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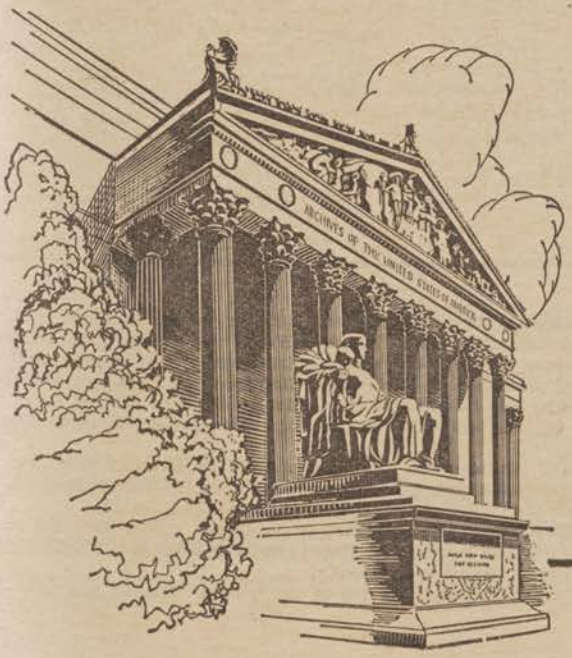

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Title 3—THE PRESIDENT

Executive Order 11520

AMENDING EXECUTIVE ORDER NO. 11407, RELATING TO THE PRESIDENTIAL SERVICE CERTIFICATE AND THE PRESIDENTIAL SERVICE BADGE

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

Paragraphs 1 and 3 of Executive Order No. 11407,[1] of April 23, 1968, entitled "Amending Executive Order No. 11174, Establishing the Presidential Service Certificate and the Presidential Service Badge" are hereby amended to read as follows:

"1. *Certificate established.* The White House Service Certificate is hereby reestablished as the Presidential Service Certificate, to be awarded in the name of the President of the United States to members of the Army, Navy, Marine Corps, Air Force, and Coast Guard who have been assigned to the White House Office or to military units and support facilities under the administration of the Military Assistant to the President for a period of at least one year subsequent to January 20, 1969.

"3. *Badge established.* The White House Service Badge is replaced by the Presidential Service Badge, the design of which accompanies and is hereby made a part of this Order. The Presidential Service Badge may be awarded to any member of the Armed Forces assigned to duty in the White House Office or to military units and support facilities under the administration of the Military Assistant to the President by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation, upon recommendation of the Military Assistant to the President, to military personnel of their respective services. The Badge may be worn as a part of the uniform of those individuals upon award of the Presidential Service Certificate under such regulations as the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, with the approval of the Secretary of Defense, and, when the Coast Guard is not operating as a service in the Navy, the Commandant of the Coast Guard, with the approval of the Secretary of Transportation, may severally prescribe."

Richard Nixon

THE WHITE HOUSE,
March 25, 1970.

[F.R. Doc. 70-3758; Filed, Mar. 25, 1970; 1:16 p.m.]

[1] 3 CFR, 1968 Comp., p. 111; 33 F.R. 6283.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

REVISED FINAL DATE FOR FILING FOR CIGAR TOBACCO ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of this amendment is to extend the date for making application for a new farm Cigar binder (types 51 and 52) tobacco and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco allotment. Amendment 4 to this Part 724 (35 F.R. 3901) provided, beginning with the 1970 crop, for farmers to surrender unused cigar tobacco allotment acreage and for county committees to allocate such allotment acreage to farms where it may be expected to be produced. Also, such amendment 4 provided for considering the allocation of surrendered allotment acreage to operators of farms for which new farm allotments were approved. The last date a farm operator may request surrendered allotment acreage is March 27. In order (1) to give operators of new farms greater opportunity to participate in the surrendered allotment acreage and (2) to give each potential applicant for a new farm allotment the opportunity to file, it is necessary to extend the date for filing new farm applications.

Since tobacco farmers will soon begin to make plans for their 1970 crop of tobacco, it is essential that the amendment be effective at the earliest possible date. Accordingly, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. The amendment contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

This subpart (33 F.R. 15522), as amended, is further amended as follows:

ACREAGE ALLOTMENTS FOR NEW FARMS

§ 724.72 Determination of acreage allotments for new farms for Cigar binder (types 51 and 52) and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for 1970–71 and subsequent marketing years.

* * * * *

(c) * * *

(7) A written application is filed by the farm operator at the office of the county committee on or before March 27 of the calendar year for which the application is made.

* * * * *

(Secs. 313, 375, 52 Stat. 47, as amended, 66, as amended; 7 U.S.C. 1313, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., this 20th day of March 1970.

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

[F.R. Doc. 70-3714; Filed, Mar. 26, 1970; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—STANDBY REGULATIONS FOR USE IN A NATIONAL EMERGENCY DISASTER

PART 230—ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT

Subpart D—Agency Authority To Take Personnel Actions in a National Emergency

Part 12, Standby Regulations for use in a National Emergency Disaster, is deleted and the regulatory material appearing therein, after relatively minor changes, has been incorporated in Part 230, Organization of the Government for Personnel Management, as new Subpart D.

§ 230.401 Agency authority to take personnel actions in a national emergency disaster.

(a) Upon an attack on the United States, agencies are authorized to carry out whatever personnel activities may be necessary to the effective functioning of their organizations during a period of disaster without regard to any regulation or instruction of the Commission, except those which become effective upon or following an attack on the United States. This authority applies only to actions under the Commission's jurisdiction.

