

# FEDERAL REGISTER

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**Agencies in this issue—**

Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Atomic Energy Commission  
Civil Aeronautics Board  
Civil Service Commission  
Commerce Department  
Consumer and Marketing Service  
Customs Bureau  
Emergency Preparedness Office  
Federal Aviation Administration  
Federal Maritime Commission  
Federal Reserve System  
Food and Drug Administration  
Interim Compliance Panel  
(Coal Mine Health and Safety)  
Interior Department  
Internal Revenue Service  
Interstate Commerce Commission  
Labor Department  
Land Management Bureau  
National Park Service  
Post Office Department  
Securities and Exchange Commission  
Tariff Commission

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

#### Federal Power Commission

Section 213.3329 is amended to show that one position of Private Secretary to the Assistant to the Chairman is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (k) is added to § 213.3329 as set out below.

#### § 213.3329 Federal Power Commission.

(k) One Private Secretary to the Assistant to the Chairman.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F. R. Doc. 70-14331; Filed, Oct. 23, 1970; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Office of Economic Opportunity

Section 213.3373 is amended to show that one additional position of Confidential Assistant to the Associate Director for Public Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (10) of paragraph (a) of § 213.3373 is amended as set out below.

#### § 213.3373 Office of Economic Opportunity.

(a) Office of the Director. \* \* \*

(10) Two Confidential Assistants to the Associate Director for Public Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F. R. Doc. 70-14332; Filed, Oct. 23, 1970; 8:48 a.m.]

### PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

#### Open Season

On September 4, 1970, the following was published in the FEDERAL REGISTER as proposed rule making. The purpose is to provide for a special 2-week open season

to enrolled employees and annuitants for the Harvard Community Health Plan of Boston, Mass. The comments and suggestions received on the proposal have been considered by the Civil Service Commission. Accordingly, Part 890 of Title 5, Code of Federal Regulations, is amended by revising § 890.301(d) (2) as set out below:

#### § 890.301 Opportunities to register to enroll and change enrollment.

(d) \* \* \*

(2) During the period November 16 to November 30, 1970, an enrolled employee or annuitant living in the enrollment area of the Columbia Medical Plan or in the enrollment area of the Harvard Community Health Plan may change his enrollment from the plan in which he is already enrolled to the Columbia Medical Plan or the Harvard Community Health Plan. The election must be for the same type of coverage (self only or self and family) as the present enrollment unless a change of type is otherwise authorized by this part.

(5 U.S.C. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F. R. Doc. 70-14333; Filed, Oct. 23, 1970; 8:48 a.m.]

## Title 7—AGRICULTURE

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

[Lemon Reg. 450]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

#### § 910.750 Lemon Regulation 450.

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

vided, 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 and engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 20, 1970.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 25, 1970, through October 31, 1970, are hereby fixed as follows:

- (i) District 1: 3,000 cartons;
- (ii) District 2: 54,000 cartons;
- (iii) District 3: 93,000 cartons.

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

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

Dated: October 22, 1970.

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

[F. R. Doc. 70-14396; Filed, Oct. 23, 1970; 8:50 a.m.]



[Grapefruit Reg. 42]

**PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA****Limitation of Handling****§ 913.342 Grapefruit Regulation 42.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, 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 Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 20, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period October 26, 1970, through November 1, 1970, is hereby fixed at 350,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and

"standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: October 22, 1970.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Mar-  
keting Service.

[F.R. Doc. 70-14397; Filed, Oct. 23, 1970;  
8:50 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 22—FOOD FLAVORINGS****Vanilla Powder Identity Standard; Order Listing Gum Acacia as Optional Ingredient**

In the matter of amending the definition and standard of identity for vanilla powder (21 CFR 22.8) to permit the optional addition of gum acacia:

One comment was received regarding the notice of proposed rule making in the above-identified matter that was published in the FEDERAL REGISTER of September 3, 1969 (34 F.R. 13999), in response to a petition filed by Flavor and Extract Manufacturers' Association of the United States, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

The comment from a foundation opposed addition of the gum acacia but held that if its use is deemed necessary for technical reasons, its presence should be declared on the label. Since available information supports use of the gum acacia and since the subject standard requires the label to bear the common name of added optional ingredients and that the ingredient statement immediately and conspicuously precede or follow the name of the food on the label (§ 22.8(c) (2) and (3)), the Commissioner of Food and Drugs finds that the essential recommendations in the comment have been met.

Having considered the information submitted in the petition, the comment received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 22.8(a) be amended by adding thereto a new subparagraph, as follows:

§ 22.8 Vanilla powder; identity; label statement of optional ingredients.

- (a) \* \* \*
- (b) Gum acacia.

Due to cross-reference, this amendment to the standard for vanilla powder (§ 22.8) upon becoming effective will make gum acacia a permitted ingredient in vanilla-vanillin powder (§ 22.9).

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. 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 and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

*Effective date.* This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 16, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 70-14295; Filed, Oct. 23, 1970;  
8:45 a.m.]

**PART 121—FOOD ADDITIVES****Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food****PAPER AND PAPERBOARD**

The Commissioner of Food and Drugs, having evaluated the data in a petition (PAP 9B2425), filed by National Starch and Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, and other relevant material, concludes that §§ 121.2571 and 121.2526 of the food additive regulations should be amended to provide for the safe use of poly(2-aminoethyl acrylate nitrate-co-2-hydroxypropyl acrylate) as a retention and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with dry foods, and at levels not to exceed 0.2 percent by weight of finished dry paper and paperboard fibers intended for use in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21



U.S.C. 348(c)(1) and under authority delegated to the Commissioner (21 CFR 2.120), §§ 121.2526(a)(5) and 121.2571 (b)(2) are amended by alphabetically inserting in each list of substances a new item as follows:

List of substances	Limitations
Poly(2-aminoethyl acrylate nitrate-co-2-hydroxypropyl acrylate) produced when one mole of hydroxypropyl acrylate and three moles of acrylic acid are reacted with three moles of ethylenimine and three moles of nitric acid, such that a 35 percent by weight aqueous solution has a minimum viscosity of 150 centipoises at 72° F. as determined by RVP-series Brookfield viscometer (or equivalent) using a No. 2 spindle at 20 r.p.m.	For use only as a retention and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard at a level not to exceed 0.2 percent by weight of dry paper or paperboard fiber.

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.  
 \* \* \* \* \*  
 (a) \* \* \*  
 (5) \* \* \*

(c) Preparation by the mailer of pieces in packages and sacks. \* \* \*  
 (2) Maximum weight in a sack. The total weight of pieces placed in one sack must not exceed 70 pounds.

NOTE: The corresponding Postal Manual sections are 126.322 and 134.432.  
 (5 U.S.C. 301, 39 U.S.C. 501, 4351-70, 4451-53)

DAVID A. NELSON,  
 General Counsel.

[F.R. Doc. 70-14323; Filed, Oct. 23, 1970; 8:47 a.m.]

**Title 43—PUBLIC LANDS:  
 INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4921]

[Wyoming 20453]

**WYOMING**

**Powersite Restoration No. 694; Revocation of Powersite Reserve No. 5**

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), and pursuant to the determination of the Federal Power Commission in DA-162-Wyoming, it is ordered as follows:

The Executive order of July 2, 1910, creating Powersite Reserve No. 5, is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 34 N., R. 109 W.,  
 Sec. 27, SE¼NE¼.

The area described aggregates 40 acres in Sublette County.

The land remains withdrawn for reclamation purposes.

HARRISON LOESCH,  
 Assistant Secretary of the Interior.

OCTOBER 19, 1970.

[F.R. Doc. 70-14316; Filed, Oct. 23, 1970; 8:46 a.m.]

[Public Land Order 4923]

[Wyoming 22216]

**WYOMING**

**Withdrawal for National Forest Recreation Sites**

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the

**Title 39—POSTAL SERVICE**

Chapter I—Post Office Department

PART 126—SECOND-CLASS BULK MAILINGS

PART 134—THIRD CLASS

**Reduction in Present Sack Weight Limit**

In the daily issue of Saturday, August 22, 1970 (35 F.R. 13452), the Department published a notice of proposed rule making consisting of amendments to §§ 126.3 and 134.4 of Title 39, Code of Federal Regulations. The proposed amendments are designed to implement the safety factor in sack weight limit, reducing the present maximum weight limit from 80 pounds to 70 pounds.

Interested persons were given 30 days within which to submit comments on the proposed regulations. After consideration of the comments received, it has been determined to adopt the regulations proposed in the notice of proposed rule making. The amendments set out below will effect the proposed change in the Department's regulation.

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

In § 126.3 Mailing, amend paragraph (b)(2) to read as follows:

§ 126.3 Mailing.

(b) Preparation by the mailer of copies in packages and sacks. \* \* \*

(2) Maximum weight in sack. The total weight of publications placed in one sack must not exceed 70 pounds.

In § 134.4 Preparation—payment of postage, amend paragraph (c)(2) to read as follows:

§ 134.4 Preparation—payment of postage.

§ 121.2571 Components of paper and paperboard in contact with dry food.

(b) \* \* \*  
 (2) \* \* \*

List of Substances Limitations

Poly(2-aminoethyl acrylate nitrate-co-2-hydroxypropyl acrylate) complying with the identity described in § 121.2526(a)(5).

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

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

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

Dated: October 14, 1970.

SAM D. FINE,  
 Associate Commissioner  
 for Compliance.

[F.R. Doc. 70-14296; Filed, Oct. 23, 1970; 8:45 a.m.]



mineral leasing laws, in aid of programs of the Department of Agriculture:

SIXTH PRINCIPAL MERIDIAN  
BIGHORN NATIONAL FOREST  
Little Goose Campground

T. 53 N., R. 85 W.,

Sec. 5,  $W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ , and  $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ .

East Fork Campground

T. 53 N., R. 86 W.,

Sec. 3,  $W\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ , and  $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ .

Cross Creek Campground

T. 53 N., R. 86 W.,

Sec. 21,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 23,  $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 28,  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ .

Coffee Park Campground

T. 53 N., R. 86 W.,

Sec. 32,  $SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ , and  $NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ .

Twin Lakes Campground

T. 54 N., R. 87 W.,

Sec. 35,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ , and  $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ .

Soojen Spring Highway Rest Area

T. 56 N., R. 87 W.,

Sec. 15,  $NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ , and  $NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ ; Except that portion now covered by PLO 2647 for U.S. 14 Roadside Zone.

Sand Turn Observation Point

T. 56 N., R. 87 W.,

Sec. 26,  $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$  and  $E\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ ; Excepting that area withdrawn under PLO 2647 for U.S. 14 Roadside Zone.

Prune Creek Campground

T. 55 N., R. 88 W.,

Sec. 4,  $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ ; Except area included in PLO 2647 for U.S. 14 Roadside Zone.

Bighorn Baptist Youth Organization Camp—Addition

T. 55 N., R. 88 W.,

Sec. 4,  $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$  and  $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ .

Sibley Lake Camp and Picnic Grounds—Addition

T. 55 N., R. 88 W.,

Sec. 10,  $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ , and  $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ; Except land withdrawn by PLO 2647 for U.S. 14 Roadside Zone.

Tie Flume Campground

T. 55 N., R. 88 W.,

Sec. 27,  $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ .

Owen Creek Campground—Addition

T. 55 N., R. 88 W.,

Sec. 31,  $NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$  and  $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$ .

North Tongue Campground—Addition

T. 56 N., R. 89 W.,

Sec. 35,  $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ .

The areas described aggregate 377.5 acres in Johnson and Sheridan Counties.

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

HARRISON LOESCH,  
Assistant Secretary of the Interior.

OCTOBER 19, 1970.

[P.R. Doc. 70-14317; Filed, Oct. 23, 1970; 8:47 a.m.]

[Public Land Order 4923]

[Colorado 10112]

COLORADO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

1. The order of the Bureau of Reclamation dated May 23, 1946, concurred in by the Bureau of Land Management on May 16, 1946, withdrawing lands for the Gunnison-Arkansas Project, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 4 W.,

Sec. 6, Lot 18 and  $SE\frac{1}{4}SW\frac{1}{4}$ .

The area described aggregates 80 acres in Gunnison County.

The lands occupy a high bluff southwest of Blue Mesa Dam. Vegetative cover is predominantly trees along with some brush and native grasses and forbs.

2. At 10 a.m. on November 24, 1970, the land will be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing classifications and withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 24, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo. 80202.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

OCTOBER 19, 1970.

[P.R. Doc. 70-14314; Filed, Oct. 23, 1970; 8:46 a.m.]

[Public Land Order 4924]

[Idaho 3621]

IDAHO

Transfer of Administrative Jurisdiction of Public Domain Within Middle Fork Clearwater Wild and Scenic River Area

By virtue of the authority vested in the Secretary of the Interior by section

6(e) of the Wild and Scenic Rivers Act of October 2, 1968, 82 Stat. 906, jurisdiction over the following described public domain lands within the boundaries of the Middle Fork Clearwater Wild and Scenic Rivers Area, Idaho, established by said act, is hereby transferred to the Secretary of Agriculture:

BOISE MERIDIAN

T. 32 N., R. 4 E.,

Sec. 1, lots 2 and 3,  $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ;

Sec. 4, lot 7.

T. 33 N., R. 4 E.,

Sec. 34, lots 1 and 2.

T. 32 N., R. 5 E.,

Sec. 3, lots 7, 8, and 11;

Sec. 12, lot 1;

Sec. 13,  $NW\frac{1}{4}NW\frac{1}{4}$ ;

Sec. 14,  $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ .

The above lands aggregate 269.08 acres in Idaho County.

Subject to valid existing rights and withdrawals, the lands will become national forest lands within the National Wild and Scenic Rivers System when this order becomes effective upon publication in the FEDERAL REGISTER.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

OCTOBER 19, 1970.

[P.R. Doc. 70-14315; Filed, Oct. 23, 1970; 8:46 a.m.]

[Public Land Order 4925]

[Sacramento 079389]

CALIFORNIA

Withdrawal for Protection of Public Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4931), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for protection of public recreation values:

MOUNT DIABLO MERIDIAN

T. 13 N., R. 10 W.,

Sec. 29,  $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$ ,  $N\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$ .

T. 14 N., R. 11 W.,

Sec. 17, lot 2.

T. 15 N., R. 11 W.,

Sec. 17,  $SW\frac{1}{4}$  (unsurveyed);

Sec. 20,  $W\frac{1}{2}$  (unsurveyed);

Sec. 30, lots 10 and 11.

The areas described aggregate approximately 653.99 acres in Lake and Mendocino Counties.

2. The withdrawal made by this order does 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 or vegetative resources other than under the mining laws.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

OCTOBER 19, 1970.

[P.R. Doc. 70-14313; Filed, Oct. 23, 1970; 8:46 a.m.]



[Public Land Order 4926]

[Utah 9850]

UTAH

Withdrawal for National Forest Geological Site

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

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

UINTA NATIONAL FOREST  
SALT LAKE MERIDIAN  
Spanish Moss Cave

T. 6 S., R. 3 E.,  
Sec. 28, NW ¼ NW ¼ SE ¼.

The area described contains 10 acres in Utah County.

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

HARRISON LOESCH,  
Assistant Secretary of the Interior.

OCTOBER 19, 1970.

[F.R. Doc. 70-14318; Filed, Oct. 23, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

PART 39—AIRWORTHINESS DIRECTIVES

Airborne Manufacturing Co. Fuel Selector Valves

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue a new airworthiness directive applicable to Airborne Manufacturing Co. fuel selector valves.

There have been reports of a loss of power due to fuel starvation on several Piper aircraft. It has been determined that this deficiency occurred as a result of the fuel selector valve being closed while the control handle indicated the valve being open. The loss of a roll pin in the valve had caused the mispositioning. Since this deficiency could occur on other aircraft with similarly installed valves, an airworthiness directive is being issued to require modification of the valve.

A situation, therefore, exists which requires immediate adoption of this regulation and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AIRBORNE MANUFACTURING CO. (formerly Airborne Mechanisms). Applies, except as noted, to all model 1H7, 1H10, 1H16, and 1H26 series fuel selector valves installed on, but not necessarily limited to:

Piper .....	PA-28-235
Do .....	PA-32-260
Do .....	PA-32-300
Do .....	PA-32S-300
Do .....	PA-30
Do .....	PA-39

NOTE: 1H7 series valves identified with a No. 4-R, 5-R, etc., and subsequent letter codes (appearing on manufacturer's plate directly underneath the valve model number), and 1H26 series valves with a No. 6-R, 7-R, etc., and subsequent letter codes (appearing at same location noted above), are equipped with a production roll pin retaining sleeve and are not affected by this AD. Additionally, some earlier manufactured valves have slotted keyway control arms and shafts. These valves are also not affected by this AD. The alpha-numeric representation identifies the month and year a valve was manufactured. For example, 4-R indicates that the valve was manufactured during April 1970.

Compliance required within the next 50 hours in service after the effective date of this AD, unless already accomplished.

To prevent the possibility of engine fuel starvation resulting from the inability to operate the fuel selector valve due to loss of the control arm roll pin, accomplish the following:

a. Inspect the fuel selector valve control arm and ascertain that the roll pin is in place.

b. Install pin retaining kit, Airborne P/N 2T18-1 (Piper P/N 760444 or 706438V), consisting of spring clip, Airborne P/N D1-61-1 (Piper P/N 757638) and sleeve, Airborne P/N A9-78-1 (Piper P/N 757639), as follows:

1. Lift quick drain shaft and insert slot of sleeve around shaft insuring that groove in sleeve faces downward. Then press protruding portion of spring clip against hub and slide the entire assembly down over the hub.

