite, thence N. 28°33' W., 2,027.64 feet along the centerline of McKinley Street to the true point of beginning at a point where the centerline of McKinley Street intersects the boundary

of Valdez Townsite at Corner No. 1 from which the witness corner to Corner No. 1 bears N. 61°30', 50 feet marked by a 4-inch alderwood post 4 feet high, thence N. 28°33' W., 548.01 feet to a point at Corner No. 2 where the extended centerline of McKinley Street intersects the centerline of Glacier Road (also known as Airport Road) from which the witness corner to Corner No. 2 bears S. 77°23' E., approximately 71 feet marked by an alderwood post 4 inches in diameter and 4 feet high, thence N. 53°48' E., 3,899.7 feet along the centerline of Glacier Road to a point at Corner No. 3, thence S. 36°11' E., 50 feet to the witness corner to Corner No. 3 marked by a 4-inch alderwood post 4 feet high, thence S. 36°11' E., 1,069.1 feet to a point at Corner No. 4, the same being Corner No. 2 of the U.S. Survey No. 439, thence S. 61°30' W., 3,987.68 feet to the point of beginning. (Lots 2 and 3 of U.S. Survey No. 3682 included in the above.)

Located adjacent to the northerly boundary of old Valdez Townsite, U.S. Survey No. 439, containing approximately 50 acres.

2. The lands described in paragraph 1 of this order are hereby removed from the terms and provisions of Public Land Order 4582 of January 17, 1969, which withdrew all unreserved public lands in Alaska for the determination and protection of the rights of native Aleuts, Eskimos, and Indians of Alaska.

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 25, 1970.

[F.R. Doc. 70-11471; Filed, Aug. 31, 1970;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Dockets Nos. 70-WA-1, 70-AL-6]

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

Alteration of Control Area and Jet Route

On January 31, 1970, Airspace Docket No. 70-WA-1 (F.R. Doc. 70-3), Compilation of Regulations, was published in the FEDERAL REGISTER. On July 22, 1970, Airspace Docket No. 70-AL-6 (35 F.R. 11683) (F.R. Doc. 70-9375) was published in the FEDERAL REGISTER. In both documents the geographic coordinates of the Umiat, Alaska, RBN were shown as lat. 69°22'25" N., long. 152°08'00" W. The Umiat RBN coordinates should be lat. 69°23'15" N., long. 152°11'10" W. Also, in Airspace Docket No. 70-AL-6 (35 F.R. 11683) the coordinates of the Deadhorse, Alaska, RBN were shown as lat. 70°11'51" N., long. 148°27'47" W. The Deadhorse RBN coordinates should be lat. 70°11'49" N., long. 148°27'53" W. Corrective action is taken herein.

Since these amendments are minor and editorial in nature and no substantive change in the regulation is effected, no-

tice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. 70-3 is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 71.163 (35 F.R. 2046, 11683) is amended as follows:

1. In Bettles/Umiat, Alaska, the phrase "(lat. 69°22'25" N., long. 152°08'00" W.)" is deleted and the phrase "(lat. 69°23'15" N., long. 152°11'10" W.)" is substituted therefor.

2. In Umiat/Point Barrow, Alaska, the phrase "(lat. 69°22'25" N., long. 152°08'00" W.)" is deleted and the phrase "(lat. 69°23'15" N., long. 152°11'10" W.)" is substituted therefor.

3. Umiat/Deadhorse, Alaska, is amended to read as follows:

From the Umiat, Alaska RBN (lat. 69°23'15" N., long. 152°11'10" W.) to Deadhorse, Alaska, RBN (lat. 70°11'49" N., long. 148°27'53" W.)

(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 August 24, 1970.

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

[F.R. Doc. 70-11478; Filed, Aug. 31, 1970;
8:46 a.m.]

Chapter II—Civil Aeronautics Board SUBCHAPTER E—ORGANIZATION REGULATIONS [Reg. OR-48; Amdt. 16]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation of Authority to Director, Bureau of Operating Rights, To Grant Exemptions to Air Taxi Operators To Use Large Aircraft, Subject to Conditions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of August 1970.

This amendment delegates to the Director, Bureau of Operating Rights, authority to approve applications of air taxi operators for exemptions from section 401 of the Act and Part 298 of the economic regulations to use aircraft over 12,500 pounds certificated takeoff weight in accordance with established Board precedents.

Since the delegation of authority to a staff member is not a substantive rule, but a rule of agency organization and procedure, notice and public procedure hereon are not required and the rule may be made effective immediately.

Accordingly, the Board hereby amends § 385.13 (14 CFR § 385.13), effective August 27, 1970, by adding paragraph (z) to read:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(z) Approve applications of air taxi operators for exemptions from section 401 of the Act and Part 298 of the Board's economic regulations to the extent necessary to enable them to utilize aircraft over 12,500 pounds and not exceeding 25,000 pounds gross certificated takeoff weight in air transportation when the following additional conditions are met: (1) The maximum passenger capacity is 12; (2) the aircraft will be used only for payload charters; and (3) no objections to such application have been filed.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11519; Filed, Aug. 31, 1970;
8:49 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 10—CONTRACT WORK

Deletion

Part 10—Contract Work is deleted in its entirety from Subtitle A, Title 7. This subject is adequately covered in Title 41, Chapter 4.

Done at Washington, D.C., this 27th day of August 1970.

JOSEPH M. ROBERTSON,
Assistant Secretary
for Administration.

[F.R. Doc. 70-11534; Filed, Aug. 31, 1970;
8:51 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Frozen Concentrated Grapefruit Juice¹

On June 13, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 9285) regarding a proposed revision of the U.S. Standards for Grades of Frozen Concentrated Grapefruit Juice. These revised grade standards would be issued under authority of the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service. Interested persons were allowed until July 12, 1970, to submit written comments in connection with the proposal.

Statement of consideration leading to the revised standards. Following the proposal of June 13, 1970 to revise the U.S. Standards for Grades of Frozen Concentrated Grapefruit Juice, letters of comment were received from two sources only: The Florida Cannery Association, representing most of the citrus processing industry in Florida; and Sunkist Growers, representing a sizeable proportion of the processed citrus production in the Southwestern States.

Both respondents voiced general approval of the Department's proposed revision. Both, however, expressed concern that the proposed wording might be construed to mean that any mixture of white and pink or red juice, however slight, would be cause for degrading the factor of color, regardless of the actual color of the resulting mixtures.

The principal purpose of the Department's proposal was: (1) To eliminate a restriction on the use of the juice from the pink or red varieties of grapefruit in preparing this product; and (2) to adopt the same color requirements in each grade as are in effect for all single strength grapefruit juices—including that produced from grapefruit concentrate. These color requirements are given in terms originally suggested by both responding industry groups.

The color requirements do not specify the color of the juice (or juices) of which the resultant product is composed, but they provide guidelines for color evaluation in the final product. These terms and guidelines are well understood throughout the citrus industry. They have been included in all USDA grade standards for single strength grapefruit juices since December 7, 1968.

In consideration of the foregoing and after careful consideration of the comments received concerning the proposed revision of the standards, it is concluded that the inclusion of the modifying words regarding color (suggested by the respondents) would tend to lower the color requirements for frozen concentrated grapefruit juice as compared to the current requirements for processed single strength grapefruit juices under the U.S. grade standards. Such a step would not be in keeping with the request from industry which prompted the proposed revision nor the basic objective of the Department—to maintain higher quality in the upper grades.

Several minor clarifying changes are made. One such change improves the format and presentation of the tabular material in § 52.1229, as previously published. It does not change the intent or meaning of the proposal.

After consideration of all relevant matters presented by interested persons, revised U.S. Standard for Grades of Frozen Concentrated Grapefruit Juice as proposed on June 13, 1970 (35 F.R. 9285) are hereby adopted, subject only to the following changes:

(1) The table included in paragraph (a) of § 52.1229 is revised.

(2) The table included in paragraph (b) of § 52.1229 is revised.

(3) In § 52.1230, paragraph (e), Method, under (1) Reagents a footnote, referring to the "AOAC" should be added.

(4) In § 52.1230(e), under Method (3) Determination, (i), delete words "juice or" in the parenthetical phrase "(juice or reconstituted juice)".

Effective date. The revised standards shall become effective 30 days after publication hereof in the FEDERAL REGISTER and will thereupon supersede the U.S. Standards for Grades of Frozen Concentrated Grapefruit Juice which have been in effect since September 21, 1968 (7 CFR 52.1221-52.1232).

(Secs. 202-208, 60 Stat. 1087, as amended, 7 U.S.C. 1621-1627)

Dated: August 26, 1970.

G. R. GRANGE,
Acting Administrator.

The revised standards are as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.	
52.1221	Product description.
52.1222	Styles.
52.1223	Grades.

FILL OF CONTAINER

52.1224	Recommended fill of container.
---------	--------------------------------

FACTORS OF QUALITY

52.1225	Ascertaining the grade.
52.1226	Ascertaining the rating for the factors which are scored.
52.1227	Color.
52.1228	Defects.
52.1229	Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.1230	Explanations and methods of analysis.
---------	---------------------------------------

LOT COMPLIANCE

52.1231	Ascertaining the grade of a lot.
---------	----------------------------------

SCORE SHEET

52.1232	Score sheet for frozen concentrated grapefruit juice.
---------	---

AUTHORITY: Sections 52.1221 to 52.1232 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1221 Product description.

Frozen concentrated grapefruit juice is the product obtained from the unfermented juice of sound, mature grapefruit (*Citrus paradisi*). The fruit is prepared by sorting and by washing to assure a clean and wholesome product. Upon extraction of such juice, it is concentrated and single-strength grapefruit juice may be admixed to the concentrate. The concentrated grapefruit juice is packed in accordance with good

commercial practice and is frozen and maintained at temperatures necessary for its preservation.

§ 52.1222 Styles.

(a) *Unsweetened.* The Brix value of the finished concentrate is not less than 38 degrees nor more than 42 degrees.

(b) *Sweetened.* The Brix value of the finished, sweetened, concentrate is not less than 38 degrees nor more than 48 degrees. Frozen concentrated grapefruit juice of this style contains not less than 3.47 pounds of soluble grapefruit solids per gallon.

§ 52.1223 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh grapefruit juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated grapefruit juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.1224 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of frozen concentrated grapefruit juice as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1225 Ascertaining the grade of a sample unit.

In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(a) *Factors not rated by score points.*

(1) Faculty of reconstituting properly.

(2) Appearance of fresh juice.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color -----	40
Defects -----	20
Flavor -----	40
Total score-----	100

§ 52.1226 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "18 to 20 points" means 18, 19, or 20 points.)

§ 52.1227 Color.

(a) (A) *Classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good color may be given a score of 36 to 40 points. "Very good color" means a color that is bright and typical of freshly extracted grapefruit juice. It may be either:

(1) Pale yellow to very slightly amber, typical of the juice of properly ripened white fleshed grapefruit, or

(2) Slightly red, typical of the juice of red or deep pink fleshed grapefruit.

(b) (B) *Classification.* If the reconstituted juice possesses a "good color" a score of 32 to 35 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Good color" means a color that is typical of freshly extracted grapefruit juice but which may be slightly dull, or slightly brown as caused by scorching, oxidation, or caramelization. This color may be characteristic of the juice from red or pink grapefruit of advanced maturity, or of mixtures of the juice from white and colored varieties.

(c) (SStd) *Classification.* If the reconstituted juice fails to meet the requirements of U.S. Grade B for the factor of color, a score of 0 to 31 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1228 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from juice cells and pulp and from seeds or portions thereof, dark specks, and other defects in the reconstituted juice.

(b) (A) *Classification.* Frozen concentrated grapefruit juice of which the reconstituted juice is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not materially detract from the appearance or drinking quality of the juice;

(2) Not more than 10 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of one-eighth inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of one-eighth inch in diameter as do not materially detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not more than slightly objectionable.

(c) (B) *Classification.* If the reconstituted juice is reasonably free from defects a score of 16 to 17 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not seriously detract from the appearance or drinking quality of the juice;

(2) Not more than 10 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of one-eighth inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of one-eighth inch in diameter as do not seriously detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not materially objectionable.

(d) (SStd.) *Classifications.* Frozen concentrated grapefruit juice that fails to meet the requirements of U.S. Grade B for the factor of defects may be given a score 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1229 Flavor.

(a) (A) *Classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of freshly extracted grapefruit juice with not more than a trace of bitterness. To score in this classification frozen concentrated grapefruit juice shall meet the following analytical requirements:

ANALYTICAL REQUIREMENTS—U.S. GRADE A

	Unsweetened style	Sweetened style
<i>Ratio—Brix Value to Acid</i>		
Minimum.....	9:1	10:1
Maximum.....	14:1	13:1
<i>Recoverable oil—Percent by volume (Reconstituted juice)</i>		
Minimum.....	0.008	0.008
Maximum.....	0.020	0.020

(b) (B) *Classification.* If the reconstituted juice possesses a good flavor a

score of 32 to 35 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Good Flavor" means that the flavor is fairly typical of freshly extracted grapefruit juice and is free from abnormal flavors and off flavors of any kind. To score in this classification frozen concentrated grapefruit juice shall meet the following analytical requirements:

ANALYTICAL REQUIREMENTS—U.S. GRADE B

	Unsweetened style	Sweetened style
<i>Ratio—Brix Value to Acid</i>		
Minimum.....	7:1	8:1
Maximum.....	16:1	13:1
<i>Recoverable oil—Percent volume (Reconstituted juice)</i>		
Maximum.....	0.020	0.020

(c) (SStd.) *Classification.* If the frozen concentrated grapefruit juice fails to meet the requirements of U.S. Grade B for the factor of flavor a score of 0 to 31 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.1230 Definitions of terms as used in these standards, and methods of analysis.

(a) *Reconstituted juice.* "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated grapefruit juice.

(b) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68° Fahrenheit in a clear glass cylinder (approximately 1¼ inches in diameter), there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

(c) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(d) *Brix value.* "Brix value" is the refractometric sucrose value determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Analytical Chemists" and to which the applicable correction for acid is added:

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE¹

Citric acid, anhydrous (percent by weight):	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39
2.2	.43
2.4	.47
2.6	.51
2.8	.54
3.0	.58
3.2	.62
3.4	.66
3.6	.70
3.8	.74
4.0	.78
4.2	.81
4.4	.85
4.6	.89
4.8	.93
5.0	.97

¹SOURCE: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, p. 447, Aug. 15, 1939.

(e) Recoverable oil. "Recoverable Oil" is determined by the following method:

METHOD

(1) Reagents.
Standard bromide-bromate solution—prepare and standardized to 0.099N in accordance with Chapter 42, Standard Solutions in the current edition of the AOAC.² For use, add 1 volume of standard solution to 3 volumes of water to make 0.0247N solution. 1 ml. of 0.0247N solutions supplies bromine to react with 0.00085g., or 0.0010 ml., of d-limonene. The solutions are stable for 6 months.
2-Propanol-Regent grade ACS (American Chemical Society).

Dilute hydrochloric acid—prepared by adding 1 volume of concentrated acid to 2 volumes of water.

Methyl orange indicator—0.1 percent in water.

(2) Apparatus.

Electric heater—with recessed refractory top, 500–750 watts.

Still, all glass—500 ml. distillation flask with 24/40 standard taper neck; 200-mm. Graham condenser with 28/15 receiving socket and drip tip; connecting bulb and adaptor as in figure 1.³

Burette—10 ml. or 25 ml.; graduated to 0.1 ml., with easily controllable flow to permit both rapid and dropwise titration.

(3) Determination.

(i) Pipette 25 ml. of well-mixed sample (reconstituted juice) into the distillation flask containing carborundum chips or glass beads, and add 25 ml. of 2-Propanol.

(ii) Distill into a 150 ml. beaker. Continue distilling until solvent ceases to reflux then remove the flask from the heater.

(iii) Add 10 ml. of dilute hydrochloric acid and 1 drop of indicator. (An alternative method would be to prepare a solution containing 5 ml. of indicator and 1,000 ml. of

dilute hydrochloric acid—then add 10 ml. of this acid-indicator mix to the 150 ml. beaker.)

(iv) Titrate with the dilute bromate solution while stirring. The major portion of the titrant may be added rapidly, but the endpoint must be approached at about 1 drop per second. Disappearance of color indicates the endpoint.

(v) Determine the reagent blank by titrating three separate mixtures of 25 ml. 2-Propanol and 10 ml. of dilute hydrochloric acid with indicator—without refilling the burette. Divide the total milliliter of titrant used by 3 to obtain the average blank. Subtract the average blank thus obtained from the milliliter of titrant used to titrate the distillate.

(vi) Multiply the remainder by 0.004 to obtain the percent recoverable oil by volume in the juice sample.

(f) Free and suspended pulp. "Free and suspended pulp" means particles of membrane, core, peel, and other similar extraneous material that settle out on centrifuging by the following method:

(1) Skim floating fruit cells and pulp from the sample of reconstituted juice, and

(2) Fill graduated centrifuge tubes, of a capacity of 50 ml., with the skimmed reconstituted grapefruit juice and place in a suitable centrifuge. Adjust the speed according to diameter, as indicated in table II, and centrifuge for exactly 10 minutes. As used herein, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE II

Diameter:	Approximate revolutions per Minute
10 inches	1,609
10½ inches	1,570
11 inches	1,534
11½ inches	1,500
12 inches	1,468
12½ inches	1,438
13 inches	1,410
13½ inches	1,384
14 inches	1,359
14½ inches	1,336
15 inches	1,313
15½ inches	1,292
16 inches	1,271
16½ inches	1,252
17 inches	1,234
17½ inches	1,216
18 inches	1,199
18½ inches	1,182
19 inches	1,167
19½ inches	1,152
20 inches	1,137

LOT COMPLIANCE

§ 52.1231 Ascertaining the grade of a lot.

The grade of a lot of frozen concentrated grapefruit juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.1232 Score sheet for frozen concentrated grapefruit juice.

Factors	Score points
Size and kind of container	.....
Container mark or identification	.....
Label	.....
Liquid measure (fluid ounces)	.....
Brix value of concentrate (corrected for acid)	.....
Anhydrous citric acid (percent by weight)	.....
Brix value to acid ratio (-:1)	.....
Recoverable oil (percent by volume)	.....
Free and suspended pulp (percent)	.....
Reconstitutes properly (Yes) (No)	.....
Appearance of fresh juice (Yes) (No)	.....
Color	40
Defects	20
Flavor	40
Total score	100
Grade	.....

¹ Indicates limiting rule.

[F.R. Doc. 70-11533; Filed, Aug. 31, 1970; 8:51 a.m.]

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

[Lemon Reg. 441, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.741

² "AOAC" refers to the Official Methods of Analysis published by the Association of Official Analytical (formerly Agricultural) Chemists. Copies may be obtained from this Association at Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

³ Filed as part of the original document.

(Lemon Reg. 441, 35 F.R. 13449) are hereby amended to read as follows:

§ 910.741 Lemon Regulation 441.

- (b) Order. (1) * * *
(ii) District 2: 246,000 cartons.

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

Dated: August 27, 1970.

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

[F.R. Doc. 70-11483; Filed, Aug. 31, 1970; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 99; Docket No. AO-183-A25]

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of

industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued August 7, 1970, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 19, 1970. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Revise § 1099.8(b) by adding at the end thereof the following:

§ 1099.8 Pool plant.

(b) * * * *And provided further,* That in the case of a supply plant operated by a cooperative association which supplies to other pool plants at least two-thirds of the producer milk of its producer members (including both the milk delivered directly from the farms of member producers and that delivered from the plant of the association) delivered to all plants during the current month or during the immediately preceding 12-month period, the milk which such association causes to be delivered to the

pool plants of other handlers in its capacity as a handler pursuant to § 1099.10 (e), shall be considered as having been received first at the plant of such cooperative association for the purpose of qualifying such plant as a pool plant pursuant to this paragraph.

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

Effective date: September 1, 1970.
Signed at Washington, D.C., on August 27, 1970.

RICHARD E. LYG, Jr.,
Assistant Secretary.

[F.R. Doc. 70-11537; Filed, Aug. 31, 1970; 8:51 a.m.]

[Milk Order 138; Docket No. AO-335-A16]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of

such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1138.88.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1138.44 *Transfers.*

(d) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to the remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

§ 1138.46 [Amended]

2. Section 1138.46 *Allocation of skim milk and butterfat classified* is amended as follows:

a. Paragraph (a)(1) is revised as follows:

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) Subtract from the total pounds of skim milk in Class II the pounds of skim

milk classified as Class II pursuant to § 1138.41(b)(7);

b. Paragraph (a)(3)(iv) is revised as follows:

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

c. In paragraph (a)(4) subdivision (i) and the introductory text of subdivision (ii) are revised as follows:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

d. Paragraph (a)(6) is revised to read as follows:

(6) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph.

e. Paragraph (a)(7)(i) is revised as follows:

(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), and (4)(i) or (ii) of this paragraph;

§ 1138.61 [Amended]

3. Section 1138.61 *Plants subject to other Federal orders* is amended as follows: Paragraph (d)(2) is revised to read:

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this marketing area at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

§ 1138.62 [Amended]

4. Section 1138.62 *Obligations of handler operating a partially regulated distributing plant* is amended as follows:

a. Paragraph (a)(1)(i) is revised as follows:

(i) The obligation that would have been computed pursuant to § 1138.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or an other order plant and transfers from such nonpool plant to a pool plant or an other order plant

shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. No obligation shall apply to Class I milk transferred to a pool plant or to an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants where such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1138.70(e) and a credit in the amount specified in § 1138.84(b)(2) with respect to receipts from an unregulated supply plant (except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price) unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

b. Paragraph (b)(2) and (5) are revised as follows:

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

§ 1138.70 [Amended]

5. Section 1138.70 *Computation of the net pool obligation of each handler* is amended as follows: Paragraph (e) is revised as follows:

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(7) and the corresponding step of § 1138.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and

is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

6. Section 1138.88 is revised as follows:

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 5 cents per hundred-weight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1138.46 (a) (2) (i), (3), and (7) and the corresponding steps of § 1138.46(b), except other source milk on which no handler obligation applies pursuant to § 1138.70 (e) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1138.62 (b) (2): *Provided*, That if such handler elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

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

Effective date: October 1, 1970.

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

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-11538; Filed, Aug. 31, 1970;
8:51 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

The thirty-second fee of subparagraph (1) of paragraph (b) of § 103.7 is amended and a new fee is added between the thirty-second and thirty-third fees to read as follows:

§ 103.7 Fees.

(b) *Amounts of fees*—(1) *Nonstatutory fees.* * * *

For filing application for certificate of citizenship on Form N-600 under section 309(c) or section 341 of the Act..... \$10.00

For filing application for certificate of citizenship on Form N-400 by a parent, and the issuance thereof, under section 341 of the Act..... 10.00

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

§ 204.1 [Amended]

1. Paragraph (c) of § 204.1 is amended to read as follows:

(c) *Member of the professions or an alien of exceptional ability in the sciences or arts.* A petition to classify the status of an alien under section 203(a) (3) of the Act shall be filed on Form I-140 by such alien or by any person on his behalf. A separate Form I-140 executed under oath or affirmation and accompanied by Form MA 7-50A and a fee of \$25 must be submitted for each beneficiary before the petition may be accepted by the Service and considered properly filed. However, if the alien is a member of a profession for which the Secretary of Labor requires a job offer, Form I-140 must be accompanied by Forms MA 7-50 A and B to which the certification under section 212(a) (14) of the Act has been affixed by the Secretary of Labor or his designated representative, before the petition may be accepted by the Service and considered properly filed. The petition shall be filed in the office of the Service having jurisdiction over the place in the United States where the alien intends to reside. An alien abroad who desires to submit a petition in his own behalf must execute the oath or affirmation on the petition before a Service or consular officer abroad. That officer will furnish the address of the Service office in the United States to which the alien should send the petition. Determinations concerning labor certifications will be made in accordance with paragraph (d) (2) of this section. The beneficiary and the petitioner may be required, as a matter of discretion, to appear in person before an immigration or consular officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying the petition for lack of a certification by the Secretary of Labor pursuant to section 212(a) (14) of the Act.

2. The third sentence of subparagraph (1) *Filing petition* of paragraph (d) *Petitions under section 203(a) (6) of the Act* of § 204.1 *Petition* is amended to read as follows: "Before it may be accepted and considered properly filed, the

petition must be accompanied by executed Forms MA 7-50 A and B to which the certification under section 212(a) (14) of the Act has been affixed by the Secretary of Labor or his designated representative, except that Form MA 7-50B and such certification shall be omitted if the beneficiary is qualified for and will be engaged in an occupation currently listed in Schedule A or in Schedule C—Precertification List (29 CFR Part 60), when the latter list has not been suspended by the Secretary of Labor, or the beneficiary is qualified as a member of a profession for which the Secretary of Labor does not require a job offer or has exceptional ability in the sciences or arts and will be engaged therein."

3. The fourth and fifth sentences of subparagraph (2) *Certification under section 212(a) (14) of paragraph (d) Petitions under section 203(a) (6) of the Act* of § 204.1 *Petition* are amended to read as follows: "In the case of a beneficiary who the district director finds is a member of a profession for which the Secretary of Labor does not require a job offer or a person with exceptional ability in the sciences or arts, but who is not included in Schedule A (29 CFR Part 60), the district director will refer Form MA 7-50A to the appropriate Regional Manpower Administrator for a determination as to whether an individual labor certification will be issued. In the case of any other alien, his employer or prospective employer may apply for certification under section 212(a) (14) of the Act by submitting properly executed Forms MA 7-50A and MA 7-50B, together with the documentary evidence required by the instructions for completion of the forms, to the local office of the State Employment Service serving the area of intended employment."

§ 204.2 [Amended]

4. The first and second sentences of subparagraph (1) *General* of paragraph (e) *Evidence of professional status or of exceptional ability in sciences or arts* of § 204.2 *Documents* are amended to read as follows: "A petition seeking to classify an alien as a member of a profession for which the Secretary of Labor does not require a job offer or as an alien with exceptional ability in the sciences or arts within the meaning of section 203(a) (3) of the Act must be submitted to the Service with Form MA 7-50A properly executed in accordance with the instructions for completion of that form and accompanied by the evidence of the beneficiary's qualifications specified in those instructions. A petition seeking to classify an alien as a member of a profession for which the Secretary of Labor does not require a job offer must be submitted to the Service with the documents described in the preceding sentence and Form MA 7-50B bearing an individual Department of Labor certification."

5. The first sentence of paragraph (f) *Evidence required to accompany petition for skilled or unskilled labor* of § 204.2 *Documents* is amended to read as follows: "Forms MA 7-50A or Forms MA 7-50 A and B, as specified in § 204.1 (d), properly

executed in accordance with the instructions for completion of those forms and accompanied by the documentary evidence specified in the instructions attached to the visa petition, shall be submitted with each visa petition on Form I-140 to accord an alien classification under section 203(a) (6) of the Act."

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The second sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding "Ponce, P.R." to read as follows: "Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Niagara Falls, N.Y.; Rouses Point, N.Y.; Boston, Mass.; New York, N.Y.; Norfolk, Va.; Baltimore, Md.; Philadelphia, Pa.; Washington, D.C.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; Great Falls, Mont.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Ponce, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam."