(b) Actions taken under this section shall be consistent with affected regulations and instructions as far as possible under the circumstances and shall be discontinued as soon as conditions permit the reapplication of the affected regulations and instructions.

(c) An employee may not acquire a competitive civil service status by virtue of any action taken under this section.

(d) Actions taken, and authority to take actions, under this section may be adjusted or terminated in whole or in part by the Commission.

(e) Agencies shall maintain records of the actions taken under this section.

(5 U.S.C. 3301, 3302) [33 F.R. 12402, Sept. 4, 1968]

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

[F.R. Doc. 70-3694; Filed, Mar. 26, 1970; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Temporary Suspension of Rule That Extensions of Time for Payment Must Be on Individual Basis

The Board of Governors of the Federal Reserve System said today that in view of the emergency situation created in New York and some other areas by the interruption of postal service, stock exchanges and the National Association of Securities Dealers may grant blanket extensions of time for brokers and dealers to obtain payment from customers affected by the work stoppage.

The Board's Regulation T requires that broker/dealers must obtain payment in a margin account within 5 full business days after a transaction takes place in the account (§ 220.3(b)), and must obtain payment in not more than 7 full business days after a transaction takes place in a cash account (§ 220.4(c)). Under the regulation, extensions of time for obtaining payment may be granted on an individual basis by a committee of a national securities exchange, or of the National Association of Securities Dealers, if exceptional circumstances warrant the action (§ 220.3(f) and § 220.4(c)(8)).

The blanket extensions of time contemplated by the Board's action would be available in advance where the delay in payment is due to the interruption in postal service and the firm has made every effort to collect the amount that is due. The extensions could be granted for

not more than 10 full business days after the emergency has ended.

Firms would not be required to apply in advance for such extensions of time, but each firm would be required to keep detailed records as to transactions in each customer's account, identifying the date when payment was due under Regulation T, and the date when payment was actually received. Copies of these records should be submitted to the appropriate committee of the stock exchange or the association within a reasonable time, and the original record should be retained by the broker/dealer for at least 2 years after the extension ends.

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

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3670; Filed, Mar. 26, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-11]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Milton, Fla. (NAS Whiting Field (North)), control zone.

The Milton (NAS Whiting Field (North)) control zone is described in § 71.171 (35 F.R. 2054) and is presently effective 24 hours per day. On January 22, 1970, the Navy Regional Airspace Office advised that effective January 31, 1970, the hours of operation will be Monday through Friday, 0500-2300; Saturday, 0800-1100, and Sunday, 1500-2100, local time daily. It is necessary to alter the description to redesignate it as a part-time control zone.

Since this amendment is less restrictive in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 31, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Milton, Fla. (NAS Whiting Field (North)), control zone is redesignated as:

MILTON, FLA. (NAS WHITING FIELD (NORTH))

Within a 5-mile radius of NAS Whiting Field (North) (lat. 30°43'15" N., long. 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

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

Issued in East Point, Ga., on January 29, 1970.

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

[F.R. Doc. 70-3693; Filed, Mar. 26, 1970; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Origin Labeling on Kits Containing Imported Beads

§ 15.406 Origin labeling on kits containing imported beads.

(a) The Commission rendered an advisory opinion concerning the proper labeling of a product line of craft kits containing imported glass beads.

(b) Under the facts considered, the box containing the various items in the craft kit would be marked "Manufactured by * * *" with the name of an American company and its address although some of the items representing 20 percent of the total cost will consist of glass beads imported from Japan and Czechoslovakia. Additionally, loose beads in glass bottles will be offered for sale, the imported beads here representing about 40 percent of the total cost. Advice was requested as to whether each bottle should be marked with the name of the country from which the beads were imported, such as "Made in Japan," "Made in Italy," or "Made in France" as the case might be.

(c) The Commission's advisory opinion reaffirmed the rule that "Made in U.S.A." markings are permissible only on products entirely of domestic origin. Therefore, "Manufactured by * * *" with the name of the American company and its address, being synonomous, would be improper since 20 percent of the components of the kits consist of imported beads. However, in the absence of any affirmative representation as to the origin of the kits and their contents, the Commission ruled that such failure to mark or mention the origin of the components on the outside of the box would not be regarded as deceptive. This ruling will not prevail as to the glass beads being offered for sale to the public separately from the kits. In such circumstances, the country of origin of such items must be fully disclosed.

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

Issued: March 26, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-3597; Filed, Mar. 26, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline With Oleandomycin or Triacetyloleandomycin; Postponement of Effective Date and Extension of Time for Submitting Data

An order was published in the FEDERAL REGISTER of January 30, 1970 (35 F.R. 1234), to become effective in 40 days, amending Parts 141c and 146c of the antibiotic drug regulations to repeal provisions for certification of combination drugs containing tetracycline and oleandomycin (or triacetyloleandomycin). The order repealed §§ 141c.216, 141c.233, 141c.235, 141c.240, 141c.243, 141c.245, 146c.216, 146c.231, 146c.233, 146c.235, 146c.240, 146c.243, and 146c.245. Thirty days were provided for filing proper objections to the order and requests for a hearing.