NOTE: Do not attempt to retract the spring clip by prying with pointed tool.

2. Rotate sleeve and spring clip assembly around the hub until protruding portion of the spring clip snaps into the bore of the roll pin.

3. Paint ¼-inch diameter red dot, using indelible ink, on fuel selector arm immediately adjacent to the newly installed retaining sleeve.

Upon submission of substantiating data through an FAA maintenance inspector by an owner or operator, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance time specified in this Airworthiness Directive.

(Piper Aircraft Corp. Service Bulletin Nos. 311 and 314 both dated June 5, 1970, pertain to this same subject.)

This amendment is effective November 4, 1970.

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

Issued in Jamaica, N.Y., on October 12, 1970.

WAYNE HENDERSHOT,  
Acting Director, Eastern Region.

[F.R. Doc. 70-14308; Filed, Oct. 23, 1970; 8:46 a.m.]

[Docket No. 70-CE-16-AD; Amdt. 39-1094]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 65-90 Airplanes

Following an incident to a Beech Model 65-90 airplane involving an over-temperature condition which resulted in damage to a heater duct, electric wiring and instruments on this model airplane, the FAA has determined that Beech Model 65-90 (Serial Nos. LJ-1 through LJ-75) airplanes are not in compliance with 3.388(b) of the Civil Air Regulations. Specifically, the fuel burning heater automatic control system in these model airplanes with the above-mentioned serial numbers will not shut off the heater ignition and fuel when the heater ventilator air flow becomes inadequate for safe operation as required by the regulation. To correct this condition, the manufacturer has produced Beech Differential Pressure Switch Kit No. 90-3053S which provides for the installation of a differential pressure switch in order to prevent overheat damage and fire hazard which may result from failure of the ventilating air blower for the fuel burning heater. Beech Model 65-90 (Serial Nos. LJ-76 and up) airplanes were equipped at the factory with the same components contained in the Beech Kit. In order to make modification of the heater automatic control switch mandatory, an airworthiness directive is being issued requiring within the next 50 hours' time in service after the effective date of the AD, the installation of Beech Differential Pressure Switch Kit No. 90-3053S in accordance with Beech Service Instruction No. 0372-412.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

BEECH. Applies to Model 65-90 (Serial Nos. LJ-1 through LJ-75) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent overheat damage and fire hazard which may result from failure of the ventilating air blower for the fuel burning heater during ground operations, accomplish the following:

Within the next 50 hours' time in service, after the effective date of this AD, install Beech Differential Pressure Switch Kit No. 90-3053S in accordance with Beech Service Instruction No. 0372-412, or a later FAA-approved revision or any equivalent modification submitted to and approved by the



Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective October 24, 1970.

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

Issued in Kansas City, Mo., on October 14, 1970.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 70-14304; Filed, Oct. 23, 1970;  
8:45 a.m.]

[Docket No. 70-CE-17-AD; Amdt. 39-1097]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Beech Models 60 and A60 Airplanes

There have been reports of cracked inboard elevator hinge brackets on Beech Model 60 airplanes which can result in partial loss of elevator control. Since this condition is likely to exist or develop in other airplanes of the same type design and based on the manufacturer's recommendations and the agency's concurrence, an airworthiness directive is being issued requiring within the next 25 hours' time in service after the effective date of this AD, a one time dye penetrant inspection of each inboard elevator hinge bracket on Beech Models 60 and A60 airplanes with more than 150 hours' time in service. If cracks are found during this inspection, the affected hinge bracket must be replaced with an airworthy part. Beechcraft Service Instructions No. 0342-132 covers this subject.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

**BEECH.** Applies to Models 60 and A60 (Serial Nos. P-3 through P-151) airplanes with more than 150 hours' time in service.

Compliance: Required as indicated, unless already accomplished.

To detect cracks in the inboard elevator hinge brackets, within 25 hours' time in service after the effective date of this AD, accomplish the following:

(A) Remove the inboard elevator hinge brackets Beech P/N 60-524078-1 and 60-524078-2 and inspect these brackets for cracks using the dye penetrant method of inspection.

(B) If a crack is found during the inspection required by paragraph A, prior to further flight, replace the affected hinge bracket with an airworthy part.

(C) During reinstallation of the inboard elevator hinge brackets, following the inspection required by paragraph A and the replacement if required by paragraph B, position the wedge shaped shims, Beech P/N 60-620000-63 so as to reduce the total gap between the mating surfaces to 0.005 inch or less.

Beechcraft Service Instructions No. 0342-132 or later revision refers to this subject.

This amendment becomes effective October 27, 1970.

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

Issued in Kansas City, Mo., on October 16, 1970.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 70-14305; Filed, Oct. 23, 1970;  
8:45 a.m.]

[Docket No. 10525; Amdt. 39-1096]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Rolls-Royce Dart Models 506, 510, and 526 Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of an automatic feathering probe and a retaining ring on Rolls-Royce Dart Models 506, 510, and 526 engines was published in the FEDERAL REGISTER, 35 F.R. 13668.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**ROLLS-ROYCE.** Applies to Rolls-Royce Dart engines Models 506, 510, and 526, installed on, but not necessarily limited to, British Aircraft Corp. Viscount 744 and 745D; and Armstrong Whitworth Argosy 650 Series 101 airplanes.

Compliance is required within the next 500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the loss of propeller control in the event of an annulus gear failure, accomplish the following:

(a) For Rolls-Royce Dart Model 506 engines, incorporate Rolls-Royce Dart Modification 1431 in accordance with Rolls-Royce Dart Aero Engine Service Bulletin No. Da72-297, Revision 7, dated February 20, 1970, or later ARB-approved revision, or an FAA-approved equivalent.

(b) For Rolls-Royce Dart Models 510 and 526, incorporate Rolls-Royce Dart Modification 1550 in accordance with Rolls-Royce Dart Aero Engine Service Bulletin No. Da72-348, Revision 9, dated November 28, 1969, or later ARB-approved revision, or an FAA-approved equivalent.

This amendment becomes effective November 23, 1970.

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

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

R. S. SLIFF,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 70-14303; Filed, Oct. 23, 1970;  
8:45 a.m.]

[Docket No. 70-EA-91; Amdt. 39-1096]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Wood Electric Co. Circuit Breakers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Wood Electric Co. circuit breakers.

There have been instances in which the subject circuit breakers have become jammed and failed to protect circuits which had become overloaded. These overloaded circuits in turn resulted in several in-flight small fires. Since this situation can exist or occur in aircraft which have the devices installed, an airworthiness directive is being issued requiring an inspection of all circuit breakers and eventual modification to prevent jamming.

The foregoing establishes a situation which requires expeditious adoption of the amendment and it may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

**WOOD ELECTRIC CORP.** Applies to aircraft incorporating Wood Electric Corp. Model 105, 106, 107, 108, 147, 152, 254, 447, 448, or 2100 series circuit breakers.

Compliance required as indicated:

(a) Within the next 500 hours' time in service after the effective date of this AD, unless already accomplished within the last 250 hours' time in service, and thereafter at intervals not to exceed 750 hours' time in service from the last check; to detect jammed circuit breakers, manually open and close all Wood Electric Corp. Model 105, 106, 107, 108, 147, 152, 254, 447, 448, and 2100 series circuit breakers installed in aircraft. All circuit breakers found jammed must be replaced prior to further flight. This check is not required when the modification in paragraph (b) has been accomplished.

(b) Within the next 1,250 hours' time in service after the effective date of this AD, unless already accomplished, modify all Wood Electric Corp. 105, 106, 107, 108, 147, 152, 254, 447, 448, and 2100 series circuit breakers by installing a ring manufactured in accordance with Wood Electric Corp. Drawing No. 64-008 Rev. No. 2 dated June 26, 1970, or later revision or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. To accomplish the modification, position the circuit breaker in either the closed or opened position and place the ring below the step (cap) portion of the button and above the threaded mounting neck of the circuit breaker. Exert enough finger pressure to snap the ring into place. Manually open and close the circuit breaker to insure proper positioning of the ring.

(c) Upon request with substantiation data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) The check required by this AD may be performed by the pilot and the modification required by this AD constitutes preventive maintenance and may be performed by persons authorized to perform preventive maintenance under FAR 43.



(Wood Electric Corp. Drawing No. 99-001 Rev. 1 dated June 26, 1970; Boeing Model 707/720 Service Bulletin 2963 Rev. 3 dated July 1, 1970; Boeing Model 727 Service Bulletin 24-35 Rev. 3 dated July 1, 1970; and Boeing Model 737 Service Bulletin 24-1010 Rev. 3 dated July 20, 1970, pertain to the modification required by this AD.)

This amendment is effective November 4, 1970.

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

Issued in Jamaica, N.Y., on October 6, 1970.

WAYNE HENDERSHOT,  
Acting Director, Eastern Region.

[F.R. Doc. 70-14309; Filed, Oct. 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-40]

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

**Designation of Transition Area**

On September 11, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14326) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Big Piney, Wyo.

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

*Effective date.* This amendment shall be effective 0901 G.m.t., January 7, 1971.

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

Issued in Los Angeles, Calif., on October 15, 1970.

LEE E. WARREN,  
Acting Director, Western Region.

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

**BIG PINEY, WYO.**

That airspace extending upward from 700 feet above the surface within 5.5 miles southwest and 9.5 miles northeast of the Big Piney VOR 134° and 314° radials, extending from 4.5 miles northwest to 19 miles southeast of the VOR, and that airspace extending upwards from 1,200 feet above the surface within 9 miles southwest and 13.5 miles northeast of the Big Piney 134° and 314° radials, extending from 11.5 miles northwest to 24.5 miles southeast of the VOR.

[F.R. Doc. 70-14306; Filed, Oct. 23, 1970; 8:46 a.m.]

[Airspace Docket No. 70-EA-57]

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

**Alteration of Control Zone and Transition Area**

On page 12558 of the FEDERAL REGISTER for August 6, 1970, the Federal Aviation Administration published a proposed rule which would alter the Franklin, Pa., transition area (35 F.R. 2183) and designate a Franklin, Pa., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

The control zone coordinates have been refined since promulgation of the NPRM and it has been determined to relax the notice by reducing the control zone to a part-time basis.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 10, 1970, except as follows:

**1. In item 1:**

a. Delete "(41°22'35" N., 79°51'40" W.)" and insert "(41°22'45" N., 79°51'40" W.)" in lieu thereof.

b. Delete the last sentence and insert the following in lieu thereof: "This control zone is effective from 0800 to 2000 hours, local time, Monday through Friday; 1100 to 1700 hours, local time, Saturday and 1100 to 2000 hours, local time, Sunday."

**2. In item 2:** Delete "(41°22'35" N., 79°51'40" W.)" and insert "(41°22'45" N., 79°51'40" W.)" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on October 9, 1970.

WAYNE HENDERSHOT,  
Acting Director, Eastern Region.

**1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Franklin, Pa., control zone described as follows:**

**FRANKLIN, PA.**

Within a 5-mile radius of the center (41°22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa., VOR 001° and 181° radials extending from the 5-mile radius zone to 8.5 miles north of the VOR and within 3 miles each side of the 102° and the 282° bearings from the Franklin, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 5-mile radius zone to 8.5 miles east of the RBN. This control zone is effective from 0800 to 2000 hours, local time, Monday through Friday; 1100 to 1700 hours, local time, Saturday and 1100 to 2000 hours, local time, Sunday.

**2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Franklin, Pa., transition area and insert the following in lieu thereof:**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.; within 3.5 miles each side of the Franklin, Pa., VOR 001° radial, extending from the 7-mile radius area to 11.5 miles north of the VOR and within 3.5 miles each side of the 102° bearing from the Franklin, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 7-mile radius area to 11.5 miles east of the RBN.

[F.R. Doc. 70-14307; Filed, Oct. 23, 1970; 8:46 a.m.]

[Docket No. 9974; Amdt. 93-21]

**PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS**

**High Density Traffic Airports**

The purpose of these amendments to Part 93 of the Federal Aviation Regulations is to continue in effect special air traffic rules for high density traffic airports which would otherwise expire on October 25, 1970, and to provide the conditions under which the allocation provisions of the rule for IFR and VFR operation may be changed. This amendment also exempts helicopters from the applicability of the rule.

These amendments were proposed in Notice 70-34 and published in the FEDERAL REGISTER on August 22, 1970 (35 F.R. 13463).

Twenty-six public comments were received in response to the notice. Only two commentators gave unqualified endorsement to the proposed amendments. One major industry representative reluctantly supported the proposal since, in its view, sufficient improvement in the system has not yet been made so as to permit additional capacity without subjecting the traveling public to excessive delays.

The remaining commentators, from the General Aviation segment of the airspace community, opposed the proposed extension of the rule. The objections from this group can be catalogued as falling into four types:

1. The rule is discriminatory;
2. The reservations system is burdensome only to General Aviation users;
3. The entire problem is caused solely by the scheduled airlines;
4. The rule denies free use of facilities for which the users are taxed.

These objections are the same as those already considered and answered when the rule was extended on December 22, 1969. (Docket No. 9974; Amdt. 93-19). In view of this, further discourse to answer these particular objections appears unnecessary.



Since the inception of this rule, the FAA has carried on a continuous review, carefully evaluating all data to the end that reasonable and positive action may be taken by it to remove any unnecessary limitation from the rule if such may be accomplished without a resultant significant inefficiency to the use of the airspace. A brief historical review of the rule will produce the vivid recollection that during July and August 1968, the traffic at certain key airports had reached such a degree of congestion that a national air transportation crisis was imminent.

In order to provide immediate relief, the FAA, acting under the authority of the Federal Aviation Act of 1958, by rule designated five airports as High Density Traffic Airports and then imposed a reservation system together with other limitations that airport users were required to follow as a condition to use these airports. The system was equitable, since all types and classes of aircraft operators were free to use any of these airports on a first-come, first-served basis so long as the operations did not exceed the quota specified.

The basic rule, issued on November 27, 1968, was made effective on April 27, 1969. Between this 5-month period the air carriers and the scheduled air taxi operators, acting in concert through Scheduling Committees, were able to scale down their scheduled operations so as to satisfy the quota allocations provided for in the rule.

This rule was in operation for only 4 months before it was extended to terminate on October 25, 1970 (Docket No. 9974; Amdt. 93-19). Because of the shortness of time available to gauge the proper effect of the rule, the FAA was unable at that time to make any positive judgment that the rule was responsible for either the decrease in aircraft operations or the decrease in percentage of delays that took place at the five key airports. It was the FAA view, however, that since there had not been any substantial increase in system capability, or major change in air traffic procedure, that these improved delay situations were directly related to the effect of the rule.

The FAA is presently in possession of statistical information that has been gathered and catalogued over a 2-year period. Because of the length of time covered by this study, the FAA believes that it now has a sufficient experience basis to take certain positive actions concerning the operation of the present rule. A statistical comparison between fiscal years 1969 and 1970 indicates the following: At JFK the total annual operations decreased from 447,911 to 413,289. The percent of total operations delayed decreased from 12.1 to 6.6. The same type of picture was found to exist at the other high density airports. Again, using the same base, fiscal 1969 and fiscal 1970, the figures at La Guardia Airport indicate a decrease in operations from 344,767 to 332,828 and a percent decrease in delays from 5.5 to 3.9. Washington National and Chicago O'Hare Airports follow the same pattern and present the same kind of picture. The situation at Newark Airport

differs from the other airports in certain respects. Although the percentage of operations delayed declined from 2.4 to 1.9 in the last 12 months, the total operation declined by 11.5 percent in the last 12 months, as compared to total operations in fiscal year 1969. Also, the slots available were not utilized to the same extent as the slots available at the other four airports. For example, of the 1,080 total slots available daily, only 679 were used on the average day in the last 12 months. Similar nonutilization was experienced in the air taxi and the other slots; of 360 slots available daily, only 161 were used on the average day in the last 12 months. Finally, and of equal significance is the fact that although the quota permits 60 operations per hour at Newark, in fiscal year 1970 the peak hour operations averaged only 42. This shows a distinct pattern of nonutilization of the available slots; in short, the quota exceeds the demand by a significant percentage.

As a general summary of the situation, the FAA has concluded from its statistical information that subsequent to June 1, 1969, the percentage of aircraft delays at the five high density airports decreased substantially. This was accompanied by modest declines in operations. All five airports showed a reduction in average daily operations and a reduction in traffic delays. The Airport Reservation Office of the FAA has been able to approve or provide an acceptable alternative reservation for virtually all requests during the 16 months of operation.

Based on the foregoing, the FAA believes that the aircraft operators now using the five high density traffic airports have levelled their schedules or tailored their operations so that the demand is at acceptable level in terms of the capacity at each airport. If the FAA had complete assurance that the situation would remain as it is, there would be no need for any type of restraining rule for these airports. However, the FAA is aware of the variables that could occur which could have an immediate, if not a crippling, effect upon the efficient use of the airspace. Accordingly, the rule is still necessary and the FAA intends to extend it for one year. On the other hand, if the present air traffic picture at these airports is maintained and it is believed with a reasonable degree of certainty that it will continue to be maintained, the Administrator may, at his discretion, suspend the requirement that persons operating aircraft, either VFR or IFR, into a designated high density traffic airport must obtain an arrival or departure reservation, or file an IFR or VFR flight plan. As already stated, the traffic picture at the Newark Airport differs from the other four airports in that the demand remains well below the capacity. This condition has persisted for the last 12 months. The Administrator is reasonably certain that the suspension of this requirement at the Newark Airport is justified at this time. Therefore, the hourly quotas and the requirements for obtaining a reservation at Newark will be suspended indefinitely.