PART 223—REENTRY PERMITS

§ 223.1 [Amended]

The fifth sentence of § 223.1 *Application* is amended to read as follows: "A reentry permit applicant who is a lawful permanent resident alien, but who has an occupational status which would if he were seeking admission to the United States entitle him to a non-immigrant status under section 101(a) (15) (A), (E), or (G), of the Act, may be issued a reentry permit only if he executes and submits with his application, or has previously executed and submitted, the written waiver on Form I-508 required by section 247(b) of the Act and Part 247 of this chapter, and, if applicable, Form I-508F (election as to tax exemption under the Convention between the United States and the French Republic) required by Part 247 of this chapter."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines of paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Aerovias Quisqueyana."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.2 [Amended]

The first and second sentences of subparagraph (1) *Alien whose occupation is included in Schedule A or C—Preferential List, 29 CFR Part 60, or who is a member of the professions or has exceptional ability in the sciences or arts* of paragraph (b) *Application by non-preference alien seeking adjustment of status for purpose of engaging in gainful employment* of § 245.2 *Application* are amended to read as follows: "An applicant for adjustment of status as a non-preference alien under section 245 of the Act must submit Forms MA 7-50A with his application, if he is qualified for and will be engaged in an occupation currently listed in Schedule A or C—Preferential List, 29 CFR Part 60, or if he is a member of a profession for which the Secretary of Labor does not require a job offer or has exceptional ability in the sciences or the arts. The Forms MA 7-50A must be executed in accordance with the instructions for completion of that form, and must be accompanied by the evidence of the applicant's qualifications specified in the instructions attached to the application for adjustment of status."

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

§ 247.11 [Amended]

1. The first sentence of § 247.11 *Notice* is amended to read as follows: "If it appears to a district director that an alien residing in his district, who was lawfully admitted for permanent residence, has an occupational status described in section 247 of the Act, he shall cause a notice on Form I-509 to be served on such alien informing him that it is proposed to adjust his status, unless the alien requests that he be permitted to retain his status as a resident alien and executes and files with such district director a Form I-508 (Waiver of Rights, Privileges, Exemptions and Immunities) and, if a French national receiving salary from the French Republic, Form I-508F (election as to tax exemption under the Convention between the United States and the French Republic), within 10 days from receipt of the notice, or the alien, within such 10-day period, files with the district director a written answer under oath setting forth reasons why his status should not be adjusted."

§ 247.12 [Amended]

2. The first sentence of paragraph (a) *Allegations admitted or no answer filed* of § 247.12 *Disposition of case* is amended to read as follows: "If the waiver Form I-508 and, if applicable, Form I-508F is not filed by the alien within the time prescribed, and the answer admits the allegations in the notice, or no answer is filed, the district director shall place a notation on the notice describing the alien's adjusted

nonimmigrant status and shall cause a set of Forms I-94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted and no appeal shall lie from such decision."

3. The seventh and ninth sentences of paragraph (b) *Answer filed; personal appearance* of § 247.12 *Disposition of case* is amended to read as follows: "If the decision of the district director is that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I-508 and, if applicable, Form I-508F, the alien's immigrant status be adjusted to that of a nonimmigrant. * * * If the alien does not request that he be permitted to retain status and file the Form I-508 and, if applicable, Form I-508F within the period provided therefor, the district director, without further notice to the alien, shall cause a set of Forms I-94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted."

4. Section 247.13 is amended to read as follows:

§ 247.13 Disposition of Form I-508.

If Form I-508 is executed and filed, the duplicate copy thereof (noted to show the election made on Form I-508F, if applicable) shall be filed in the office of the Assistant Commissioner, Administrative Division, and may be made available for inspection by any interested officer or agency of the United States.

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 *Prescribed forms* is amended by deleting Form ES-575 and reference thereto and by adding the following forms and references thereto in alphabetical and numerical sequence:

§ 299.1 Prescribed forms.

Form No.	Title and description
I-508F --	Waiver of Rights, Privileges, Exemptions, and Immunities (under section 247(b) of the Act and under the Convention between the United States of America and the French Republic with respect to Taxes on Income and Property).
MA 7-50-	Application for Alien Employment Certification. (Part I—Statement of Qualifications of Aliens (MA 7-50A)). (Part II—Job Offer for Alien Employment (MA 7-50B)).

PART 341—CERTIFICATES OF CITIZENSHIP

Section 341.1 is amended to read as follows:

§ 341.1 Application.

(a) *Form N-600*. An application for a certificate of citizenship by or in behalf of a person who claims to have acquired United States citizenship under section 309(c) or to have acquired or derived U.S. citizenship as specified in section 341 of the Act shall be submitted on Form N-600 in accordance with the instructions thereon, accompanied by a fee of \$10. The application shall be supported by documentary and other evidence essential to establish the claimed citizenship, such as birth, marriage, death, and divorce certificates.

(b) *Form N-400*. An applicant for naturalization who believes that, upon naturalization, his children under 16 years of age will derive U.S. citizenship under section 320 or under section 321 of the Act, may make application for a certificate of citizenship on behalf of any such children in advance of naturalization. The application shall be made on Form N-400, Application to File Petition for Naturalization, at the same time that the parent files his application for naturalization, by completing therein the item relating to a certificate of citizenship and submitting therewith a fee of \$10 for each certificate of citizenship applied for, and supporting documentary and other evidence, such as birth, marriage, death, and divorce certificates, essential to establish that citizenship will be derived as claimed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendments to §§ 204.1 (c), (d) (1), (2), 204.2 (e) (1), (f), 245.2 (b) (1), and 299.1 are editorial in nature; the amendments to §§ 223.1, 247.11, 247.12 (a), 247.12 (b), and 247.13 implement the Convention between the United States and the French Republic with respect to taxes on income and properly effective August 11, 1968; the amendment to § 214.2(c) (1) adds a port of entry; the amendment to § 238.3(b) adds a transportation line; and the amendments to §§ 103.7(b) (1) and 341.1, confer benefits upon persons affected thereby.

Dated: August 25, 1970.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 70-11481; Filed, Aug. 31, 1970;
8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Endosulfan

A petition (PP 0F0929) was filed with the Food and Drug Administration by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide) in or on the raw agricultural commodities cottonseed at 1 part per million and safflower seed at 0.2 part per million (negligible residue).

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order are safe and will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.182 is amended by revising the paragraphs "1 part per million * * *" and "0.2 part per million (negligible residues) * * *" to read as follows:

§ 120.182 Endosulfan; tolerances for residues.

* * * * *

1 part per million in or on alfalfa hay and cottonseed.

* * * * *

0.2 part per million (negligible residue) in or on potatoes and safflower seed.

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

tions may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: August 21, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11516; Filed, Aug. 31, 1970;
8:49 a.m.]

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

2-Ethylamino-4-Isopropylamino-6-Methylthio-5-Triazine

A petition (PP 0F0903) was filed with the Food and Drug Administration by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide 2-ethylamino-4-isopropylamino-6-methylthio-5-triazine in or on the raw agricultural commodities corn fodder and forage at 0.5 part per million and corn grain (kernels plus cob with husk removed) at 0.25 part per million.

Subsequently, the petitioner amended the petition by proposing a tolerance of 0.25 part per million for such residues in or on fresh corn including sweet corn (kernels plus cob with husk removed).

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

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The proposed usage is not reasonably expected to result in residues in meat, milk, poultry, and eggs and is in the category specified in § 120.6(a) (3).

2. The tolerances established by this order will protect the public health.

3. The established tolerance of 0.25 part per million in or on bananas, pineapples, pineapple fodder and forage, potatoes, sugarcane, and sugarcane fodder and forage is not a negligible residue and the words "negligible residue" should be deleted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.258 is revised to read as follows:

§ 120.258 2-Ethylamino-4-isopropylamino-6-methylthio-5-triazine; tolerances for residues.

Tolerances are established for residues of the desiccant and herbicide 2-ethylamino-4-isopropylamino-6-methylthio-5-triazine in or on raw agricultural commodities as follows:

0.5 part per million in or on corn fodder and forage.

0.25 part per million in or on bananas, corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), pineapples, pineapple fodder and forage, potatoes, sugarcane, and sugarcane fodder and forage.

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

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

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

Dated: August 19, 1970.

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

[F.R. Doc. 70-11517; Filed, Aug. 31, 1970;
8:49 a.m.]

PART 121—FOOD ADDITIVES

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

OCTYL TIN STABILIZERS IN VINYL CHLORIDE PLASTICS

In response to requests, the Commissioner of Food and Drugs concludes that § 121.2602 should be amended to clarify the identity of the iso-octyl radical of the di(*n*-octyl) tin *S,S'*-bis(isooctylmercaptoacetate) stabilizer. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701 (a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 371(a), 348) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2602(a)(1) is revised to read as follows:

§ 121.2602 Octyltin stabilizers in vinyl chloride plastics.

(a) * * *

(1) Di(*n*-octyl) tin *S,S'*-bis(isooctylmercaptoacetate) is an octyltin chemical having 15.1 to 16.4 percent by weight of tin (Sn) and having 8.1 to 8.9 percent by weight of mercapto sulfur. It is made

from di(*n*-octyl) tin dichloride having an organotin composition that is not less than 95 percent by weight di(*n*-octyl) tin dichloride, not more than 5 percent by weight total of *n*-octyltin trichloride and/or tri(*n*-octyl)tin chloride, not more than 0.2 percent by weight total of other eight (8) carbon isomeric alkyltin derivatives, and not more than 0.1 percent by weight total higher and lower homologous alkyltin derivatives. The iso-octyl radical is derived from oxo-process iso-octyl alcohol.

Notice of public procedure and delayed effective date are unnecessary prerequisites to this promulgation since the amendment merely clarifies an existing regulation.

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

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785 et seq.; 21 U.S.C. 371(a), 348)

Dated: August 21, 1970.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 70-11518; Filed, Aug. 31, 1970;
8:49 a.m.]

**SUBCHAPTER C—DRUGS
[DESI 11072]**

PART 148i—NEOMYCIN SULFATE

Confirmation of Order Deleting Provisions for Certification of Drugs Containing Neomycin Sulfate and Radiopaque Agents

An order was published in the FEDERAL REGISTER of July 1, 1970 (35 F.R. 10656), amending the antibiotic drug regulations to repeal provisions for certification of preparations containing neomycin sulfate solution with a radiopaque agent. The order revoked § 148i.35 and all antibiotic certificates issued thereunder.

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), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective August 10, 1970.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: August 12, 1970.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[F.R. Doc. 70-11513; Filed, Aug. 31, 1970;
8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 531—AIR CARRIERS

Appendix—Conditions of Service for Air Transport of Intra-Alaska Mail

On July 24, 1970, the Postmaster General filed a Petition for Issuance of an Order to Show Cause with the Civil Aeronautics Board in Docket 27238, Service Mail Rates for Intra-Alaska Routes, giving notice that on September 19, 1970, the Post Office Department, subject to the requirements of the Federal Aviation Act, would commence tendering mail on Intra-Alaska Routes in accordance with regulations attached to the Petition. As the time for the affected air carriers to answer the Petition has now passed, and no answers objecting to the change have been filed, it is now appropriate to give notice of the change in service.

Since the proceedings before the CAB give affected carriers opportunity to participate in the rule making and the effective date is established in those proceedings, notice of proposed rule making and publication in the FEDERAL REGISTER 30 days in advance of the effective date is impracticable and unnecessary.

Accordingly, the following regulations are adopted effective September 19, 1970, as an appendix to Part 531, of Title 39, Code of Federal Regulations.

APPENDIX

CONDITIONS OF SERVICE FOR AIR TRANSPORT OF INTRA-ALASKA MAIL

NOTE: For the purposes of this appendix a "mainline segment" is one over which air service is scheduled not less than five times a week, and a "bush segment" is one over which air service is scheduled less frequently than five times a week.

I—INTRA-ALASKA PRIORITY MAIL SERVICE

A. APPLICABILITY

The rules and regulations set forth herein apply only to air carriers engaged in the transportation of mail between points in Alaska under authority granted in their Intra-Alaska certificates as issued by the Civil Aeronautics Board.

B. DEFINITION OF INTRA-ALASKA PRIORITY MAIL SERVICE

Airmail and first class mail are defined as priority mail and the rules and regulations governing the handling and transportation of this combined class of mail will be identical to that accorded domestic airmail (see Postal Manual, Part 531) with the exceptions as contained herein. Mail to be included under the Intra-Alaska Priority Mail definition include:

1. U.S. Airmail.
2. All mail paid at first class rates, including business reply mail.
3. All official U.S. Government mail endorsed "Air Mail" or "First Class."

In addition to the above categories of mail, all mail moving over segments not designated by CAB order as "Mainline" routes will be transported as priority mail.

C. AIR CARRIERS' RESPONSIBILITIES

1. For transporting mail. Air carriers are required to transport and transfer mail as

ordered on dispatch documents and related coding on sack and parcel labels.

2. *For giving priority.* Air carriers are required to give the following priority to mail:

a. From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for transportation of mail.

b. The normal mail load for each mainline segment trip is determined, at the option of the air carrier, for each day of the week on (1) basis of the mail tendered to that trip on the same day of the week for the 5 previous weeks or (2) basis of the weight of mail tendered to the trip on Tuesday, Wednesday, Thursday, and Friday of the preceding week. When a holiday occurs on one of those days, substitute the same day of the second previous week. In either method of computing the average, exclude mail tendered under abnormal conditions. When an air carrier elects to use one of the two methods it must continue to use the selected method on Form 2760, Air Carrier's Reply—Refusal/Removal of Airmail.

c. For bush routes, the normal mail load for each trip is based on the load capacity of the type aircraft used and the average space available for mail on the five previous mail carrying trips with the same model aircraft. Form 2760, Air Carrier's Reply—Refusal/Removal of Airmail, will reflect the revenue load capacity of the aircraft and the number of passengers, and weight of baggage, mail and freight carried.

d. No part of the mail load, either local boarding or through mail, will be displaced to accommodate local boarding passengers or when a trip requires additional fuel.

e. Mail in excess of normal mail load must be given priority over all other traffic except confirmed revenue passengers and their baggage.

f. In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representatives, mail must be given preference over all other cargo.

g. When it is not possible for the air carrier to move all available mail over a bush route because of unusual heavy mailings or peak volumes, the priority of movement is defined in this order, airmail, first class, newspapers, special handling, perishable parcels and then bulk mail. Subsequent or special trips of a carrier will continue this priority of movement until the backlogged volume is transported.

3. *For protecting mail.* a. Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. In transporting mail between point of exchange with the postal unit and aircraft ramp positions, carriers must provide adequate and suitable vehicles that will (1) prevent mail from being lost or dropped en route and (2) protect mail from depredation and weather. Take every precaution to protect mail from fire. Mail handlers must be identified by badges or distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

b. When an air carrier discovers a sack or parcel damaged so that loss or depredation could result, the air carrier will turn in the piece to the first possible postal unit for re-sacking and redispach. Form 2713-B, Alaskan Airmail Transfer and Exception Record, must accompany the damaged piece to the postal unit.

4. *For cooperating with Postal Inspectors.* All employees of air carriers engaged in transportation of mail are required to cooperate with and assist Postal Inspectors in performing their duties.

5. *For providing quarters—*a. *At air stops.* When requested to do so by the Department,

air carriers must furnish adequate and suitable quarters at air stops as necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Department.

b. *Location of quarters.* Quarters must be located to provide expeditious handling of mail to and from planes and conveniently accessible to mail-carrying vehicles.

c. *Requests for changes in quarters.* Requests by air carriers or officials of the postal service for changes in existing quarters or establishment of new quarters must be made through the Director, Logistics Division, Seattle Region.

6. *For obtaining routing from postal unit—*a. *Interrupted transportation.* Any carrier in possession of mail on which he does not have proper routing knowledge will immediately request the necessary information from the nearest local postal unit.

b. *Overload situations.* When all available mail cannot be transported on an intended flight, the air carrier with the overload situation must promptly inform postal personnel at the air stop postal unit and obtain instructions concerning priority to be given in loading mail that can be accommodated. Anticipate potential overload situations as much in advance of flight time as possible. Off-loading of mail already on board in order to carry mail for destinations of greater postal advantage will not be required if this would entail unreasonable delay in departure of the flight.

7. *For preparing and submitting schedules—*a. *Preparation.* Air carriers shall prepare schedules as follows:

(1) Arrange schedules north to south and east to west, with flights listed in chronological order left to right.

(2) Show on related schedules for each route all restrictions on the transportation of mail.

b. *Submission.* (1) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(2) Copies of changes to existing schedules must be filed with the Director, Logistics Division, Post Office Department, Post Office Box 9000, Seattle, Wash. 98109, not less than 10 days prior to effective date. In the case of major schedule changes, carriers are requested to give not less than 20 days notice in order that the Department may have sufficient time to process the schedule changes. The date of filing will be the date of receipt by the Director, Logistics Division, Seattle Region.

D. FLIGHT OPERATIONS

1. *Scheduled operations—*a. *Maintaining schedules.* Air carriers will operate designated flights as shown in filed schedules except where prevented from doing so by weather or other causes beyond their control.

b. *Off schedule operations.* In the event of an operation other than as shown by published schedules, the carrier will be responsible for notifying all on-line postal units as soon as possible, except that advice need not be given of delays of less than 30 minutes.

2. *Originating sections, resumed flights and delayed operations.* Delayed scheduled trips may operate with available mail from the initial terminal or intermediate points. When a scheduled trip has been canceled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route.

3. *Omissions of service.* If a scheduled stop will not be made by a trip, the air carrier must immediately notify the local postal representative. If service is to be suspended for one week or more, the air carrier must immediately notify the Director, Logistics Division, Post Office Department, Post Office

Box 9000, Seattle, Wash. 98109, and the Postal Service Officer, Post Office Box 6450, Anchorage, Alaska 99502. The same offices must be notified when service is to be resumed.

4. *Emergency trips and extra sections.* Emergency trips and extra sections operated by the air carrier may be used for the transportation of mail. It may be placed on the plane at an unscheduled stop when offered for dispatch by the local postal representative, except that mail will not be accepted if the air carrier is not authorized to serve that point.

E. HANDLING OF PRIORITY MAIL

1. *Delivery to air carrier—*a. *Authorized location.* Mail for outgoing trips shall be delivered to the air carrier at the time and place authorized by the Director, Logistics Division, Seattle Region.

b. *Dispatch lists required.* In Intra-Alaska Priority Mail Service, Form 2713-A, Alaskan Airmail Dispatch Record, is used to dispatch intrastate priority mail. At nonpost office points on Alaskan routes where it has not been possible to arrange for preparation of Form 2713-A, the air carrier shall prepare Form 2713-A at the postal unit where the mail is turned in and make claim for service in the usual manner.

2. *Direct transfer between planes—*a. *Carrier responsibility.* Carriers must make transfers according to service ordered by the dispatching postal unit and as shown on sack labels. To facilitate transfers, carriers are responsible for concluding mutually agreeable local arrangements regarding point of exchange between carriers. These local arrangements are subject to approval by the Director, Logistics Division, Seattle Region, to assure that they are adequate for postal needs. In addition, carriers shall comply with the following:

(1) *Arriving (delivering) carriers.* (a) All transfers are based on normal operations and, under normal conditions, should be made as authorized.

(b) When late, the arriving carrier shall ascertain whether the intended connection can be made. If the connection cannot be made, the arriving carrier will obtain new routing instructions from the local postal personnel.

(2) *Departing (receiving) carriers.* (a) A departing carrier, due to receive transfer mail from an incoming carrier, shall inform his ramp personnel of any delays in scheduled departure so that scheduled transfers may be maintained when the minimum transfer time is available regardless of arrival time of the incoming trip.

(b) The receiving carrier must accept mail tendered by transfer up to the actual departure time of the intended flight, for loading when possible, or for further disposition, unless the mail is not properly coded on the sack label or is not routed for delivery or transfer at a point on its routes.

(c) After acceptance of transferred mail, if the trip of the receiving carrier to which the mail was routed (a) is delayed more than 1 hour, (b) is canceled, or, (c) for any reason cannot provide the ordered service, the receiving carrier shall obtain new routing instructions from the local postal representative.

b. *Failure to transfer.* Postal personnel shall prepare Form 2759, Report of Irregular Handling of Mail, to report failures to transfer mail to intended connections. All pertinent facts relating to actual arrival and departure times of trips involved must be shown. If the prescribed connection time was available and responsibility for failure to connect the mail cannot be conclusively established, fines may be assessed against both carriers for failure to cooperate in providing proper service.

3. *Delivery to postal representative.* Upon arrival of the plane at the air stop point, air carrier representatives must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum unloading time may be specified by the Director, Logistics Division, Seattle Region.

4. *Disposition of mail—canceled or irregular flights.* a. When a flight is to be canceled at the initial terminal or at any point en route the air carrier must promptly notify the nearest local postal unit. (Dispatch forms covering mail not explained must be voided if no mail is dispatched.) Carrier will continue to notify appropriate postal representative when mail is not moved within 24 hours or on next scheduled flight.

b. Disposition of mail will be in accordance with instructions of the local postal unit. If unable to obtain instructions, the air carrier will reroute the mail on the basis of the best available information. The air carrier must observe current procedures in preparing necessary forms to accomplish any rerouting and to provide for the accounting adjustments required.

c. When irregular operations occur, dispatch priority mail to best advantage. If two carrier routing has advantage over holding for a single carrier, use the two carrier dispatch.

5. *Refusals and removals of mail.* Refusals and removals of mail by air carrier (except as provided in I.C. 2.) may result in fines.

F. REPORTS

1. *Refusal or removal report.* When an air carrier cannot accommodate all mail offered for a trip or when mail already on board is removed, the carrier must submit, within 5 days, Form 2760, Air Carrier's Reply—Refusal/Removal of Airmail, in duplicate, to the Director, Logistics Division, Seattle Region. The report must give complete reason for the refusal or removal.

2. *Irregularly handled mail report.* Form 2713-B properly completed and endorsed by the air carrier, must be used to record any mail not handled by the air carriers concerned in accordance with the routing as originally planned. An irregular handling is termed as an off-loading short of or beyond the scheduled destination, and the mail is forwarded via another carrier or turned in to the postal unit for redispach, removals en route, refusals after mail is accepted by the air carrier, and transfers to an air carrier other than as ordered in dispatch forms.

3. *Accident report.* Air carriers must make an immediate telegraph or telephone report of any accident resulting in possible damage to or loss of mail. The report must be made in accordance with instructions issued by the Director, Logistics Division, Seattle Region. Mail should not be disturbed, except to prevent further damage. It must be guarded until the arrival of a postal official and only removed with concurrence of FAA or NTSB official.

4. *Bomb aboard situations.* Postal units must immediately report bomb situations to the local postal inspector, Inspector in Charge, and postal service officer; make delayed mail report, and complete Forms 2713-B when necessary.

G. SUBMISSION OF CLAIMS

1. *Forms used.* Air carriers operating within Alaska shall use the following forms, as required by the Bureau of Operations; Form 2703, Carrier's Claim for Airmail Transportation; Form 2713-A, Alaskan Airmail Dispatch Record; and Form 2713-B, Alaskan Airmail Transfer and Exception Record.

2. *Preparation of bills.* Air carriers operating within Alaska will submit air transportation bills and necessary supporting documents for this service to the Director, Logistics Division, Seattle Region, for ad-

ministrative examination and forwarding to the Dallas Postal Data Center for issuing settlement check. Intra-Alaskan carriers are as follows:

- AS Alaska Airlines, Inc., Intra-Alaska Routes 124 and 124-F.
- KD Kodiak Airways, Inc., Route 141.
- RV Reeve Aleutian Airways, Inc., Route 127.
- WA Western Airlines, Inc., Routes 139 and 142.
- WK Western Alaska Airlines, Inc., Route 143.
- WC Wien Consolidated Airlines, Inc., Routes 126 and 126-F.

H. IRREGULARITIES, DEDUCTIONS, AND FINES

1. *Irregularities.* Irregular handling of mail by air carrier personnel shall be promptly reported on Form 2759, Report of Irregular Handling of Mail, by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2713-B, from the air carrier. Following is a classification and description of priority mail irregularities:

a. *Carry-by.* When a pouch is transported past its destination on a trip, classify as a carry-by. This includes mail transported past an intraline or interline connection or ultimate point to which schemed. An overcarry on interchange trip for mail destined for the interchange point, or connection mail due off at the interchange point, will be charged to arriving air carrier.

b. *Failed to load.* Generally refers to mail received from the local postal unit and involves only a few pouches. Failures to load mail are (1) failure of an air carrier to pick up all mail from the postal unit, or (2) inadvertently failing to board all mail picked up from the postal unit on the trip of dispatch.

c. *Failure to unload.* Aircraft which lay over, or are sent to hangar for service or repairs, should be thoroughly checked to insure that all mail on board is removed.

d. *Loaded in error.* When an air carrier receives and boards mail dispatched to another carrier or receives mail for two or more trips at one time and boards some of it on a trip other than trip of dispatch. When preparing Form 2759 for loaded in error, the postal employee will, before distributing copies of the form, request verification of the classification from a representative of the airline responsible for handling mail. The coding shown on the related pouch label should be reproduced on Form 2759.

e. *Removed in error.* When mail is off-loaded short of destination.

f. *Failure to transfer.* Involves mail not transferred between flights of the same air carrier or between flights of two air carriers. When a receiving carrier fails to complete a transfer by not boarding an intraline or interline pouch, this should be charged as a failure to transfer not as a failure to load. The actual arrival time of the trip and actual departure time of the connecting flight must be shown on Form 2759.

g. *Delayed delivery.* Instances when an air carrier exceeds time allowed for delivery of incoming mail. Arrival time of the flight and time that mail is delivered to the postal unit or representative must be shown on Form 2759.

(1) The time of delivery by an air carrier representative is the time he appears at the postal unit ready to deliver the mail. If congestion or multiple operation prevent the air carrier representative from delivering the mail, no brief will be made.

(2) When a carrier must make several trips between the aircraft and the postal unit because of volume, delivery time will be arrival of the first trip, except when there is

extended delay between the first and final delivery.

h. *Failure to notify.* Whenever an air carrier fails to notify the postal unit of off-schedule operations in excess of 30 minutes, cancellations, emergency changes in schedules, and failure to follow instructions from postal unit regarding disposition of mail, classify it as failure to notify.

1. *Refusal/removal.* When an air carrier refuses to board mail tendered or offered, charge as a refusal. This includes transfer mail not boarded due to space or weight problems. When an air carrier deliberately unloads mail short of destination because of weight or space limitations, a removal brief must be prepared.

j. *Damage to mail or equipment.* Any damage to mail or equipment, either by physical force or by weather, should be charged as damage. (Report such damage to the Inspector in Charge by memorandum in addition to completing Form 2759.)

k. *Other.* Will include failure to protect, lost on roadway, lost on ramp, failure to cooperate, and mail left unattended. The Postmaster who receives information indicating air carriers are not providing adequate protection for the mail in their custody or evidence of loss or depredation as described in I.C. 3. a. and b., will immediately notify the Postal Inspector domiciled in the area.

2. *Review.* Following preparation of Form 2759, the unit supervisor must review promptly to see that (1) all pertinent information relating to the mishandling is shown, (2) the irregularity is classified, and (3) the carrier is responsible for the irregularity. This review will eliminate Forms 2759 which are not chargeable to a carrier, such as (1) infrequent delays in the delivery of mail to the postal unit, (2) overcarry due to weather, (3) mechanical failure, or (4) mishandling caused by improper routings or labels.

3. *Deductions.* Form 2713-B provides for the adjustment of compensation for service ordered and paid for but not performed.

4. *Fines.* Air carriers transporting mail must observe all applicable postal laws and all applicable regulations issued by the Post Office Department. Air carriers may be subject to fines and deductions for failure to comply therewith.