In describing what would be considered reasonable grounds for a hearing, reference was made to the order promulgated September 19, 1969 (34 F.R. 14596), revising rules applicable to requests for hearings (21 CFR 130.12(a)(5), 130.14 (b), 146.1 (d), (g)). On January 16, 1970, the Honorable James L. Latchum, Judge of the U.S. District Court for the District of Delaware, filed an opinion that the regulations revised September 19, 1969, were null and void because of the failure of the Department to afford advance notice of proposed rulemaking and an opportunity for interested persons to file comments. In the FEDERAL REGISTER of February 17, 1970 (35 F.R. 3073), the Commissioner of Food and Drugs published a proposal to repromulgate the revision of those regulations, allowing 30 days for interested persons to comment. After comments have been received and reviewed, a final order will be published in the FEDERAL REGISTER.

Therefore, the order of January 30, 1970 (35 F.R. 1234), repealing the above-specified sections of the antibiotic drug regulations is amended by extending the time for filing objections until 30 days

after the date of publication in the FEDERAL REGISTER of a final order acting on the proposal of February 17, 1970 (35 F.R. 3073). The repeal order of January 30, 1970, shall become effective 40 days after the date of publication of such final order, unless stayed by the Commissioner upon the filing of legally adequate objections.

This action is taken 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 (21 CFR 2.120).

Dated: March 19, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-3675; Filed, Mar. 26, 1970; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.617]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Issuance of Nonimmigrant Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to make editorial changes and to provide that at consular posts designated by the Department of State, a consular officer may, in his discretion, insert the entry "Bearer" or "Bearer and Dependents named in Passport" in lieu of the name or names of nonimmigrant visa recipients who are nationals of specified foreign countries provided the alien is not the beneficiary of a waiver granted under section 212(d)(3) of the Act.

1. Paragraphs (b)(1), (c)(1)(vii), and (d) of § 41.124 are amended to read as follows:

§ 41.124 Procedure in issuing visas.

* * * * *

(b) *Cases in which visa may not be stamped in passport.* In the following cases the visa stamp shall be placed on such form as shall be prescribed by the Department to which a photograph of the alien shall be attached under seal: (1) The alien's passport was issued by a government with which the United States does not have formal diplomatic relations, unless the Department has specifically authorized the insertion of the visa stamp in such passport; * * *

(c) *Form of visa stamp.* (1) * * * (vii) the name(s) of the person(s) to whom issued, except when the entry authorized by paragraph (d)(i) of this section is used; * * *

* * * * *

(d) *Insertion of name; petition and derivative status notations.* (1) Except as otherwise provided in this paragraph, the name or names of the alien or aliens to whom a nonimmigrant visa is issued shall be inserted on the visa stamp after the word "to". Foreign service posts may be authorized individually by the Department, after consultation with the Immigration and Naturalization Service, to insert, in the discretion of the consular officer, in lieu of the name of the alien, the word "Bearer", or, if the alien is accompanied by members of his family whose names are included in his passport, the words "Bearer and Dependents named in Passport," in visas issued to nationals of countries as designated by the Department. It may not be applied in the case of aliens who are beneficiaries of waivers granted under section 212(d)(3) of the Act.

(2) If the visa is being issued upon the basis of a petition approved by the Attorney General, in the case of a nonimmigrant who is classifiable under the provisions of section 101(a)(15)(H) of the Act, the number of the petition shall be noted in the visa stamp, and the period for which the alien's admission has been authorized shall be noted immediately below the visa stamp.

(3) In the case of an alien who derives status from a principal alien, the name and position of the principal alien shall be written below the lower margin of the visa stamp.

* * * * *

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rulemaking are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MARCH 17, 1970.

[F.R. Doc. 70-3712; Filed, Mar. 26, 1970; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Louisiana..	St. Bernard (Parish).	Orleans-St. Bernard Parish Line to Violet.	I 22 087 0000 03. I 22 087 0000 04. I 22 087 0000 05. I 22 087 0000 06. I 22 087 0000 07.	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Office of the Parish Engineer, St. Bernard Courthouse, Chalmette, La. 70043.	Mar. 31, 1970.
Tennessee..	Carter.....	Elizabethton.	I 47 019 0760 01.	Office of Federal and Urban Affairs, 321 Seventh Ave. North, Nashville, Tenn. 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. State Insurance Commission, R 114, State Office Bldg., Nashville, Tenn. 37219.	Office of the Tax Assessor, City Hall, Elizabethton, Tenn. 37643. Tennessee State Planning Commission, Upper East Tennessee Office, 323 West Walnut St., Johnson City, Tenn. 37601.	Do.
Washington.	Benton.....	Richland....	I 53 005 1850 01.	Washington State Department of Water Resources, 335 General Administration Bldg., Olympia, Wash. 98501. State Insurance Commission, Insurance Bldg., Olympia, Wash. 98501.	Office of the City Engineer, City Hall, 505 Swift Blvd., Richland, Wash. 99352.	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs.

408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 27, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70–3682; Filed, Mar. 26, 1970; 8:46 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

* * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Louisiana..	St. Bernard (Parish).	Orleans-St. Bernard Parish Line to Violet.	H 22 087 0000 03. H 22 087 0000 04. H 22 087 0000 05. H 22 087 0000 06. H 22 087 0000 06. H 22 087 0000 07	Louisiana Department of Public Works, Baton Rouge, La 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Office of the Parish Engineer, St. Bernard Courthouse, Chalmette La. 70043.	Mar. 30, 1970
Tennessee..	Carter.....	Elizabethton.	H 47 019 0760 01.	Office of Federal and Urban Affairs, 321 Seventh Ave. Number, Nashville, Tenn. 37219 Tennessee State Planning Commission, Room C2–208, Central Services Bldg., Nashville, Tenn, 37219. State Insurance Commission, R 114, State Office Bldg., Nashville, Tenn. 37219.	Office of the Tax Assessor, City Hall, Elizabethton, Tenn. 37643. Tennessee State Planning Commission, Upper East Tennessee Office, 323 West Walnut St., Johnson City, Tenn. 37601.	Do.
Washington.	Benton.....	Richland....	H 53 005 1850 01,	Washington State Department of Water Resources, 335 General Administration Bldg., Olympia, Wash. 98501 State Insurance Commission, Insurance Bldg., Olympia, Wash. 98501,	Office of the City Engineer, City Hall, 505 Swift Blvd., Richland, Wash. 99352	Do.