The Administrator's discretion under the Federal Aviation Act of 1958 is broad enough to permit him to implement any remedy which has a real and substantial relation to the goal of effecting the efficient utilization of airspace so long as the action taken is not unreasonable, arbitrary or capricious. Therefore, while he may exercise this authority to lessen the burden on the public by suspending a requirement in this rule, he may also terminate such a suspension if in his judgment congestion at the five key airports is causing a significant inefficiency in the use of the airspace with resultant public inconvenience. In view of this, the rule has been drafted not only to include authority for the Administrator to suspend the quotas and reservations at a particular airport but also to take immediate action to restore these provisions in order to alleviate an inefficient airspace utilization.

Because this rule is being extended, there is still the need for scheduling committees to maintain published schedules to meet the requirements of the rule. It is also the view of the FAA that even though the Administrator should temporarily suspend the quota requirement at any or all of the five designated high density traffic airports, a schedule conforming to the allocations under § 93.123 should be kept in readiness by the scheduling committees in the event the Administrator deems it necessary to immediately take action.

The FAA believes that since helicopters have had minimal, if any, effect upon the operation of this rule that helicopters should be excluded from the applicability of this rule.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matters presented. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

In consideration of the foregoing, Part 93 of the Federal Aviation Regulations is amended as follows, effective October 25, 1970:

1. By revising § 93.121 to read as follows:

**§ 93.121 Applicability.**

This subpart designates high density traffic airports and prescribes the aircraft equipment and air traffic rules for operating aircraft, other than helicopters, to or from those airports.

2. By adding the following new section preceding § 93.131:

**§ 93.130 Suspension of allocations.**

The Administrator may suspend the effectiveness of any allocation prescribed in § 93.123(b) and the reservation requirements prescribed in § 93.125 (a) and (b) if he finds such action to be consistent with the efficient use of the airspace. Such suspension may be terminated whenever the Administrator determines that such action is necessary for the efficient use of the airspace.

3. Section 93.131 is revised to read as follows:



§ 93.131 Termination date.

The provisions of §§ 93.121-93.131 and 93.133 of this subpart terminate October 25, 1971.

4. By adding the following new section after § 93.131:

§ 93.133 Exceptions.

Except as provided in § 93.130, the provisions of §§ 93.123(b) and 93.125(a) and (b) do not apply to the Newark Airport, Newark, N.J.

(Secs. 103, 307 (a), (b), (c), 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1303, 1348 (a), (b), (c), 1354(a), 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); sec. 1.4(b), Part 1 of the Regulations of the Office of the Secretary, 49 U.S.C. 1.4(b))

Issued in Washington, D.C., on October 23, 1970.

J. H. SHAFFER,  
Administrator.

[F.R. Doc. 70-14453; Filed, Oct. 23, 1970; 10:05 a.m.]

**Title 26—INTERNAL REVENUE**

**Chapter I—Internal Revenue Service,  
Department of the Treasury**

**SUBCHAPTER H—INTERNAL REVENUE PRACTICE**

**PART 601—STATEMENT OF  
PROCEDURAL RULES**

**Public Hearings**

This part as filed with the Office of the Federal Register on June 29, 1955, was last amended on October 9, 1970, 35 F.R. 15916. In order to provide rules for

the conduct of public hearings with regard to proposed regulations, the following amendment is made to Part 601:

Paragraph (a) of § 601.601 is amended by adding at the end thereof a new subparagraph (3) to read as follows:

§ 601.601 Rules and regulations.

(a) *Formulation.* \* \* \*

(3) (i) This subparagraph shall apply where the rules of this subparagraph are incorporated by reference in a notice of hearing with respect to a notice of proposed rule making.

(ii) A person wishing to make oral comments at a public hearing to which this subparagraph applies shall file his written comments within the time prescribed by the notice of proposed rule making (including any extensions thereof) and submit the outline referred to in subdivision (iii) of this subparagraph within the time prescribed by the notice of hearing. In lieu of the reading of a prepared statement at the hearing, such person's oral comments shall ordinarily be limited to a discussion of matters relating to such written comments and to questions and answers in connection therewith. However, the oral comments shall not be merely a restatement of matters the person has submitted in writing. Persons making oral comments should be prepared to answer questions not only on the topics listed in his outline but also in connection with the matters relating to his written comments. Except as provided in paragraph (b) of this section, in order to be assured of the availability of copies of such written comments or suggestions, or outlines, on or before the beginning of such hearing, any person

who desires such copies should make such a request within the time prescribed in the notice of hearing and shall agree to pay reasonable costs for copying. Persons who make such a request after the time prescribed in the notice of hearing will be furnished copies as soon as they are available, but it may not be possible to furnish the copies on or before the beginning of the hearing. Except as provided in the preceding sentences, copies of written comments regarding the rules proposed shall not be made available at the hearing.

(iii) A person who wishes to be assured of being heard shall submit, within the time prescribed in the notice of hearing, an outline of the topics he wishes to discuss, and the time he wishes to devote to each topic. An agenda will then be prepared containing the order of presentation of oral comments and the time allotted to such presentation. Ordinarily, a period of 10 minutes will be the time allotted to each person for making his oral comments.

(iv) At the conclusion of the presentations of comments of persons listed in the agenda, to the extent time permits, other comments will be received.

(v) In the case of unusual circumstances or for good cause shown, the application of rules contained in this subparagraph may be waived.

(vi) To the extent resources permit, the public hearings to which this subparagraph applies may be transcribed.

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

[F.R. Doc. 70-14452; Filed, Oct. 23, 1970; 9:57 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 12 ]

### IMPORTED SWITCHBLADE KNIVES

#### Notice of Proposed Rule Making

Notice is hereby given that the Bureau of Customs proposes to issue regulations governing the importation of articles subject to the so-called Switchblade Knife Act, sections 1-4, 72 Stat. 562 (15 U.S.C. 1241-1244). The regulations would define certain terms employed, name certain unprohibited articles having fixed blades deemed to be admissible to entry, and prescribed procedures applicable to the importation of switchblade knives and their disposition when imported contrary to law.

The proposed regulations, to be issued under authority of section 251 of the Revised Statutes, 19 U.S.C. 66, section 624 of the Tariff Act of 1930, 19 U.S.C. 1624, and section 545 of title 18 of the United States Code, are set forth in tentative form as follows:

Part 12 is amended to add a new centerhead and § 12.95 reading:

#### SWITCHBLADE KNIVES

##### § 12.95 Importation of switchblade knives.

(a) *Definitions.* As used in this section the term "switchblade knife" means any imported knife—

(1) Having a blade which opens automatically by hand pressure applied to a button or device in the handle of the knife or by operation of inertia, gravity, or both; or

(2) Having a handle over 3 inches in length with a stiletto or other blade style which is designed for purposes that include a primary use as a weapon, as contrasted with blade styles designed for a primary utilitarian use, when, by insignificant preliminary preparation a Customs officer can alter or convert such stiletto or other weapon to open automatically as described in subparagraph (1) of this paragraph, under the principle of the decision in the case of "Precise Imports Corporation and Others v. Joseph P. Kelly, Collector of Customs, and Others" (378 F. 2d 1014). The term "utilitarian use" means use for any customary household purpose; use for any usual personal convenience; use in the practice of a profession, trade, or commercial or employment activity; use in the performance of a craft or hobby; use in the course of such outdoor pursuits as hunting and fishing; use related to scouting activities; and use for grooming, as demonstrated by jack-knives and similar standard pocket knives, special purpose knives, scout knives, and other knives equipped with one or more blades

of such single edge nonweapon styles as clip, skinner, pruner, sheep foot, spey, coping, razor, pen, and cuticle.

(b) *Imports unrestricted under the Act.* Importations of articles having a fixed unexposed or exposed blade are not within the prohibition intended by the Act of August 12, 1958 (15 U.S.C. 1241-1244). These admissible articles include such weapons as sword canes, camel whips, swords, daggers, sheath knives, bayonets, and machetes. Sword canes and similar devices that may be capable of use as concealed weapons are retained upon Customs release at the owner's risk if possession is contrary to State or municipal laws.

(c) *Importation contrary to law.* The importation of switchblade knives, except as permitted by section 4 of the Act of August 12, 1958 (15 U.S.C. 1244), are importations contrary to law and subject to forfeiture under 18 U.S.C. 545.

(d) *Importation permitted.* The importation of switchblade knives under the conditions set forth below is permitted by 15 U.S.C. 1244:

(1) When imported pursuant to contract with a branch of the Armed Forces of the United States;

(2) When imported by a branch of the Armed Forces of the United States or any member or employee thereof acting in the performance of his duty;

(3) When a switchblade knife having a blade not exceeding 3 inches in length is in the possession of and is being transported on the person of an individual who has only one arm.

The entry of switchblade knives, the importation of which is permitted under subparagraph (1), (2), or (3) of this paragraph shall be accompanied by a declaration, in duplicate, of the importer or consignee affirming the facts permitting entry of the importation.

(e) *Importation in good faith.* The District Director of Customs may permit detained inadmissible knives imported in good faith without knowledge of the law or the regulations in this section to be exported otherwise than in the mails, under the procedures of §§ 18.25-18.27 of this chapter, at no expense to the Government.

(f) *Seizure as importation contrary to law.* Prohibited switchblade knives which are not exported under paragraph (e) of this section shall be seized under section 545, title 18, United States Code as importations contrary to law. A notice of the seizure shall be sent to the importer or consignee, together with notification of his right to file a petition under section 618 of the Tariff Act of 1930 (19 U.S.C. 1618), for remission of the forfeiture and permission to export the seized switchblade knives.

(g) *Forfeiture.* If the importer or consignee fails to submit, within 60 days after being notified of his right to do so,

a petition under section 618, Tariff Act of 1930 (19 U.S.C. 1618), for remission of the forfeiture and permission to export the seized importation, the seized prohibited knives shall be forfeited in accordance with applicable provisions of sections 602-611 of the Tariff Act of 1930, as amended (19 U.S.C. 1602-1611) and the procedures of §§ 23.11-23.22 of this chapter.

(h) *Report to the U.S. attorney.* Should the circumstances of importation or other facts of the transaction show absence of good faith on the part of the importer and attempted deliberate evasion of the law, the seized knives shall be held intact while the facts of the case are reported to the U.S. attorney for consideration of criminal prosecution.

Consideration will be given to any relevant data, views, or arguments pertaining to the proposed amendments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226 within 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: October 16, 1970.

EUGENE T. ROSSIDES,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 70-14356: Filed, Oct. 23, 1970;  
8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

[ 7 CFR Part 815 ]

### 1971 DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

#### Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "Act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the direct-consumption portion of the 1971 mainland quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Santurce, P.R., in Conference Room, Seventh Floor, Seagarra Building, Stop 20 on November 13, 1970 at 9:30 a.m.



The findings made above are in the nature of preliminary findings based on the best information now available. The quantity of direct-consumption sugar which will be permitted to be brought into the continental United States within the 1971 quota is still unknown. However, the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the quantity of such sugar which may be marketed in the continental United States and for local consumption in Puerto Rico within probable 1971 quotas.

Under such circumstances it is imperative that provision be made for the allotment of the direct-consumption portion of the mainland quota to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States.

It will be appropriate to present evidence at the hearing on the basis of which the Administrator, Agricultural Stabilization and Conservation Service may affirm, modify, or revoke such preliminary findings and make or withhold allotment of the direct-consumption portion of the mainland quota in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Administrator, Agricultural Stabilization and Conservation Service to make fair, efficient, and equitable allotments of the direct-consumption portion of the 1971 mainland quota among persons who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings," "past marketings," and "ability to market," as provided in section 205(a) of the Act, should be measured; and (2) the relative weightings which should be given to these factors.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Administrator may revise or amend the allotment of the direct-consumption portion of the mainland quota for the purposes of (1) allotting any increase, or decrease in the direct-consumption portion of the mainland quota; (2) allotting any deficit in the allotment for any allotter, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of this portion of the quota.

Signed at Washington, D.C., on October 16, 1970.

KENNETH E. FRICK,  
Administrator, Agricultural Stabilization and Conservation Service.

[P.R. Doc. 70-14335; Filed, Oct. 23, 1970; 8:48 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-EA-78]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Saranac Lake, N.Y., transition area (35 F.R. 2262).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the Caranac Lake, N.Y., 700-foot transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures for Adirondack Airport, Saranac Lake, N.Y.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views 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 Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Saranac Lake, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Saranac Lake, N.Y., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 44°23'05" N., 74°12'20" W. of Adirondack Airport, Saranac Lake, N.Y.; within 4.5 miles southeast and 9.5 miles northwest of the Saranac Lake VOR 237° radial, extending from the VOR to 16.5 miles southwest of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 8, 1970.

WAYNE HENDERSHOT,  
Acting Director, Eastern Region.

[P.R. Doc. 70-14310; Filed, Oct. 23, 1970; 8:46 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-WE-80]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Casper, Wyo., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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 proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

An amendment is proposed to the LOC (BC) Runway 25 instrument approach procedure to Casper Air Terminal. In order to eliminate the necessity for a procedure turn for aircraft proceeding via V85, the Henning Int (Final approach fix) will be redesignated 2.1 N M westward to retain the present straight-in approach capability. This action will eliminate the need for the small control zone extension to the east since aircraft will be operating 1,000 feet above the surface until within the basic 5-mile control zone. The proposed additional 700-foot transition area is required to



provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure while operating between 1,500 feet and 1,000 feet above the surface.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (35 F.R. 2054) the description of the Casper, Wyo., control zone, as amended by (35 F.R. 7379) is further amended by deleting all after " \* \* \* 10 miles west of the OM: \* \* \* " and substituting therefore " \* \* \* within 4 miles each side of the Casper 216° radial, extending from the 5-mile radius zone to the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the 700-foot portion of the Casper, Wyo., transition area, as amended by (35 F.R. 7379), is further amended by deleting all after " \* \* \* 18.5 miles west of the OM \* \* \* " and substituting therefore " \* \* \* ; within 4 miles each side of the Casper ILS localizer east course, extending from the 5-mile radius zone to 3 miles east of the Casper RBN and within 2 miles each side of the Casper VORTAC 216° radial extending from 26 to 31 miles southwest of the VORTAC: \* \* \* "

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Los Angeles, Calif., on October 15, 1970.

LEE E. WARREN,  
Acting Director, Western Region.

[F.R. Doc. 70-14311; Filed, Oct. 23, 1970;  
8:46 a.m.]

### [ 14 CFR Part 71 ]

[Airspace Docket No. 70-WE-83]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Tracy Municipal Airport, Tracy, Calif.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

An instrument approach procedure is being developed for Tracy Municipal Airport, Tracy, Calif., utilizing the Stockton, Calif., VORTAC 237° T (220° M) radial. Application of the criteria contained in the U.S. Standard for Terminal Instrument Procedures revealed that the proposed 700-foot transition area is required to provide controlled airspace protection between 700 feet and 1,200 feet above the surface for aircraft executing the proposed instrument approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

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

#### TRACY, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Tracy Municipal Airport (latitude 37°41'25" N., longitude 121°26'25" W.), and within 2.5 miles each side of the Stockton VORTAC 237° radial, extending from the 3-mile radius area to 10.5 miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Los Angeles, Calif., on October 15, 1970.

LEE E. WARREN,  
Acting Director, Western Region.

[F.R. Doc. 70-14312; Filed, Oct. 23, 1970;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Ch. X ]

[Ex Parte No. MC-83]

### CONTRACT CARRIERS

#### Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of October 1970.

This proceeding is specifically directed to the consideration of whether and to what extent certain Commission policies announced informally in Administrative Ruling No. 76 in 1939 should be revised in the light of present-day conditions and practices surrounding and affecting the operations of a contract carrier by motor vehicle as defined in section 203

(a) (15) of the Interstate Commerce Act, as amended (49 U.S.C. 303(a) (15)). Administrative Ruling No. 76, promulgated by this Commission's then Bureau of Motor Carriers, provides that:

Contracts of contract carriers, as required by Ex Parte No. MC-12 (1 M.C.C. 628), must be between the contract carrier and a particular shipper or shippers. The term "shipper" means the person who controls the transportation and refers to the actual shipper rather than an intermediary. Such shipper may be nominally either the consignor or consignee, but must be one or the other. The payment of the charges for the transportation is evidence that the person who pays is the person who controls the transportation and such person will be presumed to be the shipper. Accordingly, the contract must be between the carrier and the party who pays the carrier's transportation charges, who must be the consignor or consignee. The contract carrier may not transport property for shippers other than the shipper with whom he has a contract.

This ruling, rendered at the dawn of motor carrier regulation to serve as an industry guide, unequivocally requires that a contract carrier's contract must be with the person who "controls" the transportation. Moreover, the fourth sentence in that ruling effectively creates a presumption that the person paying the freight charges on a particular shipment controls the traffic. By the language of the ruling, therefore, the person who pays the carrier's transportation charges must be the contracting shipper.