I. CORRESPONDENCE CONCERNING AIR SERVICE

Correspondence to and from air carriers relating to policy, schedules, operations, fining, quarters, mileages, and rates; irregularities and changes in dispatch billing procedures and forms; omissions and failures of carriers to perform; division of mail; service requirements, actions involving CAB orders and rulings, nonpriority mail; and other matters of regional nature, shall be conducted by the Director, Logistics Division, Seattle Region, within the scope of regional delegation. Questions of departmental concern, will be forwarded to the Department for decision.

II—INTRA-ALASKA NONPRIORITY MAIL SERVICE

A. DEFINITION OF INTRA-ALASKA NONPRIORITY MAIL SERVICE

The term Intra-Alaska nonpriority mail is used to describe all classes of mail not already included under the description in Part I. It is mail other than air and first class mail which is transported by aircraft over segments or routes within the State of Alaska which have been designated as "Mainline" segments or routes, and moves on a space available nonpriority basis. The designated "Mainline" routes may change from time to time depending upon changes in the factors which were used in making the original selection.

B. AUTHORITY, RATES, AND SERVICE

1. *Civil Aeronautics Board.* The Civil Aeronautics Board establishes the rates to be paid air carriers for the transportation of nonpriority mail.

2. *Service.* Mail may be tendered for inter-line transfer between Intra-Alaska carriers in only those instances where the originating carrier does not service the destination point. The responsibility for transfer at the inter-line transfer point shall be with the originating carrier.

C. RESPONSIBILITY FOR NONPRIORITY MAIL PROGRAM

1. *Air carriers—*a. *Transportation on space available basis.* All carriers will transport nonpriority mail on a space available basis over "Mainline" segments to the destination shown on dispatch record and label and once explained will not be removed at an intermediate point. It will be transported on a space available basis and will move only after all other forms of traffic have been accommodated.

b. *Notification to postal units.* Air carriers must notify local postal units of any undue delay or inability to transport nonpriority mail which has been tendered. Delay will not be considered undue until the passage of 24 hours after scheduled departure to destination. When an air carrier transports this mail beyond or off-loads it short of the billed destination, the carrier must notify the postal unit and secure instructions for disposing of the mail.

c. *Requirements for transfer of nonpriority mail.* Carriers will make any necessary intra-line and inter-line transfers to provide transportation to the destination listed on the original dispatch.

d. *Delivery requirements.* Delivery of nonpriority mail shall be made without unwarranted delay to the destination postal unit within local time limits set by the Director, Logistics Division, Seattle Region.

e. *Protection of mail.* Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation and weather. In transporting mail between point of exchange with the post office and aircraft ramp positions, carriers must provide adequate and suitable vehicles that will (1) prevent mail from being lost or dropped en route and (2) protect mail from depredation and weather. Take every precaution to protect mail from fire. Mail handlers must be identified by badges or distinguishing caps or clothing, or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

f. *Cooperation with Postal Inspectors.* All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist Postal Inspectors in the performance of their duties.

2. *Postal units.* Air stop point post offices are responsible for:

a. Excluding from nonpriority mail dispatches any nonmailable articles coming to their attention which are not acceptable for transportation by air. See Parts 124 and 125, Postal Manual, for responsibility of mailers and accepting clerks.

b. Utilizing such equipment and locking devices as may be designated from time to time for nonpriority mail dispatches.

c. Preparing labels to identify nonpriority mail dispatches, and showing proper air stop point coding to the destination airport.

d. Reviewing the time mail is received from the air carrier to assure that they are observing the local delivery time limit set by the Director, Logistics Division, Seattle Region.

e. Reporting irregularities in service to the Director, Logistics Division, Seattle Region, on Form 2759, Report of Irregular Handling of Mail, appropriately checked to indicate nonpriority mail.

3. *Logistics division.* The Director, Logistics Division, Seattle Region, is responsible for:

a. Notifying postal unit concerning authorized dispatches, air carriers involved, and dates or other particulars of service.

b. Authorizing the time and place for the delivery of outgoing mail to the carrier.

c. Issuing appropriate instructions concerning the labeling of mail, mail due dispatch, time of advantageous tieouts, and other local arrangements of requirements.

d. Evaluating promptly any nonpriority mail irregularities reported by dispatching or receiving postal units on Form 2759.

e. Reporting to Traffic Management Division, Bureau of Operations, any failure by air carriers to correct unsatisfactory conditions promptly so that remedial action may be taken.

D. SUBMISSION OF CLAIMS

1. *Forms used.* Air carriers operating nonpriority mail service within Alaska shall use the following forms, as required by the Bureau of Operations; Form 2703, Carrier's Claim for Airmail Transportation; Form 2713-A, Alaskan Airmail Dispatch Record; and Form 2713-B, Alaskan Airmail Transfer and Exception Record.

2. *Preparation of bills.* Air carriers operating nonpriority mail service within Alaska will submit air transportation bills and necessary supporting documents for this service to the Director, Logistics Division, Seattle Region, for administrative, examination and forwarding to the Dallas Postal Data Center for issuing settlement check.

E. NONPRIORITY MAIL IRREGULARITIES

1. *Irregularities requiring close attention.* a. Refusals/Removals of nonpriority mail are not subject to the preparation of briefs and the imposition of fines under the space available provisions. However, remedial action may be required. Submit memorandum report with full particulars to enable the Director, Logistics Division, Seattle Region, to take such corrective action as may be necessary in situations of repetitive occurrence involving refusals and removals that impair the service accorded nonpriority mail.

b. Delayed delivery of nonpriority mail will be reported when more than 1 hour from expiration of the local time allowance after arrival of trip elapses before delivery to postal unit or representative. The post office clerk receiving the delayed nonpriority mail from the air carrier is responsible for preparing Form 2759 under such circumstances.

c. Damage to nonpriority mail and equipment is a finable irregularity since air carriers are responsible for according the same care and safeguards as is given priority mail. Furnish full particulars as to pieces damaged, and extent, and pieces actually wet because of exposure to the elements.

d. Information indicating that air carriers are not providing adequate protection for the mail in their custody or evidence of loss or depredation as described in I.I.C.1.e., should be reported by the Postmaster immediately to the Postal Inspector domiciled in the area.

2. *Instances where fines can be levied—* a. *Authorization for fining.* No air carrier shall be subject to penalties (fines) with respect to the carriage of such mail except to cover serious cases of failure to protect mail from damage and depredation or repetitive instances of neglect resulting in substantial delay. Inability to accommodate such mail on a specific flight or flights shall not be construed as neglect.

b. *Processing of finable cases.* Send Form 2759 for (a) damage to mail or equipment, including repetitive instances occurring at the same airport, (b) failure to protect nonpriority mail from depredation, and (c) neglect resulting in substantial delay, to Director, Logistics Division, Seattle Region, for evaluation and processing with those covering priority mail.

(5 U.S.C. 301, 39 U.S.C. 501, 6301, 49 U.S.C. 1375)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-11474; Filed, Aug. 31, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-56; Amdts. 171-6, 172-7, 173-34, 174-6, 175-4, 176-2, 177-13, 178-14, 179-3]

PART 170—RULE-MAKING PROCEDURES OF THE HAZARDOUS MATERIALS REGULATIONS BOARD

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 175—CARRIERS BY RAIL EXPRESS

PART 176—RAIL CARRIERS IN BAGGAGE SERVICE

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

PART 178—SHIPPING CONTAINER SPECIFICATIONS

PART 179—SPECIFICATIONS FOR TANK CARS

Miscellaneous Amendments

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to change certain references and to make corrections.

1. The parts constituting the regulations are referred to differently in various sections. With this amendment, all sections will properly reflect the scope of the regulations to be "Parts 170-189".

2. References to "dangerous articles" are being amended to read "hazardous materials", consistent with the references in § 171.8(m) and in Part 170.

3. Note 1 following paragraph (b) (4) of § 173.357 is canceled. Cancellation was inadvertently omitted in amendment 173-18 (Docket No. HM-14, 35 F.R. 1108). The requirements of the note are covered by paragraph (m) of § 177.834.

4. A number of corrections are made to provide proper references to various sections and to correct certain words, phrases, and one formula that have been misprinted in the Code.

5. References to specification identifications of tank cars are shortened by removing separating hyphens.

Since these amendments are concerned with editorial changes and corrections, and impose no burden on any person, notice and public procedure thereon are deemed unnecessary.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended, effective upon publication in the FEDERAL REGISTER, as follows:

(A) Parts 170, 171, 172, 173, 174, 175, 176, and 177 are amended to provide proper reference to the scope of the Hazardous Materials Regulations. "Parts 170-189" are inserted—

<i>In section—</i>	<i>In place of reference to—</i>
170.13(a) -----	Parts 171-190.
Part 171, Table of Contents.	
171.1 -----	Parts 171-179.
171.1 Heading, (a) -----	Do.
171.7 (a), (d) -----	Parts 170-179.
171.8 (a), (b), (d), (e).	Parts 171-179.
171.9(a) -----	Do.
171.10(a) -----	Do.
171.11(a) -----	Do.
171.12 (a), (b) -----	Do.
171.14(a) -----	Do.
Part 172 heading -----	Do.
172.4(a) -----	Do.
Part 173, Table of Contents.	
173.1 -----	Do.
Paragraphs between Table of Contents and sections.	
173.1 Heading, (a), (b).	Do.
173.7(b) -----	Do.
173.9 (a), (b), (c) -----	Do.
173.26(a) -----	Do.
173.50(a) -----	Do.
173.55(a) -----	Do.
173.61(a) -----	Do.
173.87(a) -----	Do.
173.88(g) Note 1 -----	Do.
173.100(r) (8) -----	Do.
173.114(c) -----	Do.
173.115(a) -----	Do.
173.141(b) -----	Do.
173.150(a) -----	Do.
173.151(a) -----	Do.
173.159(c) -----	Do.
173.176(b) -----	Do.
173.197(a) -----	Do.
173.197(b) -----	Parts 171-178.
173.201(b) -----	Parts 171-179.
173.207 (c), (d), (e) -----	Do.
173.212(a) -----	Do.
173.229 (c) -----	Do.
173.240 (a) -----	Do.
173.260 (g) -----	Do.
173.266 (e) -----	Do.
173.277 (e) -----	Do.
173.286 (a), (c) -----	Do.
173.300 Preceding (a) -----	Do.
173.326 (a) -----	Do.
173.343 (b) -----	Do.

<i>In section—</i>	<i>In place of reference to—</i>
173.361(b) -----	Do.
173.376(b) -----	Do.
173.381(a) -----	Do.
173.401(e) -----	Do.
173.404(b) -----	Do.
Part 174, Table of Contents.	
174.500 -----	Do.
174.500 heading, (a) -----	Do.
174.501(a) -----	Do.
174.502(a) (7) -----	Do.
174.504(a) -----	Do.
174.506 (a) (1), (b) -----	Do.
174.508(a) -----	Do.
174.509(a) -----	Do.
174.532(a) -----	Do.
174.533 (a), (b) -----	Do.
174.554(a) -----	Do.
174.576(a) -----	Do.
174.593(c) -----	Do.
174.599(g) -----	Do.
Part 175, Table of Contents.	
175.650 -----	Do.
175.650 heading, (a) -----	Do.
175.651(a) -----	Do.
175.652(a) -----	Do.
175.658(a) -----	Do.
175.660(a) (1) -----	Do.
Part 176, Table of Contents.	
176.700 -----	Do.
176.700 heading -----	Do.
176.701(a) -----	Do.
176.702(a) -----	Do.
176.706 (c), (d), (e) -----	Do.
176.707(a) -----	Do.
Part 177, Table of Contents.	
177.802 -----	Do.
Paragraph preceding sections.	
177.800(a) -----	Do.
177.801(a) -----	Do.
177.802 heading, (a) -----	Do.
177.803 (a), (b) -----	Do.
177.804 (a), (b) -----	Do.
177.806(b) -----	Do.
177.807 (a) (1), (a) (4).	Do.
177.808(a) -----	Do.
177.809(a) -----	Do.
177.810(a) -----	Do.
177.815(h) -----	Do.
177.836(a) -----	Do.
177.839(b) -----	Do.
177.870 (a), (b) -----	Do.

(B) The phrases "explosives and other dangerous articles", "other dangerous articles", or "dangerous articles", in Parts 171, 172, 173, 174, 175, 176, 177, and 178 are deleted, and the phrase "hazardous materials" is inserted in place thereof, in the following parts and sections:

171.1(a).
171.3(a).
171.8 (j), (k).
171.12(a).
Part 172, heading.
Part 172, Table of Contents, 172.5.
172.3(a).
172.5 heading.
Part 173, Table of Contents—173.2, Subpart H, 173.401, 173.402.
Second paragraph preceding sections.
173.1 (a), (b).
173.2 heading, (a).
173.6(a).
173.7(a).
173.9 (a), (b).
173.11(a).
173.21(a).

173.22(a).
173.24 (a), (a) (1), (c).
173.27 (a), (b), (c).
173.28 (d), (h).
173.29(a).
173.286(c).
Subpart H.
173.401 heading, (a) (1), (b).
173.402 heading, (a), (a) (14), (b), (c).
173.427(a).
173.430(a).
Part 174, Table of Contents—174.532, Subpart B, 174.538, 174.564.
174.500(a).
174.501(a).
174.506 (a), (a) (1), (a) (2).
174.508(a).
174.510 (a), (c).
174.511(a).
174.527 (a), (b).
174.532 heading, (a) (1), (c), (e).
174.533 (a), (b), (c).
Subpart B.
174.538 heading, (a) and chart.
174.543(a).
174.545(a).
174.564 heading, (b), (b) (2).
174.566(c).
174.575 (a), (b).
174.576(b).
174.582(a).
174.586 (d), (e), (f).
174.588 (c), (h).
174.589(m) (2).
174.596(b).
174.597(c).
174.598 (c), (d).
174.599 (b), (f), (g).
174.600(a).
175.650(a).
175.651(a).
175.652(a).
175.652a(a).
175.654(a).
175.655 (a), (c), (d), (f), (i).
175.656(a).
175.658(a).
175.659(a).
175.660(a) (3).
Part 176, Table of Contents—176.702.
176.700(a).
176.701 (a) and Note 1.
176.702 heading, (a).
176.704(a).
176.704a(a).
176.706 (a), (b), (c), (d), (e), (f).
176.707(a).
Part 177, Table of Contents—177.821, Subpart C, 177.848, Subpart E.
177.800(a).
177.801(a).
177.802(a).
177.803(a).
177.804(a).
177.806(a).
177.807 (a), (a) (1), (a) (2).
177.808(a).
177.809(a).
177.810(a).
177.811(a).
177.812(a).
177.814(a).
177.815 (b), (h).
177.816(a).
177.817 (a), (c), (d).
177.819(a).
177.821 heading, (c).
177.822(a).
177.823 (a), (a) (3), (a) (4), (a) (5), (b) (1).
Note following Subpart B.
Subpart C.
177.848 heading, (a) and chart.
177.853 (a), (b).
177.854(a).
Subpart E.
177.870 (b), (d), (e).
178.340-1(a).

(C) Parts 171, 173, and 174 are amended to show the correct reference to specifications for tank cars as follows:

In section	Change	To read
171.8(g)	§ 178.275 or § 178.276	§§ 179.301 and 179.302.
173.122(a)(3)	§ 178.288	§ 179.100 and 179.101.
173.122(a)(3) Note 1	§§ 178.288 and 178.289	§ 179.100 and 179.101.
	§§ 178.307, 178.286	§ 179.100 and 179.201.
173.183(a)(2)	§ 178.280	§ 179.200 and 179.101.
173.206(c)(1)	§ 178.286	§ 179.100 and 179.101.
173.252(a)(3)	§ 178.288	§ 179.100 and 179.101.
173.253(a)(8)	§ 178.299	§ 179.200 and 179.201.
173.266(f)(1)	§ 178.292	§ 179.200 and 179.201.
173.268(b)(1)	§ 178.283	§ 179.200 and 179.201.
173.268(c)(2)	§ 178.292	§ 179.200 and 179.201.
173.271(a)(7)	§ 178.299	§ 179.200 and 179.201.
173.271(a)(10)	§ 178.298	§ 179.200 and 179.201.
173.280(a)(2)	§ 178.283 or § 178.288	§ 179.200 and 179.201.
173.295(a)(12)	§ 178.279	§ 179.400 and 179.401.
173.316(a)(1)	§ 178.288 or § 178.289	§ 179.100 and 179.101.
173.332(d)	§ 178.286	§ 179.300 and 179.301.
173.353(a)(5) Note 1	§ 178.275 or § 178.276	§ 179.300 and 179.301.
173.354(a)(4)	§ 178.286	§ 179.100 and 179.101.
173.357(b)(5)	§ 178.286, § 178.287 or § 178.288	§ 179.100 and 179.101.
173.432(b)(1)	§ 178.275, § 178.276 or § 178.293	§ 179.300 and 179.301.
173.432(c)	§ 178.275, § 178.276 or § 178.293	§ 179.300 and 179.301.
173.432(d)	§ 178.275, § 178.276 or § 178.293	§ 179.300 and 179.301.
174.532(l)(2)	§ 178.275 or § 178.276	§§ 179.300 and 179.301.

(D) In § 173.33 paragraph (c) is amended to make reference to the Hazardous Materials Regulations Board as follows:

§ 173.33 Cargo tank use authorization.

(c) *Special permit authorization.* Each cargo tank which does not meet one or more of the authorized specifications as shown in paragraph (b) of this section may continue in or be placed in service only under the terms specifically prescribed by the Hazardous Materials Regulations Board. In the event such special permit authorization is desired, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle and the cargo tank as seem necessary for the determination of its ability to safely transport the proposed commodity.

(E) In § 173.301 paragraph (j)(4) is corrected to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

(j) * * *
(4) Bill of lading or other shipping paper shall, when possible, identify the containers and shall carry the following certification: "These containers have been retested and refilled in accordance with the DOT requirements for export".

(F) In § 173.304 paragraph (a)(2), the table is corrected as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

- (a) * * *
- (2) * * *

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.301(j) (see notes following table).
*** Change	***	
Cyclopropane	55	DOT-3A225; DOT-3A480X; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4AA480; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-7-300; DOT-3; DOT-3E1800.
Add		
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 8).	Not liquid full at 130° F.	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-9.
Delete duplicate		
Dichlorodifluoromethane (see Note 8).	119	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-41; DOT-3E1800.
***	***	

§ 173.314 [Amended]

(G) In § 173.314 paragraph (d), at the end of the fourth line change "of" to read "or".

(H) In § 173.333 the second paragraph (a)(1) is deleted; paragraph (a)(1) correctly reads as follows:

§ 173.333 Phosgene or diphosgene.

(a) * * *
(1) As prescribed in § 173.328, the filling density (see § 173.304(a)(2) Table Note 1) must not exceed 125 percent and a cylinder must not contain more than 150 pounds of phosgene.

§ 173.394 [Amended]

(I) In § 173.394 paragraph (b)(2) is corrected by changing the section reference in the first line from "178.304" to read "178.104".

(J) In § 174.579 paragraph (a) is corrected to read as follows:

§ 174.579 Cars containing lading which has been fumigated or treated with flammable liquids, flammable gases, poisonous liquids or solids, or poisonous gases.

(a) Delivery to a carrier or transportation of cars containing lading fumigated or treated with flammable liquid or flammable gas is prohibited until 48 hours have elapsed after such fumigation or treatment, or until the car has been ventilated so as to remove danger of fire or explosion due to the presence of flammable vapors.

(K) In § 174.582 paragraph (a) is corrected to read as follows:

§ 174.582 Movements to be expedited.

(a) Carriers must forward shipments of hazardous materials promptly and within 48 hours, Saturdays, Sundays, and holidays excluded, after acceptance at originating point or receipt at any yard, transfer station, or interchange point, except that where biweekly or weekly service only is performed, shipments of hazardous materials must be forwarded on the first available train.

(L) In § 178.44-10 paragraph (c), the formula is corrected to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44-10 Wall thickness.

(c) * * *

$$S = \frac{P(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$
 where
 S = Wall stress in pounds per square inch;
 P = Minimum test pressure prescribed for water jacket test;
 D = Outside diameter in inches;
 d = Inside diameter in inches.

§ 178.61-9 [Amended]

(M) Section 178.61 has two sections numbered "178.61-8". The second is changed to read "178.61-9 Welding of attachments."

§ 178.99-9 [Amended]

(N) Section 178.99 has two sections numbered "178.99-8". The second is changed to read "178.99-9 Marking."

(O) All references to tank car specification identifications, in Parts 173 and 179, are amended to delete separating hyphens except for specification 103A-ALW.

(P) In § 179.100-7 paragraph (b) Table is corrected to read as follows:

§ 179.100 General specification applicable to pressure tank car tanks.

§ 179.100-7 Material.

Specifications	Minimum tensile strength O temper (p.s.i.) welded condition	Minimum elongation in 2 inches O temper (percent) welded condition
ASTM B209 Alloy 1060.....	9,500	25
ASTM B209 Alloy 1100.....	11,000	28
ASTM B209 Alloy 3003.....	14,000	23
ASTM B209 Alloy 5052.....	25,000	18
ASTM B209 Alloy 5083.....	40,000	16
ASTM B209 Alloy 5086.....	35,000	14
ASTM B209 Alloy 5154.....	30,000	18
ASTM B209 Alloy 5254.....	30,000	18
ASTM B209 Alloy 5454.....	31,000	18
ASTM B209 Alloy 5652.....	25,000	18
ASTM B209 Alloy 6061.....	24,000	15

¹ Not O temper.
² Only O temper or H-113 permitted.

(Secs. 831-835, Title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)))

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

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

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the
Federal Aviation Administration.

[F.R. Doc. 70-11458; Filed, Aug. 31, 1970; 8:45 a.m.]

[Docket No. HM-49; Amdts. 172-6, 173-33]

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170-189 OF THIS CHAPTER

PART 173—SHIPPERS

Dimethyl Ether in Cargo Tanks

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the transportation of dimethyl ether, a flammable compressed gas, in specifications MC 330 and MC 331 cargo tanks.

On June 2, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-49; Notice No. 70-10 (35 F.R. 8502) which proposed the amendment to authorize the use of MC 330 and MC 331 cargo tanks in dimethyl ether service.

Interested persons were invited to give their views on this proposal. The one

comment received supported the proposal.

Accordingly, 49 CFR Parts 172 and 173 are amended as follows:

I. Part 172 is amended as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
.....
Change	.....	.....	.....	.....
Dimethyl ether.....	F.G.....	173.306, 173.304 173.314, 173.315.	Red Gas.....	300 pounds.
.....

II. Part 173 is amended as follows:

In § 173.315 paragraph (a) (1) Table is amended, Note 16 is added; paragraphs (h) (2) Table, and (i) (2) Table are amended as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *
(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (p.s.i.g.)
.....
Add	.....	.....	.....	.....
Dimethyl ether (see Note 16).....	59	See Note 7.....	MC 330, MC 331....	200
.....

NOTE 16: Specifications MC 330 and MC 331 cargo tanks must be equipped with emergency discharge controls that comply with § 178.337-11(c) of this chapter.

(h) * * *
(2) * * *

Kind of gas:	Permitted gauging device
Add	.....
Dimethyl ether.....	None.
.....
(1) * * *	.....
(2) * * *	.....
Kind of gas:	Minimum start-to-discharge pressure (p.s.i.g.)
Add	.....
Dimethyl ether.....	200
.....

This amendment is effective December 31, 1970. However, compliance with the regulations as amended herein is authorized immediately.

(Sec. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

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

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[F.R. Doc. 70-11457; Filed, Aug. 31, 1970; 8:45 a.m.]

In § 172.5 paragraph (a) Commodity List is amended as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS
[S.O. 1040-A]

PART 1033—CAR SERVICE

Distribution of Refrigerator Cars

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

Upon further consideration of Service Order No. 1040 (35 F.R. 8735) and good cause appearing therefor:

It is ordered, That § 1033.1040 Service Order No. 1040 (Distribution of refrigerator cars) be, and it is hereby, vacated and set aside.

(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 this order shall become effective at 12:01 a.m., August 25, 1970, that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the 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] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11508; Filed, Aug. 31, 1970;
8:48 a.m.]

[S.O. 1044, Amdt. 2]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Tracks of Burlington Northern, Inc.

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

Upon further consideration of Service Order No. 1044 (35 F.R. 10448), and good cause appearing therefor:

It is ordered, That § 1033.1044 Service Order No. 1044 (Chicago and North Western Railway Co. authorized to operate over tracks of the Burlington Northern, Inc.) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11507; Filed, Aug. 31, 1970;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

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

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

The public hunting of rails and gallinules, mourning doves, woodcock, and common snipe on Bombay Hook National Wildlife Refuge is permitted within the regularly established 1970-71 seasons of the State of Delaware; but only on the area designated by signs as open to hunting. This open area, comprising 141 acres, is delineated on a map available at the refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

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

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

AUGUST 25, 1970.

[F.R. Doc. 70-11487; Filed, Aug. 31, 1970;
8:47 a.m.]

PART 32—HUNTING

Certain National Wildlife Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

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

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 5 through September 13, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blinds—Only temporary blinds, constructed above ground of natural vegetation, are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 13, 1970.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Kirwin National Wildlife Refuge, Kans., is permitted from September 5 through September 13, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of teal ducks subject to the following special condition:

(1) Blinds—Temporary blinds, constructed above ground from natural vegetation, are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 13, 1970.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Quivira National Wildlife Refuge, Kans., is permitted from September 5 through September 13, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,990 acres, is delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 13, 1970.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 19 through September 27, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres in Hunting Areas B, C, and D, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance

with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 27, 1970.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Tishomingo National Wildlife Refuge, Okla., is permitted from September 12 through September 20, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 20, 1970.

W. O. NELSON, Jr.,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 25, 1970.

[F.R. Doc. 70-11488; Filed, Aug. 31, 1970; 8:47 a.m.]

PART 32—HUNTING

Brigantine National Wildlife Refuge,
N.J.

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

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

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine National Wildlife Refuge, N.J., is permitted during established State and Federal seasons on the areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1, 2, and 3 on maps available at Refuge Headquarters, Oceanville, N.J., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) Hunting on Unit 3 during the waterfowl season is restricted to certified

Young Waterfowler Program trainees by permit from designated blind sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1971.

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

AUGUST 24, 1970.

[F.R. Doc. 70-11489; Filed, Aug. 31, 1970; 8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge,
N.Y.

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

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Iroquois National Wildlife Refuge, N.Y., is permitted. Information on this program is available at the refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules subject to the following special conditions:

(1) The hunting of ducks, geese, coots, and gallinules is permitted only from designated hunting stands.

(2) A permit is required to hunt ducks, geese, coots, and gallinules. Issuance of the permit and rules regarding days and hours of hunting, bag limit, shells, and equipment will conform to the regulations of New York State's Tonawanda Wildlife Management Area, except that waterfowl hunting on the Iroquois National Wildlife Refuge will terminate on the Saturday preceding the opening of the New York State's gun season for deer. Permits will be returned and the waterfowl bag checked at the Iroquois National Wildlife Refuge Office.

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

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

AUGUST 24, 1970.

[F.R. Doc. 70-11493; Filed, Aug. 31, 1970; 8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge,
N.Y.

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

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of woodcock and common (Wilson's) snipe on the Iroquois National Wildlife Refuge, N.Y., is permitted on the area designated by signs as open to hunting. This open area is delineated on maps available at the refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and snipe.

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

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

AUGUST 24, 1970.

[F.R. Doc. 70-11494; Filed, Aug. 31, 1970; 8:47 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge,
N.Y.