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

Issued: March 27, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70–3683; Filed, Mar. 26, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Addresses of Claimants

In § 1.518, paragraphs (a) and (c) are amended to read as follows:

§ 1.518 Addresses of claimants.

(a) It is the general policy of the Veterans Administration to refuse to furnish addresses from its records to persons who desire such information for debt collection, canvassing, harassing or for propaganda purposes.

* * * * *

(c) When an address is requested that may not be furnished under §§ 1.500 through 1.526, the person making the request will be informed that a letter, or in those cases involving judicial actions, the process or notice in judicial proceedings, enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon, and bearing sufficient postage to cover mailing costs will be forwarded by the Veterans Administration. If a request indicates that judicial action is involved in which a process or notice in judicial proceedings is required to be forwarded, the Veterans Administration will inform the person who requests the forwarding of such a document that the envelope must bear sufficient postage to cover costs of mailing and certified or registered mailing fees, including cost of obtaining receipt for the certified or registered mail when transmission by this type special mail is desired. At the time the letter, process, or notice in judicial proceedings is forwarded, the station's return address will be placed on the envelope. When the receipt for certified or registered mail or the undelivered envelope is returned to the Veterans Administration, the original sender will be notified thereof: However, the receipt or the envelope will be retained by the Veterans Administration. This provision will be applicable only when it does not interfere unduly with the functions of the Service or division concerned. In no event will letters be forwarded to aid in the collection of debts or for the purpose of canvassing, harassing, or propaganda. Neither will a letter be forwarded if the contents could be harmful to the physical or mental health of the recipient.

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

This VA regulation is effective the date of approval.

Approved: March 23, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70–3684; Filed, Mar. 26, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT

PART 1013—GOVERNMENT PROPERTY

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended by adding a new Part 1013 to read as follows:

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Providing Government Production and Research Property to Contractors

Sec.
1013.302 Air Force approval authorities for facilities projects.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Contract Clauses

1013.750 Bailment clauses for fixed price or price cost reimbursement.

AUTHORITY: The provisions of this Part 1013 issued under 10 U.S.C. Ch. 137, 10 U.S.C. 8012.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Providing Government Production and Research Property to Contractors

§ 1013.302 Air Force approval authorities for facilities projects.

Secretary of the Air Force Order (SAFO) No. 715.1, dated August 15, 1969, assigns the responsibility for overall management of industrial facilities, in-

cluding acquisition, utilization, maintenance and disposal to the Deputy Chief of Staff, Research and Development (DCS/R&D).

(a) With the exception of facilities expansions supporting munitions programs (OASD/I&L approval required regardless of dollar value), SAFO 715.1 established the following approval delegations for industrial facilities projects:

$500,000 to $100,000—Hq USAF (DCS/R&D), AFRPD and AFRPDI.

$500,000 or less and project not contained in approved Air Force Industrial Resources Financial Plan—Hq USAF (DCS/R&D), AFRPD, and AFRPDI.

$500,000 or less project contained in approved Air Force Industrial Resources Financial Plan—Hq AFSC (Commander/Vice Commander, DCS/P&P and Director/Deputy Director of Production); the Commanders, Vice Commanders or Deputy Commanders of AFSC Divisions and Organization (ASD, ESD, AMD, and SAMSO; and Hq AFLC (Commander/Vice Commander and DCS, Procurement).

$100,000 or less and project contained in approved Air Force Industrial Resources Financial Plan—Hq OAR (Commander/Deputy Commander and Director of Procurement (DCS Materiel)).

$25,000 or less and project contained in approved Air Force Industrial Resources Financial Plan—AFOSR and EOAR (Directors of Procurement); office two levels above the contracting officer for the facilities contract may approve real property nonrecurring maintenance project.

(b) Approval of industrial facilities projects consisting of items from the industrial reserve (no funding) and having a total acquisition value of $500,000 or less and contained in the approved Air Force Industrial Resources Financial Plan will be obtained from the above approval authorities except for expansions supporting munitions programs. Projects in excess of $500,000, and those projects not contained in the approved Air Force Industrial Resources Financial Plan will be submitted to Hq USAF (AFRPDI) for approval. The same project approval criteria are applicable for extending primary purposes of facilities contracts, except for the requirement for inclusion in the Approved Financial Plan.

(c) The above approval authority for purchase of industrial facilities items will not be redelegated below the above levels. The exercise of this authority is subject to all statutory and ASPR provisions, conditions and limitations affecting the furnishing of industrial facilities.

(d) Any Air Force procurement activity that is initiating a procurement contract which may eventually require the Air Force to provide facilities must obtain facilities approval from the appropriate approval authorities prior to proceeding with contract award or negotiation.

Procurement activities will not permit a facilities project at one location, or a normally integrated project for a weapon system to be submitted in two or more separate project increments, in order to by-pass approval levels cited above.

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Contract Clauses

§ 1013.750 Bailment clauses for fixed price or price cost reimbursement.