The payment-control presumption was found to be rebuttable in Minnehan Contract Carrier Application, 26 M.C.C. 533. That decision found that a practice whereby contract carriers were paid their freight charges by consignees of shipments was consistent with permissible contract carriage, even though the carrier's contracts were with the consignors of such shipments. The traffic involved moved f.o.b. consignors' plants, the consignors were obligated to pay the freight charges should a consignee default thereon, and there were no independent transactions between the carriers and the consignees. The movements were made at the specific request of the consignees, but routing was communicated to the carriers through the consignors. It was concluded that in these circumstances the consignors controlled the traffic. Several subsequent cases have followed Minnehan, but only in situations in which the contracting shipper was the consignor. See Ace Trucking Co., Contract Carrier Application, 32 M.C.C. 793; Transportation Activities of Fischbach Trucking Co., 61 M.C.C. 185; H. R. Ritter Trucking Co., Inc., Extension—Paulsboro, N.J., 52 M.C.C. 501; and Jacobs Extension—Frozen Foods, 96 M.C.C. 87.

By petition filed in No. MC-C-6786 on March 12, 1970, Milton K. Morris, Inc., of Swedesboro, N.J., a contract carrier of property by motor vehicle operating pursuant to permits issued in No. MC-91811 and sub numbers thereunder, asks that this Commission issue an order declaring, in effect, that permissible contract carriage may include situations where, though a carrier's contract is



with the consignee of a shipment, payment of the carrier's freight charges is made by the consignor of such shipment. Morris' pertinent authority enables transportation, generally in the Middle Atlantic States, of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, material, and supplies used in such business. Such operations must be performed under special and individual contracts or agreements with persons "who operate retail stores, the business of which is the sale of food." In the limited context of its own operations, Morris inquires whether, on shipments moving from the plants of suppliers of such merchandise to the retailers it serves under contract, it may be paid its freight charges by the suppliers.

Petitioner's position is that such a payment arrangement is necessary for the flexible performance of its contract carrier obligations. It contends (a) that while payment of freight charges has always been guaranteed in its contracts with the retailers, their suppliers, in most instances, insist on being billed for and paying the freight charges, (b) that such a practice eliminates complicated arrangements whereby the suppliers remit freight charges to or grant a freight allowance to the retailer, who in turn must pay the carrier, and (c) that such a practice, while it may not be legal, has been followed in the industry for years. Morris argues that just as the Commission approved the operations in Minnehan, so too can it approve the reverse situation, where the contracts are with the consignees and the freight charges will be paid by the consignors. It emphasizes that control of a shipment would remain at all times in the contracting retailers.

Notice of the petition was published in the FEDERAL REGISTER and engendered response in opposition from one contract and several common carriers of property by motor vehicle, whose pleadings need not be discussed here. In addition, the Contract Carrier Conference and the Common Carrier Conference—Irrregular Route, of the American Trucking Associations, Inc., have filed statements indicating their positions with respect to the issues raised by the petition.

The Common Carrier Conference contends the holding in Minnehan was limited to the facts presented there, and that subsequent cases have not extended its application. It argues that, under the interpretation proposed by Morris, contract carriers could greatly expand their operations to the detriment of existing common carriers.

On the other hand, the Contract Carrier Conference contends that the practice for which approval is sought is widespread in the industry, is essential to flexible and responsive contract carriage, and presently is permissible under a proper construction of Administrative Ruling No. 76 and the Minnehan case. It

asserts that, regardless of who pays the freight charges, the contract shipper always controls the traffic through a number of devices including selection of the carrier. The Conference further argues that the requested interpretation would not result in an increase in the number of or change in the nature of persons served under existing contracts since the specific person or class of persons to be served is set forth in each permit.

Our answer to the question posed by the petition is one which may have industrywide implications. Such determination would have applicability to all instances in which the receiver of property is the contracting shipper. We therefore consider it imperative that all persons who stand to be affected by our eventual decision herein should have the opportunity to present facts, views, and arguments on the subjects here in issue. Action on Morris' petition is being withheld pending the conclusion of the instant rulemaking proceeding.

Some time has elapsed since we have undertaken an in-depth study of the policies embodied in Administrative Ruling No. 76. After considerable investigation, this ruling was issued in 1939 to prevent certain of the abuses of contract carriage found to be prevalent early in Federal motor carrier regulation. Though its wording has much broader applicability, its purpose was to deter situations in which a carrier transports merchandise from a consignor to a consignee, neither of which is its contracting shipper. In this respect the ruling has served well. Its specific language, however, may possibly discourage flexible and desirable methods of performing contract carrier service. We therefore consider present policy in this area a proper subject for reexamination at this time and in this proceeding. Any decision here would not, of course, disturb the distinction and balance between contract and common carriage.

The following, then, are among the questions to which we direct our attention (and upon which we invite comment) in an effort to ensure that Commission policy conforms with current industry needs:

1. Whether, as asked by petitioner in No. MC-C-6786, and under what circumstances, permissible contract carriage may include situations where a contract carrier is paid its freight charges by a consignor of the goods shipped, even though its contract is with the consignee of such shipment.

2. Whether there should continue a payment-control presumption of the nature set forth in Administrative Ruling No. 76, and, if so, what should be the proper indicia of control which, if present, might be considered as rebutting such presumption.

3. Whether, or under what circumstances, a further determination as to "control" of the traffic by a contracting shipper is necessary in a situation where

the shipment moves from or to such shipper.

*It is ordered.* That based upon the foregoing explanation, and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and more specifically sections 204(a) (2) and (6), and 209 thereof, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to inquire into the policies embodied in Administrative Ruling No. 76 for the purposes of considering whether changes should be made in that ruling as previously discussed in this notice and order, and of taking such other and further action, including the recommendation of any legislation, as the facts and circumstances may justify or require.

*It is further ordered.* That all motor contract carriers of property operating in interstate or foreign commerce subject to part II of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

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

*It is further ordered.* That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days of the service date of this order, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fix the time within which initial statements and the replies must be filed.

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

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-14349; Filed, Oct. 23, 1970;  
8:49 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[S-3579]

#### CALIFORNIA

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

OCTOBER 15, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2420 and 2460, the public lands described below are hereby classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation under (a) the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and (b) the land described in paragraph 5 from appropriation under the mining laws (30 U.S.C., Ch. 2), but not the mineral leasing laws. The lands shall remain open to all other applicable forms of appropriation.

3. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 12079) on July 23, 1970. The record showing comments received and other information is available for inspection at the Bakersfield District Office, Bakersfield, Calif.

4. The public lands located within the following described areas are shown on maps designated 2412-04-01 (03-20) on file in the District Office, Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301.

The overall description of the area is as follows:

MOUNT DIABLO MERIDIAN  
MONO COUNTY

- T. 3 N., R. 25 E.,  
Secs. 1 through 4, inclusive;  
Secs. 9 through 15, inclusive.  
T. 4 N., R. 25 E.,  
Secs. 1 through 4, inclusive;  
Secs. 10 through 15, inclusive;  
Secs. 21 through 29, inclusive;  
Secs. 32 through 35, inclusive.  
T. 5 N., R. 25 E.,  
Secs. 1 through 3, inclusive;  
Sec. 7;  
Secs. 10 through 15, inclusive;  
Sec. 18;  
Secs. 22 through 27, inclusive;  
Secs. 33 through 35, inclusive.

- T. 5 N., R. 26 E.,  
Secs. 1 through 15, inclusive;  
Secs. 17 through 35, inclusive.  
T. 6 N., R. 26 E.,  
Secs. 33 through 36, inclusive.  
T. 6 N., R. 27 E.,  
Secs. 4 through 10, inclusive;  
Secs. 14 and 15;  
Secs. 17 through 35, inclusive.  
T. 5 N., R. 28 E.,  
Secs. 30, 31, and 32.

The area described aggregates approximately 56,619 acres.

5. The following described lands are further segregated from appropriation under the mining laws (30 U.S.C. ch. 2), approximately 208 acres.

MOUNT DIABLO MERIDIAN

- T. 4 N., R. 25 E.,  
Sec. 26, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;  
Sec. 27, SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;  
Sec. 34, NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ;  
Sec. 35, NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ .

Fifty feet either side of centerline of Virginia Creek beginning in NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of sec. 35, T. 4 N., R. 25 E., thence southerly through secs. 2, 11, and 14 of T. 3 N., R. 25 E., ending at the patented land in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of sec. 14.

6. For a period of 30 days from the date of publication of this notice 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.

E. J. PETERSEN,  
Acting State Director.

[F.R. Doc. 70-14334; Filed, Oct. 23, 1970;  
8:48 a.m.]

### National Park Service

[Order 2]

### ADMINISTRATIVE OFFICER, SANFORD RECREATION AREA

#### Delegation of Authority Regarding Purchasing

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of \$2,500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. This authority may be exercised by the Administrative Officer in behalf of Sanford Recreation Area and Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument.

SEC. 2. *Revocation.* This order supercedes Order No. 1, Sanford Recreation Area and Alibates Flint Quarries and

### Texas Panhandle Pueblo Culture National Monument.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwestern Region Order No. 4 (31 F.R. 8134))

Dated: September 23, 1970.

JAMES M. THOMSON,  
Superintendent.

[F.R. Doc. 70-14324; Filed, Oct. 23, 1970;  
8:47 a.m.]

### Office of the Secretary OMAHA INDIAN RESERVATION, NEBR.

#### Notice of Acceptance of Retrocession of Jurisdiction

Pursuant to the authority vested in the Secretary of the Interior by Executive Order No. 11435 (33 F.R. 17339), I hereby accept, as of 12:01 a.m., e.s.t., October 25, 1970, retrocession to the United States of all jurisdiction exercised by the State of Nebraska over offenses committed by or against Indians in the areas of Indian country located within the boundaries of the Omaha Indian Reservation in Thurston County, Nebr., as follows:

Commencing at the southwest corner of lot 8 of sec. 34, T. 25 N., R. 5 E. of the Sixth Principal Meridian; thence east to the northeast corner of T. 24 N., R. 7 E. of the Sixth Principal Meridian; thence south to the south line of the Omaha Indian Reservation as originally surveyed; thence east along the south line of the Omaha Indian Reservation as originally surveyed to the line between secs. 32 and 33, T. 24 N., R. 10 E. of the Sixth Principal Meridian; thence north to the northwest corner of sec. 21, T. 24 N., R. 10 E. of the Sixth Principal Meridian; thence east to the eastern boundary line of the State of Nebraska; thence in a northwesterly direction along said boundary line to the north line of sec. 36, T. 26 N., R. 9 E. of the Sixth Principal Meridian extended east; thence west along the section lines to the northwest corner of lot 1 of sec. 36, T. 26 N., R. 7 E. of the Sixth Principal Meridian; thence south to the northeast corner of lot 3 of sec. 12, T. 25 N., R. 7 E. of the Sixth Principal Meridian; thence west to the northwest corner of lot 2, sec. 10, T. 25 N., R. 5 E. of the Sixth Principal Meridian; thence south along the west boundary line of the Omaha Indian Reservation as originally surveyed to the point of beginning.

except offenses involving the operation of motor vehicles on public roads or highways which retrocession was tendered and offered by Legislative Resolution No. 37 passed by the Legislature of Nebraska in 80th regular session on the 16th day of April 1969.

WALTER J. HICKEL,  
Secretary of the Interior.

OCTOBER 16, 1970.

[F.R. Doc. 70-14319; Filed, Oct. 23, 1970;  
8:47 a.m.]



## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and  
Conservation Service

[Docket No. SH-288]

## SUGARCANE IN PUERTO RICO

Notice of Hearing on Fair Prices and  
Designation of Presiding Officers

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Santurce, P.R., in the Conference Room, Seventh Floor, Segarra Building, Sept. 20, on November 17, 1970, beginning at 10.30 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining pursuant to the provisions of section 301(c) (2) of the act, fair and reasonable prices for the 1970-71 crop of Puerto Rican sugarcane.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy, Robert R. Stansberry, Jr., Charles F. Denny, James E. Agnew, Jr., and Carlos Troche are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on October 16, 1970.

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[F.R. Doc. 70-14336; Filed, Oct. 23, 1970;  
8:48 a.m.]

## Office of the Secretary

## ALABAMA

Designation of Area for Emergency  
Loans

For the purpose of making emergency loans pursuant to section 321 of the Con-

solidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Alabama natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Baldwin. ALABAMA

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1971, except to applicants who previously received emergency or special livestock assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of October 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-14337; Filed, Oct. 23, 1970;  
8:48 a.m.]

## ALABAMA

Designation of Area for Emergency  
Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Alabama natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Escambia. ALABAMA

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of October 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-14338; Filed, Oct. 23, 1970;  
8:48 a.m.]

## FLORIDA

Designation of Areas for Emergency  
Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Florida disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

## FLORIDA

Alachua.	Lafayette.
Baker.	Leon.
Bay.	Levy.
Bradford.	Madison.
Calhoun.	Marion.
Columbia.	Okaloosa.
Dixie.	Santa Rosa.
Gilchrist.	Suwannee.
Gulf.	Taylor.
Hamilton.	Union.
Holmes.	Wakulla.
Jackson.	Walton.
Jefferson.	Washington.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of October 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-14339; Filed, Oct. 23, 1970;  
8:48 a.m.]

## MISSOURI

Designation of Areas for Emergency  
Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Missouri natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Barton.	Henry.
Bates.	Hickory.
Benton.	Jasper.
Caldwell.	Johnson.
Carroll.	Lafayette.
Cass.	Miller.
Cedar.	Morgan.
Chariton.	Pettis.
Clinton.	Ray.
Cooper.	St. Clair.
De Kalb.	Saline.
Grundy.	Vernon.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 20th day of October 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-14340; Filed, Oct. 23, 1970;  
8:48 a.m.]



## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Organization Order 25-5A]

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

#### Authority and Functions

The following order was issued by the Secretary of Commerce on October 9, 1970. This material supersedes the material appearing at 34 F.R. 336 of January 9, 1969; 35 F.R. 5429 of April 1, 1970; 35 F.R. 8753 of June 5, 1970; and 35 F.R. 9038 of June 11, 1970.

**SECTION 1. Purpose.** This order delegates authority to the Administrator of the National Oceanic and Atmospheric Administration ("NOAA") and prescribes the functions of NOAA. This is a revision of the order issued October 3, 1970 for the purpose of delegating to the Administrator of NOAA the programs and activities transferred to the Secretary of Commerce by Executive Order 11564.

**SEC. 2. Status and line of authority.**  
.01 NOAA, established by Reorganization Plan No. 4 of 1970, effective October 3, 1970, is continued as a primary operating unit of the Department of Commerce.

.02 As provided by Reorganization Plan No. 4 of 1970:

a. The Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall be the head of NOAA.

b. The Deputy Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

c. The Associate Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator.

.03 The Administrator shall report and be responsible to the Secretary of Commerce.

**SEC. 3. Delegation of authority.** .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970, Executive Order 11564 of October 6, 1970, and otherwise by law, the Administrator is hereby delegated authority to perform the following functions vested in the Secretary of Commerce:

a. The functions in title 15, chapter 9 and in title 49, section 1463, of the United States Code, which relate to the provision of weather services.

b. The functions relating to weather in title 49, chapter 15 of the United States

Code, which pertains to international aviation facilities.

c. The functions in 15 U.S.C. 272(f) (12), which relates to the transmission of radio waves, as applicable to the functions assigned herein.

d. The functions in title 33, chapter 17, United States Code, which pertains to commissioned officers, surveys and related matters.

e. The functions in section 901(3) (a) and (b) of Executive Order 11490 and the functions of Executive Order 10480, as amended, with respect to the production and processing of fishery commodities or products as may be delegated by the Secretary of Agriculture to the Secretary of Commerce, which relate to emergency preparedness and defense mobilization.

f. The functions in sections 3 and 4 of Bureau of the Budget Circular No. A-62 of November 13, 1963, which pertain to the coordination of Federal meteorological services and supporting research.

g. The functions in sections 3b, and 4 of Bureau of the Budget Circular No. A-16 of May 6, 1967, which pertain to the establishment and maintenance of the National Networks of Geodetic Control, and to the development and execution of a coordinated national program of geodetic surveys.

h. The functions in the President's memorandum of July 5, 1968, issued in accord with Senate concurrent resolution 67 of May 29, 1968, furthering participation in and support of the World Weather Program by the United States. The plan to be developed annually for submission by the President to Congress on the proposed participation by Federal agencies shall be prepared for transmittal to the President by the Secretary.

i. The functions in 42 U.S.C. 1891-3 which pertain to making grants for the support of basic scientific research.

j. The function of conducting, or arranging the conduct of, studies, collection of basic data, and the performance of reviews concerned with water and related land resources planning as required of the Department of Commerce by the Water Resources Council (42 U.S.C. 1962a) on matters within the statutory responsibility of the Secretary of Commerce.

k. The functions transferred to the Secretary of Commerce in section 1 of Reorganization Plan No. 4 of 1970. These functions are:

(a) All functions vested by law in the Bureau of Commerce Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Fla., and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760e-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 59), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 325, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

1. The functions in title 37 of the United States Code with respect to pay and allowances for the Commissioned Officer Corps of NOAA established by section 4(d) of Reorganization Plan No. 4 of 1970.

m. The functions in 10 U.S.C. 1201-1203, 1210(f), 1211(b) (1) and 1401 relating to retirement of separation, for physical disability, of commissioned officers of NOAA.

n. The functions in the following sections of Executive Order 11023: Section 1 (a), (b), (c), (f), (g), (h), (i), (j), and (l); section 2(1); section 5; and section 6. These relate to the appointment, retirement, separation, and resignation of commissioned officers of NOAA, and to the employment of public vessels.

o. The functions in 7 U.S.C. 450b and 2220, which relate to cooperation with outside sources and disposition of funds received.

p. The functions relating to the operation of (1) the National Oceanographic Instrumentation Center, (2) the National Oceanographic Data Center, and



(3) the National Data Buoy Development Project, whose programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

q. The functions relating to (1) upper air observations taken on board ocean station vessels and at specific Pacific Trust Territories, and (2) hydroclimatic observations taken at stations located along U.S. rivers and the Great Lakes, which programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

.02 The Administrator may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Administrator may delegate his authority to any employee of NOAA subject to such conditions in the exercise of such authority as he may prescribe.