The following special regulation is issued and effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

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

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese (except snow geese), brant, gallinules, and coots on the Montezuma National Wildlife Refuge, N.Y., is permitted on the areas designated by the signs as open to waterfowl hunting. Hunting is permitted only during the regular waterfowl season. This waterfowl hunting area known as the Storage Pool comprises 1,340 acres and is delineated on maps available at Refuge headquarters, Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post

RULES AND REGULATIONS

Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese (except snow geese), brant, gallinules, and coots subject to the following special conditions:

(1) Hunting is limited to Tuesdays, Thursdays, and Saturdays.

(2) Applications for blind reservations received no later than October 1 will be accepted. Reservations for blinds, for hunting through November 14, will be selected by public drawing.

Successful applicants must appear in person at the Refuge Hunting Checking Station prior to 1 hour before legal shooting time on the date reserved. Unreserved and forfeited blinds will be awarded by lot on the morning of the hunt to hunters without reservations.

(3) The second and third Saturdays of the season will be reserved for the Young Waterfowler's Training Program hunt. In addition, if required, the second and third Sundays. A brochure describing this program is also available.

(4) Hunting will be only from specified blinds.

(5) Hunters must provide a minimum of six duck decoys and will be limited to 10 shells each, with shot size no larger than No. 2.

(6) All hunting ends each hunting day at 12 noon.

(7) A user fee of \$2 per blind will be charged.

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

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

AUGUST 24, 1970.

[F.R. Doc. 70-11492; Filed, Aug. 31, 1970;
8:47 a.m.]

PART 32—HUNTING

Cape Romain National Wildlife
Refuge, S.C.

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

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

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rails on the Cape Romain National Wildlife Refuge, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,638 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building,

Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of rails subject to the following special conditions:

(1) Open season: September 12 through November 20, 1970.

(2) Guns must be encased or otherwise rendered incapable of firing except when in the designated hunting area.

(3) The use of dogs is permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1970.

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

AUGUST 24, 1970.

[F.R. Doc. 70-11472; Filed, Aug. 31, 1970;
8:45 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge,
Vt.

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

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

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

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

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

AUGUST 24, 1970.

[F.R. Doc. 70-11499; Filed, Aug. 31, 1970;
8:48 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife
Refuge, Del.

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

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

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Del., is permitted during the regular State seasons on the Upland Game Hunting Area designated by signs as open to hunting. The open Upland Game Hunting Area, comprising 141 acres, is delineated on maps available at refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1971.

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

AUGUST 25, 1970.

[F.R. Doc. 70-11486; Filed, Aug. 31, 1970;
8:47 a.m.]

PART 32—HUNTING

Iroquois National Wildlife Refuge,
N.Y.

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

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Iroquois National Wildlife Refuge, Basom, N.Y., is permitted from the opening dates of the respective State seasons in 1970 through February 28, 1971, except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations subject to the following special condition.

(1) A seasonal permit is required for the nighttime hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

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

and are effective through February 28, 1971.

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

AUGUST 25, 1970.

[F.R. Doc. 70-11498; Filed, Aug. 31, 1970;
8:47 a.m.]

PART 32—HUNTING

**Montezuma National Wildlife Refuge,
N.Y.**

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

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

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and opossum is permitted from December 21, 1970 to February 28, 1971, inclusive, in the Montezuma National Wildlife Refuge, N.Y., except on areas designated by signs as closed. The open area, comprising 5,285 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, N.Y. and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1971.

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

AUGUST 24, 1970.

[F.R. Doc. 70-11491; Filed, Aug. 31, 1970;
8:47 a.m.]

PART 32—HUNTING

**Missisquoi National Wildlife Refuge,
Vt.**

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

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

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vt., is permitted on only the areas de-

lined out on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

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

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

AUGUST 24, 1970.

[F.R. Doc. 70-11498; Filed, Aug. 31, 1970;
8:48 a.m.]

PART 32—HUNTING

**Prime Hook National Wildlife Refuge,
Del.**

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

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

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public Hunting of deer on Prime Hook National Wildlife Refuge, Del., is permitted within the regularly established 1970-71 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Del. 19968, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

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

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

AUGUST 26, 1970.

[F.R. Doc. 70-11522; Filed, Aug. 31, 1970;
8:50 a.m.]

PART 32—HUNTING

**Moosehorn National Wildlife Refuge,
Maine**

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

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

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted, except on areas designated by signs as closed, during the State firearms season. This open area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, Post Office Box X, Calais, Maine 04619 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

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

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

AUGUST 26, 1970.

[F.R. Doc. 70-11523; Filed, Aug. 31, 1970;
8:50 a.m.]

PART 32—HUNTING

**Iroquois National Wildlife Refuge,
N.Y.**

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

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

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, N.Y., is permitted during the regular State open seasons in 1970 except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

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

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

AUGUST 25, 1970.

[F.R. Doc. 70-11495; Filed, Aug. 31, 1970;
8:47 a.m.]

RULES AND REGULATIONS

PART 32—HUNTING

Montezuma National Wildlife Refuge,
N.Y.

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

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

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, N.Y., is permitted except on the areas designated by signs as closed. The open area, comprising 3,639 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special regulations:

(1) The open season is Monday through Friday from November 16 to December 1, 1970, inclusive. Actual dates open are November 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30, and December 1, 1970.

(2) Only longbows may be used. No gun hunting will be allowed.

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

and are effective through December 1, 1970.

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

AUGUST 24, 1970.

[F.R. Doc. 70-11490; Filed, Aug. 31, 1970;
8:47 a.m.]

PART 32—HUNTING

Salt Plains National Wildlife Refuge,
Okla.

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

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

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Public hunting of deer is permitted on the Salt Plains National Wildlife Refuge, Okla., but only on the area designated by signs as open to hunting. This open area, comprising 2,347 acres, is delineated on maps available at refuge headquarters, Jet, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Participants are to be selected on the basis of a special drawing, and applications are to be submitted to the Oklahoma Department of Wildlife Conserva-

tion, 1801 North Lincoln, Oklahoma City, Okla. 73105. Application may be made by letter, and must contain the Applicant's name, address, and Oklahoma deer hunting license number. Application for bow hunting may be made between September 1 and September 30, 1970. Application for gun hunting may be made between September 15 and October 15, 1970. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The bow hunting season is October 24, 25 and 31, November 1, 7 and 8, 1970.

(2) The gun hunting season is November 14, 15, 21, 22, 28, and 29, 1970.

(3) Hunters must check in at the refuge office prior to entering the assigned hunting area and must check out at the refuge office before leaving the area.

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

FRED L. BOLWAHNN,
Salt Plains National
Wildlife Refuge, Jet, Okla.

AUGUST 18, 1970.

[F.R. Doc. 70-11497; Filed, Aug. 31, 1970;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 4, 19, 111]

SECURITY OF CARGO IN UNLOADING AREAS

Permit To Unload; Notice of Extension of Time for Submission of Data, Views or Arguments

AUGUST 31, 1970.

A notice of the proposed amendment of the regulations to prescribe security measures for the protection of cargo in unloading areas was published in the FEDERAL REGISTER of June 26, 1970 (35 F.R. 10463). An extension of time was granted to August 24, 1970, by a notice published in the FEDERAL REGISTER of July 25, 1970 (35 F.R. 12002).

Requests have been received for additional time for the submission of comments. Therefore, the period for the submission of data, views, or arguments is extended to September 11, 1970.

[SEAL]

MYLES J. AMBROSE,
Commissioner of Customs.

[F.R., Doc. 70-11636; Filed, Aug. 31, 1970; 10:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1006, 1012, 1013]

[Dockets Nos. AO-356-A8, AO-347-A12, AO-286-A20]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Statler Hilton Inn, 3200 West Colonial Drive, Orlando, Fla., beginning at 9:30 a.m., on September 9, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which

relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairy Farmers Mutual, Orlando, Fla.; Northeast Florida Milk Producers Association, Jacksonville, Fla.; Independent Dairy Farmers Association, Inc., Fort Lauderdale, Fla.; Tampa Independent Dairy Farmers Association, Inc., Tampa, Fla.; and Suncoast Milk Producers Co-Op, Tampa, Fla.:

Proposal No. 1. In § 1006.51(a) of Federal Order No. 6, § 1012.51(a) of Federal Order No. 12 and § 1013.51(a) of Federal Order No. 13, add the words "and plus 20 cents."

Proposed by Borden, Inc.; Farmbest, Division of Home Town Foods, Inc.; T. G. Lee Dairy, Inc.; The Southland Corp.; Sealtest Foods, Division of Kraftco Corp.; and Hood Industries, Inc.:

Proposal No. 2. Amend §§ 1006.77, 1012.77, and 1013.86 of Order 6, Order 12, and Order 13, respectively, by incorporating in each of said sections additional language as follows:

"Each producer-handler, who would otherwise qualify as a pool plant, shall pay to the market administrator on or before said date at said rate with respect to such producer-handler's own production.

Each producer-handler who would otherwise be a partially regulated distributing plant shall pay to the market administrator on or before said date at said rate with respect to the Class I milk disposed of in the marketing area by said plant that exceeds the hundred-weight of Class I milk received during the month by said producer-handler from pool plants."

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, John D. Nord, Sunrise Center Professional Building, Post Office Box 4886, Fort Lauderdale, Fla. 33304, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

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

G. R. GRANGE,
Acting Administrator.

[F.R. Doc. 70-11532; Filed, Aug. 31, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-63]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Montgomery, Ala., 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, Tenn. 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 Montgomery transition area described in § 71.181 (35 F.R. 2134 and 10145) would be amended as follows: " * * * within 3 miles each side of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR * * * " would be deleted and " * * * within 3 miles northeast and 8 miles southwest of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR * * * " would be substituted therefor.

The proposed alteration is required to provide adequate controlled airspace protection for IFR operations maneuvering for radar approaches.

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 August 21, 1970.

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

[F.R. Doc. 70-11479; Filed, Aug. 31, 1970;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

[No. 32153]

RAILROAD COMPANIES

Uniform System of Accounts

AUGUST 24, 1970.

On October 22, 1969, notice of proposed rule making dated October 7, 1969, was published in the FEDERAL REGISTER (34 F.R. 17117), advising all interested persons that the Commission had under consideration proposed amendments to the Uniform System of Accounts for Railroad Companies, to be effective January 1, 1970. The notice was modified by Commission order dated December 29, 1969 (35 F.R. 545), extending the date for filing written representations from December 15, 1969, to January 31, 1970.

After due consideration of views, comments, and other representations received from interested parties, certain modifications being deemed necessary in the initially proposed rule published as above, such rule is withdrawn.

Notice is hereby given, pursuant to the provisions of section 553 of the Administrative Procedure Act, that the Commission now has under consideration modified proposed amendments to the Uniform System of Accounts for Railroad Companies, to be effective as of January 1, 1971.

The intent of the proposed revisions is to give proper recognition (not provided in current regulations) in the primary accounts of the effects of certain technological changes that have occurred in the railroad industry respecting, among other things, the substantial investment cost of terminals and highway equipment which are now being used extensively in TOFC/COFC (piggyback) service, the expanding utilization of special-purpose automotive vehicles in the maintenance of way and structures, and the modernization of railroad equipment.

The detailed statement of proposed rule set forth below completely states the proposed revisions to the applicable sections of the Uniform System of Accounts for Railroad Companies considered necessary to accomplish the stated objective.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than September 25, 1970. The Commission will consider such responses and representations before deciding this matter, after which such order as may be found ap-

propriate will be entered. An original and seven copies of any such responses should be submitted.

Notice shall be given railroad companies hereby affected and to the general public by depositing this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 20)

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

DETAILED STATEMENT OF PROPOSED RULE

I. INSTRUCTIONS AMENDED

Item No. 1. Instruction "2-5 Equipment" is amended by revising the first sentence as follows:

2-5 *Equipment.* Accounts are provided for several classes of equipment, such as locomotives, passenger-train cars, freight-train cars, highway revenue equipment, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. * * *

Item No. 2. Instruction "2-25 Lists of units of property" is amended as follows:

(a) Directly below the list of units for "Account 24, Coal and Ore Wharves" add the following:

Account 25, TOFC/COFC Terminals

A complete building.
A complete building, including attached platform and ramp.
A complete platform and attached ramp, structurally detached from a building.
A portable ramp.
A complete fence.
Paving, each complete installation.
An overhead crane, complete.
Each sewer installation.
A truck or tractor used exclusively at TOFC/COFC terminals.
Each floodlighting pole or tower installation.
Each floodlighting installation.
A power distribution system, complete.
Any applicable units listed under other accounts.

(b) The following item is added to the list of units for "Account 37, Roadway Machines":

Each on and/or off-track automotive vehicle complete, including appurtenant special-purpose machinery.

(c) The account number, title and list of units for "Account 51, Steam Locomotives" are deleted.

(d) The title and list of units for "Account 52, Other Locomotives" are revised as follows:

Account 52, Locomotives

Diesel electric, lead or booster, i.e., "A" or "B" units.
Diesel electric. Extra or spare motors.
Electric locomotive.
Gasoline locomotive.
Gas turbine locomotive.

Radio control locomotive.
Steam locomotive, complete.
Steam locomotive, exclusive of tender.
Steam locomotive tender.
Steam locomotive booster.

(e) Directly below the list of units for "Account 54, Passenger-Train Cars" add the following:

Account 55, Highway Revenue Equipment

A complete vehicle.
A chassis.
A container.
A bogie.

(f) The list of units for "Account 58, Miscellaneous Equipment" is revised as follows:

Account 58, Miscellaneous Equipment

An airplane.
A complete vehicle.

Item No. 3. Directly below the caption "Instructions for Depreciation Accounts," Instruction "5-1 Method" is amended by revising the list of primary accounts following paragraph (c) as follows:

(a) The following line item is added directly below "24 Coal and ore wharves":

25. TOFC/COFC terminals.

(b) Line item "51 Steam locomotives" is deleted.

(c) Line item "52 Other locomotives" is changed to:

52. Locomotives.

(d) The following line item is added directly below "54 Passenger-train cars":

55. Highway revenue equipment.

II. TEXTS OF PROPERTY ACCOUNTS ADDED, AMENDED, DELETED, AND REVISED

Item No. 1. The system of accounts following the text of account 24, "Coal and ore wharves", is amended by adding the following account number, title and text:

25 TOFC/COFC Terminals.

This account shall include the cost of structures, fixtures, machinery and appurtenances comprising terminals used for loading and unloading trailers and containers on and from flat cars.

TOFC/COFC TERMINAL STRUCTURES AND DETAILS

Cranes and hoists, including related machinery and appurtenances.
Drainage and sewerage.
Fences.
Grading and preparing grounds for TOFC/COFC terminals.
Offices, TOFC/COFC terminal.
Lighting system.
Platforms, ramps, and appurtenances.
Power distribution systems.
Sidewalks, pavements, and driveways on terminal grounds.
Terminal trucks and tractors.

NOTE: "Trailers", as used in the text and elsewhere in this system of accounts unless otherwise indicated in the context, means trailer bodies used in TOFC/COFC service which are permanently mounted on running gear. "Containers" means trailer bodies used in TOFC/COFC service which are not permanently mounted on wheels or chassis, but are separated from such running gear before being loaded on flat cars.

Item No. 2. The text of account 37 "Roadway Machines" is amended by adding the following sentence: "This account shall also include the cost of on and/or off-track automotive vehicles, permanently equipped with special-purpose machinery such as hydraulic cranes, derricks, ditching apparatus and pile-driving equipment, and used exclusively in maintenance of way and structures."

Item No. 3. Account 51 "Steam Locomotives" is deleted.

Item No. 4. The title and text of account 52 "Other Locomotives" are revised to read as follows:

52 Locomotives.

(a) This account shall include the cost of locomotives and tenders purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

(b) Records shall be maintained to reflect separately the investment cost of locomotives on the basis of their initial identification for depreciation purposes; i.e., road passenger, road freight, road switching and yard switching.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air brake equipment and hose.	Radio equipment, permanently attached.
Arm rests.	Seat boxes.
Awnings.	Signal lamps.
Brake fixtures.	Speed recorders.
Cab cushions.	Steam-gauge lamps.
Cab lamps.	Steam-heat equipment and hose.
Clocks.	Storm doors.
Coal boards.	Tool boxes.
Fire-extinguishing apparatus.	Train-signal equipment and hose.
Gongs.	
Headlamps.	
Metallic packing.	
Pneumatic sanding equipment.	

NOTE: Cars with motor equipment are not to be classed as locomotives.

Item No. 5. The system of accounts following the text of account 54, "Passenger-train cars", is amended by adding the following account number, title and text:

55 Highway Revenue Equipment.

(a) This account shall include the cost of highway vehicles used in revenue transportation service, including pickup and delivery service, substitute line-haul service, and TOFC/COFC service; also the cost of appurtenances (such as radio communication equipment) necessary to equip them for service, and the inspection and transportation costs and charges required for delivery of the vehicles into the carrier's revenue service.

(b) Records shall be maintained to identify the carrier's investment in the following items:

LIST OF HIGHWAY REVENUE EQUIPMENT

Bogies.	Semitrailleurs.
Buses.	Tractors.
Chassis.	Trailers.
Containers.	Trucks.

(c) The cost of trucks and tractors, which are used exclusively at TOFC/COFC terminals for loading and unloading trailers and containers on and from flat cars shall be charged to account 25, "TOFC/COFC terminals."

Item No. 6. The text of account 58 "Miscellaneous Equipment" is revised to read as follows:

58 Miscellaneous Equipment.

(a) This account shall include the cost of automobiles, trucks, and other highway equipment not used in revenue transportation service and not provided for elsewhere; the cost of airplanes; the cost of appurtenances (such as radio communication equipment) necessary to equip them for service; and the inspection and transportation costs and charges required for delivery of the vehicles to the carrier.

(b) The cost of on and/or off-track automotive vehicles, which are permanently equipped with special-purpose machinery and used exclusively in maintenance of way and structures, shall be charged to account 37, "Roadway machines".

III. TEXTS OF REVENUE ACCOUNTS AMENDED

Item No. 1. The text of account 101 "Freight" is amended by supplementing the lists of items to be credited and charged, following paragraph (c), and revising "Note G" as follows:

ITEMS TO BE CREDITED

(j) Revenue from transportation of trailers and containers on flat cars in TOFC/COFC service upon the basis of all-rail line-haul freight tariff rates and under arrangements for motor carrier-railroad joint haul, and from the loading and unloading of trailers and containers on and from flat cars upon the basis of tariff rates and under arrangements for motor carrier-railroad joint haul.

ITEMS TO BE CHARGED

(l) Amounts paid to motor truck companies for hauling trailers and containers to and from TOFC/COFC terminals, and allowances to shippers who perform such service on the basis of tariff rates.

NOTE G: This account shall be maintained so as to show separately payments and allowances for (a) terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates, further separated between (1) TOFC/COFC service, and (2) all other freight service; also (b) payments for switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (c) payments on basis of tariff rates for loading and unloading livestock.

Item No. 2. The text of account 137 "Demurrage" is amended by adding the following sentence and "Note":

137 Demurrage.

*** This account shall also include the revenue from the detention of trailers and containers used in TOFC/COFC service, incident to loading and unloading, upon the basis of tariff rates.

ers and containers used in TOFC/COFC service, incident to loading and unloading, upon the basis of tariff rates.

NOTE: This account shall be maintained so as to reflect separately (1) revenue from detention of cars, and (2) revenue from detention of trailers and containers used in TOFC/COFC service.

IV. TEXT OF MAINTENANCE OF WAY AND STRUCTURES ACCOUNT ADDED

Item No. 1. The system of accounts following the text of account 243, "Coal and ore wharves", is amended by adding the following account number, title and text:

244 TOFC/COFC Terminals.

(a) This account shall include the cost of repairing TOFC/COFC terminal structures, fixtures, machinery, and appurtenances.

(b) A list of TOFC/COFC terminal structures and appurtenances appears in property account 25, "TOFC/COFC terminals".

V. TEXTS OF MAINTENANCE OF EQUIPMENT ACCOUNTS ADDED, AMENDED, DELETED, AND REVISED

Item No. 1. Account 308 "Steam Locomotives; Repairs" is deleted.

Item No. 2. The title and text of account 311 "Other Locomotives; Repairs" are revised to read as follows:

311 Locomotives; Repairs.

(a) This account shall include the cost of repairing transportation service locomotives and tenders, including appurtenances; the cost of inspecting and lubricating locomotives; also the cost of small hand tools, materials, lubricants and supplies used in repairs and other related expense items. This account shall also include the cost of work train service for the transportation of locomotives without power to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without power which are hauled in transportation service trains to shops for repairs; also notarial fees in connection with reports on conditions of locomotives.

(b) A list of locomotive appurtenances appears in property account 52, "Locomotives".

NOTE A: The cost of repairing locomotives and tenders of foreign lines, waybilled as freight and damaged in transit, shall be charged to account 418, "Loss and damage; Freight"; and the cost of repairing locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause for which the carrier is liable, shall be charged to account 416, "Damage to property".

NOTE B: The cost of running locomotives under power to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE C: The cost of repairing locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment; Repairs". The cost of repairing locomotives on account of construction work shall be included in the cost of the work.

Item No. 3. The text of account 314 "Freight-train Cars; Repairs" is amended by revising the first sentence of paragraph (a) and adding paragraph (c) and "Note C" as follows:

314 Freight-train Cars; Repairs.

(a) This account shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; the cost of car inspection, such as checking for mechanical defects and making repairs, and inspecting, repacking, and oiling car journal boxes and air brake equipment; also the cost of small hand tools, materials, lubricants, and supplies used in repairs, and other related expense items. * * *

(c) This account shall be maintained so as to reflect separately (1) cost of car inspection, and (2) other freight-train car repair costs.

NOTE C: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 4. The text of account 317 is amended by revising paragraph (a) and adding paragraph (c) and "Note C" as follows:

317 Passenger-train Cars; Repairs.

(a) This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service; amounts paid to others for repairs of passenger-train cars for which the carrier is liable; the cost of car inspection, such as checking for mechanical defects and making repairs, and inspecting, repacking and oiling car journal boxes and air brake equipment; also the cost of small hand tools, materials, lubricants and supplies used in repairs, and other related expense items. * * *

(c) This account shall be maintained so as to reflect separately (1) cost of car inspection, and (2) other passenger-train car repair costs.

NOTE C: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 5. The system of accounts following the text of account 317, "Passenger-train cars; Repairs", is amended by adding the following account number, title and text:

318 Highway Revenue Equipment; Repairs.

(a) This account shall include the cost of repairing highway revenue equipment and appurtenances; the cost of related towing and wrecker services; also the cost of small hand tools, materials, lubricants and supplies used in repairs, and other related expense items. This ac-

count shall also include the net loss sustained on account of the destruction of foreign highway revenue equipment in the carrier's transportation service, and payments to others for repairs of highway revenue equipment for which the carrier is liable.

(b) A list of highway revenue equipment appears in property account 55, "Highway revenue equipment".

NOTE A: The cost of repairing highway revenue equipment of foreign lines, waybilled as freight and damaged in transit, shall be charged to account 418, "Loss and damage; Freight"; and the cost of repairing highway revenue equipment of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck or other cause for which the carrier is liable, shall be charged to account 416, "Damage to property".

NOTE B: "Waybilled as freight" refers to equipment for which a tariff charge is made independent of any load.

Item No. 6. The text of account 328 is revised to read as follows:

328 Miscellaneous Equipment; Repairs.

This account shall include the cost of repairing miscellaneous equipment and appurtenances (see account 58, "Miscellaneous equipment"); the cost of related towing and wrecker services; also the cost of small hand tools, materials, lubricants and supplies used in repairs, and other related expense items.

Item No. 7. The text of account 331 is revised to read as follows:

331 Equipment; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is includible in accounts 52 through 58.

VI. TEXTS OF TRANSPORTATION EXPENSE ACCOUNTS AMENDED AND DELETED

Item No. 1. The following accounts are deleted:

- 385 Water for yard locomotives.
- 386 Lubricants for yard locomotives.
- 387 Other supplies for yard locomotives.

Item No. 2. The title and text of account 388 "Enginehouse Expenses; Yard" are revised as follows:

388 Servicing Yard Locomotives.

This account shall include the expense of preparing locomotives for switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including a proportion of such expenses as are common to train, yard switching and work service.

(a) *Employees.* The pay of enginehouse and other employees engaged in wiping, cleaning, watching and dispatching locomotives; keeping and preparing fires, dumping ashes and washing boilers; cleaning fireboxes, smokestacks, air brake equipment, ash and cinder pits; watering locomotives; checking locomotive tool equipment; operating turntables and drying sand; calling enginemen, and moving locomotive around engine yards when operated by hostlers; also a proportion of the pay of enginehouse fore-

men and their clerks and other related supervisory costs.

(b) *Miscellaneous expenses.* The cost of supplies and sundry expenses on account of preparing locomotives.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
Enginehouse cupboards.
Heating enginehouses, including offices.
Lanterns used by enginehouse men.
Lighting enginehouse, including offices.
Lubricating oil for enginehouse, ash pit, transfer table and turntable machinery.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Sand, and materials and supplies for drying sand, for locomotives.
Signal lights on transfer tables and turntables.
Waste.
Water for locomotives, cinder pits and washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: Where the quantity of sand used engaged in locomotive repair work in enginehouses shall be charged to the appropriate maintenance account for locomotives.

NOTE C: Where the quantity of sand used on locomotives engaged in yard service is relatively small as compared with the quantity used by locomotives engaged in train service, the entire cost of such material shall be included in account 400, "Servicing train locomotives". Where the quantity used in yard service is relatively large, the entire cost shall be included in this account.

NOTE D: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in account 400, "Servicing train locomotives". The cost of supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

Item No. 3. The following accounts are deleted:

- 397 Water for train locomotives.
- 398 Lubricants for train locomotives.
- 399 Other supplies for train locomotives.

Item No. 4. The title and text of account 400 "Enginehouse Expenses; Train" are revised as follows:

400 Servicing Train Locomotives.

This account shall include the expense of preparing locomotives for transportation train service, including a proportion of such expenses as are common to train, yard switching and work service.

(a) *Employees.* The pay of enginehouse and other employees engaged in wiping, cleaning, watching and dispatching locomotives; keeping and preparing fires, dumping ashes and washing boilers; cleaning fireboxes, smokestacks, air brake equipment, ash and cinder pits; watering locomotives; operating turntables and drying sand; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks and other related supervisory costs.

(b) *Miscellaneous expenses.* The cost of supplies and sundry expenses on account of preparing locomotives.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
 Enginehouse cupboards.
 Heating enginehouses, including offices.
 Lanterns used by enginehouse men.
 Lighting enginehouses, including offices.
 Lubricating oil for enginehouse, ash pit, transfer table and turntable machinery.
 Power for operation of turntables and transfer tables.
 Rent of roundhouse stalls.
 Sand, and materials and supplies for drying sand, for locomotives.
 Signal lights on transfer tables and turntables.
 Waste.
 Water for locomotives, cinder pits and washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate maintenance account for locomotives.

NOTE C: When the quantity of sand used on locomotives engaged in train service is relatively small as compared with the quantity used on locomotives engaged in yard service, the entire cost of such material shall be included in account 388, "Servicing yard locomotives". Where the quantity used in train service is relatively large, the entire cost shall be included in this account.