The following clauses shall be used in contracts under which it is anticipated that military property may be required in support of contract performance and it is impracticable to provide such property under the Government property provisions of the contract. The availability of the property to be bailed will be determined by the procuring contracting officer prior to award of a contract specifically providing for use of bailed property.

(a) In procurements where the exact nature of the military property required is known, the contract shall identify each item to be provided by the Government and the following clause shall be used:

It is contemplated by the parties hereto that the Government will provide to the Contractor by separate bailment agreement the items listed below (in addition to any property listed in this contract as to be furnished by the Government) for use in the performance of this contract, and that an appropriate written agreement of bailment will be entered into by and between the parties hereto for that purpose. In the event of delay or failure of the Government to provide such property, as aforesaid, the provisions of the clause of this contract entitled "Government Property" relating to failure or delay in the furnishing of property shall be applicable. (List property).

(b) In procurements where the exact nature of the military property to be provided by separate bailment agreement is not known when the contract is signed, the contract shall define the extent to which the Government will be responsible for providing such property to the contractor. In such cases the following clause shall be used to permit the Government to furnish such property and thereby obtain an equitable adjustment:

It is anticipated that the Government may provide to the Contractor by separate bailment agreement such military property of the categories specified herein as may from time to time be deemed by the Contracting Officer to be necessary in the interest of the Government to so furnish, provided, however, the effect of such bailment upon the contract price shall be reflected by adjusting the contract price in accordance with the procedures set forth in the Changes clause of this contract, and the contract amended accordingly by supplemental agreement or change order to the payment of Contractor's final invoice under this contract. Any military property provided under this clause shall be subject to the provisions of a separate bailment agreement or agreements and this contract shall not be construed as effecting or committing the Government to the bailment of such property. (List categories.)

(c) Where a letter contract is awarded under the circumstances as set forth in § 3.408 of this title, and the exact nature of the military property which may be provided to the contractor under a separate bailment agreement is not known, the following alternate clause may be used:

It is anticipated that the Government may provide to the Contractor such items of military property specified herein as may from time to time be deemed by the Contracting Officer to be necessary in the interest of the Government to so furnish, provided however, the effect of such bailment shall be taken into account at the time of execution of the definitive contract contemplated hereby or considered in any adjustments in amounts finally payable to the Contractor in settlement of the Contractor's termination claim.

(d) The provisions of the above clauses which pertain to specifying the military property may be modified to reflect the use of such property already provided under an appropriate bailment agreement in support of other contracts with the same contractor. In such case reference will be made to the applicable bailment agreement (not the master bailment agreement).

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 70-3662; Filed, Mar. 26, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4784]

[Colorado 0124982]

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. 416 (1964), it is ordered as follows:

1. The Bureau of Reclamation order dated October 19, 1956, concurred in by the Bureau of Land Management on January 4, 1957, which withdrew lands in connection with the Colorado River Storage Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 96 W.,
Sec. 3, lots 1 to 4, inclusive, S½NW¼, N½SW¼;
Sec. 4;
Sec. 5, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 6, lots 1, 6, 7, SE¼NE¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 7;
Sec. 8, NW¼NW¼, S½NW¼;
Sec. 9, NW¼NE¼;
Sec. 30, lot 4, N½SE¼, SE¼SE¼.

T. 15 S., R. 97 W.,
Sec. 11, lots 1 to 5, inclusive;
Sec. 12, NE¼, E½NW¼, N½SE¼;
Sec. 18, lots 3, 4, E½SW¼, SE¼;
Sec. 22, NE¼SW¼, S½SW¼, SE¼;
Sec. 20, NE¼, E½W½, SW¼SW¼, N½ SE¼;
Sec. 21, N½;
Sec. 25, S½SW¼;
Sec. 26, NW¼NW¼, S½N½, S½.
T. 14 S., R. 98 W.,
Sec. 1;
Sec. 2, lots 2, 3, 4, SE¼NE¼, E½SE¼;
Sec. 11, lots 1 to 7, inclusive, E½NE¼;
Sec. 12, lots 1 to 4, inclusive, N½;
Sec. 28;
Sec. 29, NW¼SW¼, S½SW¼, E½SE¼;
Sec. 30;
Sec. 32, lots 1 to 4, inclusive, S½NE¼, E½W½, SE¼;
Sec. 33;
Sec. 34, SW¼.
T. 15 S., R. 98 W.,
Sec. 2, lots 5, 6, SW¼;
Secs. 11, 12, 13, 14.
T. 13 S., R. 99 W.,
Sec. 23, lots 1 to 4, inclusive, W½;
Sec. 28, S½;
Sec. 33.
T. 14 S., R. 99 W.,
Sec. 3, lots 7, 8, S½NW¼, S½;
Sec. 11;
Sec. 12, SW¼;
Sec. 13, NW¼, S½.