Sec. 4. *Functions.* To insure the safety and welfare of the public, and to further the Nation's interests and activities with respect to the protection of public health against environmental pollution, the protection and management of the Nation's biological, mineral, and water resources, the maintenance of environmental quality, agriculture, fisheries, industry, transportation, communications, space exploration, national defense and the preservation of the Nation's wilderness and recreation areas, NOAA shall perform the following functions:

a. Observe, collect, communicate, analyze, process, provide, and disseminate comprehensive data and information about the state of the upper and lower atmosphere, of the oceans and the resources thereof including those in the seabed, of marine and anadromous fish and related biological resources, of inland waters, of the earth, the sun, and the space environment;

b. Prepare and disseminate predictions of the future state of the environment and issue warnings of all severe hazards and extreme conditions of nature of all who may be affected;

c. Provide maps and charts of the oceans and inland waters for navigation, geophysical and other purposes, aeronautical charts, and related publications and services;

d. Operate and maintain a system for the storage, retrieval, and dissemination of data relating to the state and resources of the oceans and inland waters including the seabed, and the state of the upper and lower atmosphere, of the earth, the sun and the space environment;

e. Explore the feasibility of, develop the basis for and undertake the modification and control of environmental phenomena;

f. Coordinate efforts pertinent to Federal agencies in support of national and international programs as may be assigned from time to time, such as Federal meteorological services and supporting research, World Weather Program, National Networks of Geodetic Control, Integrated Global Ocean Station System, and Marine Environmental Prediction, Mapping and Charting;

g. Administer a program of sea grant colleges and education, training and research in the fields of marine science, engineering, and related disciplines as provided in the Sea Grant College and Program Act of 1966, as amended;

h. Perform basic and applied research and develop technology relating to the state and utilization of resources of the oceans and inland waters including the seabed, the upper and lower atmosphere, the earth, the sun, and the space environment, as may be necessary or desirable to develop an understanding of the processes and phenomena involved;

i. Perform research and develop technology relating to the observation, communication, processing, correlation, analysis, dissemination, storage, retrieval and use of environmental data as may be necessary or desirable to permit the Administration to discharge its responsibilities;

j. Acquire, analyze and disseminate data and perform basic and applied research on electromagnetic waves, as relate to or are useful in performing other functions assigned herein; prepare and issue predictions of atmospheric, ionospheric and solar conditions, and warnings of disturbances thereof; and acquire, analyze and disseminate data and perform basic and applied research on the propagation of sound waves, and on interactions between sound waves and other phenomena;

k. Provide for administration of the Pribilof Islands; and assist the native inhabitants thereof and manage the fur seal herds of the North Pacific Ocean;

l. Perform economic studies, education and other services related to management and utilization of marine and anadromous fisheries, administer grant-in-aid, fishery products inspection, financial and technical assistance, and other programs to conserve and develop fisheries resources and to foster and maintain a viable climate for industry to produce efficiently under competitive conditions;

m. Develop and implement policies on international fisheries including the negotiation and implementation of agreements, conventions and treaties in that area; and enforce provisions of international treaties and agreements on fishing activities of U.S. nationals and perform surveillance of foreign fishing activities;

n. Participate in technical assistance programs for fishery development projects in foreign countries;

o. Develop technology and carry out scientific and engineering, data collection and analysis and other functions to assess, monitor, harvest, and utilize marine and anadromous fishery resources and their products; and

p. As a Department-wide responsibility, coordinate the requirements for and the management and use of radio-frequencies by all organizations of Commerce.

Sec. 5. *Saving provision.* All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, and other actions issued,

undertaken or entered into by or for organizations heretofore charged with the authorities and functions now placed in NOAA shall remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

Effective date: October 9, 1970.

LARRY A. JOBE,  
Assistant Secretary  
for Administration.

[F.R. Doc. 70-14342; Filed, Oct. 23, 1970;  
8:49 a.m.]

[Dept. Organization Order 25-5B]

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### Organization and Functions

The following order was issued by the Secretary of Commerce on October 9, 1970.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). This is an interim organization arrangement for NOAA.

.02 This revision provides for the functions relating to the programs and activities transferred to the Secretary of Commerce by Executive Order 11564, and in turn delegated to the Administrator of NOAA by Department Organization Order 25-5A.

Sec. 2. *Organization structure.* The interim organization structure and line of authority of NOAA shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

Sec. 3. *Office of the Administrator.*

.01 The Administrator of NOAA formulates policies and programs for achieving the objectives of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in managing NOAA.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

.04 Liaison activities with Congress are centered in the Office of the Administrator.

Sec. 4. *Assistant Administrator for Administration and Technical Services.* The Assistant Administrator for Administration and Technical Services shall provide administrative management and technical support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, and exercise functional supervision over such decentralized services; and provide advice and guidance to the Administrator on the allocation of NOAA resources. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.



.01 The Administrative Operations Division shall perform the following functions: Property and supply management; directives management; records and files management; reports management; space and facilities management; travel and transportation services; mail, messenger, and related office services; graphic services; safety; security; and processing of tort claims.

.02 The Budget Division shall analyze and aggregate NOAA budgetary requirements; prepare and coordinate formal budget documents for submission to the Office of the Secretary; develop and recommend fiscal plans to assure optimum use of available funds; and review and report on execution of approved budgets and associated fiscal plans.

.03 The Finance Division shall provide centralized financial accounting for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.04 The Management Systems Division shall conduct studies and provide other analytical assistance to develop or improve the organization structure and other management systems of NOAA and to improve the economy and effectiveness of NOAA activities; perform ADP systems analysis and programming required for administrative management functions; and operate a system for assembling and preparing analytic summaries of administrative and program performance information for NOAA's top management.

.05 The Personnel Division shall provide personnel management services by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civilian personnel.

.06 The Computer Division shall operate an automatic data processing facility for all components of NOAA, except where separate ADP facilities are approved; provide programming assistance and advice; exercise overall management of NOAA's ADP needs and facilities; and coordinate needs for and uses of NOAA telecommunications facilities.

.07 The Scientific Information and Documentation Division shall assemble and maintain scientific reports and publications emanating from or relevant to NOAA's activities; operate the NOAA library system; and provide editorial assistance in the preparation of scientific papers and publications.

.08 The Radio Frequency Management Division shall, as a Department-wide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of Commerce.

Sec. 5. *Assistant Administrator for Plans and Programs.* The Assistant Administrator for Plans and Programs shall provide a focal point for the development, implementation and maintenance of an effective planning and programming system throughout NOAA and for

the development of plans for meeting approved objectives; in close collaboration with line and staff components, develop 5-year programs and compatible financial plans from which NOAA budgets can be formulated; evaluate NOAA programs and accomplishments; and provide advice to the Administrator on the program impact of resource allocations, retrenchments, and reprogramming. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The following divisions shall perform the functions enumerated herein, each for the broad program area indicated by its title:

Oceanic Division.  
Solid Earth Division.  
Atmospheric Division.  
Space Division.

Each division shall maintain cognizance over the acquisition, communication, analysis, processing, publication, dissemination, archiving and retrieval of information involved in operating programs; and over research, development, test and evaluation activities in support of those programs. The divisions shall obtain and evaluate requirements of users, assure development of adequate plans for meeting these requirements, maintain current projections of resources required to implement approved plans, and make recommendations on ongoing and future programs. The divisions, on a continuing basis, shall evaluate the programs under their purview in terms of quality and responsiveness to user needs, and recommend program curtailments, redirections, expansions and new program initiatives.

.02 The Office of Special Studies shall provide guidance on long-range goals and plans for NOAA's major program areas, applying such planning factors as forecasts of technological advances, technological assessment, user needs and NOAA resource capacity and availability. The Office shall conduct benefit-cost analyses and other basic studies required in planning and carrying out programs of NOAA.

Sec. 6. *Assistant Administrator for Environmental Systems.* The Assistant Administrator for Environmental Systems shall (1) provide a focus for environmental systems analysis and design, for international and interagency coordination and planning, and for cooperative field experiments; and (2) shall be responsible for a national oceanographic instrumentation program, a marine minerals technology program, and development of a national data buoy system. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Federal Plans and Coordination Division shall perform the functions required to carry out NOAA's responsibility for coordinating Federal meteorological services and supporting research, for coordinating Federal marine environmental predictions, for U.S. participation in the cooperative World Weather Program, for a coordinated national program of geodetic surveys, and for similar multi-agency Federal efforts.

.02 The Systems Division shall conduct systems studies for improvement of activities relating to NOAA's total environmental involvement; analyze alternative methods for achieving future national environmental science goals; and conduct studies on the design and analysis of interagency and international programs, such as the World Weather Program.

.03 The Field Research Projects Division shall conduct the engineering and operational planning (including logistical support), coordination and implementation of experiments or tests requiring the joint participation of agencies, countries, or scientific groups.

.04 The National Oceanographic Instrumentation Center shall operate a test and evaluation laboratory for oceanographic instruments and maintain a data bank on instrument specifications, proposal clauses, and performance characteristics; coordinate all Government requirements for oceanographic instrument development; conduct programs for improving instruments needed in testing, standardization, and calibration of oceanographic equipment; and establish techniques and guidelines by which oceanographic instrument performance can be assessed.

.05 The Marine Minerals Technology Center shall conduct marine minerals research to improve the fundamental technology that will make it possible for industry to exploit undersea minerals commercially in a manner that is safe to the environment as well as compatible with other uses of the sea; develop, test, and evaluate tools and techniques for delineating the important characteristics of marine mineral deposits; and develop, test, and evaluate marine mining systems that are compatible with the principle of multiple use of the marine environment.

.06 The National Data Buoy Project Office shall design, develop, test, and evaluate a national system of data buoys capable of collecting and disseminating nationally required oceanographic and marine meteorological data at time intervals to meet user needs.

Sec. 7. *Special staff offices.* .01 The Office of International Affairs shall formulate and coordinate policies and plans for U.S. participation in international activities in the environmental sciences; manage NOAA's international training program; and advise on special programs for bilateral cooperation with foreign countries in the environmental sciences, including U.S. AID programs.

.02 The Office of Public Information shall plan and conduct an information program which presents NOAA's accomplishments and activities to the public, Congress, environmental data user groups, and employees.

.03 The Office of Aviation Affairs shall establish objectives and recommend policies for aviation services; serve as aviation services adviser to the Administrator and his senior line manager; maintain liaison with FAA and advise FAA officials on aviation services; and represent NOAA in top level relations



with other Government agencies, the aviation industry and international interests on aviation services.

.04 The Office of General Counsel shall provide legal services for all components of NOAA, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6.

Sec. 8. *Director of the NOAA Corps.* The Director of the NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

Sec. 9. *Office of Sea Grant.* The Office of Sea Grant shall provide grant support, primarily to institutions, for research, education and advisory services aimed at assisting man in the intelligent utilization of the seas and the Great Lakes of the United States.

Sec. 10. *National Marine Fisheries Service.* The National Marine Fisheries Service shall promote the protection and rational use of living marine resources for their aesthetic, economic, and recreational value to the American people. The Service shall administer programs to determine the consequences of the naturally varying environment and man's activities on living marine resources, to provide knowledge and service to foster their efficient and judicious use and to achieve domestic and international management, use and protection of living marine resources. The Service shall be organized as set forth below.

.01 *Headquarters.* a. Office of the Director:

1. The Director shall formulate and execute basic policies and manage the Service.

2. The Deputy Director shall assist the Director in carrying out his responsibilities.

3. The Office of Legislation shall review, coordinate, and advise on all legislative matters which affect the Service or the commercial and recreational fishing interests of the United States; serve as consultant to the Director on policy matters regarding legislation; and formulate recommendations for legislative programs.

4. The Office of Planning shall coordinate planning activities, and provide the Director with advice on the selection of program objectives and the allocation of resources; prepare program memorandum and issue papers; and assist in developing justifications for use in budget estimates.

5. The Office of Information shall plan and carry out the Service's public information, publications, and film production and distribution programs.

b. The Associate Director for Resource Programs shall plan, develop, and evaluate an interdisciplinary research and development program to produce basic knowledge necessary for management, protection, and rational use of living

marine resources. In this capacity the Associate Director shall maintain principal responsibility for resource programs, associated laboratories, and the facilities and plans for their operations. The program shall involve the following activities: research for improvement of fish detection and harvesting systems; assessment and characterization of the raw material potential and fundamental properties of fishery resources; development of monitoring, sampling, assessment, and analytical methods and techniques; collection and documentation of scientific data to provide a means for protecting the access of U.S. citizens to living marine resources; biological surveys and studies for monitoring, assessment, and prediction of abundance and availability of marine living resources and improvement of their quality and abundance in both natural and controlled environments.

c. The Associate Director for Management and Utilization shall plan, develop, and evaluate (1) programs designed to increase efficiency in utilization of fishery products; (2) financial assistance to State governments and recreational and commercial interests; (3) management activities aimed at maintaining resources at levels of optimum abundance; and (4) operations relating to the development of political and legal institutions (particularly on Federal-State jurisdictional matters) that are involved in the achievement of the utilization and management program objectives.

d. The Assistant Director for International Affairs shall advise and assist the Director in the formulation and implementation of policy on international fishery matters; exercise staff supervision over the review and coordination of international activities and interests of NOAA in the recreational and commercial fisheries; and collect and disseminate information on the activities of foreign fisheries to users in Government and industry.

e. The Assistant Director for Administration shall provide administrative management services for the Service until and as such services are integrated with units under the Assistant Administrator for Administration and Technical Services. The latter official shall schedule and accomplish this integration in a manner that will assure uninterrupted services to the Service.

.02 *Field.* a. *Regional Offices* shall plan and operate fishery resource research, conservation, and utilization programs. Regional Offices shall provide administrative and technical support for all NMFS components in their geographic area of responsibility except as the Director may otherwise specify. Where feasible and practical, this support will be extended to include other NOAA components. The Regional Offices and their regions shall be as follows:

Region	Regional Office
Northwest Region...	Seattle, Wash.
Southeast Region...	St. Petersburg, Fla.
Northeast Region...	Gloucester, Mass.
Southwest Region...	Terminal Island, Calif.
Alaska Region.....	Juneau, Alaska.

The area of jurisdiction of each region shall be that shown in Exhibit 2. (A copy of Exhibit 2 is on file with original of this document with the Office of the Federal Register.)

b. Marine Sport Fishery Laboratories shall provide a coordinated program of resource survey and biological research including life history studies, fish behavior studies, habitat improvement studies, pollution research, ecological research, resource inventories and estuarine research. The laboratories are:

Sandy Hook Marine Laboratory—Sandy Hook, N.J.

Tiburon Marine Laboratory—Tiburon, Calif.  
Narragansett Marine Gamefish Laboratory—Saunderstown, R.I.

Eastern Gulf Marine Laboratory—Panama City, Fla.

Aransas Pass Marine Laboratory—Aransas Pass, Tex.

Sec. 11. *Environmental Data Service.* The Environmental Data Service shall collect, process, archive, publish, disseminate and recall worldwide environmental data for use by commerce, industry, the scientific and engineering community, and the general public; guide research activities pertinent to the improvement of such services; and coordinate international activities in climatological and geophysical data problems with the world scientific organizations. The Service shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by a Deputy and a Deputy for Climatology.

.02 The Office of Field Services shall provide planning and technical direction for climatological data acquisition to meet national and international needs through observing networks such as the basic climatological network and the climatological benchmark network; and plan and provide technical direction for environmental data dissemination through the environmental data services regional climatologist and State climatologist programs.

.03 The Office of Data Information shall assure proper dissemination of environmental data to the user public and scientific community from centralized data sources.

.04 The National Geophysical Data Center shall collect, process, archive, and publish geophysical data; develop analyses of geophysical data to meet user requirements and provide ready access to geophysical data; and provide facilities for world geophysical data centers.

.05 The National Oceanographic Data Center shall acquire, process, and preserve oceanographic data for dissemination to the governmental, industrial, and scientific marine communities. Data shall be acquired through gifts, scientific exchange or through purchase.

.06 The National Climatic Center shall collect, process, archive, and publish climatological data; develop analyses of climatological data to meet user requirements and provide ready access



to climatological data; and provide facilities for the world meteorological data center under international auspices.

.07 The Laboratory for Environmental Data Research shall develop the analysis, processing and interpretation of geophysical and climatological data through research activities; and anticipate needs for climatological and geophysical data for design and risk assessment and stimulate original work to meet these needs.

SEC. 12. *National Weather Service.* The National Weather Service (NWS) shall observe and report the weather of the United States and its possessions and issue forecasts and warnings of weather and flood conditions that affect the Nation's safety, welfare and economy; develop the National Meteorological Service System; participate in international meteorological and hydrological activities, including exchanges of meteorological data and forecasts; and provide forecasts for domestic and international aviation and for shipping on the high seas. The Service shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy.