NOTE D: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. The entire cost of supplies consumed by yard locomotives in yard switching service and in terminal switching and transfer service shall be included in account 388, "Servicing yard locomotives". The cost of supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

Item No. 5. The text of account 402 is amended by revising paragraph (d) as follows:

402 Train Supplies and Expenses.

(d) *Inspecting cars.* The cost of inspecting cars in transportation train service such as coupling air hoses, testing air or bleeding train line, checking and carding cars for commodity loading, cooping, cleaning, etc., inspecting and adjusting lading, closing side doors and checking for right-of-way clearance.

Item No. 6. The text of account 418 is amended by revising paragraph (a) as follows:

418 Loss and Damage; Freight.

(a) This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives, cars and highway revenue equipment transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction or damage to shipments of company material.

Item No. 7. The system of accounts following the text of account 420, "Injuries to persons", is amended by adding the following account numbers, titles and texts:

421 TOFC/COFC Terminals.

This account shall include the cost of operating TOFC/COFC terminals in connection with the transportation of trailers and containers on flat cars.

(a) *Employees.* The pay of tractor drivers, crane operators and other employees, or compensation to others, engaged in loading or unloading trailers and containers on and from flat cars; and the pay of other employees engaged in operating TOFC/COFC terminals.

(b) *Terminal expenses.* The cost of heating and lighting TOFC/COFC terminals; building, equipment and other rentals; fuel, supplies and other related expense items.

422 Other Highway Transportation Expenses.

This account shall include all expenses in connection with highway revenue transportation not properly chargeable to other transportation accounts.

ITEMS OF EXPENSE

Pay of drivers, fuel, supplies and other direct expenses of operating highway revenue equipment.

Pay of employees engaged in loading and unloading freight on and from trailers and containers used in TOFC/COFC service at shippers' or consignees' premises.

Washing and cleaning highway revenue equipment.

VII. TEXTS OF INCOME ACCOUNTS AMENDED

Item No. 1. Account 503 "Hire of Freight Cars; Credit Balance" is amended by revising the title, text and "Note A" and adding "Note D" as follows:

503 Hire of Freight Cars and Highway Revenue Freight Equipment; Credit Balance.

(a) This account shall include, except as provided in the texts of accounts 509, "Income from lease of road and equipment", and 542, "Rent for leased roads and equipment", the net credit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and highway revenue freight equipment, over (2) amounts payable accrued for the use of the freight cars of others leased or interchanged, and highway revenue freight equipment of others.

(b) This account shall be maintained so as to reflect separately the net credit balance applicable to (1) rent from freight-train cars, and (2) rent from highway revenue freight equipment.

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars and highway revenue freight equipment; Debit balance".

NOTE D: Rent from the use of highway equipment recorded in account 58, "Miscellaneous equipment", shall be included in account 510, "Miscellaneous rent income".

Item No. 2. Account 536 "Hire of Freight Cars; Debit Balance" is amended by revising the title, text and "Note A" and adding "Note E" as follows:

536 Hire of Freight Cars and Highway Revenue Freight Equipment; Debit Balance.

(a) This account shall include, except as provided in the classification for investment in road and equipment and in the texts of accounts 509, "Income from lease of road and equipment", and 542, "Rent for leased roads and equipment", the net debit balance of (1) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and highway revenue freight equipment, under (2) amounts payable accrued for the use of the freight cars of others leased or interchanged, and highway revenue freight equipment of others.

(b) This account shall be maintained so as to reflect separately the net debit balance applicable to (1) rent for freight-train cars, and (2) rent for highway revenue freight equipment.

NOTE A: If the net balance is a credit, it shall be included in account 503, "Hire of freight cars and highway revenue freight equipment; Credit balance".

NOTE E: Rent paid for highway equipment not used in revenue transportation service and not provided for elsewhere shall be charged to account 543, "Miscellaneous rents". Rent paid for highway equipment used in construction work shall be included in the cost of the work.

VIII. FORM OF INCOME STATEMENT AMENDED

"599 Form of Income Statement" is amended as follows:

Item No. 1. Line item "503 Hire of freight cars—Credit balance" is changed to:

503. Hire of freight cars and highway revenue freight equipment—Credit balance.

Item No. 2. Line item "536 Hire of freight cars—Debit balance" is changed to:

536. Hire of freight cars and highway revenue freight equipment—Debit balance.

IX. MISCELLANEOUS AMENDMENTS

Item No. 1. The list of "Property Accounts" is amended as follows:

(a) Directly below "24 Coal and ore wharves" add:

25 TOFC/COFC terminals.

(b) Line item "51 Steam locomotives" is deleted.

(c) Line item "52 Other locomotives" is changed to:

52 Locomotives.

(d) Directly below "54 Passenger-train cars" add:

55 Highway revenue equipment.

Item No. 2. The list of "Railway Operating Expense Accounts" is amended as follows:

(a) Directly below "243 Coal and ore wharves" add:

244 TOFC/COFC terminals.

(b) Line item "311 Other locomotives; repairs" is changed to:

311 Locomotives; repairs.

PROPOSED RULE MAKING

(c) Directly below "317 Passenger-train cars; repairs" add:

318 Highway revenue equipment; repairs.

(d) Line item "388 Enginehouse expenses; yard" is changed to:

388 Servicing yard locomotives.

(e) Line item "400 Enginehouse expenses; train" is changed to:

400 Servicing train locomotives.

(f) The following line items are added directly below "420 Injuries to persons":

421 TOFC/COFC terminals.

422 Other highway transportation expenses.

(g) The following line items are deleted:

308 Steam locomotives; repairs.

385 Water for yard locomotives.

386 Lubricants for yard locomotives.

387 Other supplies for yard locomotives.

397 Water for train locomotives.

398 Lubricants for train locomotives.

399 Other supplies for train locomotives.

Item No. 3. The list of "Income Accounts" is amended by revising the following line items:

(a) "503 Hire of freight cars; credit balance" is changed to:

503 Hire of freight cars and highway revenue freight equipment; credit balance.

(b) "536 Hire of freight cars; debit balance" is changed to:

536 Hire of freight cars and highway revenue freight equipment; debit balance.

Item No. 4. 480 "Accounts for Small Carriers, Class II":

The "Condensed Classification of Operating Expenses" is amended as follows:

(a) The listing "Accounts for Small Carriers—Class II" is revised as follows:

(1) Line item "2226 Car repairs" is changed to:

2226. Car and highway revenue equipment repairs.

(2) Line item "2255 Other rail transportation expenses" is changed to:

2225. Other rail and highway transportation expenses.

(b) The listing "Accounts for Large Carriers—Class I" is amended as follows:

(1) Directly below "243 Coal and ore wharves" add the following (includible in the account grouping "2203. Maintaining structures".):

244. TOFC/COFC terminals.

(2) Line item "311 Other locomotives—Repairs" is changed to:

311. Locomotives—Repairs.

(3) Directly below "317 Passenger-train cars—Repairs" add the following (includible in the account grouping "2226. Car and highway revenue equipment repairs".):

318. Highway revenue equipment—Repairs.

(4) Directly below "376 Station supplies and expenses" add the following (includible in account grouping "2242. Station service".):

421. TOFC/COFC terminals.

(5) Directly below "411 Other expenses" add the following (includible in account grouping "2255. Other rail and highway transportation expenses".):

422. Other highway transportation expenses.

(6) The following line items are deleted:

308. Steam locomotives—Repairs.

385. Water for yard locomotives.

386. Lubricants for yard locomotives.

387. Other supplies for yard locomotives.

397. Water for train locomotives.

398. Lubricants for train locomotives.

399. Other supplies for train locomotives.

[F.R. Doc. 70-11506; Filed, Aug. 31, 1970; 8:48 a.m.]

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 22460; Order 70-8-101]

GOLDEN EAGLE AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority August 25, 1970.

The Postmaster General filed a notice of intent August 10, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 49.25 cents per great circle aircraft mile for the transportation of mail by aircraft between Shreveport, La., and Dallas, Tex., via Texarkana, Tex., Camden and Little Rock, Ark., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft D-18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Golden Eagle Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.25 cents per great circle aircraft mile between Shreveport, La., and Dallas, Tex., via Texarkana, Tex., Camden and Little Rock, Ark., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Golden Eagle Aviation, Inc., the Postmaster General, American Airlines,

¹ This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Texas International Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Golden Eagle Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Golden Eagle Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., and Texas International Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11520; Filed, Aug. 31, 1970;
8:50 a.m.]

DEPARTMENT OF STATE

[Public Notice 328]

CULTURALLY SIGNIFICANT OBJECTS Temporary Exhibition in United States

Notice is hereby given of the following determination:

Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312, dated October 14, 1966 (31 F.R. 202, October 18, 1966) and Delegation of Authority No. 113, dated December 23, 1966 (32 F.R.

58, Jan. 1, 1967), I hereby determine that (1) the objects hereinafter enumerated as items 1 through 22, to be imported, pursuant to an agreement between the Government of the United States of America and the Government of Guatemala and agreements between the Metropolitan Museum of Art, New York, N.Y., and the Guatemalan owners or custodians, for temporary exhibition without profit within the United States are of cultural significance, and that (2) the temporary exhibition or display of such objects within the United States by such museum is in the national interest:

1. Bat with outstretched wings, Maya, stone, 67 cm.
2. Mushroom stone representing kneeling man, 34 cm.
3. Piggyback pair of monkeys, stone, 38 cm.
4. Kaminaljuyú stela 19, stone, 110 cm.
5. Kaminaljuyú spherical head, stone, 34 cm.
6. Jaguar statue, stone, 185 cm.
7. Stone stela, 126 cm.
8. Stone stela, 125 cm.
9. Statue, stone, 20 cm.
10. Stone stela, 147 cm.
11. Skull, shell, 4.7 cm.
12. Sculpture, clay, 22.5 cm.
13. Bowl, stone, 21 cm. long
14. Jar, ceramic, 15 cm. tall
15. Shrimp, jade, 7.5 cm. long
16. Statue, seated, stone, 26.5 cm.
17. Statue, stone, 222 cm. high
18. Jaguar, jade, 16 cm. long
19. Statue, kneeling man, stone, 30.5 cm.
20. Colossal head, stone, 1.50 mts.
21. Set of 10 miniature mushroom stones and pair of miniature metates, 19 cm.
22. Statue, silhouetted relief, stone, 110 cm.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

AUGUST 21, 1970.

[F.R. Doc. 70-11477; Filed, Aug. 31, 1970;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-11433]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 25, 1970.

The Federal Railroad Administration, Department of Transportation, has filed the above application for the withdrawal of the lands described below from all forms of appropriation under the Public Land Laws, including the General Mining Laws but not the Mineral Leasing Laws, subject to valid existing rights.

The applicant desires the land for use in connection with a high-speed ground

test site and wheel rail laboratory for research and development of fixed guideway vehicles.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

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

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

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

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

The lands involved are:

SIXTH PRINCIPAL MERIDIAN, COLO.

T. 19 S., R. 62 W.,
Sec. 2, W $\frac{1}{2}$ SW $\frac{1}{4}$.

The above-described land aggregates 80 acres, more or less.

J. ELLIOTT HALL,
Manager, Colorado Land Office.

[F.R. Doc. 70-11470; Filed, Aug. 31, 1970;
8:45 a.m.]

[OR 6114]

OREGON

Notice of Classification of Public Lands
for Multiple-Use Management

AUGUST 25, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for multiple-use management. Publication of the notice has the effect of segregating the public lands described below from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the

Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands classified in this notice are shown on maps on file and available for inspection in the Burns District Office, Bureau of Land Management, 74 South Alvord Street, Burns, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The notice of proposed classification was published in 35 F.R. 8894 of June 9, 1970. No comments were received on the proposed classification.

3. The lands involved are located in Harney County and are described as follows:

WILLAMETTE MERIDIAN

T. 23 S., R. 25 E.,
Sec. 35.
T. 23 S., R. 26 E.,
Sec. 28, S $\frac{1}{2}$.
T. 23 S., R. 27 E.,
Sec. 32, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$.
T. 24 S., R. 27 E.,
Sec. 6;
Sec. 8.
T. 25 S., R. 28 E.,
Sec. 17, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 22, N $\frac{1}{2}$;
Sec. 29, lots 3 and 4;
Sec. 32, lots 3 and 4.
T. 25 S., R. 29 E.,
Sec. 19, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 27 S., R. 29 E.,
Sec. 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 22 S., R. 30 E.,
Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 24 S., R. 30 E.,
Sec. 20, SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 26 S., R. 30 E. (north of Malheur Lake),
Sec. 8, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$;
Sec. 30, lots 1 and 2 and E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 26 S., R. 30 E. (south of Malheur Lake),
Sec. 25, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 27 S., R. 30 E.,
Sec. 2, S $\frac{1}{2}$ S $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 10;
Sec. 11;
Sec. 12; E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Sec. 13;
Sec. 14;
Sec. 15.
T. 22 S., R. 31 E.,
Sec. 22, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 24 S., R. 31 E.,
Sec. 33, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 35, S $\frac{1}{2}$.
T. 25 S., R. 31 E.,
Sec. 1, lots 1 and 2.

T. 26 S., R. 31 E. (south of Malheur Lake),
Sec. 30, lots 3, 6, and 7;
Sec. 31, lots 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$.
T. 27 S., R. 31 E.,
Sec. 6, lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 7, lots 1, 2, 3, and 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, lots 1, 2, 3, and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 29 S., R. 31 E.,
Sec. 34, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 30 S., R. 31 E.,
Sec. 2, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 11, NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 22 S., R. 32 E.,
Sec. 15, N $\frac{1}{2}$ and SE $\frac{1}{4}$.
T. 29 S., R. 32 E.,
Sec. 1;
Sec. 12;
Sec. 13.
T. 32 S., R. 32 E.,
Sec. 2, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 3;
Sec. 10;
Sec. 11, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$.
T. 22 S., R. 33 E.,
Sec. 6, lots 3, 4, 5, 6, and 7, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 25 S., R. 33 E.,
Sec. 34, lot 10.

The lands described aggregate approximately 19,875 acres.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior LLM 320, Washington, D.C. 20240.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 70-11484; Filed, Aug. 31, 1970;
8:46 a.m.]

[OR 6114]

OREGON

Notice of Classification of Public Lands
for Disposal by Exchange

AUGUST 25, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for disposal by exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands

from all appropriations including location under the mining laws except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The public lands classified in this notice are shown on maps on file and available for inspection in the Burns District Office, Bureau of Land Management, 74 South Alvord Street, Burns, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

4. The notice of proposed classification was published in 35 F.R. 8895 of June 9, 1970. No comments were received on the proposed classification.

5. The lands involved are located in Harney County and are described as follows:

WILLAMETTE MERIDIAN

- T. 23 S., R. 25 E.,
Sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24;
Sec. 26, N $\frac{1}{2}$ N $\frac{1}{2}$.
- T. 22 S., R. 26 E.,
Sec. 34, N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$.
- T. 23 S., R. 26 E.,
Sec. 2, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 26, W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$.
- T. 23 S., R. 27 E.,
Sec. 18, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$ E $\frac{1}{2}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 24 S., R. 27 E.,
Sec. 2, lots 1, 2, 3, and 4, and S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 4;
Sec. 10, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$;
Sec. 12;
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 25 S., R. 30 E.,
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 26 S., R. 30 E. (north of Malheur Lake),
Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, W $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 15, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, SE $\frac{1}{4}$;
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$ N $\frac{1}{2}$.
- T. 22 S., R. 31 E.,
Sec. 19, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 30, lot 2, W $\frac{1}{2}$ E $\frac{1}{2}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 25 S., R. 31 E.,
Sec. 3, lots 1 and 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 7, lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 19, lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 26 S., R. 31 E. (north of Malheur Lake),
Sec. 1, lots 1 and 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 5, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 6, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 7, E $\frac{1}{2}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;

- Sec. 8, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, NW $\frac{1}{4}$;
Sec. 15, W $\frac{1}{2}$;
Sec. 22, NW $\frac{1}{4}$.
- T. 25 S., R. 32 E.,
Sec. 29, NE $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$;
Sec. 33, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 26 S., R. 32 E. (north of Malheur Lake),
Sec. 6, lot 3 and N $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 22 S., R. 32 $\frac{1}{2}$ E.,
Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.
- T. 24 S., R. 32 $\frac{1}{2}$ E.,
Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$.
- T. 25 S., R. 32 $\frac{1}{2}$ E.,
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 24, lot 2 and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 22 S., R. 33 E.,
Sec. 28, E $\frac{1}{2}$.
- T. 24 S., R. 33 E.,
Sec. 30, lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 25 S., R. 33 E.,
Sec. 3, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$;
Sec. 21, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$;
Sec. 27, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$.

The lands described aggregate approximately 15,809 acres.

6. The lands have been identified as not being needed for federal land management programs.

7. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2462.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

IRVING W. ANDERSON,
Acting State Director.

[F.R. Doc. 70-11485; Filed, Aug. 31, 1970;
8:46 a.m.]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 3, 1970, Part II (pp. 2476-2496), there was published a list of the properties included in the National Register of Historic Places. This list has been amended by notices in the FEDERAL REGISTER on March 3 (pp. 4013-4014), April 7 (pp. 5635-5636), May 5 (pp. 7086-7087), June 3 (pp. 8600-8602), July 8 (pp. 10964-10966), and August 4 (pp. 12416-12417). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National

Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since August 4:

ALABAMA

Barbour County

Eufaula, *Fendall Hall*, Barbour Street.

Marengo County

Demopolis, *Bluff Hall*, 405 North Commissioners Avenue.

ARKANSAS

Pulaski County

Little Rock, *U.S. Arsenal Building*, MacArthur Park, Ninth and Commerce Streets.

COLORADO

Arapahoe County

Strasburg vicinity, *Comanche Crossing of the Kansas Pacific Railroad*, on the Union Pacific Railroad tracks east of the Strasburg depot.

Denver County

Denver, *Trinity United Methodist Church*, East 18th Avenue and Broadway.

FLORIDA

Citrus County

Old Homosassa, *Yulee Sugar Mill Ruins*, Florida 480.

Collier County

Naples vicinity, *Everglades and Seminole Indian Reservations*, U.S. 41, 17 miles south of Naples.

Columbia County

Olustee vicinity, *Olustee Battlefield*, 2 miles east of Olustee on U.S. 90.

Escambia County

Pensacola Beach vicinity, *Fort Pickens*, U.S. 98 west of Pensacola Beach.

Indian River County

Sebastian vicinity, *Site of Salvors Camp for Spanish Wrecks (1715)*, between the town of Sebastian and Sebastian Inlet on the Atlantic Ocean.

Lee County

Fort Myers Beach vicinity, *Mound Key*, south of Fort Myers Beach in Koreshan State Park, on Estero Bay.

Manatee County

Ellenton, *Gamble Mansion (Judah P. Benjamin Memorial)*, U.S. 301.
Terre Cela Island, *Madira Bickel Mound*, U.S. 19.

St. Johns County

St. Augustine Beach, *Spanish Coquina Quarries*, Florida AIA, Anastasia State Park.

Volusia County

New Smyrna Beach, *New Smyrna Sugar Mill Ruins*, U.S. 1.

GEORGIA

Grady County

Beachton vicinity, *Susina Plantation (Cedar Grove)*, 1.5 miles west of Beachton on Meridian Road.

Thomas County

Thomasville, *Bryan, Hardy, House (Cater House)*, 312 North Broad Street.
Thomasville, *Park Front (Frances Stone House)*, 711 South Hansell Street.

Crow Wing County

Thomasville, *Ponder, Epraim, House*, 324 North Dawson Street.

NOTICES

Thomasville, *Scarborough House (C. W. Lapham House)*, 626 North Dawson Street.
Thomasville, *Wright House*, 415 Fletcher Street.

IDAHO

Ada County

Boise, *Moore-DeLamar House*, 807 Grove Street.

MINNESOTA

Cass County (also in Crow Wing and Morrison Counties)

Barrows vicinity, *Crow Wing State Park*, 2 miles southwest of Barrows on U.S. 371.

Crow Wing County

Crow Wing State Park, Reference—see Cass County.

Goodhue County

Welch vicinity, *Fort Sweney Site*, SE $\frac{1}{4}$ sec. 28, T. 113 N., R. 16 W., across the Cannon River from Welch.

Hennepin County

Bloomington, *Pond, Gideon H., House*, 401 East 104th Street.

Morrison County

Crow Wing State Park, Reference—see Cass County.

MISSISSIPPI

Warren County

Vicksburg, *Pemberton House (Willis-Cowan Home)*, 1020 Crawford Street.

MISSOURI

Jackson County

Kansas City, *20 West Ninth Street Building (New York Life Building)*, 20 West Ninth Street.

MONTANA

Meagher County

White Sulphur Springs vicinity, *Fort Logan*, 17 miles northwest of White Sulphur Springs.

NEBRASKA

Cuming County

Bancroft, *Neihardt, John G., Study*, Northwest corner, Washington and Grove Streets.

NEW JERSEY

Essex County

Newark, *Sydenham House*, Old Road to Bloomfield.

NEW MEXICO

Dona Ana County

Las Cruces vicinity, *Fort Selden*, 18 miles north of Las Cruces via Interstate 25 at Radium Springs Interchange.

Grant County

Cliff vicinity, *Woodrow Ruin*, c. 5 miles northeast of Cliff off New Mexico 293.

Sandoval County

Jemez Falls vicinity, *San Juan Mesa Ruin*, SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 28, T. 18 N., R. 3 E., southeast of Jemez Falls.

Santa Fe County

Santa Fe, *Davey, Randall, House*, Upper Canyon Road.

NEW YORK

Richmond County

Staten Island, *Austen, Elizabeth Alice, House*, 2 Hyland Boulevard.

NORTH CAROLINA

Wake County

Raleigh, *Christ Episcopal Church*, 120 East Edenton Street.

Raleigh, *Executive Mansion*, 210 North Blount Street.

Raleigh, *Haywood Hall*, 211 New Bern Avenue.
Raleigh, *Haywood, Richard B., House*, 127 East Edenton Street.

Raleigh, *Lane, Joel, House*, 728 West Hargett Street.

OHIO

Franklin County

Columbus, *University, Hayes, and Orton Halls, The Ohio State University, The Oval*.

Medina County

Medina, *Medina County Courthouse*, Liberty Street and Broadway, Public Square.

OKLAHOMA

Oklahoma County

Oklahoma City, *Overholser House*, 405 Northwest 15th Street.

Pushmataha County

Tuskahoma vicinity, *Tuskahoma, Choctaw Council House*, 2 miles north of Tuskahoma.

RHODE ISLAND

Newport County

Newport, *Fort Adams State Park*, Harrison Avenue.

SOUTH CAROLINA

Berkeley County

Mount Holly vicinity, *Medway*, 2.1 miles east of Mount Holly.

Charleston County

Charleston, *South Carolina State Arsenal (Old Citadel)*, 2 Tobacco Street (Marion Square).

Charleston harbor, *Castle Pinckney*, on Shute's Folly Island.

Kershaw County

Camden vicinity, *Adamson Mounds Site*, c. 2 miles west of Camden, along the left bank of Mound Creek.

Camden vicinity, *McDowell Site (Chestnut Mounds)*, 2.5 miles south of Camden, surrounding the mouth of Big Pine Tree Creek on the Wateree River.

Richland County

Columbia, *Hall, Ainsley, House*, 1616 Blanding Street.

Spartanburg County

Glenn Springs vicinity, *Camp Hill (Smith House)*, 2 miles south of Glenn Springs on South Carolina 215.

Spartanburg, *Evins-Bivings House (Dr. James Bivings House)*, 563 North Church Street.

TENNESSEE

Davidson County

Nashville, *First Presbyterian Church (Downtown Presbyterian Church)*, 154 Fifth Avenue North.

Nashville, *St. Mary's Catholic Church*, 330 Fifth Avenue North.

Nashville, *Tennessee State Capitol*, Capitol Hill.

Loudon County

Loudon, *Carmichael Inn*, off U.S. 11.
Loudon vicinity, *Cannon-Calloway House*, west of Loudon off U.S. 11.

Maury County

Columbia vicinity, *Clifton Place*, southwest of Columbia on Mount Pleasant Highway.
Columbia vicinity, *St. John's Episcopal Church*, 6 miles west of Columbia.

Williamson County

Franklin, *Rainey-Lawrence House*, 244 First Avenue South.

WEST VIRGINIA

Kanawha County

Charleston, *Craik-Patton House (Elm Grove)*, 1316 Lee Street.

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

[F.R. Doc. 70-11570; Filed, Aug. 31, 1970;
8:51 a.m.]

Office of the Secretary

OTIS B. HOCKER

Report of Appointment and Statement
of Financial Interests

AUGUST 25, 1970.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Otis B. Hocker.

Name of employing agency: Office of Oil and Gas, Emergency Petroleum and Gas Administration.

The title of the appointee's position: Regional Administrator, Region 6.

The name of the appointee's private employer or employers: Texaco, Inc.

The statement of "financial interests" for the above appointee is set forth below.

WALTER J. HICKEL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL
INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 30, 1970, as Regional Administrator—6, Office of Oil and Gas, an officer or director:

Texaco, Inc.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Texaco, Inc.
Microdot.
Union Bankers Life.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

OTIS B. HOCKER.

AUGUST 20, 1970.

[F.R. Doc. 70-11473; Filed, Aug. 31, 1970;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Organization Order 40-1A,
Amdt. 1]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Functions

The following amendment to the order was issued by the Secretary of Commerce on August 17, 1970. This material amends the material appearing at 35 F.R. 2930 of February 12, 1970.

Department Organization Order 40-1A of February 4, 1970, is amended as follows:

In section 4 *Functions*, add paragraph .03 to read:

.03 Provide Department-wide leadership, focus and coordination for the development, stimulation and fulfillment of policy, plans, and programs of the Department in matters concerning pollution abatement and environmental quality, taking into account responsibilities assigned to organizations of the Department that have a bearing on environmental matters and including the Department-wide responsibilities of the Assistant Secretary for Science and Technology on scientific and technological matters as prescribed in Department Organization Order 10-1. This shall particularly include encouraging, assisting, reviewing and guiding Department operating units in the implementation of necessary actions to achieve the objectives of the National Environmental Quality Act of 1969 (Public Law 91-190; 83 Stat. 852) and Executive Order 11514 (Mar. 7, 1970; 35 F.R. 4247). In addition, the Administration shall provide the principal point of contact within the Department on matters regarding environmental quality, particularly for interagency relationships pertaining to the review of source materials and legislative and executive proposals. Further, it shall serve as the central source of environmental quality information.

Renumber existing paragraph .03 as .04.

Effective date: August 17, 1970.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[F.R. Doc. 70-11521; Filed, Aug. 31, 1970;
8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration DIAMOND CRYSTAL SALT CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 1A2579) has been filed by Diamond Crystal Salt Co., Packet Products Division, 10 Burlington Avenue, Wilmington, Mass. 01887, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of glycine as a diluent and flavor-masking agent for saccharin in sugar substitutes for table use.

Dated: August 24, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11510; Filed, Aug. 31, 1970;
8:49 a.m.]

5,6-DICHLORO-1-PHOXYCARBONYL-2-TRIFLUOROMETHYLBENZIMIDAZOLE

Notice of Reextension of Temporary Tolerance

A temporary tolerance of 0.75 part per million for residues of the insecticide 5,6-dichloro - 1-phenoxy carbonyl-2-trifluoromethylbenzimidazole in or on the raw agricultural commodity apples was established at the request of Fisons Corp., 51 Eames Street, Wilmington, Mass. 01887. A notice was published in the FEDERAL REGISTER of May 28, 1968; 33 F.R. 7776, and the temporary tolerance was extended to May 21, 1970 (FEDERAL REGISTER of January 29, 1969; 34 F.R. 1406).