UTE PRINCIPAL MERIDIAN

T. 2 S., R. 1 E.,
Sec. 13, NE¼NE¼, NW¼SE¼.
T. 3 S., R. 2 E.,
Sec. 1, lot 1, SW¼NW¼, SW¼SW¼, S½ SE¼;
Sec. 2, SE¼NE¼, SW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 7, lots 1 to 4, inclusive, W½E½, E½ W½, SE¼SE¼;
Sec. 8, W½, NW¼SE¼, S½SE¼;
Sec. 9, NE¼, E½SE¼;
Secs. 10, 11, 12, and 13;
Sec. 14, NE¼, E½NW¼, S½;
Sec. 15, W½NE¼, NW¼, S½;
Sec. 16, NW¼NW¼, S½NW¼, SW¼, W½ SE¼;
Secs. 17 and 18;
Sec. 19, lots 1, 2, 7, and 8;
Secs. 20 and 21;
Sec. 22, NE¼, SW¼, NE¼SE¼;
Sec. 23, W½;
Sec. 24, E½, N½NW¼, E½SW¼;
Sec. 25, NW¼NW¼, S½N½, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 26, N½N½, S½SW¼;
Sec. 27, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 28, lots 1 to 8, inclusive, 9, 10, 15, and 16;
Sec. 35;
Sec. 36, NE¼, NE¼NW¼, S½NW¼, S½.
T. 4 S., R. 3 E.,
Secs. 5, 6, 7, and 8;
Sec. 15, NE¼, S½;
Secs. 16, 17, and 18;
Secs. 20, 21, 22, 23, 26, 27, and 28;
Sec. 29, NE¼;
Sec. 33, lots 1 to 8, inclusive;
Sec. 34, lots 1 to 8, inclusive;
Sec. 35, N½, N½SE¼;
Sec. 36, N½, N½SW¼, SE¼SW¼, SE¼.

The areas described aggregate 38,803.19 acres.

The lands are situated along the Gunnison River in Delta and Mesa Counties. Topography is rough and broken. Vegetation is sparse and consists of desert shrubs.

2. At 10 a.m. on April 28, 1970, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 28, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on April 28, 1970. They have been open to applications and offers under the mineral leasing laws.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 23, 1970.

[F.R. Doc. 70-3688; Filed, Mar. 26, 1970; 8:47 a.m.]

[Public Land Order 4785]

[Montana 6435]

MONTANA

Addition to National Forest

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

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

PRINCIPAL MERIDIAN

T. 2 N., R. 12 W.,
Sec. 12, lots 1 to 6, inclusive, NE¼, N½ SE¼, and SE¼SE¼.

The area described aggregates 518.77 acres in Deer Lodge County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 23, 1970.

[F.R. Doc. 70-3676; Filed, Mar. 26, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 201]

DISTILLED SPIRITS PLANTS

Notice of Proposed Rule Making

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

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

In order to conform the standard for vodka, and the labeling requirements respecting distilled spirits shipped in intrastate traffic, prescribed in 26 CFR Part 201, Distilled Spirits Plants, to similar provisions prescribed in 27 CFR Part 5, Labeling and Advertising of Distilled Spirits, the regulations in 26 CFR Part 201 are amended as follows:

PARAGRAPH 1. Section 201.442 is amended to revise the standard for vodka to conform with 27 CFR 5.22(a)(1). As amended, § 201.442 reads as follows:

§ 201.442 Vodka.

Vodka produced from pure spirits on bottling premises is exempt from the rectification tax (as provided in § 201.29(e)) only if so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste, or color, and, if bottled, bottled at not less than 80 degrees of proof. Vodka is not exempt from the rectification tax (a) if it is mixed after production with other spirits or with any other substance or material except pure water, or (b) if any substance or material which imparts to the product any distinctive character, aroma, taste, or color is added to the spirits before or during production. The vodka shall be gauged by the proprietor and shall then be drawn into metal, porcelain, glass, or paraffin-lined containers, bottled, or transferred by pipeline or bulk conveyance to other bottling premises as provided in § 201.465. Vodka exempt from the rectification tax may be filtered to remove materials held in suspension, but the use of filters or filter aids or the use of any process which changes the composition or character of the vodka will subject the product to the rectification tax.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 201.540a [Amended]

PAR. 2. Section 201.540a is amended by changing "201.540u", in the last sentence, to read "201.540v".

§ 201.540b [Amended]

PAR. 3. Section 201.540b is amended by changing "Subpart H", wherever such term appears, to read "Subpart E".

PAR. 4. Section 201.540n is amended by changing "201.540u", in the first sentence, to read "201.540v" and to provide for a statement of "age and percentage" on labels. As amended, § 201.540n reads as follows:

§ 201.540n Statements required on labels under an exemption from label approval.

All labels to be used on bottles of spirits for domestic use under an exemption from label approval shall contain the applicable information required in §§ 201.540o through 201.540v. Where a statement of age or age and percentage is required, it shall have the meaning given, and be stated in the manner provided, in 27 CFR Part 5.

PAR. 5. Section 201.540o is amended to include requirements with respect to showing the State of distillation on labels of whisky to conform with certain provisions of 27 CFR 5.36(d), and, in the first sentence, by changing "gin fizzes," to read "highballs,". As amended, § 201.540o reads as follows:

§ 201.540o Brand name, class and type, alcohol content, and State of distillation.

The brand name, class and type as set out in 27 CFR Part 5, and alcohol content of the distilled spirits, by proof, shall be shown on the label except that the alcohol content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, highballs, or other such specialties. Except in the case of blended whisky, blends of straight whiskies, and spirit whisky, the State of distillation shall be shown on the label of any whisky produced in the United States if such whisky is not distilled in the State given in the address on the brand level.

PAR. 6. Section 201.540q is amended to permit the use on labels, except on labels for spirits bottled in bond, of any trade name the distiller or rectifier has been authorized to use, at the time of bottling of the product; to permit the use on labels of the words "Packed by" and "Filled by" as well as the words "Bottled by"; and to delete the requirement with respect to showing the State of distillation on labels of whisky. As amended, § 201.540q reads as follows:

§ 201.540q Name and address of bottler.