.02 The Office of Meteorological Operations shall observe, prepare and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop and institute policies, and plans and procedures for operation of meteorological services; and serve as the primary channel for coordinating NWS field operations.

.03 The Office of Hydrology shall provide river and flood forecasts and warnings, and water supply forecasts; conduct research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for use in water resource planning and operational problems.

.04 The Systems Development Office shall manage, plan, design and develop a system to meet all meteorological service requirements; develop, test and evaluate techniques and equipment; translate research results into operational practices; and conduct studies associated with the design of the World Weather Watch.

.05 The National Meteorological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Field Structure shall consist of six regions as shown in Exhibit 3. A region shall consist of a Regional Office managed by a Regional Director, and contain field offices and forecast centers reporting to the Regional Director. (A copy of Exhibit 3 is on file with original

of this document with the Office of the Federal Register.)

a. Each region shall provide weather services within its prescribed geographical area by issuing forecasts and warnings of weather and flood conditions, and shall conduct operational and scientific meteorological and hydrological programs as are assigned to it.

b. Regional Offices shall provide administrative and technical support for all NWS components in their respective regions and shall provide such services to other components of NOAA as determined to be practicable and advantageous to NOAA.

SEC. 13. *Environmental Research Laboratories.* The Environmental Research Laboratories (ERL) shall conduct an integrated program of research and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

.01 Office of the Director:

a. The Director shall formulate and execute basic policies and manage ERL. He shall be immediately assisted by a Deputy Director.

b. The Office of Programs shall provide policy and management advice to the Director; lead and coordinate program planning activities, including PPBS requirements; coordinate ERL's activities with national and international scientific programs; review and evaluate current programs; develop a management information system; conduct public information functions; and provide related staff assistance to the Director.

c. The Office of Research Support Services shall provide administrative and technical services to all ERL components at Boulder, Colo., and at other locations except as otherwise specified.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy and related earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate figure of the earth, and the distribution of its mass.

.03 The Atlantic Oceanographic and Meteorological Laboratories shall conduct research toward a fuller understanding of the ocean basins and borders, of oceanic processes, ocean-atmosphere interactions, and the origin, structure and motion of hurricanes and other tropical phenomena.

.04 The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, or oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of NOAA.

.05 The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the

lower atmosphere. The Laboratory is NOAA's major focus for design and conduct of laboratory and field experiments towards developing feasible methods of practical, beneficial weather modification.

.06 The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

.07 The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modelling and computer simulation, for the behavior and properties of the atmosphere and the oceans.

.08 The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting and providing advance warning of their occurrence and severity.

.09 The Space Disturbances Laboratory shall conduct research on the nature of space disturbances and provide forecasts of these disturbances. Studies shall be made of the behavior of these disturbances, the mechanisms producing them, and their consequences to man's activities. It shall also develop techniques and their application for continuously monitoring characteristic of the space environment as necessary for the early detection and reporting of important disturbances.

.10 The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. Theoretical, laboratory, ground-based, rocket and satellite studies are included.

.11 The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis shall be given to the propagation of sound waves and electromagnetic waves at millimeter infrared and optical frequencies.

.12 The Research Flight Facility shall meet the requirements of NOAA and other interests for atmospheric and other environmental measurements from aircraft, and for outfitting and operating aircraft specially instrumented for research.

SEC. 14. *National Ocean Survey.* The National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; provide basic data for engineering, scientific, commercial, industrial, and defense needs; and support the quest for more fundamental knowledge of our geophysical environment. In performance of these functions, it shall conduct surveys, investigations, analyses, and research; and disseminate data in the following fields: Geodesy,



hydrography, oceanography, seismology, gravity, geomagnetism, and astronomy. The NOS shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy.

.02 The Office of Geodesy and Photogrammetry shall fulfill national requirements for a system of basic geodetic control and for precise gravimetric, and global configuration and mensuration data. Towards doing that it shall establish and maintain a geodetic control network throughout the United States and a worldwide geometric network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement, and photogrammetric, and boundary surveys; make observations for variation of latitude and longitude; disseminate geodetic data; and conduct related research.

.03 The Office of Seismology and Geomagnetism shall investigate and measure seismic and geomagnetic phenomena and their relation to the state and structure of the earth; and fulfill national requirements for standardized seismic and geomagnetic data. Towards doing that it shall collect, analyze, and compile, and disseminate data on a national and worldwide basis; maintain liaison with geophysicists throughout the world; and conduct related research. It shall also operate seismic sea wave warning systems.

.04 The Office of Hydrography and Oceanography shall contribute to the safety of marine navigation through nautical charting and related publications; and seek more knowledge about the states and processes of the ocean. Towards doing that it shall plan and direct hydrographic and oceanographic surveys (including current surveys) and operate a network of tide stations; process, analyze, and compile the survey data including the compilation of nautical charts; and conduct related research. It shall also make studies and conduct functions pertinent to marine boundary demarcation and related nearshore and estuary problems.

.05 The Office of Aeronautical Charting and Cartography shall contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. Towards doing that it shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. The Office also shall print and distribute weather charts and related documents and provide printing, reproduction and distribution services for all components of NOAA.

.06 The Office of Systems Development shall plan, design, and develop systems for the description, mapping and charting of the earth and for hydrographic and oceanographic service re-

quirements where such systems cut across major NOS program boundaries, or when they are designated by the Director for special attention and support; develop, test, and evaluate systems and system components, including instrumentation, equipment, and related manning and operational doctrines; and translate research results into NOS operational systems.

.07 The Executive and Technical Services Staff shall provide executive assistance to the Director and technical services in support of programs throughout the NOS.

.08 The Field Structure shall consist of the following organizational elements:

1. The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units.

2. The Mid-Continent Field Director shall direct geodetic field parties; and direct the NOS geodetic mark preservation program.

3. The Lake Survey Center shall conduct surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, and the Minnesota-Ontario Border Lakes, and compile and publish charts and the Great Lakes Pilot for the benefit and use of the public; shall collect data relating to the hydrologic and hydrology of the Great Lakes for use in the maintenance and control of water levels within the Great Lakes system; shall conceive, plan, and conduct research and development in the fields of water motion; water characteristics, water quantity, and ice and snow as they apply to navigation, flood and storm protection, power generation, beach erosion and shore structure; shall publish data and results of research projects in forms useful to NOAA, other agencies and the public; and shall collect, coordinate, analyze and make available to interested agencies data relating to the Water Resources of the Great Lakes.

4. Observatories, a seismology center, tsunami warning center, and a geomagnetic center, which shall report to the appropriate program components at the headquarters of NOS.

The Atlantic and Pacific Marine Centers shall provide their own administrative support, including that required by vessels under their respective jurisdictions and, where feasible and practical, extends this support to other NOAA field units. The Mid-Continent Field Director shall obtain administrative support, as feasible, from the National Weather Service Regional Office at Kansas City. The Lake Survey Center shall provide its own administrative support. Other field elements shall receive administrative support from NOAA Headquarters.

Sec. 15. *National Environmental Satellite Service.* The National Environmental Satellite Service shall provide observations of the environment by means of

satellites; increase the utilization of satellite data in the environmental sciences; establish and operate a national environmental satellite system; manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite programs; conduct satellite systems engineering and research; and coordinate satellite activities with NASA and DOD. The National Environmental Satellite Service shall be organized as set forth below.

.01 Office of the Director: The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy and a Chief Space Scientist.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data; operate the environmental satellite systems; collect, process and analyze data from operational and specified research and development satellites; and develop new and improved applications of satellite data.

.03 The Office of System Engineering shall provide the planning, design, and engineering necessary to fulfill NOAA's requirements for environmental satellite systems; conduct systems design and analysis; explore possible multipurpose uses of environmental satellite systems; and perform the engineering required to implement new or modified satellite systems.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications.

Effective date: October 9, 1970.

LARRY A. JOBE,  
Assistant Secretary of Commerce.

[F.R. Doc. 70-14343; Filed, Oct. 23, 1970;  
8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[Docket No. FDC-D-173; NDA 4-850, etc.]

### CERTAIN SULFONAMIDE-DECON- GESTANT NASAL PREPARATIONS

#### Notice of Withdrawal of Approval of New-Drug Applications

On May 28, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8405) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new-drug applications listed therein on the ground that the information before the Commissioner with respect to said drugs, evaluated together with the evidence available to him when the applications were approved, did not provide substantial evidence that these drugs had the effect they purported or



application number, have waived opportunity for hearing on the proposed withdrawal of said new-drug applications in that no response has been received.

NDA No.	Drug name	Applicants name and address
4-80	Penicillin Sulfolithazole Suspension (sulfolithazole and hydroxyamphotericin hydrochloride)	Smith, Kline & French Laboratories, 1800 Spring Garden St., Philadelphia, Pa. 19101.
4-603	Gastric Acid Solution (Sulfathiazole and phenylephrine hydrochloride)	Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland St., Nutley, N.J. 07110.
5-325	Glyco-Fedrin with Sulfathiazole (sulfathiazole and hydroxyphenacetin)	Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48221.
5-150	Sulfathiazole Drops (sulfathiazole and methamphetamine)	Do.
5-658	Glyco-Fedrin with Sulfadiazole Drops (sulfadiazole and ephedrine)	Do.
5-603	Sulfathiazole and Sulfadiazole Drops (sulfathiazole and methamphetamine hydrochloride)	Do.
5-173	Tribromin Solution (sulfathiazole sodium and methamphetamine hydrochloride)	Do.
5-365	Sulfathiazole with Tetracycline Sulfate Suspension (sulfathiazole and tetracycline sulfate)	Do.
5-558	Ephedrine (sodium sulfathiazole, sulfathiazole, and di-methylamphetamine hydrochloride)	Lederle Laboratories, Division American Cyanamid Co., West 3622nd Street, Pearl River, N.Y. 10965.
5-281	Sulfathiazole Drops (sulfathiazole and ephedrine)	Mallinckrodt Chemical Works, Second and Mackinac St., St. Louis, Mo. 63106.
5-534	Sulfadiazole-Ephedrine Suspension (sulfadiazole, ephedrine, and di-methylamphetamine sulfate)	Conal Pharmaceuticals, Inc., 2547 West Ravenna Road, Chicago, Ill. 60640.
5-673	Sulfadiazole-Ephedrine Suspension (sulfadiazole, ephedrine, and di-methylamphetamine sulfate)	William H. Rorer, Inc., 500 Virginia Dr., Fort Washington, Pa. 19004.

[DSEI 11874]

**CERTAIN VAGINAL SUPPOSITORIES  
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. Neosporin Vaginal Suppositories containing polymyxin B sulfate, neomycin sulfate, and acetarsone; marketed by Burroughs Wellcome and Co. (U.S.A.), Inc., 1 Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 11-374).
2. Neo-Vagisol Vaginal Suppositories containing tyrothricin, phenylmercuric acetate, succinic acid, papain, sodium lauryl sulfate, and lactose; marketed by Dorsey Laboratories, Division of the Wander Company, N.E. U.S. 6 and Interstate 80, Lincoln, Nebr. 68501.

Preparations containing these drugs are subject to the antibiotic procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. The Food and Drug Administration regards these drugs as lacking substantial evidence of effectiveness for treatment

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)), and under the authority

delegated to him (21 CFR 2.120) finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is presented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: October 8, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[P.R. Doc. 70-14229; Filed, Oct. 23, 1970; 8:45 a.m.]

were represented to have under the conditions for use prescribed, recommended, or suggested in their labeling. The following firms, listed with their addresses, respective drugs, and new-drug application number, have waived opportunity for a hearing on the proposed withdrawal of said new-drug applications in that they have affirmatively indicated in writing their intention not to avail themselves of the opportunity

NDA No.	Drug name	Applicants name and address
5-225	Neo-Synephrine Sulfathiazole Nasal Drops (phenylephrine hydrochloride)	Winthrop Laboratories, Division of Steadfast Drug, Inc., 99 Park Ave., New York, N.Y. 10016.
5-177	Sulfathiazole sodium, sodium sulfadiazole, and methamphetamine	E. R. Squibb & Sons, George Street, New Brunswick, N.J. 08902.

Prior to the May 28, 1970, Federal Register notice (35 F.R. 8405), each of the following firms, listed with their address, respective drug, and new-drug application number, indicated in writing that the drug was no longer being marketed and waived opportunity for hearing on any proposal to withdraw these new-drug applications.

NDA No.	Drug name	Applicants name and address
5-178	Sulfadiazole Nasal Solution containing sulfathiazole sodium 25 mg per milliliter and methamphetamine hydrochloride 1.25 mg per milliliter	Abbott Laboratories, 140th and Sheridan Roads, North Chicago, Ill. 60064.
6-208	Sulfadiazole Liquid (sulfadiazole sodium sulfadiazole 25 mg per milliliter and 6-Desoxyephedrine hydrochloride 2.5 mg per milliliter)	Do.
5-470	Local Drops containing 5% sulfathiazole and 1% ephedrine sulfate	Frank W. Horner Ltd., Post Office Box 50, Montreal 3, Canada.
6-712	Machrin (Machrin) Solution containing 2% sulfathiazole Hydrochloride and 0.135% d-Desoxyephedrine Hydrochloride	Travenol Laboratories, Inc., Morton Grove, Ill. 60053.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)), and under the authority

delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is presented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new-drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of the signature of this document.

Dated: October 8, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[P.R. Doc. 70-14226; Filed, Oct. 23, 1970; 8:45 a.m.]

[Docket No. FDC-D-173; NDA 4-830 etc.]

**CERTAIN SULFONAMIDE-DECONGESTANT NASAL PREPARATIONS**

**Notice of Withdrawal of Approval of New-Drug Applications**

On May 28, 1970, there was published in the Federal Register (35 F.R. 8405) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new-drug applications listed therein on the ground that the information before the Commissioner with respect to said drugs, evaluated together with the evidence available to him when the applications were approved, did not provide substantial evidence that these drugs had the effect they purported or were represented to have under the conditions for use prescribed, recommended, or suggested in their labeling.

The following firms, listed with their addresses, respective drug, and new-drug



of infections of the cervix, cervicitis, or endocervicitis. Preparations containing these drugs with labeling bearing these claims will no longer be acceptable for certification or release after 40 days following the publication date of this announcement in the FEDERAL REGISTER.

These drugs are possibly effective for their other labeled indications. Batches of the drugs which bear labeling with these indications and which are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions for which it has been evaluated as possibly effective.

Any person who would be adversely affected by deletion of the claims for which such drug lacks substantial evidence of effectiveness, as described in this announcement, may, within 30 days following the publication date of this announcement, submit comments or pertinent data bearing on the effectiveness of the drug for such use.

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

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11374 and be directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (Identify with NDA number if known): Division of Anti-Infective Drugs (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 5, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 70-14302; Filed, Oct. 23, 1970;  
8:45 a.m.]

[DESI 1593]

### ETHISTERONE FOR ORAL USE

#### Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Progesterone Tablets marketed by Organon, Inc., 375 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 1-704).
2. Pranone Tablets marketed by Schering Corp., 1011 Morris Avenue, Union, N.J. 07003 (NDA 1-593).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

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

1. Ethisterone is possibly effective for premenstrual tension and functional dysmenorrhea.
2. There is a lack of substantial evidence of effectiveness for the use of ethisterone in habitual and threatened abortion.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for the drug described above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified in paragraph A.2 as lacking substantial evidence of effectiveness. Such 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. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A.2. above. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Holders of previously approved new-drug applications for any drug described in this announcement and any person marketing such drug without ap-

proval 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 the drug is regarded 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.

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug 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 the provisions of section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

The above named holders of the new-drug applications for this drug 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 number DESI 1593 and be directed to the attention of the appropriate office listed below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Office, Food and Drug Administration (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. 353, 355) and under authority delegated to the



Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 6, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 70-14300; Filed, Oct. 23, 1970;  
8:45 a.m.]

[DESI 10866]

### PAMABROM AND CERTAIN OTHER COMBINATION DRUGS

#### 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. Neoparbel Tablets containing 50 mg. pambrom, 30 mg. pyrilamine maleate, 1.2 mg. homatropine methylbromide, 0.1 mg. hyoscyamine sulfate, 0.02 mg. scopolamine hydrobromide, and 1.5 mg. methamphetamine hydrochloride; formerly marketed by Central Pharmacal Co., 116-128 East Third Street, Seymour, Ind. 47274 (NDA 10-866).

2. TACE with Ergonovine Capsules containing 25 mg. chlorotrianisene and 0.1 mg. ergonovine maleate; marketed by William S. Merrell Co., Division Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 54215 (NDA 11-444).

The Food and Drug Administration has considered the reports of the Academy and concludes that there is a lack of substantial evidence that the drugs are effective or effective as fixed combinations for the following claims:

1. Pambrom, pyrilamine maleate, homatropine methylbromide, hyoscyamine sulfate, scopolamine hydrobromide, and methamphetamine hydrochloride tablets for the relief of nervous tension, discomfort, and painful cramps immediately preceding and during the menstrual period. The Academy considered this product as inappropriate and expressed concern over the possible and unpredictable pharmacologic interaction of the components of this combination.

2. Chlorotrianisene and ergonovine maleate capsules for post-partum breast engorgement and uterine atony. The Academy stated that there is no indication for the use of ergonovine routinely in post-partum patients and that the two entities that this combination would attempt to correct would optimally require individualized titration of the amount and timing of the medication administered.

The Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new drug applications for these drugs. Prior to initiating such action, however, the Commissioner invites the holders of new drug applications for these drugs, and any interested person who may be adversely affected by removal of these drugs from the market,

to submit any pertinent data bearing on the proposal not later than 30 days following the publication of this notice in the FEDERAL REGISTER. 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.

This announcement of the proposed action and implementation of the NAS-NRC report for the above drugs is made to give notice to persons who might be adversely affected by withdrawal of these drugs from the market. Promulgation of an order withdrawing approval of the new-drug applications may cause any such related drug on the market to be a new drug for which an approved new drug application is not in effect and make it subject to regulatory action.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10866 and should be directed to the attention of the appropriate office listed below:

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Food and Drug Administration, Bureau of Drugs, 5800 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 5, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 70-14301; Filed, Oct. 23, 1970;  
8:45 a.m.]

[DESI 552; Docket No. FDC-D-243; NDA  
552 etc.]

### SODIUM HEPARIN

#### 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 containing sodium heparin:

1. Sodium Heparin Injection, marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 5-521).

2. Sodium Heparin Sterile Solution, marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 4-570).

3. Panheprin, marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 50064 (NDA 5-264).

4. Sodium Heparin Injection, marketed by Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 3-895).

5a. Liqueamin Sodium Aqueous Solution, and

b. Liqueamin Sodium "200" in Gelatin Menstruum, both marketed by Organon, Inc., 357 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 0-552).

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

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

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

1. Sodium heparin is effective for prophylaxis and treatment of venous thrombosis and its extension; for prophylaxis and treatment of pulmonary embolism; in atrial fibrillation with embolization; for diagnosis and treatment of chronic consumptive coagulopathies (coagulation consumption coagulopathy); as an anticoagulant in blood transfusions and in blood samples for laboratory purposes; for prevention of clotting in arterial and heart surgery; and for prevention of cerebral thrombosis in the evolving stroke.

2. Sodium heparin is probably effective for prophylaxis and treatment of peripheral arterial embolism; for prevention of recurrent arterial embolism; as an adjunct in the treatment of coronary occlusion with myocardial infarction; and for arterial occlusion due to embolism.

3. Sodium heparin lacks substantial evidence of effectiveness for use in the treatment of cerebral thrombosis and for the reduction of thrombotic complications of asthma.

4. These drugs are possibly effective for other labeled indications.

B. *Form of drug.* Sodium heparin preparations are in a sterile aqueous or gelatin solution form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."



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

#### INDICATIONS

Sodium heparin is indicated for anticoagulant therapy in prophylaxis and treatment of venous thrombosis and its extension; for prophylaxis and treatment of pulmonary embolism; in atrial fibrillation with embolization; for diagnosis and treatment of chronic consumptive coagulopathies (coagulation consumption coagulopathy); for prevention of clotting in arterial and heart surgery; and for prevention of cerebral thrombosis in the evolving stroke. This drug may also be useful for prophylaxis and treatment of peripheral arterial embolism; for prevention of recurrent arterial embolism; as an adjunct in the treatment of coronary occlusion with myocardial infarction; and for arterial occlusion due to embolism. This drug also may be employed as an anticoagulant in blood transfusions and in blood samples for laboratory purposes.

**D. Indications permitted during extended period for obtaining substantial evidence.** 1. Those indications for which the drug is described in paragraph A.2 above as probably effective are included in the labeling conditions in paragraph C and may continue to be used for 12 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

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

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

**E. Marketing status.** Marketing of the drugs may continue under the conditions described in paragraphs F and G of this announcement except that those indica-

tions referenced in paragraph D may continue to be used as described therein.

**F. Previously approved applications.** 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

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

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

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

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

b. 60 days for updating information.

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

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

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

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

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

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

d. The application has not been ruled incomplete or unapprovable.

**H. Opportunity for a hearing.** 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.3 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

**I. Unapproved use or form of drug.** If the article is marketed in another form or is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such form or use is approved in a new-drug application or is otherwise in accord with this announcement.



A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 552 and be directed to the attention of the appropriate office listed below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Request for Hearing (Identify with Docket number) Hearing Clerk, Office of General Council (GC-1), Room 6-62, Parklawn.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-5), Bureau of Drugs.

Requests for NAS/NRC report: Press Relations Staff (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 5, 1970.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 70-14297; Filed, Oct. 23, 1970;  
8:45 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-368]

### ARKANSAS POWER & LIGHT CO.

#### Notice of Filing of Application for Construction Permit and Facility License

Arkansas Power & Light Co., Ninth and Louisiana Streets, Post Office Box 551, Little Rock, Ark. 72203, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application on September 17, 1970, for authorization to construct and operate a pressurized water nuclear reactor on the applicant's site adjacent to Arkansas Nuclear One—Unit 1, on a peninsula in Dardanelle Reservoir on the Arkansas River in Pope County, Ark. The site is located about 2 miles southeast of the village of London, Ark.

The proposed reactor, designated by the applicant as Arkansas Nuclear One, Unit 2, is designed for initial operation at approximately 2,760 megawatts (thermal) with a net initial electrical output of about 950 megawatts (electrical).

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of October 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,  
Director,

Division of Reactor Licensing.

[F.R. Doc. 70-14322; Filed, Oct. 23, 1970;  
8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 20522]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Notice of Prehearing Conference Regarding Agreements Relating to North Atlantic Cargo Rates

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 20, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

Requests for information and evidence, statements of proposed issues, and proposed procedural dates shall be filed with the Examiner on or before November 16, 1970.<sup>1</sup> Service of such documents shall be made on counsel for the Bureau of Economics and the parties named in orders 69-3-47; 69-4-139; and 69-10-111.

Dated at Washington, D.C., October 21, 1970.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[F.R. Doc. 70-14350; Filed, Oct. 23, 1970;  
8:49 a.m.]

[Docket No. 22628; Order 70-10-97]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Fare Matters

Issued under delegated authority October 20, 1970.

By Order 70-10-48, dated October 8, 1970, action was deferred, with a view toward eventual approval, on a resolution adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which was adopted at the Honolulu Worldwide Passenger Fare Conference for early effectiveness on November 1, 1970, would extend to March 31, 1971, certain North Atlantic fares to/from Budapest which are currently due to expire on October 31, 1970.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-10-48 will herein be made final.

<sup>1</sup> Parties should mail documents sufficiently in advance for them to be received by Nov. 16, 1970.

Accordingly, it is ordered, That: Agreement CAB 22006 be and it hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-14351; Filed, Oct. 23, 1970;  
8:49 a.m.]

[Docket No. 20693; Order 70-10-96]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority October 20, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 9, 1970, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates. In addition, the rate on Item 7101 (newspapers, magazines, periodicals, etc.), previously approved by the Board, from Auckland to Los Angeles, is extended beyond September 30, 1970, to September 30, 1971.<sup>2</sup>

R-31:

Commodity Item No. 9568—Candles, Candlesticks made of wood, 87 cents per kg., minimum weight 100 kgs., 74 cents per kg., minimum weight 500 kgs., Helsinki to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That: Action on Agreement CAB 21753, R-31 and R-32, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

<sup>1</sup> For complete and accurate description, see applicable tariff.

<sup>2</sup> R-32.



This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-14352; Filed, Oct. 23, 1970;  
8:49 a.m.]

## CIVIL SERVICE COMMISSION

INHALATION THERAPY TECHNICIAN,  
WEST HAVEN, CONN.

Notice of Establishment of Minimum  
Rates and Rate Ranges

### Correction

In F.R. Doc. 70-13022 appearing on page 15259 in the issue for Wednesday, September 30, 1970, the amount given for GS-5, Step-3, reading "\$7,846" should read "\$7,856".

## FEDERAL MARITIME COMMISSION

AZTA SHIPPING CO. AND GUATE-  
MALTECA DE NAVEGACION, S.A.

### 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:

Raymond P. de Member, Esq., Haight, Gardner, Poor & Havens, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006.

Agreement No. 9906, between Azta Shipping Co. (Azta Line) and Guatemalteca De Navegacion, S.A. (Guate-

mala Line) provides for a charter arrangement whereby Azta Line will charter the two ships (i.e., the "M.V. Antares" and the "M.V. Atlantic Pearl") that it presently uses in its service between U.S. North Atlantic ports and ports on the east coast of Guatemala and Honduras to Guatemala Line for use by that carrier in a new service commencing from U.S. North Atlantic ports to ports on the east coast of Guatemala and Honduras.

Upon the agreement's effectiveness, Azta Line will cease its operations in the trade between U.S. North Atlantic ports and ports on the east coast of Guatemala and Honduras. The agreement further provides that it shall not prevent Jan C. Uiterwyk Co., Inc., from acting as general agent for both parties as it is presently doing. The agreement may be terminated by mutual agreement after June 30, 1971.

Dated: October 21, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-14354; Filed, Oct. 23, 1970;  
8:50 a.m.]

## TRANSATLANTIC FREIGHT CONFERENCE

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed 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.

By order served December 19, 1969, the Commission instituted (Docket 69-58) an investigation and hearing to determine whether Agreement No. 9813 should be approved, disapproved, or modified. Subsequently Agreement No. 9813-1 was filed and included in Docket 69-58 by the Hearing Examiner. Agreement No. 9813-2, the subject agreement, which amends the basic agreement will also be included in Docket 69-58. Persons who desire to become parties to this proceeding and to participate herein, shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

### Notice of agreement filed by:

Arthur D. Bernstein, Esq., Galland, Khariach, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, D.C. 20007.

Agreement No. 9813-2, between the member lines of the Transatlantic Freight Conference, amends the basic agreement by deleting all of Article 6(b) and substituting therefor the following:

(b) Transshipment Between Ranges.  
(1) Absorption of any inland costs between point of origin or destination and the

transshipment port shall be prohibited unless otherwise provided in this agreement. Exceptions to this provision may be authorized by the Committee of Principals: *Provided, however, That for a period of 9 months after the effective date of the initial tariff filed under this Agreement—*

(a) Cargo covered by bills of lading from or to Esbjerg, Kolding, and Fredericia may be carried by land or water from or to such ports, to or from Gothenburg, Hamburg, Bremen, or Bremerhaven at the expense of the member line; and

(b) Temperature-controlled cargo covered by bills of lading from Aarhus may be carried by land or water from Aarhus to Gothenburg, Hamburg, Bremen, or Bremerhaven at the expense of the member line.

After the expiration of such 9-month period, the foregoing exceptions in paragraphs (a) and (b) of this Article 6(b)(1) may be extended or modified by the Committee of Principals.

(2) When transshipment between ranges is by water, such transshipment shall be effected only at transshipment ports to be designated in the tariff. Designation of such transshipment ports shall be made by the Committee of Principals.

Dated: October 20, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-14355; Filed, Oct. 23, 1970;  
8:50 a.m.]

## FEDERAL RESERVE SYSTEM DEPOSITORS CORP.

### Notice of Application for Approval of Acquisition of Shares of Bank

OCTOBER 19, 1970.

Notice is hereby given that application has been made, pursuant to section 3 (a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Depositors Corp., which is a bank holding company located in Augusta, Maine, for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Springvale National Bank, Springvale, Maine.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.



Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

By order of the Board of Governors,  
October 19, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-14320; Filed, Oct. 23, 1970;  
8:47 a.m.]

## INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

### KENTLAND-ELKHORN COAL CORP.

#### Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.<sup>3</sup>) has been accepted for consideration as follows:

(1) ICP Docket No. 10864, Kentland-Elkhorn Coal Corp., Kentland No. 2 Mine, USBM ID No. 15 02106 0, Mouthcard, Pike County, Ky., section ID No. 001 (10 Right Off 1st Right).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

OCTOBER 21, 1970.

[F.R. Doc. 70-14328; Filed, Oct. 23, 1970;  
8:48 a.m.]

## OFFICE OF EMERGENCY PREPAREDNESS

### COLORADO

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Colorado dated September 24, 1970, and published September 30, 1970 (35 F.R. 15263), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 22, 1970:

Alamosa San Miguel  
Costilla

Dated: October 20, 1970.

G. A. LINCOLN,  
Director,  
Office of Emergency Preparedness.

[F.R. Doc. 70-14326; Filed, Oct. 23, 1970;  
8:47 a.m.]

### VIRGIN ISLANDS

#### Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on October 17, 1970, the President declared a major disaster as follows:

I have determined that the damages in those areas of the Virgin Islands adversely affected by heavy rains and flooding beginning on or about October 1, 1970, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I therefore declare that such a major disaster exists in the Virgin Islands. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11495, November 18, 1969 (34 F.R. 18447, Nov. 20, 1969), to administer the Disaster Relief Act of 1969 (Public Law 91-79, 83 Stat. 125), I hereby appoint Mr. John F. Sullivan, Jr., Regional Representative, OEP Region 1, to act as the Federal Coordinating Officer to perform the duties specified by section 9 of that Act for this disaster.

I do hereby determine the following areas in the Virgin Islands to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 17, 1970:

The affected areas of:  
St. John Island.  
St. Thomas Island.

Dated: October 20, 1970.

G. A. LINCOLN,  
Director,  
Office of Emergency Preparedness.  
[F.R. Doc. 70-14327; Filed, Oct. 23, 1970;  
8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[70-4925]

### GENERAL PUBLIC UTILITIES CORP.

#### Notice of Proposed Issue and Sale of Shares of Debentures Pursuant to Rights Offering and Notes to Banks

OCTOBER 15, 1970.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to offer up to \$58 million principal amount of debentures, ----- percent Series due November 1, 1980, for subscription by the holders of its outstanding shares of common stock at the rate of \$2 in principal amount of debentures for each share of common stock held on the record date. The record date will be November 4, 1970, or a later date, depending upon the effective date of GPU's registration statement under the Securities Act of 1933. The subscription price will equal the principal amount of debentures subscribed for and, subject to Commission authorization, the interest rate will be determined by GPU's Board of Directors on the record date. If the record date is November 4, 1970, the subscription period will expire November 18, 1970.

Rights to subscribe to the debentures will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. Warrant holders will be permitted to subscribe for \$100 in principal amount of debentures, or any multiple thereof. A warrant evidencing less than 50 rights, however, will entitle the holder thereof to purchase \$100 in principal amount of debentures without furnishing any additional rights. In addition, each holder of shares of common stock will be given the privilege of subscribing, subject to allotment, for debentures not subscribed to pursuant to rights. GPU will utilize Marine Midland Grace Trust



Company of New York (Marine Midland) as subscription agent in connection with the rights offering. The fee for such services will be supplied by amendment. Marine Midland will also serve as trustee under the supplemental indenture pursuant to which the debentures will be issued, which indenture includes a prohibition against refunding the debentures prior to November 1, 1975, with the proceeds of funds obtained at a lower interest cost except in connection with any merger or consolidation, and then only on a pro rata basis with the aggregate principal amount of all series of debentures then outstanding.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights. Any rights as to which no instructions have been received before the close of business on the second business day preceding the expiration date of the rights will be purchased on that date by GPU for cash, and the pro rata portions of such purchase price will be delivered to, or held for 2 years for the account of 10 such stockholders, after which such proceeds will become the property of GPU.

The rights offering will not be underwritten, but GPU will utilize the services of securities dealers to solicit the exercise of rights by the initial holders thereof. The compensation to be paid the dealers will be determined by GPU and supplied by amendment.

During the subscription period and for not more than 30 business days thereafter, GPU may sell to participating dealers and others any debentures not subscribed for under the terms of the rights offering. The price at which any such debentures will be sold to the public will be determined by GPU within a range to be supplied by amendment. In no event will the price be below 95 percent of the last sale price for the debentures on the New York Stock Exchange immediately preceding the determination of the price. GPU will pay a purchase fee to purchasing dealers. In connection with the rights offering, GPU may effect stabilization transactions in its debentures or rights.

GPU also proposes to issue and sell to banks, from time to time but not later than December 31, 1972, its unsecured short-term promissory notes, maturing not later than 9 months from the date of issue provided that the aggregate principal amount outstanding at any one time of (1) all such notes to banks, (2) notes to banks as heretofore authorized (Holding Company Act Release No. 16770), and (3) the new debentures shall not exceed \$83 million. The names of the banks and the maximum amounts that may be borrowed from each will be supplied by amendment.

GPU proposes to use the net proceeds from the sale of the debentures to pay its promissory notes (issued as commercial paper or to evidence short-term bank borrowings) then outstanding, the proceeds of which have been or will be used for investments in its subsidiary

companies. The proceeds from the bank notes will be used for investments in subsidiary companies. In another filing (File No. 70-4924), GPU also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1 million shares of its common stock.

The fees and expenses (other than dealers' fees) to be incurred by GPU will be supplied by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

GPU requests that the Commission grant an exception from the competitive bidding requirements of Rule 50 promulgated under the Act. The exception is sought pursuant to paragraph (a)(5) thereof.

Notice is further given that any interested person may, not later than November 3, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. 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 declarant 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. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P.R. Doc. 70-14341; Filed, Oct. 23, 1970;  
8:49 a.m.]

## TARIFF COMMISSION

[337-L-41]

### MEPROBAMATE

#### Extension of Time for Filing Written Views

On August 5, 1970, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Carter Wallace, Inc., of New York, N.Y., alleg-

ing unfair methods of competition and unfair acts in the importation and sale of certain meprobamate (35 P.R. 13335). Interested parties were given until October 19, 1970, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business November 18, 1970.