The petitioner has requested reextension of the temporary tolerance at 1 part per million to permit additional tests in accordance with the temporary permit issued by the U.S. Department of Agriculture.

The Commissioner of Food and Drugs has determined that reextension will protect the public health. Therefore, reextension has been granted and will expire May 21, 1971.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(a)(j)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 21, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11509; Filed, Aug. 31, 1970;
8:49 a.m.]

[DESI 10891]

CAPTODIAME HYDROCHLORIDE

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 captodiame hydrochloride, marketed as *Suven* Tablets by Ayerst Laboratories, 685 Third Avenue, New York, N.Y. 10017 (NDA 10-891).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that captodiame hydrochloride is possibly effective for its labeled indications, i.e., for use in emotionally conditioned disorders and in hyperactive children with brain damage.

B. Marketing status. 1. Holders of previously approved new-drug applications and any person marketing such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250)). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the 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, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report.

Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10891, 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 Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11512; Filed, Aug. 31, 1970;
8:49 a.m.]

[DESI 11792]

CARISOPRODOL ALONE AND IN COMBINATION WITH PHENACETIN AND CAFFEINE WITH OR WITHOUT CODEINE PHOSPHATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Sanoma; carisoprodol 350 mg. per tablet; marketed by Charles Pfizer & Co., 235 East 42d Street, New York, N.Y. 10017 (NDA 12-158).

2. Rela; carisoprodol 350 mg. per tablet; marketed by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 12-155).

3. Soma; carisoprodol 350 mg. per tablet and 250 mg. per capsule; marketed by Wallace Pharmaceuticals, Division of Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512 (NDA 11-792).

4. Soma Compound with Codeine; carisoprodol 200 mg., phenacetin 160 mg., caffeine 32 mg., and codeine phosphate 16 mg., per tablet; marketed by Wallace Pharmaceuticals (NDA 12-366).

5. Soma Compound; carisoprodol 200 mg., phenacetin 160 mg., and caffeine 32 mg., per tablet; marketed by Wallace Pharmaceuticals (NDA 12-365).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

CARISOPRODOL AND CARISOPRODOL IN COMBINATION WITH PHENACETIN AND CAFFEINE WITH OR WITHOUT CODEINE PHOSPHATE

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

1. Carisoprodol by itself is possibly effective for symptomatic relief in conditions characterized by skeletal muscle spasm and mild to moderate pain.

2. Carisoprodol by itself lacks substantial evidence of effectiveness for all other labeled indications.

3. The combination of carisoprodol with phenacetin, caffeine, and codeine is possibly effective for the relief of pain and stiffness in traumatic, rheumatic, and other conditions responsive to the combination in which the additional action of codeine is desired.

4. The combination drug, without codeine, is possibly effective for the relief of pain and stiffness in a variety of traumatic, rheumatic, and other conditions affecting muscles and joints.

5. The combination drugs, with or without codeine, lack substantial evidence of effectiveness for all other labeled indications.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. The holders of previously approved applications for these drugs are requested to submit, within 60 days following the date of publication hereof in the FEDERAL REGISTER, a supplement containing revised labeling deleting the claims for which substantial evidence of effectiveness is lacking as described in A2 and A5 above. The supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

3. At the end of the 6-month period, any data submitted will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After the evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference No. DESI 11792, directed to the attention of the following appropriate office, and (unless otherwise specified) addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number):
Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC reports: Press Relations Staff (CE-200), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 10, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11514; Filed, Aug. 31, 1970;
8:49 a.m.]

[DESI 8774V]

SODIUM SULFAMETHAZINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Sulmet, Sodium Sulfamethazine Injectable Solution 25 percent; each cubic centimeter contains 4 grains (0.25 gram) of sulfamethazine; by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540.

The Academy evaluated this preparation as probably effective for the treatment of bacterial enteritis and bacterial

pneumonia in dogs and cats; bacterial scours and bacterial pneumonia in swine; necrotic pododermatitis, shipping fever, coccidiosis, bacterial pneumonia, bacterial scours, and systemic treatment of mastitis and uterine infections in cattle and sheep; calf diphtheria and strangles, navel ill (joint ill), bacterial enteritis, and bacterial pneumonia in horses.

The Academy stated: (1) This drug should be limited to intravenous route of administration because of irritation via other routes; (2) the instructions are not adequate for lay use; (3) each disease claim should be properly qualified as to those caused by pathogens sensitive to the drug; (4) dose should be expressed on quantity of drug per unit of body weight per unit of time for each animal species; and (5) claims made regarding "for prevention of" or "to prevent" should be replaced by "as an aid in the control of" or "to aid in the control of".

The Food and Drug Administration concurs in the findings of the Academy.

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

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

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

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 20, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11511; Filed, Aug. 31, 1970;
8:49 a.m.]

[DESI 12342]

TRANLYCYPROMINE SULFATE 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:

Tranlycypromine sulfate marketed as Parnate Tablets by Smith, Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 12-342).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

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 probably effective for its indication described in the labeling conditions which follow.

B. Marketing status. 1. The indication for which the drug is probably effective may continue to be used for 12 months following the date of this publication, to allow additional time within which the holder of the previously approved application 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. At the end of the 12-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such use. 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, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of the approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes ade-

quate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows:

INDICATIONS

Serious and sometimes fatal hypertensive reactions occasionally occur with tranlycypromine; therefore, its use is reserved for symptomatic relief in patients who have severe depression, are not candidates for electroconvulsive therapy, have failed to respond satisfactorily to other antidepressant therapy, and are hospitalized or under similar close supervision.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Labeling guidelines for the drug are available from the Administration on request.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of this report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12342, 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:

Supplements (Identify with NDA number):
Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 12, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11515; Filed, Aug. 31, 1970;
8:49 a.m.]

Office of the Secretary REGIONAL DIRECTOR

Statement of Organization and Functions

Correction

In F.R. Doc. 70-11189 appearing on page 13546 in the issue for Tuesday,

August 25, 1970, in paragraph 2 of Sec. 1E-10, under "Agency and Title of Representative", the eighth line should read "National Institutes of Health; Regional Health Director."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage
Association

GOVERNMENT NATIONAL MORT- GAGE ASSOCIATION ADVISORY BOARD

Establishment

1. There is hereby established the Government National Mortgage Association Advisory Board pursuant to section 601 of the Housing Act of 1949 (12 U.S.C. 1701h), for a period to terminate on June 30, 1972.

2. The purpose of the Board is to advise the Secretary of Housing and Urban Development with respect to the establishment and evaluation of the policies and programs for the Government National Mortgage Association. The functions of the Board shall be solely advisory, and shall not involve determinations of action to be taken with respect to matters upon which the Board advises or recommends.

3. The President of the Government National Mortgage Association shall serve as Chairman of the Board and be responsible for the Board's operations in compliance with Executive Order 11007 (27 F.R. 1875-78, Feb. 28, 1962).

4. The advice of members of the Board is sought because of the individual qualifications of the members, and not because of their membership with a particular industry.

5. All members of the Board shall be appointed by the Secretary to serve at the pleasure of the Secretary.

6. No compensation is attached to service as a member of this Board, but a member may be allowed, while away from his home or regular place of business, transportation expenses and \$25 per diem in lieu of subsistence, as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 5703).

7. It is estimated that each Board member will meet for no more than 10 days during the period of his appointment.

Effective date. This document shall be effective as of July 1, 1970.

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

[F.R. Doc. 70-11531; Filed, Aug. 31, 1970;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP.
AND GENERAL MARITIME CORP.

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:

Ronald A. Capone, Esquire, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. 9620-3, between Central Gulf Steamship Corp. and General Maritime Corp., modifies the basic agreement by (1) extending the termination date thereof in Article 7 from October 21, 1970, to April 21, 1972, and (2) incorporating all previous modifications of the basic agreement, superseding and cancelling Agreement No. 9620, as amended.

The basic agreement is a cooperative working arrangement and rate agreement in the trade between the Great Lakes, Atlantic, Gulf and West Coast ports of the United States, and ports in the Mediterranean, Red Sea, Persian Gulf, India, Pakistan, Ceylon, Burma, Australia, New Zealand, and the Far East including ports in Malaysia, Singapore, Indonesia, Borneo, Sarawak, Thailand, Cambodia, South Vietnam, Philippines, Hong Kong, Formosa, Okinawa, Guam, Japan and Korea. It permits the parties to:

* * * discuss and agree on the fixing and collecting of ocean freight rates, booking and solicitation of cargo, interchanging containers, spacing sailings, settling claims, appointing service agents, husbanding of vessels and related terminal activities, and the extent to which one party may act as agent for the other party in the fixing of rates which may be but need not be the same as the agent party's rate, and in the performance of customary agency arrangements, not inconsistent with rules, regulations, limitations and procedures of conferences of which the lines party to this agreement are members or may become members in the trade covered by this agreement.

Dated: August 26, 1970.

By order of the Federal Maritime
Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[F.R. Doc. 70-11526; Filed, Aug. 31, 1970;
8:50 a.m.]

FOSS ALASKA LINE, INC., AND STATES STEAMSHIP CO.

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. A. L. Hotlen, Rates and Conference Department, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement No. 9890 between Foss Alaska Line, Inc., and States Steamship Co. provides for a through bill arrangement covering the transportation of cargo from Alaska to Japan with transshipment in Seattle, Wash., in accordance with the terms and conditions of the agreement.

Dated: August 26, 1970.

By order of the Federal Maritime
Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[F.R. Doc. 70-11527; Filed, Aug. 31, 1970;
8:50 a.m.]

MIDLAND PACIFIC SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Bernard Leyden, President, Leyden Shipping Corp., 30 Pearl Street, New York, N.Y. 10004.

Agreement No. FF 70-9 provides for the sale of the name, goodwill, and a list of shipper clients formerly served by Emmanuel J. Betwarda doing business as Midland Pacific Shipping Co. (Midland) (FMC License No. 614) to Leyden Shipping Corp. (Leyden) (FMC License No. 829).

After acquisition by Leyden, Midland will be incorporated under the law of the State of New York and will apply for a new independent ocean freight forwarder license in the name of the new corporate entity.

Midland will maintain completely separate books, records, and telephone, and otherwise operate independent of Leyden although both firms will share office space at 38 Pearl Street, New York, N.Y. 10004.

Dated: August 27, 1970.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[F.R. Doc. 70-11528; Filed, Aug. 31, 1970;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-2697]

PENN MUTUAL LIFE INSURANCE CO. ET AL.

Notice of Application for Exemption

AUGUST 25, 1970.

Notice is hereby given that The Penn Mutual Life Insurance Co. (Penn Mutual), 530 Walnut Street, Philadelphia, Pa. 19105, a mutual life insurance company organized under the laws of Pennsylvania, and Penn Mutual Variable Annuity Account I (Account I), a separate account of Penn Mutual registered as a unit investment trust under the Investment Company Act of 1940 (Act), and Penn Mutual Equity Fund, Inc. (the Fund), an open-end diversified management investment company registered under the Act (collectively called the Applicants), have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants, to the extent noted below, from the provisions of sections 12(d)(1), 15(b), 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Account I was established by Penn Mutual in connection with the proposed sale of three types of individual variable annuity contracts (Contracts) under tax qualified retirement plans or arrangements. The Contracts proposed to be issued by Penn Mutual are: (1) Periodic purchase payment deferred contracts; (2) single purchase payment deferred contracts; and (3) single purchase payment immediate contracts. Under the periodic purchase payment and single purchase payment deferred contracts, net purchase payments are allocated for accumulation on a fixed or variable basis to provide either fixed or variable annuities or a combination of both. Under single purchase payment immediate contracts, there is no accumulation period and only variable benefits are provided.

Net purchase payments that are to be accumulated on a variable basis, and funds allocated to provide variable benefits under the Contracts, are invested through Account I in shares of Fund, a Delaware corporation. The value of interests in Account I, before or after annuity benefits become payable, will vary to reflect investment performances of Fund shares.

Under Pennsylvania insurance law, the assets of Account I are owned by Penn Mutual. Penn Mutual is not a trustee with respect thereto. However, the income, gains, or losses, realized or unrealized, of Account I are credited to or charged against Account I in accordance with the Contracts and without regard to other income, gains or losses of Penn Mutual. In addition, the assets held in Account I may not be chargeable with liabilities arising out of any other busi-

ness that might be conducted by Penn Mutual.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1) provides, insofar as is pertinent here, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of the purchase, own more than 3 percent of the outstanding voting stock of the other investment company. Section 12(d)(1)(B) of the Act provides an exception from this percentage limitation with respect to securities purchased with the proceeds of payments on periodic payment plan certificates pursuant to the terms of the trust indenture under which such certificates are issued.

Account I will acquire more than 3 percent of the outstanding voting stock of the Fund with the proceeds of payments on securities which may be deemed periodic payment plan certificates. However, these certificates are not issued pursuant to the terms of a trust indenture. Applicants represent that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical to the purchase of securities with the proceeds of payments on periodic payment plan certificates pursuant to the terms of a trust indenture under which such certificates are issued.

Section 15(b) provides that no principal underwriter for a registered open-end investment company may offer for sale or sell any security of which such company is the issuer except pursuant to a written contract with such company. To the extent that Penn Mutual may be deemed an underwriter of Fund shares, Applicants request an exemption from section 15(b) so that Penn Mutual need not enter into a written underwriting contract with Fund. Applicants assert there is no present intention to offer Fund shares to a dealer or directly to the public. Other than the sale of 11,000 Fund shares to Penn Mutual for \$110,000 for the purpose of providing initial capital, it is contemplated that all Fund shares will be offered and sold directly to Account I and other separate investment accounts which are currently maintained or which may subsequently be created by Penn Mutual. Shares of Fund will be sold to Account I at their net asset value at such times and in such quantities as Account I may desire. Penn Mutual will not perform any underwriting function in this arrangement.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a public offering price described in the prospectus.

Applicants request exemption from the provisions of section 22(d) to permit Contract owners to apply any dividends received under the Contracts during any accumulation period to the purchase of additional variable accumulation units in Account I without the imposition of

charges for sales expenses. Penn Mutual proposes to declare any dividends on the Contracts on a uniform and nondiscriminatory basis according to each class of the Contracts.

Applicants also request an exemption from section 22(d) to permit the transfer to Account I of sums accumulated on a fixed basis Contract in the following circumstances: (1) All or part of a surrender or death benefit under a periodic purchase payment or a single purchase payment deferred Contract is to be used to provide a variable annuity; (2) on the Annuity date, all or part of the value of the fixed accumulation account under a periodic purchase payment or a single purchase payment deferred contract is to be used to provide a variable annuity; and (3) all or part of a surrender benefit under a Contract is to be used to provide a fixed settlement option without life contingencies, and therefore all or part of the remaining value of the fixed settlement option is to be used by the payee thereof to provide a variable annuity. The transfer of such sums will be made without the imposition of a sales charge since such sums will have already been subject to sales charges equal to that which would have been imposed had they originally been paid into Account I.

Penn Mutual and Account I also request exemption from the provisions of section 22(d) so that reductions in the charges made for sales expenses on single payment deferred Contracts may be based on the amount of the payment made on the Contract and not just on the amount of the payment allocated to Account I.

An exemption from section 22(d) is also requested to permit amounts accumulated under other individual contracts which provide for accumulation of contributions under tax-benefited plans or arrangements with no provisions for variable benefits to be transferred (1) prior to the maturity of such contracts to the variable accumulations account of a contract; and (2) after the maturity of such contracts, to use the proceeds thereof to provide variable annuities. In each of the above instances, the transfer will be made without the imposition of a sales charge.

Applicants request exemption from the provisions of section 26(a) and 27(c) (2) which, as here pertinent: Provide that periodic payment plan certificates of a unit investment trust may not be sold unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank as trustee or custodian and are held under an agreement of custodianship. Such agreement must provide, in part, that (i) the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust; (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) that the custodian may collect fees from the income and, if necessary, from the corpus of the unit investment trust for services performed and reimbursement of expenses in-

curred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian. Applicants state that a custodianship or trusteeship of the assets of Account I is unnecessary because the assets of the account will only consist of shares of the Fund which will be issued under an open account arrangement without the use of stock certificates. Applicants also state that Penn Mutual will operate as a regulated insurance company subject to the extensive supervision and control of the Pennsylvania Insurance Commission, and that such control and supervision will provide assurance against misfeasance and afford the essential protection of a trusteeship.

Applicants assert further that under Pennsylvania law neither Account I nor Penn Mutual may abrogate its obligation under the Contracts, and that its officers and employees are covered by a \$1 million fidelity bond, and that therefore the dangers against which section 26(a) and 27(c) (2) are directed are not present.

Penn Mutual and Account I have consented that any order granting the requested exemption from sections 26(a) and 27(c) (2) may be subject to the conditions that: (1) Any charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purpose; and (2) the payment of sums and charges out of the assets of Account I shall not be deemed to be exempted from regulation by the Commission by reason of the order.

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 September 11, 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 Applicants at the addresses stated above. Proof of such service (by affidavit, or in the 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. 70-11476; Filed, Aug. 31, 1970;
8:46 a.m.]

[70-4899]

UNION ELECTRIC CO.

Notice of Filing and Order for Hearing Regarding Acquisition by Exempt Holding Company of Common Stock of Nonassociate Company

AUGUST 20, 1970.

Notice is hereby given that Union Electric Co. (Union), 1 Memorial Drive, St. Louis, Mo., 63166 an exempt holding company and an electric and gas public utility company, has filed an application with this Commission pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 (Act) regarding its proposed offer to exchange shares of its common stock for the outstanding shares of the common stock of Missouri Utilities Co. (Missouri), a non-associate public-utility company. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Union and its subsidiary companies supply electric service in Missouri, Illinois, and Iowa and distribute gas at retail in the city of Alton, Ill., and vicinity and in 58 communities in Missouri. Union owns 40 percent of the outstanding common stock of Electric Energy, Inc., an electric utility generating company. Union is exempt as a holding company having received an order pursuant to section 3(a)(2) of the Act (40 SEC 1072 (Apr. 2, 1962)). Union also furnishes steam heating service in the business section of St. Louis. The Commission has heretofore determined that Union Electric's steam heating facilities are retainable as an incidental other business under section 11(b)(1) (11 SEC 194, 225 (Apr. 14, 1942)). Missouri supplies electricity and gas at retail in the State of Missouri; and it also provides water service in the City of Cape Girardeau, Mo.

The respective consolidated balance sheets of Union and Missouri, as of December 31, 1969, show total assets less

related depreciation reserves of \$1,278,791,000 and \$41,458,870; and for the 12 months ended that date total operating revenues were \$284,194,000 and \$17,765,763, respectively. Union derived approximately 95.4 percent of its operating revenues from electric service, 3.3 percent from gas service and 1.3 percent from steam heating service; and Missouri derived 61 percent of its operating revenues from electric service, 36 percent from gas service and 3 percent from water service.

Union has 26,442,752 and Missouri has 728,858 shares of common stock outstanding. The common stock of Union is listed on the New York Stock Exchange and the common stock of Missouri is traded in the over-the-counter market.

Union proposes to offer to Missouri's common stockholders, subject to certain conditions, 1.1 shares of its common stock for each outstanding share of the common stock of Missouri. No fractional shares will be issued under the exchange offer, but any exchanging stockholder, who otherwise would be entitled to a fractional share, will be afforded an opportunity to sell his fractional interests for cash or to purchase an additional interest sufficient to entitle him to a full share.

The exchange offer, to become effective, requires acceptance thereof by the holders of not less than 83.3 percent of the outstanding shares of common stock of Missouri. The requirement that such percentage be tendered is necessary in order that Union will acquire ownership of stock possessing at least 80 percent of the combined voting power of all classes of voting stock (including the voting preferred stock which will be neither called for redemption nor exchanged) so that the transaction will qualify as a tax-free exchange under the Federal income tax laws. The exchange offer will be made over an initial period of approximately 45 days from the day the material soliciting acceptances is first mailed, subject to extension for an additional period or periods by Union, but not beyond 180 days from the initial date of the exchange offer, unless further extended upon approval by the Commission. Shareholders of Missouri who tender their shares may revoke such tender at any time before 83.3 percent of the outstanding shares of common stock of Missouri have been tendered.

Union requests an order either granting it a new exemption pursuant to section 3(a)(2), when the exchange offer becomes effective, or an order continuing its present exemption. Unless Union acquires all of the outstanding common stock of Missouri pursuant to the exchange offer, Union will register as a holding company under section 5(a) of the Act and will file a plan pursuant to section 11(e) of the Act to eliminate the publicly-held minority interest in the common stock of Missouri. Union also requests an order to the effect that when any publicly-held minority interest in the common stock of Missouri has been eliminated pursuant to a section 11(e) plan, Union will be exempt from all of the provisions of the Act (other than section 9(a)(2)), including sections 5 and 11(b)(2).

The application states that the electric service areas of Union and Missouri are presently interconnected at four delivery points and that during 1969 Missouri purchased from Union approximately 78 percent of the electric energy delivered to its distribution system. The filing further represents that the proposed affiliation of the two companies will provide maximum coordination in the planning, construction, and maintenance of electric facilities.

The application states that the Public Service Commission of Missouri and the Illinois Commerce Commission have jurisdiction over Union's acquisition of Missouri common stock and the issuance by Union of its common stock in exchange for Missouri common stock. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transaction; that the stockholders of Union and Missouri and other interested persons be afforded an opportunity to be heard at such hearing with respect to the fairness of the proposed exchange offer and other aspects of the proposed transaction; and that the application should not be granted except pursuant to further order of the Commission:

It is ordered. That a hearing be held at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, at a date to be specified by the Secretary of the Commission. On such date, the hearing room clerk will advise as to the room in which the hearing will be held.

It is further ordered. That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission, under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed acquisition by Union of 83.3 percent or more of the outstanding shares of common stock of Missouri meets the standards of section 10 of the Act, and particularly the requirements of sections 10(b) and 10(c).

(2) Whether, if the proposed acquisition is approved as having the tendency required by section 10(c)(2) of the Act with respect to the electric utility assets of Union and Missouri, the Commission should condition such approval by requiring the divestment of the retail gas properties of the two companies and of the water service properties of Missouri.

(3) Whether Union should be granted an unconditional exemption under sec-

tion 3(a)(2) of the Act upon acquisition of the common stock of Missouri and upon the elimination of any minority interest in the common stock of Missouri.

(4) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(5) Whether the fees, commission, and other expenses to be incurred are for necessary services and reasonable in amount.

(6) What terms or conditions, if any, the Commission's order should contain.

(7) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules promulgated thereunder.

It is further ordered. That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered. That any person, other than applicant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before September 30, 1970, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of the commencement of and any adjournments of the hearing as well as other actions of the Commission involving the subject matter of this proceeding.

It is further ordered. That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Union, Missouri, the Public Service Commission of Missouri, the Illinois Commerce Commission, and the Iowa State Commerce Commission, and the Federal Power Commission; that Union will have copies of this notice and order mailed not later than September 15, 1970, to the stockholders of record of Missouri, and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS.

Secretary.

[F.R. Doc. 70-11424; Filed, Aug. 31, 1970; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

WOOD & BROOKS CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of July 27, 1970, the U.S. Tariff Commission made a report of the

results of an investigation (TEA-W-22) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of the production and maintenance workers of the Wood & Brooks Co., Rockford, Ill. The report contained the Commission's affirmative finding that, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with piano actions produced by the Rockford plant of the Wood & Brooks Co., Rockford, Ill., are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of that plant.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations, 34 F.R. 18342; 35 F.R. 12503; 29 CFR Part 90). In that recommendation he noted that an announcement that the plant would close permanently was made to the employees on September 9, 1969. Immediately after that time employment started to decline rapidly and continued until the plant closed on March 31, 1970. After due consideration, I make the following certification:

All workers of the Wood & Brooks Co. plant, located at Rockford, Ill., who became unemployed or underemployed after September 9, 1969, are eligible to apply for adjustment assistance.

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

GEORGE H. HILDEBRAND,
Deputy Under Secretary,
International Affairs.

[F.R. Doc. 70-11524; Filed, Aug. 31, 1970; 8:50 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et. seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and

expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Arrington's Food Market, foodstore; Front Street, Taylorsville, Miss.; 6-23-71.
Asheville Orthopedic Hospital, Inc., hospital; Biltmore Station, Asheville, N.C.; 7-6-71.
Ballard's Food Store, foodstore; 301 East Charles, Pauls Valley, Okla.; 6-30-71.
Beacham Memorial Hospital, hospital; North Cherry, Magnolia, Miss.; 6-26-71.
Bosma Brothers Farms, agriculture; 1187 Poulson Road, Muskegon, Mich.; 7-1-71.
W. C. Bradley Co. Farms, agriculture; Columbus, Ga.; 6-25-71.
Butler Furniture Co., furniture store; 408 Washington Avenue, West Plains, Mo.; 6-29-71.
Central Market, foodstore; Third and Lincoln, Hebron, Nebr.; 6-23-71.
Coborn's, Inc., foodstore; 6 North Broadway, Sauk Rapids, Minn.; 6-27-71.
Eagle Stores Co., variety-department store; 181 West Main Avenue, Gastonia, N.C.; 8-9-71.
Easyway Food Center, foodstore; Harri-man, Tenn.; 7-7-71.
Franks IGA Foodliner, foodstore; 130 South Grand Avenue, Fowlerville, Mich.; 6-29-71.
Hall's 5 & 10¢ Stores, variety-department store; 122-128 South Main Street, Woodruff, S.C.; 7-2-71.
Harry's Food Stores, Inc., foodstore; 135 West Twohig, San Angelo, Tex.; 7-2-71.
Hayfield Farm, agriculture; 1234 United Penn Bank Building, Wilkes-Barre, Pa.; 6-25-71.
Hillside Farms, Inc., agriculture; 1234 United Penn Bank Building, Wilkes-Barre, Pa.; 6-25-71.
Jordan Auto Co., Inc., automobile sales and service; Natchez, Miss.; 6-27-71.
Kay Planting Co., agriculture; Indianola, Miss.; 6-25-71.
Kline's Department Store, variety-department store; 14 East Front Street, Monroe, Mich.; 6-26-71.
S. S. Kresge Co., variety-department stores, 6-22-71, except as otherwise indicated: No. 399, Worcester, Mass. (8-10-71); No. 249, Joplin, Mo. (6-26-71); No. 4619, Springfield, Mo. (7-13-71); No. 562, Bloomfield, N.J.; No. 498, North Eatontown, N.J.; No. 80, Paramus, N.J.; No. 260, Passaic, N.J. (6-30-71); No. 65, Trenton, N.J.; No. 231, Fargo, N. Dak. (6-26-71).
Lester Krueger, agriculture; Springfield, Minn.; 6-20-71.
Lobel's Youth Center, Inc., apparel store; 100 Broadway, East Paterson, N.J.; 7-7-70 to 6-30-71.
Luke's Foodliner, foodstore; 1 Ardmore Mall, Ardmore, Okla.; 7-14-71.
Maddux Hardware Co., hardware store; 319 East Spring Street, Cookeville, Tenn.; 6-25-71.
McCrory-McLellan-Green Stores, variety-department store; No. 545, Laredo, Tex.; 6-27-71.

Moody's Discount Center, foodstore; 631 South Sam Houston, San Benito, Tex.; 7-9-71.

Mount Carmel Home, nursing home; 18th Street at Fifth Avenue, Kearney, Nebr.; 6-21-71.

G. C. Murphy Co., variety-department stores, 6-28-71; No. 433, Anna, Ill.; No. 427, Winchester, Ind.

J. J. Newberry Co., variety-department store; No. 239, Pocomoke City, Md.; 7-1-71.

Oklahoma Memorial Union, Inc., student union shop; 900 Asp Avenue, Norman, Okla.; 7-13-71.