There shall be stated on the label of distilled spirits the phrase "Bottled by," "Packed by," or "Filled by," immediately followed by the name (or trade name) of the bottler and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one distilled spirits plant engaged in bottling operations, there may, in addition, be stated immediately following the name (or trade name) of such bottler the addresses of such other plants: *Provided,*

(a) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "Bottled by," "Packed by," or "Filled by," followed by the bottler's name (or trade name) and address, the phrase "Distilled by," followed by the name (or trade name) under which the particular spirits were distilled, or (except in the case of distilled spirits bottled in bond) any trade name shown on the distiller's permit (covering the premises where the particular spirits were distilled), and the address (or addresses) of the distiller;

(b) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "Bottled by," "Packed by," or "Filled by," followed by the bottler's name (or trade name) and address, the phrase "Blended by," "Made by," "Prepared by," "Manufactured by," or "Produced by" (whichever may be appropriate to the act of rectification involved), followed by the name (or trade name) and the address (or addresses) of the rectifier; and

(c) That, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits, there may also be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for," or "Distributed by," or other similar statement.

For the purpose of this section, the term "bottler" shall include the proprietor of

a distilled spirits plant qualified to bottle distilled spirits in bond.

PAR. 7. Section 201.540r is amended to conform with 27 CFR 5.40(a) respecting statements of age on labels. As amended, § 201.540r reads as follows:

§ 201.540r Age of whisky containing no neutral spirits.

In the case of whisky containing no neutral spirits, statements of age and percentage shall be stated on the label as provided in 27 CFR Part 5.

PAR. 8. Section 201.540s is amended to conform to 27 CFR Part 5 respecting statements of age and percentage on labels. As amended, § 201.540s reads as follows:

§ 201.540s Age of whisky containing neutral spirits.

In the case of whisky containing neutral spirits, the age of the whisky or whiskies and the respective percentage by volume of whisky or whiskies and neutral spirits, shall be stated on the label as provided in 27 CFR Part 5.

PAR. 9. Section 201.540u, and its heading, are amended to conform with 27 CFR 5.39 respecting stating on labels the presence of neutral spirits and coloring, flavoring, and blending materials. As amended, § 201.540u reads as follows:

§ 201.540u Presence of neutral spirits and coloring, flavoring, and blending materials.

The presence of neutral spirits and coloring, flavoring, and blending materials shall be stated on labels in the manner provided in 27 CFR Part 5.

PAR. 10. A new section, § 201.540v, is added immediately following § 201.540u to require, in conformity with 27 CFR 5.36(e), the country of origin to be stated on labels of imported distilled spirits. As added, § 201.540v reads as follows:

§ 201.540v Country of origin.

On labels of imported distilled spirits there shall be stated the country of origin in substantially the following form: "Product of _____," the blank to be filled in with the name of the country of origin.

[F.R. Doc. 70-3716; Filed, Mar. 26, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 2, 4]

SNOWMOBILES

Public Use and Recreation

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), it is proposed to amend the general regulations of Title 36 of the Code of Federal Regulations by the addition of § 2.34, and the amendment of § 4.2, as set forth below.

The purpose of these amendments is to establish regulations for snowmobiles, and to exclude snowmobiles from the coverage of the regulations in 36 CFR Part 4.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, National Park Service, Department of the Interior, Washington, D.C., within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 2.34 is added to read as follows:

§ 2.34 Snowmobiles.

(a) *Definition.* The term "snowmobile" shall include any device propelled by a motor that is designed for oversnow travel.

(b) *Registration.* By the posting of appropriate signs or notices, the Superintendent may require registration prior to the operation of a snowmobile. The posting shall state how and where to register, and may include a requirement that the registrant shall sign out upon trip completion.

(c) *Use in designated areas.* Snowmobile use is permitted only in snowmobile areas and on snowmobile routes designated by the Superintendent. A map or description of the designated areas and routes will be available in the Superintendent's office.

(d) *Vehicle suitability.* (1) A muffler system that will reduce noise level to that level attained by the muffler system originally placed on the snowmoblie by the snowmobile manufacturer is required. No person shall use a muffler cut-out, bypass, or similar device upon a snowmobile.

(2) A snowmobile shall be equipped with a forward-facing white headlight and a red taillight. These lights must be lighted, during its operation from a half hour after sunset to a half hour before sunrise and at any other time when persons and vehicles are not clearly discernible for a distance of 500 feet.

(3) A snowmobile that is a snowplane shall be equipped with an adequate propeller guard.

(e) *Prohibited operations.* (1) No person under the age of 16 shall operate a snowmobile unless under the direct supervision of a person 21 years of age or older who may not surpervise the snowmobile use of more than one person under 16 years of age at any one time.

(2) Racing and other competitive uses are prohibited.

(f) *Alcoholic beverages, reckless driving, collision or upset, registration.* Sections 4.6, 4.14, 4.15, and 4.20 of this chapter shall apply to snowmobiles and are incorporated by reference into this section.

(g) *Speed.* (1) The maximum speed limit is 45 mph, subject to further limitation as required under § 4.14 of this chapter, unless changed by special regulations or posting in an individual park area.

Section 4.2 is amended as follows:

§ 4.2 Definitions.

(a) *Vehicle.* Every device in, upon, or by which any person or property is or may be transported or drawn on land, except devices moved by human power or used exclusively upon stationary rails or tracks, or snowmobiles.

(b) *Motor vehicle.* Every vehicle which is self-propelled and every vehicle which is propelled by electric power, but not operated upon rails, or upon water, except a snowmobile.