Issued: October 21, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[P.R. Doc. 70-14357; Filed, Oct. 23, 1970;  
8:50 a.m.]

## DEPARTMENT OF LABOR

Office of the Secretary

### WORKER REQUEST FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

#### Notice of Investigation

OCTOBER 21, 1970.

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on October 21, 1970, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Furniture Workers of America on behalf of workers of the South Haven, Mich., piano plant of the Everett Piano Co. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970. In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3, Title III of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant member or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request



should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before November 13, 1970.

Signed at Washington, D.C., this 21st day of October 1970.

EDGAR I. EATON,  
Director, Office of  
Foreign Economic Policy.

[F.R. Doc. 70-14321; Filed, Oct. 23, 1970;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 21, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 42064—*Wooden dowels from Montoya, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-189), for interested rail carriers. Rates on dowels, wooden, painted, lacquered, or shel-lacked, in carloads, as described in the application, from Montoya, Tex., to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 88 to Southwestern Freight Bureau, agent, tariff ICC 4590.

FSA No. 42065—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 642), for interested rail carriers. Rates on egg carrier cartons, ferric oxide solution, and corn oil, in carloads and tank carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 112 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 42067—*Soda ash to points in southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2633), for interested rail carriers. Rates on soda ash (other than modified soda

ash), in bulk, in covered hopper cars, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 233 to Western Trunk Line Committee, agent, tariff ICC A-4620.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 42066—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 643), for interested rail carriers. Rates on canned goods, blackstrap molasses, nitrogen fertilizer solution, caustic soda, egg carrier cartons, ferric chloride solution, and corn oil, in carloads and tank carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 112 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-14348; Filed, Oct. 23, 1970;  
8:49 a.m.]

[Section 5a Application 34, Amdt. 4]

### MIDDLEWEST MOTOR FREIGHT BUREAU

#### Petition for Approval of Amendment to Agreement

OCTOBER 14, 1970.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed October 2, 1970, by George D. Michalson, attorney-in-fact, Post Office Drawer 647, Kansas City, Mo. 64141.

The amendment involves: Modification of the agreement (bylaws) so as to (1) expand the territorial jurisdiction, ratemaking, and tariff function of the membership of the bureau to embrace southwestern territory and include therein all points in the States of Louisiana and New Mexico; (2) redefine middle-west territory to include all points in Colorado in lieu of the present restriction to points east of U.S. Highway 87; (3) increase the membership of the board of directors and of the general rate committee to accommodate the broadened jurisdiction; (4) clarify a member carrier's right of independent action without obtaining the concurrences of connecting joint-line carriers when the proposal constitutes the sole responsibility of the proponent carrier and does not directly affect the revenues, expenses, or operations of connecting carriers; (5) provide for audit of the bureau books by certified public accountants appointed

by the board of directors, in lieu of audit by accountants not so certified appointed by the executive committee; and (6) make other incidental changes made necessary by the foregoing changes.

The petition is docketed and may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-14345; Filed, Oct. 23, 1970;  
8:49 a.m.]

[Notice 177]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 21, 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-87 (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 29643 (Sub-No. 6 TA), filed October 16, 1970. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, N.Y. 13662. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Appliances, electrical and gas equipment, and batteries, from Burlington, Vt., to points in Clinton, Franklin, St. Lawrence, and Essex Counties, N.Y., and return shipments, in the opposite direction, for 180 days. Supporting shipper: Overlake Distributors,



Inc., 316 Pine Street, Post Office Box 249, Burlington, Vt. 05401. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 96881 (Sub-No. 9 TA), filed October 14, 1970. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 1211 South Ninth Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions), between Paris, and Bonham, Tex., from Paris to Bonham, Tex., over U.S. Highway 82, serving no intermediate points, and serving Bonham, Tex., for interline purposes only, and return over the same route. Note: Carrier intends to tack this authority as follows; MC 96881 and subs thereunder, for tacking at Paris, Tex., and interline at Bonham, Tex. Supported by: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 103051 (Sub-No. 238 TA), filed October 16, 1970. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., Suite 604-09, Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Greenville and Spartanburg Counties, S.C., for 180 days. Supporting shipper: Gulf Oil Co., U.S. Domestic Marketing, Southern Region, Gulf Oil Building, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 107295 (Sub-No. 458 TA), filed October 16, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood wallboard, siding in coils, and accessories*, from Elkhart, Ind., to Ironwood, Mich., for 180 days. Supporting shipper: Schult Mobile Home Corp., Elkhart, Ind. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 791 TA), filed October 16, 1970. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, 50304, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from Burnsville, Minn., to West Des Moines, Iowa, for 150 days. Supporting shipper: Koppers Co., Inc., Koopers Building, 436 Seventh Avenue, Pittsburgh, Pa. 15219. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 116273 (Sub-No. 131 TA), filed October 15, 1970. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic synthetic*, in bulk, in tank vehicles, from Elk Grove Village, Ill., to Baraboo, Wis., Minneapolis and St. Paul, Minn., Jeffersontown, Ky., and Kokomo, Ind., for 150 days. Supporting shipper: Southern Petrochemicals Corp., 2121 South Columbia, Tulsa, Okla. 74114. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1036, Chicago, Ill. 60604.

No. MC 118263 (Sub-No. 31 TA), filed October 16, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, 47131, State Highway No. 131, Clarks-ville, Ind. 47130. Applicant's representative: Robert L. Charmoli (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* (other than frozen) in vehicles equipped with mechanical refrigeration, from Seelyville, Ind., to East Greenville, Pa., for 180 days. Supporting shipper: The Pillsbury Co., Post Office Box 608, Second Avenue South, Minneapolis, Minn. 55402. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 302 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 118739 (Sub-No. 6 TA), filed October 16, 1970. Applicant: FRITZ TRUCKING, INC., Clara City, Minn. 56222. 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: *Such merchandise*, as is dealt in by wholesale and retail dry goods and variety store business houses; from points in the Chicago, Ill., commercial zone, as defined by the Commission, to Clara City, Minn., for 180 days. Supporting shipper: VSC, Inc., Clara City, Minn. 56222. Send protests to: A. N. Spath, District Super-

visor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128285 (Sub-No. 3 TA), filed October 16, 1970. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, 9001 North Denver, Portland, Ore. 97217. Applicant's representative: Earle V. White, Farley Building, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, and feed ingredients, and fertilizer*, from points in California to points in Oregon and Washington, for 180 days. Supporting shipper: H. J. Stoll & Sons, Inc., 2320 Southeast Grand Avenue, Portland, Ore. 97214. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Ore. 97204.

No. MC 133583 (Sub-No. 3 TA), filed October 16, 1970. Applicant: CENTRAL MOVING & STORAGE, INC., Post Office Box 18305, 7801 North Panam Expressway, San Antonio, Tex. 78218. Applicant's representative: Jack D. Albright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between San Antonio, Tex., on the one hand, and, on the other, points in Atascosa, Banderita, Blanco, Comal, De Witt, Frio, Gillespie, Gonzales, Guadalupe, Hays, Karnes, Kendall, Kerr, LaSalle, Lavaca, McMullen, and Medina Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in Interstate or Foreign Commerce; further restricted to the performance of pickup and delivery service in connection with packing, crating, containerization, or unpacking, uncrating, and decontainerization of such traffic for the U.S. Government, for 180 days. Supporting shipper: MTMTS, Washington, D.C. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 134536 (Sub-No. 1 TA), filed October 15, 1970. Applicant: ETLES ALLEN HENRIES, doing business as, CAROLINA SEAFOOD COMPANY, Main Street, Aurora, N.C. 27806. Applicant's representative: T. R. Thompson, Jr., Post Office Box 308, Aurora, N.C. 27806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in shipping and packing seafood, including but not limited to, boxes, cans, lids, crates, and binders, from Baltimore, Md., to points in that part of North Carolina, east of U.S. Highway 17, for 180 days. Supporting shippers: Lowland Seafood Co., Oriental, N.C. 28571; Ted Day Seafood Co., Washington, N.C. 27889; Luther Lewis & Son, Davis, N.C. 28524. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bu-



reau of Operations, Post Office Box 26896, Raleigh, N.C. 27611.

No. MC 134933 (Sub-No. 1 TA), filed October 16, 1970. Applicant: IDLEWOOD TRUCKING COMPANY, LIMITED, Post Office Box 100, 350 Fruitland Road, Fruitland, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Scrap metal*, for the account of International Iron & Metal Co. from points in the counties of Erie, Niagara, and Chautauqua, N.Y., to ports of entry on the international boundary line between the United States and Canada at or near Buffalo and Niagara Falls, N.Y., for 150 days. Supporting shipper: International Iron & Metal Co., 1640 Brampton Street, Post Office Box 70, Hamilton, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 134997 TA, filed October 16, 1970. Applicant: CASTLE TRUCKING CO., Division of Castle Sporting Goods, Inc., 498 Nepperhan Avenue, Yonkers, N.Y. 10701. Applicant's representative: Blanton P. Bergen, 137 East 37th Street, New York, N.Y. 10016. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Sporting goods, luggage, traveling bags, suitcases, and materials; equipment and supplies used in manufacturing same*, between supporting shipper's plants located at Berkley Springs, W. Va., Yonkers, N.Y., and Clarksburg, Mass., for 180 days. Supporting shipper: Castle Sporting Goods, Inc., 498 Nepperhan Avenue, Yonkers, N.Y. 10016. Send protests to: Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134998 TA, filed October 16, 1970. Applicant: L. SCOTT MAGNUSON, doing business as LAKE COUNTY AIR FREIGHT, 143 West Belvidere, Waukegan, Ill. 60085. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between O'Hare International Airport and points in Lake County, Ill., for 180 days. Supporting shippers: Anchor Coupling Co., Inc., 342 North Fourth Street, Libertyville, Ill. 60048; Print O'Tape, Post Office Box 272, Libertyville, Ill. 60048. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[F.R. Doc. 70-14344; Filed, Oct. 23, 1970;  
8:49 a.m.]

[Ex Parte No. MC-82]

## MOTOR CARRIER REVENUE PROCEEDINGS

### Proposed New Procedures

OCTOBER 14, 1970.

In accordance with the Commission's supplemental notice dated September 29, 1970, and published in the October 6, 1970, issue of the FEDERAL REGISTER (35 F.R. 15664), all interested parties were requested to notify the Commission on or before October 10, 1970, of their intention to file comments and replies thereto.

Upon the Commission's own motion the time for filing of comments has been extended until November 2, 1970, and reply comments will be due on or before November 12, 1970. An original and 15 copies of each party's comments should be directed to the Status Branch, Office of Proceedings, Washington, D.C. 20423.

A list of all known parties participating in this proceeding is set forth below.

[SEAL] ROBERT L. OSWALD,  
Secretary.

Mr. Robert A. Blocki, Assistant General Traffic Manager, Kraft Foods, 500 Peshtigo Court, Chicago, Ill. 60690.

Mr. D. C. Brock, General Traffic Manager, American Excelsior Company, 850 Avenue H East, Arlington, Tex. 76010.

Mr. Homer S. Carpenter, Rice, Carpenter, and Carraway, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004.

Representing:  
New England Motor Rate Bureau, Inc., Eastern Central Motor Carriers Association Inc.

Central and Southern Motor Freight Tariff Association, Inc. Southern Motor Carriers Rate Conference.

Mr. John M. Cleary, 914 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

Representing:  
National Industrial Traffic League.

Mr. Thomas C. Dorsey, Collier, Shannon, Hill & Edwards, 1825 I Street NW., Washington, D.C. 20008.

Representing:  
National Association of Food Chains, Inc. Mr. Charles Ephraim and J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

Representing:  
Motor Carriers Traffic Association Inc. Mr. John S. Fessenden, Rice, Carpenter, and Carraway, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004.

Representing:  
New England Motor Rate Bureau, Inc. Eastern Central Motor Carriers Association Inc.

Central and Southern Motor Freight Tariff Association, Inc. Southern Motor Carriers Rate Conference.

Mr. H. F. Gabriel, General Traffic Manager, Hershey Foods Corp., Hershey, Pa. 17033. Mr. Robert G. Gawley, Executive Vice President, Niagara Frontier Tariff Bureau, Inc., 3871 Harlem Road, Post Office Box 184, Buffalo, N.Y. 14221.

Mr. W. A. Hallman, Secretary, Machinery Haulers Association, 2288 University Avenue, St. Paul, Minn. 55114.

Mr. John B. Hedges, Manufacturers Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.

Mr. William Q. Keenan (5 copies), Arsham & Keenan, 233 Broadway, Woolworth Building, New York, N.Y. 10007.

Representing:  
Drug & Toilet Preparation Traffic Conference.

National Small Shipments Traffic Conference.

Lead Pencil Manufacturers Association, Writing Instrument Manufacturers Association.

Builders Hardware Association.

Mr. William E. Kenworthy, Rocky Mountain Motor Tariff Bureau, Inc., Post Office Box 5746, Terminal Annex, Denver, Colo. 80217.

Mr. J. H. Klostermann, Executive Assistant—Traffic, Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

Mr. R. J. Kostack, Traffic Manager, Shelter Industries, Valley Forge, Pa. 19481.

Mr. J. W. Lewis, General Manager, Atlanta Freight Bureau, Walco Building, 41 Pryor Street NE., Post Office Box 1736, Atlanta, Ga. 30301.

Mr. John W. McFadden, Jr., Central States Motor Freight Bureau, Inc., 5440 South Cicero Avenue, Chicago, Ill. 60638.

Mr. B. P. Moffitt, Chief of Tariff Bureau, Drawer 1500, 2701 South Elm Street, Greensboro, N.C. 27402.

Mr. Norman R. Powell, General Counsel, Central & Southern Motor Freight Tariff Association, Inc., 2723 Crittenden Drive, Post Office Box 21339, Louisville, Ky. 40221.

Mr. Bryce Rea, Jr., 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004.

Representing:  
Middle Atlantic Conference.

Mr. L. A. Reedquist, Corporate Supervisor of Transportation, John Morrell & Company, 208 South La Salle Street, Chicago, Ill. 60604.

Mr. J. A. Royal, Manager, Middle Atlantic Conference, Post Office Box 10213, Washington, D.C. 20018.

Mr. Myron Smith, American Home Products Corporation, 685 Third Avenue, New York, N.Y. 10017.

Mr. Maurice J. Street, Acting Assistant General Counsel, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405.

Mr. William C. Taff, Staff Economist, National Industrial Traffic League, 711 14th Street NW., Washington, D.C. 20005.

Mr. Arthur W. Todd, Lincoln Electric, Post Office Box 3115, Cleveland, Ohio 44127.

Mr. Stephen J. Gross, Acting Assistant General Counsel for Litigation, Office of the Secretary of Transportation, Washington, D.C. 20590.

[F.R. Doc. 70-14346; Filed, Oct. 23, 1970;  
8:49 a.m.]

[No. 35297]

## TENNESSEE INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1970

### Assignment for Hearing and Directing Special Procedure

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated August 28, 1970, the Commission, Division 2 instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matters and things presented in the petition filed July 10, 1970, by common carriers by railroad operating within the State of Tennessee, wherein



it is alleged that the Tennessee Public Service Commission has refused to authorize or to permit increases in rates and charges on aggregates, stone, pulpwood and wood chips, woodpulp, paper and paper products, salt cake, and lime, moving in intrastate commerce corresponding to increases maintained by the carriers on interstate commerce as authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 590 and 714;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

*It is ordered*, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner (to be later designated) for hearing and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

*It is further ordered*, That on or before November 30, 1970, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed below and any additional persons who make known their desire to actively participate in the proceeding on or before November 16, 1970.

*It is further ordered*, That on or before December 30, 1970, protestants shall file with the Commission three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all parties listed below and any addi-

tional persons who make known their desire to actively participate on or before November 16, 1970. Set forth below is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before November 16, 1970, as well as all persons listed below. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

*It is further ordered*, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before January 7, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

*It is further ordered*, That a hearing will be held commencing on January 11, 1971, 1 p.m., U.S. standard time, in Room 661, U.S. Courthouse, 801 Broadway, Nashville, Tenn., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

*And it is further ordered*, That a copy of this order be served upon the respondents and protestants; that the State of Tennessee be notified of the proceeding

by sending a copy of this order by certified mail to the Governor of Tennessee, Nashville, Tenn., and a copy to the Tennessee Public Service Commission, Nashville, Tenn.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of October 1970.

By the Commission, Commissioner Walrath.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

RESPONDENTS

Louisville & Nashville Railroad Co., John F. Smith, Commerce Attorney, Post Office Box 1198, Louisville, Ky. 40201.  
Southern Railway System, James L. Howe III, Commerce Counsel, Post Office Box 1808, Washington, D.C. 20013.

PROTESTANTS

Z. D. Atkins, Commissioner, Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219.  
Hammond Fowler, Commissioner, Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219.  
L. A. Gossage, Consultant Traffic Manager, Herbert Materials, 1136 Second Avenue North, Nashville, Tenn. 37208.  
Charles A. Johnpeter, Traffic & Distribution Manager, Bowaters Southern Paper Corp., Calhoun, Tenn. 37309.  
J. A. Jordan, Vulcan Materials Co., Post Office Box 7497, Birmingham, Ala. 35223.  
Cayce Pentecost, Chairman, Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219.  
Eugene W. Ward, General Counsel, Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219.

[F.R. Doc. 70-14347; Filed, Oct. 23, 1970; 8:49 a.m.]



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