Penn-Taft Pharmacy, drugstore; 1815 Pennsylvania Avenue, West Mifflin, Pa.; 6-26-71.

Peoples Wholesale Co., foodstore; Water Valley, Miss.; 6-27-71.

Piggly Wiggly, foodstore; No. 47, Alledale, S.C.; 8-11-71.

Rebel Corner, gift store; Gatlinburg, Tenn.; 6-21-71.

Red & White Super Market, foodstore; Nashville, N.C.; 7-17-71.

Scott Store, variety-department stores: No. 9224, Danville, Ill., 6-26-71; No. 9125, Hazard, Ky., 6-30-71; No. 9217, Brainerd, Minn., 6-26-71.

Skinner Nursery, agriculture; 1225 Lower Silver Lake Road, Topeka, Kans.; 6-24-71.

Spurgeon's, variety-department store; 116 West Main Street, Washington, Iowa; 7-1-70 to 6-2-71.

Star Brand Cattle Co., agriculture; Kaufman, Tex.; 7-4-71.

Stobie Shopping Center, foodstores, 6-29-70 to 4-14-71; No. 2, Plains, Mont.; No. 1, Thompson Falls, Mont.

Sunnyway Foods, Inc., foodstore; 212 North Antrim Way, Greencastle, Pa.; 6-28-71.

No. 145, Independence, Mo., 6-28-71; No. Super Drive-Ins, foodstore; No. 2, Nashville, Tenn.; 7-10-71.

T.G. & Y. Stores Co., variety-department stores: No. 148, Kansas City, Kans., 6-21-71; No. 145, Independence, Mo., 6-28-71; No. 9255, Kansas City, Mo., 6-26-71.

Thrift-Way Supermarket, foodstore; Gate City, Va.; 7-13-71.

Trojan Seed Co., agriculture, 6-20-71; Lake Crystal, Minn.; Olivia, Minn.; Welcome, Minn.

Virginia Baptist Hospital, hospital; Rivermont Avenue, Lynchburg, Va.; 7-7-71.

Wapanocca Planting Co., agriculture; Clarkedale, Ark.; 7-11-71.

Willbrandt Farms, agriculture; 693 West Wedgewood Drive, North Muskegon, Mich.; 7-10-71.

Charlie Womack Garden and Nursery, agriculture; 1602 Cherokee Road, Florence, S.C.; 7-9-71.

Larry J. Woodard, agriculture, 6-22-71; Lepanto, Ark.; Osceola, Ark.

Wood's 5 & 10¢ Stores, variety-department store; Rockingham, N.C.; 7-14-71.

S. Workman & Sons, agriculture; 3610 South Getty Street, Muskegon, Mich.; 6-30-71.

Wright's Markets, Inc., foodstore; 745 Shawnee Road, Lima, Ohio; 7-6-71.

Wright's Super Market, foodstore; 824 Third Avenue, West Point, Ga.; 7-21-71.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of

full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

B. K. of Dallas, Inc., restaurant; No. 699, Irving, Tex.; crewmen (women); 10 to 30 percent; 6-21-71.

A. J. Bayless Markets, Inc., foodstores, for the occupation of service clerk, 23 to 31 percent, 6-24-71; Nos. 62 and 63, Globe, Ariz.

DeByle's, Inc., apparel stores, for the occupations of janitorial, mail clerk, errand boy (girl), 10 to 28 percent, 7-2-71; Eagle River, Wis.; Minocqua, Wis.; Rhinelander, Wis.; Wisconsin Rapids, Wis.

Bretts Department Store, variety-department store; 325-329 South Front Street, Mankato, Minn.; salesclerk, marker, office clerk, window decorator, "teen board" model; 1 to 3 percent; 6-30-71.

Coborn's, Inc., foodstores, for the occupations of carryout, stock clerk, 19 to 23 percent, 6-27-71; Foley, Minn.; 327 South Fifth Avenue, St. Cloud, Minn.

Crest Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, 10 to 45 percent, 7-13-71, except as otherwise indicated: South Forest Shopping Center, Asheville, N.C. (8-16-71); Smith Crossroads Shopping Center, Lenoir, N.C.; Town and Country Shopping Center, Lincoln, N.C.; Berkeley Square Shopping Center, Goose Creek, S.C.; 519 12th Street, West Columbia, S.C. (7-31-71).

Bill Crook's Food Town, foodstore; No. 1, Nashville, Tenn.; stock clerk, sacker; 9 to 11 percent; 6-30-71.

Dickson Furniture & Appliance Co., furniture and appliance store; 101 West Ellison Street, Burleson, Tex.; salesclerk, stock clerk, office clerk, janitorial, display clerk, inventory clerk; 9 to 20 percent; 6-29-71.

Dillon Stores Co., foodstore; No. 52, Ponca City, Okla.; cashier, clerk, checker, carryout, wrapper, maintenance; 22 to 32 percent; 7-19-71.

Frank Dill's Bestway Market, foodstores; Highway 79, Dover, Tenn.; cashier, stock clerk, bagger, janitorial; 12 to 34 percent; 6-21-71.

Terry Farris Stores, Inc., variety-department store; No. 5413, Alice, Tex.; salesclerk, stock clerk, office clerk, janitorial; 10 to 28 percent; 7-13-71.

Ferguson Free Car Wash, service station; 2315 Ferguson Road, Cincinnati, Ohio; service station attendant, detailer; 46 to 72 percent; 6-30-71.

Feudo Foodtown, foodstores, for the occupations of stocker, bottler, carryout, cleanup, 11 to 14 percent; No. 1, Corpus Christi, Tex., 7-10-71; No. 2, Corpus Christi, Tex., 7-7-71.

M. Gilbert & Sons Co., apparel store; 113 Lincolnway West, Mishawaka, Ind.; office clerk, stock clerk, salesclerk; 8 to 9 percent; 6-24-71.

W. T. Grant Co., variety-department stores; No. 1054, Riverside, Calif., salesclerk, stock clerk, 4 to 18 percent, 6-30-71; No. 739, Whittier, Calif., salesclerk, stock clerk, 4 to 18 percent, 7-7-71; No. 997, Mundelein, Ill., salesclerk, cashier, office clerk, stock clerk, 2 to 19 percent, 6-26-71; No. 1202, Milwaukee, Wis., salesclerk, office clerk, 8 to 10 percent, 7-4-71.

H.E.B. Food Store, foodstore; No. 117, Crystal City, Tex.; packager, sacker, bottler; 10 percent; 6-24-71.

Gray Hall Pharmacy, drugstore; 2306 North Alexander, Baytown, Tex.; clerk, cleanup, fountain clerk, delivery clerk; 23 to 33 percent; 7-5-71.

Harwell Farms & Investment Co., Inc., agriculture; Route 1, Florence, S.C.; general farm laborer; 0 to 30 percent; 7-19-71.

Kentucky Fried Chicken, restaurants, for the occupations of order clerk, cleanup,

cashier; 4815 Southwest Ninth Street, Des Moines, Iowa, 14 to 15 percent, 8-2-71; 5830 Woodson, Mission Kans., 31 to 35 percent, 7-12-71.

The Kiddie Shoppe, Inc., apparel store; 14-16 East Northampton, Wilkes-Barre, Pa.; salesclerk, cashier, credit clerk; 2 to 16 percent; 7-9-71.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, checker-cashier, stock clerk, office clerk, except as otherwise indicated: No. 784, Boulder, Colo., 3 to 23 percent, 7-12-71; 2300 Dixwell Avenue, Hamden, Conn., 10 percent, 8-10-71 (salesclerk); No. 4358, Fern Park, Fla., 7 to 24 percent, 7-29-71 (salesclerk); No. 4138, Atlanta, Ga., 4 to 10 percent, 7-6-71 (salesclerk); No. 4140, Atlanta, Ga., 11 to 22 percent, 7-9-71 (salesclerk); No. 4215, Kansas City, Kans., 5 to 10 percent, 7-4-71; No. 157, Newport, Ky., 4 to 20 percent, 6-30-71 (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service); No. 4172, Monroe, La., 2 to 15 percent, 7-2-71 (salesclerk); No. 4350, Columbia, Mo., 13 to 20 percent, 6-23-71; No. 4217, Independence, Mo., 13 to 20 percent, 7-14-71; No. 72, St. Louis, Mo., 13 to 29 percent, 6-28-71; No. 4577, Fremont, Nebr., 6 to 23 percent, 6-22-70 to 6-20-71; No. 4060, Charlotte, N.C., 11 to 22 percent, 6-22-71 (salesclerk, checker-cashier); No. 4353, Minot, N. Dak., 13 to 22 percent, 7-5-71; No. 4301, Lima, Ohio, 10 percent, 7-13-71 (salesclerk, stock clerk, checker-cashier, maintenance, office clerk, customer service); No. 422, New Castle, Pa., 4 to 13 percent, 7-6-71 (salesclerk); No. 758, Alcoa, Tenn., 2 to 17 percent, 6-25-71 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service); No. 4244, Knoxville, Tenn., 2 to 17 percent, 7-17-71 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service); No. 4188, Charleston, W. Va., 7 to 47 percent, 6-21-71 (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service); No. 4219, Green Bay, Wis., 11 to 27 percent, 7-4-71; No. 4559, La Crosse, Wis., 11 to 23 percent, 6-22-71; No. 4374, Wausau, Wis., 10 to 28 percent, 7-20-71.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk; No. 343, Merritt Island, Fla., 3 to 22 percent, 7-21-71; No. 171, Hyannis, Mass., 3 to 40 percent, 7-31-71; No. 293, Monaca, Pa., 2 to 15 percent, 7-15-71; No. 319, Wyomissing, Pa., 4 to 24 percent, 8-13-71; No. 169, Warwick, R.I., 3 to 40 percent, 7-31-71; No. 295, Fairmont, W. Va., 5 to 19 percent, 8-3-71.

McCroory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, except as otherwise indicated: No. 278, West Helena, Ark., 2 to 14 percent, 6-25-71; No. 205, Waterbury, Conn., 7 to 28 percent, 7-31-71 (salesclerk, stock clerk, office clerk, porter); No. 396, Punta Gorda, Fla., 8 to 15 percent, 7-12-71; No. 232, Wauchula, Fla., 10 to 30 percent, 7-31-71 (salesclerk, stock clerk, office clerk, porter); No. 389, Baltimore, Md., 21 to 38 percent, 7-12-71; No. 168, Springfield, Mo., 7 to 21 percent, 7-14-71; No. 255, Norfolk, Nebr., 7 to 21 percent, 7-8-70 to 7-1-71 (salesclerk, stock clerk, office clerk, porter); No. 219, Dayton, Ohio, 8 to 24 percent, 7-14-71; No. 397, Kutztown, Pa., 12 to 23 percent, 6-26-71; No. 233, Sunbury, Pa., 15 to 32 percent, 6-30-71 (salesclerk, stock clerk, office clerk, porter); No. 215, Norfolk, Va., 7 to 21 percent, 7-23-71 (salesclerk, stock clerk, porter).

McDonald's Hamburgers, restaurants, for the occupation of general restaurant worker, 7-9-71; 1401 South Noland Road, Independence, Mo., 31 to 58 percent; 2650 West 26th Street, Erie, Pa., 7 to 42 percent.

McKinley's Food Market, Inc., foodstore; Main Street, Hancock, Md.; stock clerk, packer; 0 to 30 percent; 6-24-71.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial; No. 77, Fort Wayne, Ind., 11 to 26 percent, 6-22-71; No. 310, Jackson, Ohio, 9 to 22 percent, 8-5-71; No. 801, Pittsburgh, Pa., 13 to 27 percent, 7-7-71; No. 328, York, Pa., 5 to 19 percent, 6-30-71.

Neisner Brothers, Inc., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, 10 to 29 percent; No. 178, Apopka, Fla., 8-3-71; No. 66, Clermont, Fla., 7-19-71; No. 87, Haines City, Fla., 7-28-71.

Piggly Wiggly, foodstores; No. 33, Shreveport, La., stock clerk, checker, sacker, office clerk, 10 percent, 7-14-71; 121 High Street, Eufaula, Okla., sacker, carryout, cleanup, 12 to 17 percent, 6-21-71; No. 45, Hampton, S.C., packager, checker, market clerk, 10 percent, 8-11-71.

Plee-Zing Thriftway Super Market, foodstore; Chadbourne, N.C.; cashier, bagger, stock clerk; 19 to 20 percent; 7-6-71.

Raylax Department Store, variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, marker, janitorial; 124 South Scales Street, Reidsville, N.C., 9 to 29 percent, 8-9-71; East Main Street, Wall-halla, S.C., 8 to 42 percent, 7-27-71.

Reppert Pharmacy, drugstore; 3501 Ingersoll Avenue, Des Moines, Iowa; soda fountain clerk, salesclerk, delivery clerk; 16 to 25 percent; 7-30-71.

Rohman's Thriftway, foodstore; 810 Main, Concordia, Mo.; carryout stock clerk; 23 to 46 percent; 6-22-71.

Rose's Stores, Inc., variety-department stores; No. 177, Andalusia, Ala., salesclerk, stock clerk, checker, 13 to 32 percent, 7-14-71; No. 27, Warrenton, N.C., salesclerk, stock clerk, office clerk, checker, 13 to 29 percent, 7-7-71; No. 181, Conway, S.C., salesclerk, 5 to 35 percent, 7-6-71; No. 176, Orangeburg, S.C., salesclerk, stock clerk, 6 to 21 percent, 7-14-71; No. 105, Columbia, Tenn., salesclerk, 3 to 16 percent, 7-14-71.

Schensul's Cafeteria, Inc., restaurant; 5606 West Saginaw Street, Lansing, Mich.; bus boy (girl), coffee girl (boy), counter worker, dishwasher, food preparation, short-order cook; 49 to 77 percent; 7-9-71.

Scott Store, variety-department store; No. 9132, Elizabethtown, Ky.; salesclerk, stock clerk, checker; 10 to 26 percent; 6-29-71.

Smith's Food King, Inc., foodstores, for the occupations of bagger, carryout, 26 to 33 percent, 8-6-71; Nos. 12 and 21, Bountiful, Utah; Nos. 1 and 11, Brigham City, Utah; No. 25, Granger, Utah; No. 26, Kearns, Utah; No. 6, Layton, Utah; No. 88, Logan, Utah; Nos. 15 and 27, Murray, Utah; Nos. 3, 4, 16, 17, and 19, Ogden, Utah; Nos. 5 and 20, Roy, Utah; Nos. 14, 22, 23, 24, and 77, Salt Lake City, Utah.

Sovine's Super Market, Inc., foodstore; Scott Depot, W. Va.; cashier, stock clerk, carryout; 16 to 22 percent; 8-6-71.

Springboro IGA Supermarket, foodstore; 15 North Main Street, Springboro, Ohio; carryout, stock clerk, cleanup; 10 percent; 6-24-71.

Sterling Stores Co., Inc., variety-department store; 1563 South Highland, Jackson, Tenn.; salesclerk, stock clerk, janitorial; 12 to 43 percent; 7-15-71.

Stop & Shop Super Market, foodstore; 327 Washington Street, Chillicothe, Mo.; carryout, stock clerk; 16 to 45 percent; 7-19-71.

Straight-Way Market, foodstore; 357 Mountain Avenue, Berthoud, Colo.; sacker, carryout, stock clerk; 16 to 28 percent; 7-19-71.

Super Drive-Ins, foodstore; No. 5, Nashville, Tenn.; sacker, bottler; 21 to 32 percent; 7-10-71.

Sureway Food Store, foodstore; No. 15, Mayfield, Ky.; checker, stock clerk, carryout; 18 to 38 percent; 7-7-71.

T.G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, 20 to 30 percent, 7-2-71, except as otherwise indicated: No. 571, Baldwin Park, Calif.; No. 526, Camarillo, Calif.; No. 549, Cerritos, Calif.; No. 531, El Monte, Calif.; No. 595, Hemet, Calif.; Nos. 502 and 558, Long Beach, Calif.; No. 615, Mulpitas, Calif. (6-30-71); No. 512, North Hollywood, Calif.; No. 507, Ojai, Calif.; No. 505, Riverside, Calif.; No. 511 and 532, Santa Barbara, Calif.; No. 575, Saugus, Calif.; No. 530, Thousand Oaks, Calif.; No. 1301, Gulf Breeze, Fla. (19 to 30 percent, 7-5-71); No. 302, Kansas City, Kans. (9 to 28 percent, 6-21-71); No. 281, Los Alamos, N. Mex. (13 to 24 percent, 7-6-71); No. 81, Enid, Okla. (22 to 30 percent, 7-9-71); No. 424, Muskogee, Okla. (9 to 16 percent); No. 87, Oklahoma City, Okla. (22 to 30 percent, 7-1-71); No. 1007, Sapulpa, Okla. (24 to 30 percent, 7-29-71); No. 445, Tulsa, Okla. (24 to 30 percent, 7-8-71); No. 1701, Lake City, S.C. (salesclerk, stock clerk, 18 to 30 percent, 8-11-71); No. 802, Alice, Tex. (30 percent, 7-15-71).

Thriftyway Super Market, foodstores, for the occupations of cashier, bagger, stock clerk, 19 to 20 percent, 7-6-71: Fair Bluff, N.C.; Pembroke, N.C.; Riegelwood, N.C.; Tabor City, N.C.; Whiteville, N.C.

Tom Thumb Stores, Inc., foodstore; No. 36, Dallas, Tex.; packager; 11 to 15 percent; 7-16-71.

Booth Tradewell, Inc., foodstore; 911 Eighth Street, Huntington, W. Va.; stock clerk, cashier, carryout; 16 to 22 percent; 7-31-71.

Wheaton Super Valu, foodstore; Wheaton, Minn.; checker, produce clerk, carryout; 9 to 18 percent; 6-26-71.

E. S. Willis & Son Farms, agriculture; Route 1, Florence, S.C.; general farm laborer; 0 to 25 percent; 7-19-71.

Wood's 5 & 10¢ Stores, Inc., variety-department store; Elizabethtown, N.C.; salesclerk, stock clerk; 9 to 20 percent; 7-13-71.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

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

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 70-11501; Filed, Aug. 31, 1970;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 27, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42039—*Newsprint paper from Brooklyn (Queens County), Nova Scotia, Canada.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2986), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Brooklyn (Queens County), Nova Scotia, Canada, to Harlem River and New York, N.Y.

Grounds for relief—Water competition.

Tariff—Supplement 68 to Canadian National Railways tariff ICC E. 543.

FSA No. 42040—*Phosphatic fertilizer solution from Brownfield, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-178), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from Brownfield, Tex., to specified points in Wyoming.

Grounds for relief—Market competition, and modified short-line distance.

Tariff—Supplement 99 to Southwestern Freight Bureau, agent, tariff ICC 4780.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11505; Filed, Aug. 31, 1970;
8:48 a.m.]

[Ex Parte No. MC-19 (Sub-No. 12)¹]

HOUSEHOLD GOODS CARRIERS' BUREAU

Notice of Filing of Petition for Modification of Regulations

AUGUST 12, 1970.

By petition filed July 30, 1970, Household Goods Carriers' Bureau, on behalf of its members, requests the Commission to modify Part 1056 of 49 CFR by adding a new § 1056.19 to the regulations governing the practices of motor common carriers engaged in the transportation of household goods in interstate or foreign

¹This petition was originally filed in Ex Parte No. MC-19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods, but has been reassigned the above docket number for the purposes of more precise identification.

commerce promulgated in the Commission's report and order (served Mar. 5, 1970, as amended by the order served Mar. 27, 1970, as interpreted by the order served Apr. 29, 1970, and as further modified with respect to the defenses of force majeure by order entered May 28, 1970) in Ex Parte No. MC-19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods, 111 M.C.C. 417. The proposed new rule would exclude from the application of §§ 1056.1(c), 1056.7, 1056.8, 1056.9, 1056.10, 1056.11, 1056.12, and 1056.13, shipments of:

(1) Tabulating machines, including such auxiliary machines or component parts as are necessary to the performance of a complete tabulating process, including punches, sorters, computers, verifiers, collators, reproducers, interpreters, multipliers, wiring units, and control panels and spare parts therefor, and

(2) Radio and television transmission, receiving and recording equipment, electron microscope equipment and component parts therefor.

Petitioners assert that the rules from which the exemption is sought were never intended to apply to such shipments and are inappropriate for the transportation of the commodities listed in (1) and (2) above; that the application of said rules would accrue to the benefit of no one; and that they would impede the expeditious servicing of such shipments and burden both shippers and carriers.

Petitioners allege (1) that the commodities in question are within the third paragraph of the definition of household goods, 49 CFR 1056.1(a)(3); (2) that these commodities are handled extensively by household goods carriers; and (3) that shippers of these commodities rely almost exclusively on household goods carriers for such transportation.

Petitioners point out that these articles also are moved crated by general commodity carriers (which are said to be not subject to the rules); and that the rules place an unfair burden on the household goods carrier relative to the general commodity carrier; that shippers are, without exception, large commercial enterprises, knowledgeable and sophisticated in the intricacies and technicalities of regulated transportation; that the variety of articles is relatively small, and most are standardized as to size and weight; that they move to or from a relatively small number manufacturing plants or assembly areas; that the consignees, like the shippers, are commercial enterprises; and that points of pickup and delivery are business establishments at which such activities are taking place continuously throughout the day.

Petitioners further assert that the articles described in (1) and (2) above became the subject of the new regulations by accident and not by the intent of the Commission; that the primary purpose of the regulations is to give the average householder full protection when he is shipping his valued possessions and is dealing with the household

goods carriers; and that the language of the rules clearly indicates that the Commission never intended that the new regulations should apply when a manufacturer of the involved articles is dealing with the household goods carriers.

The rules from which exemption is requested, and in substance petitioners' reasons therefor, are as follows:

1056.7 *Information for shippers.* (Assertedly intended only for persons about to move their household goods; not of any value to manufacturers shipping the involved articles.)

1056.8 *Estimates of charges.* (It is averred that shipper-manufacturers do not request estimates; do not want the household goods carriers to guess the weight of their shipments; and that general commodities carriers handling these articles are not subject to an estimate request.)

1056.9 *Order for service.* (It is said that through the eyes of a traffic manager shipping the involved articles there is nothing in this rule of value and it only creates a paperwork burden for the shipper and the carrier.)

1056.10 *Receipt of bill of lading; information thereon.* (It is argued that the entire rule serves no useful purpose; and that the existing statutes are more than adequate to govern the bill of lading requirements for the shipment of the involved articles.)

1056.11 *Vehicle load manifest; information required.* (The sole purpose of the manifest is assertedly completely absent in the transportation of tabulating and electronic machines when moving in straight loads. The exemption requested is limited to vehicles containing only shipments of tabulating and electronic machines.)

1056.13 *Tendering for delivery.* (It is contended that agreed delivery dates have no place in the transportation of machinery for commercial enterprises; and thus, there can be no tendering for delivery prior to an agreed delivery date.)

1056.1(c) *Reasonable dispatch (definition).* (If the rule governing agreed delivery dates and orders for service for shipments of tabulating and electronic machines become exempt, this rule must be exempted also.)

1056.12 *Reasonable dispatch.* (It is alleged that as common carriers their responsibility to deliver with reasonable dispatch tabulating and electronic machines is well established. As a result, this rule assertedly is a useless burden on the regulatory process.)

The proposed new rule:

1056.19 *Exemption.* The provisions of Sections 1056.1(c), 1056.7, 1056.8, 1056.9, 1056.10, 1056.11, 1056.12, and 1056.13 shall not apply to shipments (or loads in the case of Section 1056.11) consisting solely of the following articles which are being transported by household goods carriers pursuant to the definition of household goods in paragraph (a)(3) of Section 1056.1:

(1) Tabulating machines, including such auxiliary machines or component parts as are necessary to the performance of a complete tabulating process, including punches, sorters, computers, verifiers, collators, reproducers, interpreters, multipliers, wiring units, and control panels and spare parts therefor, and

(2) Radio and television transmission, receiving and recording equipment, electron microscope equipment and component parts therefor.

Any person or persons desiring to participate in this proceeding (including petitioners) may, within 30 days from the date of this FEDERAL REGISTER publication, file representations, consisting of an original and six copies, supporting or opposing the relief sought by petitioners. A copy of such statement should be served upon petitioners through its executive secretary, Francis L. Wyche, whose address is 1424 16th Street NW., Washington, D.C. 20036.

Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register. Copies of this notice also will be served on the parties of record in Ex Parte No. MC-19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods, 111 M.C.C. 427.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11421; Filed, Aug. 31, 1970;
8:45 a.m.]

[Notice 140]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 25, 1970.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 69 TA), filed August 18, 1970. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Salt, salt, in bulk, from Shaftsbury and Bennington, Vt.,

to North Adams and Williamstown, Mass., for 180 days. Supporting shipper: Chemical Corp., 54 Waltham Avenue, Springfield, Mass. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 23976 (Sub-No. 33 TA) (Correction), filed July 27, 1970, published in the FEDERAL REGISTER issue of August 18, 1970, and republished in part corrected, this issue. Applicant: TRANS-WESTERN EXPRESS, INC., 5940 North Basin Avenue, Portland, Ore. 97217. Applicant's representative: John G. McLaughlin, 100 Southwest Market Street, Portland, Ore. NOTE: The purpose of this partial republication is to show for 150 days, in lieu of 180 days. The rest of the application remains as previously published.

No. MC 34874 (Sub-No. 6 TA), filed August 19, 1970. Applicant: JACOB J. ELLIOTT, JR. AND ALVIN R. ROTH, a partnership, doing business as SHIVELY'S, 47 East Union Boulevard, Bethlehem, Pa. 18018. Applicant's representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. 18140. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except cement and commodities in bulk), on traffic having a prior or subsequent movement by rail, between Allentown, Pa., on one hand, and, on the other, points in Berks, Bucks, Carbon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa., and Hunterdon and Warren Counties, N.Y., for 150 days. Supporting shipper: Lehigh Valley Railroad Co., 466 Lexington Avenue, New York, N.Y. 10017. Send protests to: District Supervisor F. W. Doyle, Bureau of Operations, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 36009 (Sub-No. 14 TA), filed August 19, 1970. Applicant: U.S. VAN LINES, INC., 1314 Chattahoochee Avenue NW., Post Office Box 2957, Atlanta, Ga. 30318. Applicant's representative: Frank W. Taylor, Jr., Law Offices Reeder, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, (1) between points in all States west of the Mississippi River, except Nevada and New Mexico; and (2) between points in all States west of the Mississippi River, except Nevada and New Mexico, on the one hand, and, on the other, points in all States east of the Mississippi River and in the District of Columbia, for 180 days. NOTE: Applicant does not seek any duplicating authority. Supporting shippers: There are approximately 28 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:

William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 209, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 40915 (Sub-No. 27 TA), filed August 18, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Office: 1343 Logan Avenue, Costa Mesa, Calif. 92626, Newport Beach, Calif. 92663. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wall panels*, from the plantsite of Plywood Fabricators, Inc., located in Mendocino County, Calif., to "Leisure World", a new housing development located in Montgomery County, Md., for 150 days. Supporting shippers: Oaklawn Homes, Inc., Post Office Box 7000, Laguna Hills, Calif. 92653; Plywood Fabricators, Inc., Post Office Box 156, Redwood Valley, Calif. 95470. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 44639 (Sub-No. 30 TA), filed August 18, 1970. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., and Wilson, N.C., for 180 days. NOTE: Applicant will tack and combine with all authorized operations in MC-44639. Supporting shipper: She-rayne Manufacturing Co., Inc., 1359 Broadway, New York, N.Y. 10018. Send protests to: District Supervisor Joel Morris, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 55581 (Sub-No. 21 TA), filed August 19, 1970. Applicant: UTAH PACIFIC TRANSPORT CO., 1891 West 2100 South Street, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed auto bodies, scrap auto engine blocks and transmissions*, from points in Idaho south of but not including Idaho County, to Portland, Oreg., for 180 days. Supporting shipper: Rackliff Bros., Inc., 827 Alturas Drive North, Twin Falls, Idaho 83301. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 55777 (Sub-No. 9 TA), filed August 20, 1970. Applicant: MILLS TRANSFER CO., 47 Sycamore Street, Post Office Box No. 244, Gallipolis, Ohio 45631. Applicant's representative: John Friedman, 405 Lawson Street, Post Office Box No. 426, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Struc-*

tural steel, assembled or unassembled, from Point Pleasant, W. Va., to points in Pennsylvania, restricted to traffic received from connecting carriers, for 180 days. NOTE: Applicant intends to interline shipments with Case Driveway, Inc., MC-17002, at the common service point in Point Pleasant, W. Va., Supporting shipper: H. K. Porter Co., Inc., Connors Steel Division, Post Office Box 118, Huntington, W. Va. 25706; Attention: N. W. Bowen, Jr., Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 71337 (Sub-No. 6 TA), filed August 20, 1970. Applicant: WM. B. DUFFY CARTING CO., INC., 62 Scio Street, Rochester, N.Y. 14604. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to shipments moving in trailer or flat car shipments, and further restricted to shipments originating at or destined to railroad sites, between points in Monroe County, N.Y., on the one hand, and on the other, points in Allegany, Erie, Genesee, Livingston, Monroe, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates, and Seneca Counties, N.Y., for 180 days. Supporting shippers: Mobil Chemical Co., Foam Products Department, 100 North Street, Canandaigua, N.Y. 14424; A. B. Cowles Co., Inc., Wayland, N.Y.; Crossman Arms Co., Inc., East Bloomfield, N.Y. 14443; Mobil Chemical Co., Plastics Division, Macedon, N.Y. 14502; Glidden-Durkee, Division of SCM Corp., Wolcott, N.Y.; Garlock, Inc., Palmyra, N.Y. 14522. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104 O'Donnell Building, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 87720 (Sub-No. 101 TA), filed August 20, 1970. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Post Office Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household products and related articles*: between Cranford, N.J., on the one hand, and, on the other, points in New York, points in Pennsylvania on and east of U.S. Highway 219, Delaware, Maryland, New Jersey, Connecticut, points in Virginia on and north of U.S. Highway 60 and the District of Columbia: *Materials and supplies* used in the manufacture and distribution of the aforementioned commodities on the return. Restriction: The proposed service to be under contract with American Home Products Corp., Boyle-Midway Division, for 180 days. Supporting shipper: American Home Product Corp., Boyle-Midway Division, 685 Third Avenue, New York, N.Y. 10017. Send protests to: Raymond T. Jones,

District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 97068 (Sub-No. 11 TA), filed August 19, 1970. Applicant: H. S. ANDERSON TRUCKING COMPANY, Post Office Box 3656, Port Arthur, Tex. 77640. Applicant's representative: H. S. Anderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transporting fish meal*, in bulk and in containers, from points in Jefferson and Orange County, Tex., to points in Texas, New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, and Missouri, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Atlantic Shippers of Texas, Inc., (Mr. W. E. Baugham), Post Box 3752, Port Arthur, Tex. 77640. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 110420 (Sub-No. 621 TA), filed August 18, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred H. Figue (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and blends thereof, oil foots sediments, and monoglycerides, deglycerides, and triglycerides*, in bulk, in tank vehicles, between the plantsite and storage facilities of Glidden-Durkee, Division of SCM Corp., located 12 miles southwest of Joliet, Will County, Ill., on the one hand, and, on the other, the following States: Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. Restrict to traffic originating at or destined to the named plant and storage facility, for 150 days. Supporting shipper: Roland W. Racette, Regional Transportation Department, Glidden-Durkee Division of SCM Corp., 2333 Logan Boulevard, Chicago, Ill. 60647. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111170 (Sub-No. 146 TA), filed August 19, 1970. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2311 North West Avenue, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue (synthetic plastic), formaldehyde and wax emulsion*: (1) *liquid glue (synthetic plastic)* from Louisville, Miss., to (A) Crossett, Ark., and (B) Urania, La.; (2) *liquid glue (synthetic plastic), formaldehyde and wax emulsion*, from Crossett, Ark., to (A) Savannah, Ga., and (B) Vienna, Ga., for 180 days. Supporting shipper: Georgia-Pacific Corp., Crossett

Division, Post Office Box 520, Crossett, Ark. 71635. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112750 (Sub-No. 276 TA), filed August 19, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Fremont, Ohio, on the one hand, and, on the other, Farmington, Mich., for 180 days. Supporting shipper: Financial Computer Services, Inc., 2201 Commerce Drive, Fremont, Ohio. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112801 (Sub-No. 108 TA), filed August 20, 1970. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, 5100 West 41st Street, Chicago, Ill. 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, and blends thereof; oil foots or sediment; and monoglycerides, diglycerides, and triglycerides*, in bulk, in tank vehicles, between the plantsite and storage facilities of Glidden-Durkee, Division of SCM Corp., located about 12 miles southwest of Joliet, Will County, Ill., on the one hand, and on the other, points in Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at or destined to the named plant and storage facilities, for 180 days. Supporting shipper: Glidden-Durkee, Division of SCM Corp., 2333 Logan Boulevard, Chicago, Ill. 60647. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill.

No. MC 113024 (Sub-No. 95 TA), filed August 17, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20423. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fiber products* from Bridgeport, Pa., to Chicago, Ill., St. Paul and Minneapolis, Minn., and (b) *cast nylon and insulating materials*, from plantsite of Polychem Division, The Budd Co., Newark, Del., to Chicago, Ill., St. Paul and Minneapolis, Minn., for

account of Polychem Division, The Budd Co., for 180 days. Supporting shipper: The Budd Co., Polychem Division, Front and Ford Streets, Bridgeport, Pa. 19405. David Reed, Jr., Traffic 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 114019 (Sub-No. 209 TA), filed August 18, 1970. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Philip Bratta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and blends thereof, oil foots and oil sediments, and monoglycerides, diglycerides, and triglycerides*, in bulk, in tank vehicles, between plantsite and storage facilities of Glidden-Durkee Division of SCM Corp. located about 12 miles southwest of Joliet, Will County, Ill. and points in Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Glidden-Durkee, Division of SCM Corp., Industrial Foods Group—Food Service Group, 2333 Logan Boulevard, Chicago, Ill. 60647. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 116254 (Sub-No. 115 TA), filed August 18, 1970. Applicant: CHEMHAULERS, INC., Post Office Box 245, 1510 Martin Avenue, Sheffield, Ala. 35660. Applicant's representative: L. Winston Biggs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bishexamethane triamine* (chemicals), in bulk, in tank vehicles, from Decatur, Ala., to Baxley, Ga., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 116805 (Sub-No. 6 TA), filed August 18, 1970. Applicant: REFINERS TRANSPORT, INC., 3919 Meadows Drive, Post Office Box 55211, Uptown Station, Indianapolis, Ind. 46205. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in U.S. Government-owned trailers, and *empty U.S. Government-owned trailers*, between Speedway, Ind., and Heath, Ohio, for 180 days. Supporting shipper: U.S. Air Force. Send protests to: James W. Habermehl, District Supervisor, Inter-

state Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 117765 (Sub-No. 109 TA), filed August 17, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: Ray E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite, char logs*, in containers, from the plantsite of Husky Briquetting, Inc., Isanti, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Husky Briquetting, Inc., Harvey E. Webb, Traffic Manager, 4040 East Louisiana Avenue, Denver, Colo. 80222. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 117765 (Sub-No. 110 TA), filed August 19, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated and noncarbonated* (nonalcoholic), in containers from Lenexa, Kans., to points in Iowa, Minnesota, Nebraska, and South Dakota, for 150 days. Supporting shipper: Shasta Beverages, Richard Drenner, Plant Manager, Lenexa, Kans. 66215. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 119049 (Sub-No. 3 TA), filed August 17, 1970. Applicant: T.E.K. VAN LINES, INC., 9123 East Garvey Boulevard, Rosemead, Calif. 91770. Mail: Post Office Box 54145, Terminal Annex, Los Angeles, Calif. 90054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, Oregon, and Washington; also between California on the one hand, and on the other, points in Idaho, Utah, and Montana, for 180 days. NOTE: Applicant does intend to tack with its existing authority. Supporting shippers: 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: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124170 (Sub-No. 18 TA), filed August 18, 1970. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich.

48209. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable salads and baked beans*, in containers, in vehicles equipped with mechanical refrigeration, between plantsites of Kentucky Fried Chicken, from Columbus, Ohio, to Detroit, Mich., for 150 days. Supporting shipper: Col. Sanders' Recipe, Kentucky Fried Chicken, Procurement Division, 1495 West Henderson Road, Columbus, Ohio 43220. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower Building, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 124377 (Sub-No. 17 TA), filed August 17, 1970. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Post Office Box 1018, ZIP 80201, Denver, Colo. 80205. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Brush and Denver, Colo., to Albuquerque, N. Mex., restricted to partial unloading at Albuquerque, or California, or Nevada, for 180 days. Supporting shipper: Sigman Meat Co., Inc., Post Office Box 5292 T.A., Denver, Colo. 80217. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 125338 (Sub-No. 3 TA), filed August 20, 1970. Applicant: SUPER SPEED TRANSPORT, INC., Clark Hill, Post Office Box 755, Waterloo, Province of Quebec, Canada. Applicant's representative: Claude J. Clark, 58 West Main Street, Malone, N.Y. 12953. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ski-doo snowmobiles*, from ports of entry on the international boundary line between the United States and Canada located in New York to Malone, N.Y., for 180 days. Supporting shipper: Elliott & Hutchins, Inc., East Main Street Road, Malone, N.Y. 12953. 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 127215 (Sub-No. 50 TA), filed August 19, 1970. Applicant: KENDRICK CARTAGE CO., Post Office Box 63, Salem, Ill. 62801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, from Memphis, Tenn., to points in Illinois on and south of U.S. Route 36, for 180 days. Support-

ing shipper: Johnson County Asphalt, Inc., Rural Route 1, Red Bud, Ill. 62278. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 128515 (Sub-No. 1 TA), filed August 17, 1970. Applicant: PAUL'S HAULING, LTD., 272 Oak Point Road, Dickens Post Office Box 71, Winnipeg 23, Manitoba, Canada. Applicant's representative: Paul Albrechtsen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Byproducts of distilling and fermenting operations*, from ports of entry on the international border between the United States and Canada at or near Noyes, Minn., and Dunseith, N. Dak., to points in Minnesota and North Dakota, for 180 days. Supporting shipper: Calvert of Canada, Ltd., Post Office Box 149, Cimli, Manitoba, Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 133646 (Sub-No. 5 TA), filed August 18, 1970. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in specialized tank vehicles, between Torrington, Wyo., on the one hand, and, on the other, Hereford, Tex., and Delta, Colo., for 180 days. Supporting shipper: Holly Sugar Co., Post Office Box 1052, Colorado Springs, Colo. 80901. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134599 (Sub-No. 2 TA), filed August 17, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Donald H. Bowman, Suite 500, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys, and advertising and promotional matter*, when moving at the same time and in the same vehicle with games and toys, from City of Industry, Calif., and its commercial zone to points in Alabama, Arkansas, Florida, Georgia, North Carolina, and Tennessee, for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, Calif. 90250. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 134703 (Sub-No. 1 TA), filed August 18, 1970. Applicant: C. R. JOHNSON, AND DAVID C. CHRISTIAN, a partnership, doing business as COWAN ENTERPRISES, 10343 Pico Vista Road,

Downey, Calif. 90241. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Suite 400, Los Angeles, Calif. 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen or chilled, requiring temperature control vehicles, and *unmanufactured agricultural products*, from points in the Los Angeles, Calif., commercial zone to Reno and Sparks, Nev., for 180 days. Supporting shippers: There are approximately seven 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 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: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134856 (Sub-No. 1 TA), filed August 19, 1970. Applicant: STANFORD NORRIS, 1744 Northwest Estelle Avenue, Roseburg, Ore. 97470. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden box cleats* which form the framework for wirebound boxes, from the plantsite of Poteet Wood Products about 5 miles south of Roseburg, Ore., to the plantsite of El Dorado Veneer Products, El Dorado, Sacramento County, Calif., for 180 days. Supporting shipper: Poteet Wood Products, Route 1, Box 970 Roseburg, Ore. 97470. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 134863 TA, filed August 18, 1970. Applicant: FLEETWAY TRANSPORTATION, DIVISION OF WAINOCO OIL AND CHEMICALS, LTD., 1900 11th Street SE., Calgary 21, Alberta, Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in pneumatic and dump-type vehicles, from Alchem, Wyo. (near Green River, Wyo.), to the international boundary between the United States and Canada at the ports of entry at or near Sweetgrass, Mont., and Wild Horse, Mont., and from Sweetgrass, Mont., to destinations in the Province of Alberta, Canada, for 180 days. Supporting shipper: Allied Chemical Canada, Ltd., 1155 Dorchester Boulevard West, Montreal 102, Quebec, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11502; Filed, Aug. 31, 1970;
8:48 a.m.]

[Notice 141]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1970.

The following are notices of filing of applications for temporary authority under section 210(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 6017 (Sub-No. 2 TA), filed August 21, 1970. Applicant: **BALSER TRUCK CO.**, 8332 Wilcox Avenue, Post Office Box 1069, South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in specially designed compartmentalized tank trailers, from Cucamonga, Calif., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, El Paso County, Tex. and California, for 180 days. Supporting shipper: Master Builders, 2490 Lee Boulevard, Cleveland, Ohio 44118. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 20867 (Sub-No. 2 TA), filed August 24, 1970. Applicant: **LOWELL L. STEWART, JUDITH K. STEWART, AND ELIZABETH LARSEN**, a partnership, doing business as **STEWART TRUCKING**, Post Office Box 115, Gayville, S. Dak. 57031. Applicant's representative: Don A. Bierle, Suite 4, Law Building, Yankton, S. Dak. 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients*, in bulk, from points in Yankton County, S. Dak., to points in the counties of Adair, Adams, Appanoose, Audubon, Black Hawk, Boone, Bremer, Buena Vista, Butler, Calhoun, Cass, Cerro Gordo, Cherokee, Chicasaw, Clarke, Clay, Crawford, Dallas,

Davis, Decatur, Dickinson, Emmet, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Howard, Humboldt, Ida, Jasper, Kossuth, Linn, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawatomie, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Woodbury, Worth, and Wright in the State of Iowa, and to points in the counties of Antelope, Burt, Cedar, Cuming, Dakota, Dixon, Knox, Madison, Pierce, Stanton, Boyd, Holt, Thurston, Washington, and Wayne in the State of Nebraska, for 180 days. Supporting shippers: Barnes Hay and Feed Co., Gayville, S. Dak., Orrie Barnes, President, The National Alfalfa Dehydrating and Milling Co., Gayville, S. Dak., Richard Putnam, Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 31799 (Sub-No. 4 TA), filed August 20, 1970. Applicant: **HELLMAN TRUCKING CO., INC.**, Pilot Grove, Iowa 52648. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel grain bins and livestock buildings, steel grain handling equipment, steel buildings, steel garages, steel utility buildings, steel trusses and building frames, and lumber, and parts and accessories for each of the above*, from Houghton, Iowa, to points in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, and Wisconsin. (2) *Materials, equipment, and supplies* (including lumber) used in the manufacture, processing, sale, and distribution of the commodities named in (1) above, from points in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, and Wisconsin, to Houghton, Iowa, for 180 days. Supporting shipper: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 76266 (Sub-No. 118 TA) (Correction), filed August 4, 1970, published in the FEDERAL REGISTER issue of August 15, 1970 and republished as corrected, this issue. Applicant: **ADMIRAL-MERCHANTS MOTOR FREIGHT, INC.**, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: L. R. Cernjar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and

those requiring special equipment), between Moline, Ill., and Bloomington, Ill., over Interstate Highway 74 and Illinois Highway 150, for 180 days. NOTE: Applicant will be interlined at Bloomington, Ill., with Jack Cole-Dixie Highway Co. with MC 108185. The purpose of this republication is to show regular routes and include, over Interstate Highway 74 and Illinois Highway 150. Supporting shipper: Applicant's own statement. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 85718 (Sub-No. 2 TA), filed August 24, 1970. Applicant: **SEWARD MOTOR FREIGHT, INC.**, 205 South 14th Street, Seward, Nebr. 68434. Applicant's representative: Earl H. Scudder, Jr., 14th and J Streets, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pole line transmission materials*, from plantsite and warehouse facilities utilized by Hughes Bros. Manufacturing Co., at or near Seward, Nebr., to an area in Texas bounded on the west by Interstate Highway 35, on the north by Interstate Highway 10, on the east by the Colorado River and the Gulf of Mexico and on the south by the Mexican border, for 150 days. Supporting shipper: Hughes Brothers, Seward, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 107295 (Sub-No. 426 TA), filed August 24, 1970. Applicant: **PRE-FAB TRANSIT CO.**, Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable trays, channels, nuts, bolts, washers, fittings, and accessories*, from Highland, Ill., to points in Colorado, Connecticut, Delaware, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, Rhode Island, Vermont, Wisconsin, and Wyoming, for 180 days. Supporting shipper: The Binkley Co., B-Line Division, 509 West Monroe Street, Highland, Ill. 62249. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107515 (Sub-No. 705 TA), filed August 21, 1970. Applicant: **REFRIGERATED TRANSPORT CO., INC.**, Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* (as described in appendix 1 to the report and Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766), from Ocala, Fla., to points in Georgia (restricted to originating at the

plantsite and warehouse facilities utilized by Swift & Co., for 180 days. Supporting shipper: Swift Fresh Meats Co., Distribution Department, 115 West Jackson Boulevard, Chicago, Ill. 60604. 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 107515 (Sub-No. 706 TA), filed August 21, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, from Suffolk, Va., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, West Virginia, and Mississippi, for 150 days. Supporting shipper: Pruden Packing Co., Suffolk, Va. 23434. 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 108393 (Sub-No. 35 TA), filed August 18, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, Suite 2255, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, articles and commodities* as are dealt in by mail order houses and retail stores, and in connection therewith, *such equipment, materials and supplies used in the conduct of such business*, for Sears, Roebuck & Co., from Hazelwood, Mo., to Decatur, Shelbyville, Hillsboro, Jacksonville, Quincy, Champaign, and Danville, Ill., returned shipments of the above commodities, from Decatur, Shelbyville, Hillsboro, Jacksonville, Quincy, Champaign, and Danville, Ill., to Hazelwood, Mo., for 180 days. Supporting shipper: Sears, Roebuck & Co., 7447 Skokie Boulevard, Skokie, Ill. 60076. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 110080 (Sub-No. 4 TA), filed August 24, 1970. Applicant: ROGER C. LENZ AND KEITH E. LENZ, a partnership, doing business as LENZ BROTHERS, Lansing, Iowa 52151. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, from Milwaukee, Wis., to Rochester, Minn., for 180 days. Supporting shipper: Rollie's Distributing, Rochester, Minn. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 124964 (Sub-No. 11 TA) (Correction), filed August 10, 1970, published in the FEDERAL REGISTER issue of August 21, 1970, and republished in part corrected, this issue. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Office: Highway 441 and Haines Creek Road, Tavares, Fla., Eustis, Fla. 32726. NOTE: The purpose of this partial republication is to show 150 days, in lieu of 180 days. The rest of the application remains as previously published.

No. MC 134264 (Sub-No. 5 TA), filed August 24, 1970. Applicant: OCKENFEL'S TRANSFER, INC., Post Office Box 3, 732 Rundell Street, Iowa City, Iowa 52240. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead slugs, packing materials, and dentrifice tubes, lead, or aluminum*, between Iowa City, Iowa, and Cincinnati, Ohio; and (2) *scrap metals, materials, equipment, and supplies used in the manufacture, processing, sale, and distribution* of the commodities named in (1) above, from points in Ohio to Iowa City, Iowa, for 180 days. Supporting shipper: Victor Metals Products Corp., Iowa City, Iowa 52240. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 134740 (Sub-No. 2 TA), filed August 24, 1970. Applicant: JACK BAULOS, INC., 10605 Avenue E, Chicago, Ill. 60617. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail drug stores, from the warehouse facilities of DeKoven Drug Co. at Elk Grove Village, Ill., to Hammond, Evansville, Indianapolis, Elwood and Kokomo, Ind.; La Crosse and Janesville, Wis.; Chattanooga, Tenn.; Lincoln, Nebr.; and Arlington, Garland, Haltom City, Irving, Dallas, Beaumont, Longview, and Wichita Falls, Tex., for 180 days. Supporting shipper: DeKoven Drug Co., 1401 Estes, Elk Grove Village, Ill. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 134790 (Sub-No. 1 TA), filed August 20, 1970. Applicant: JOHN N. HOFMANN, doing business as HOFMANN TRUCK LINE, Lone Tree, Iowa 52755. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel grain bins and livestock buildings, steel grain handling equipment, steel buildings, steel garages, steel utility buildings, steel trusses and building frames, and lumber, and parts and accessories for each of the above*, from Houghton, Iowa, to points in

Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, and Wisconsin; and (2) *materials, equipment, and supplies* (including lumber), used in the manufacture, processing, sale, and distribution of the commodities named in (1) above, from points in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, and Wisconsin, to Houghton, Iowa, for 180 days. Supporting shipper: Conrad, Inc., Houghton, Iowa 52631. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 134860 TA, filed August 17, 1970. Applicant: OKLAHOMA NORTHWEST MOTOR FREIGHT, INC., 3417 Northwest 69th Street, Oklahoma City, Okla. 73116. Applicant's representative: John W. Bennett, 3417 Northwest 69th Street, Oklahoma City, Okla. 73116. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Oklahoma City over Oklahoma Highway 3 to its intersection with U.S. 81; thence over U.S. 81 to Hennessey (restricted against serving any points along said route); thence West on Oklahoma Highway 51 to its intersection with U.S. Highway 270; thence along U.S. 270 to Woodward (restricted against service to Selling); thence along Oklahoma Highway 15 to its intersection with U.S. Highway 60 at Orientia; thence on U.S. Highway 60 to Fairview; Oklahoma Highway 14 from its intersection with Oklahoma Highway 15 North to Waynoka; thence over U.S. Highway 281 to Alva; U.S. Highway 64 from Alva to Nash; Oklahoma Highway 132 from Nash to its intersection with Oklahoma Highway 51; Oklahoma Highway 51A and 58 from Southard and Canton to Fairview; Oklahoma Highway 8 from Okeene to Cherokee; an unmarked farm-to-market road from Barr west to its intersection with Oklahoma Highway 8 and 58 east of Fairview; Oklahoma Highway 15 from its intersection with Oklahoma Highway 132 to Lahoma; and an unnumbered road from Oklahoma Highway 15 through Curtis, Quinlan, and Nelva to Waynoka; with service to be to, from, and between all points on the above-described routes (save the restrictions mentioned), this to include the right to serve all customers adjacent to the routes and places along the routes that are within the normal or reasonable delivery limits of all the routes and points when the same would normally be served by a carrier operating along the routes or into the points described and where the same would normally be served by a carrier operating along the routes or into the points described and where the same can be served by normal routes of travel without going into any city or town to which service is not authorized, under the above route descriptions; with alternate routes for operating convenience only and with no service to any

point, place or customer along said alternate routes as follows: Oklahoma Highway 3 from its intersection with Oklahoma Highway 51 to Kingfisher; U.S. Highway 281 from Watonga to Interstate Highway 40 and thence along Interstate Highway 40 to Oklahoma City, for 180 days. Supporting shippers: There are approximately 20 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. NOTE: Applicant intends to tack at Oklahoma City, Woodward, Alva, Lahoma, and Ames, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11503; Filed, Aug. 31, 1970;
8:48 a.m.]

[Notice 581]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 27, 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-35433. By order of August 25, 1970, the Motor Carrier Board

approved the lease to Roy M. Ballard, doing business as Ballard Trucking, Paris, Tex., of certificate of registration No. MC-99850 (Sub-No. 2) issued September 8, 1964, to Dallas Thompson, Arlington, Tex., evidencing a right to engage in transportation in interstate commerce as described in specialized motor carrier's permanent certificate of convenience and necessity No. 7094, dated December 12, 1960, issued by the Railroad Commission of Texas. M. Ward Bailey, Continental Life Building, Fort Worth, Tex. 76102.

No. MC-FC-72320. By order of August 24, 1970, the Motor Carrier Board approved the transfer to Exclusive Transportation Corp., a California corporation, National City, Calif., of the operating rights in permit No. MC-115992, issued January 12, 1970, to L. M. Pepper, doing business as Pepper Oil Co., National City, Calif., authorizing the transportation of petroleum products (other than those moving in pressurized vehicles), as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, serving intermediate and off-route points in Arizona within 50 miles of Yuma, in connection with carrier's regular-route operations from San Diego, Calif., over U.S. Highway 80 to Yuma, Ariz., limited to a transportation service to be performed under a continuing contract, or contracts with Rupard Oil Co., National City, Calif., and Phil Coffen Oil Co., Yuma, Ariz.; from San Diego, Calif., to Yuma, Ariz., serving no intermediate points over U.S. Highway 80, and return; and magnesium chloride, in bulk, in tan vehicles, from Chula Vista, Calif., to the port of entry on the United States-Mexico boundary line at or near Calexico, Calif., limited to a transportation service to be performed under a continuing contract, or contracts with FMC Corp., Inorganic Chemicals Division, of Chula Vista, Calif. Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014, attorney for applicants.

No. MC-FC-72327. By order of August 25, 1970, the Motor Carrier Board

approved the transfer to Hollon Moving, Inc., Newark, Del., of the operating rights in certificate No. MC-114301 issued January 31, 1958, to Delaware Express Co., a corporation, Elkton, Md., authorizing the transportation of household goods, between points in Caroline, Cecil, Dorchester, Kent, Queen Anne, Somerset, Talbot, Wicomico, and Worcester Counties, Md., on the one hand, and, on the other points in Delaware, New Jersey, and Philadelphia, Pa., and points in Pennsylvania within 50 miles of Philadelphia. Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-72330. By order of August 25, 1970, the Motor Carrier Board approved the transfer to Pennant Trans., Inc., Woburn, Mass., of the certificate of registration in No. MC-98854 (Sub-No. 1) issued January 16, 1964, to George E. Williams, doing business as G. & W. Transportation, Lexington, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier Certificate No. 4857 dated September 28, 1953, issued by the Massachusetts Department of Public Utilities. Frederick O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186, attorney for applicants.

No. MC-FC-72344. By order of August 26, 1970, the Motor Carrier Board approved the transfer to Overland Freight Lines, Inc., Indianapolis, Ind., of certificate No. MC-126039 (Sub-No. 6) issued to Morgan Transportation System, Inc., New Paris, Ind., authorizing the transportation of: Paper and paper products, from Weyerhaeuser Co., Columbus, Ind., to points in Illinois, Kentucky, Missouri, Ohio, and Indiana, and materials, and supplies used in the manufacture, on return. Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11504; Filed, Aug. 31, 1970;
8:48 a.m.]