* * * * *

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Dated: March 9, 1970.

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

[F.R. Doc. 70-3677; Filed, Mar. 26, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001–1004, 1015, 1016]

[Docket No. AO–14–A47–RO2 etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

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

7 CFR part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A47–RO2.
1002	New York-New Jersey	AO–71–A60.
1003	Washington, D.C.	AO–293–A23–RO3.
1004	Delaware Valley	AO–160–A43–RO3.
1015	Connecticut	AO–305–A26.
1016	Upper Chesapeake Bay	AO–312 A20–RO3.

Notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 10:30 a.m. on April 6, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas specified as follows: Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut, and Upper Chesapeake Bay.

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

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

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

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to any or all proposals.

This hearing represents a reopening for the limited purposes stated herein of the public hearings previously held with respect to the orders regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas (Dockets Nos. AO–293–A23, AO–160–A43, and AO–312–A20), and the Massachusetts-Rhode Island-New Hampshire marketing area (Docket No. AO–14–A47).

With respect to those hearings which are being reopened and which involve marketing area expansion and/or merger, the aforesaid proposals will be considered relative to amending the separate orders or any order or orders resulting from such hearings on marketing area expansion and/or merger.

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

Proposed by Eastern Milk Producers Cooperative Association, Inc., Dairylea Cooperative, Inc., Northeast Dairy Cooperative Federation, and United Milk Producers Cooperative Association of New Jersey:

Proposal No. 1. Amend § 1002.22(m) by revising subparagraphs (1)(i) and (2) to read as follows:

§ 1002.22 **Duties.**

* * * * *

(m) * * *

(1) * * *

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50 for milk received at a farm in the 201–210-mile zone, and for milk received at a plant in the 1–10-mile zone.

* * * * *

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 for milk received at a farm in the 201–210-mile zone and at a plant in the 1–10-mile zone pursuant to § 1002.82.

* * * * *

Proposal No. 2. Amend § 1002.50 by revising that portion of paragraph (d)(2) which precedes the table to read as follows:

§ 1002.50 **Class prices.**

* * * * *

(d) * * *

(2) Adjust the result obtained in subparagraph (1) of this paragraph by subtracting 18 cents and by the amount shown below for the applicable month:

* * * * *

Proposal No. 3. Amend § 1002.80 by revising the introductory text to paragraph (a) to read as follows:

§ 1002.80 **Time and rate of payments.**

* * * * *

On or before the 25th day of each month each handler shall make payment, subject to paragraphs (a), (b), (c), and (d) of this section, to each producer for all pool milk delivered by such producer during the preceding month at not less than the uniform price, subject to appropriate differentials set forth in §§ 1002.81 and 1002.82.

Proposed by Cream-O-Land Dairy, Tuscan Dairy Farms, Inc., and Somerset Farms Dairy:

Proposal No. 4. Amend the Class I price provisions of Order 2 to align such prices on a f.o.b. market basis, with the f.o.b. market Class I prices under the Delaware Valley Order No. 4.

Proposed by Queensboro Farm Products, Inc., Delaware Farms, Inc., Local Milk Products, Inc., Trinity Dairy Co., Inc., Amity Dairies, Inc., Weissglass Gold Seal Dairy Corp., and Queens Farm Dairy, Inc.:

Proposal No. 5. Amend the appropriate classification provisions of Order 2 to provide that cream be designated a Class II product in lieu of the Class I classification presently provided for in the order.

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 6. Consider the appropriate alignment of manufacturing milk prices in the six Northeast markets in relation to any adjustment to Order 2 price on the basis of this hearing.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders at 230 Congress Street, Room 403, Boston, Mass. 02110; 205 East 42d Street, New York, N.Y. 10017; Post Office Box 306, Alexandria, Va. 22313; One Decker Square, Room 646, Bala Cynwyd, Pa. 19004; 1049 Asylum Avenue, Hartford, Conn. 06105; Post Office Box 6848, Towson Station, Baltimore, Md. 21204; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on March 25, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70–3764; Filed, Mar. 26, 1970; 8:48 a.m.]

[7 CFR Part 1133]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for 1970.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1133.71(f), "except during the months specified below, shall be".

2. Paragraphs (g) through (k) of § 1133.71 in their entirety.

The proposed action would suspend for 1970 the "takeout-payback" plan for paying producers which provides for withholding from the pool 30 cents per hundredweight of producer deliveries in April, May, and June for distribution to producers in September, October, and November according to their deliveries in these latter months.

Suspension of the takeout-payback plan for 1970 was requested by the Inland Empire Dairy Association, a cooperative representing about 25 percent of the Inland Empire order producers. The basis for the cooperative's request is that because of current supply conditions in the market, operation of the takeout-payback plan for 1970 would not serve the purpose for which it was instituted in the order.

Signed at Washington, D.C., on March 24, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70–3669; Filed, Mar 26, 1970; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

[24 CFR Part 1665]

GUARANTY OF MORTGAGE-BACKED SECURITIES

Notice of Proposed Rule Making

Notice is hereby given that the Government National Mortgage Association, under the authority contained in section 309 of the National Housing Act (12 U.S.C. 1723a), is considering the addition of new provisions to Part 1665 of Title 24 of the Code of Federal Regulations. The proposed additional provisions would describe the implementation of the Association's authority to guarantee certain additional securities

under section 306(g) of the National Housing Act.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Association at its office at 451 Seventh Street SW., Washington, D.C. 20414, within 30 days of the publication of this notice in the FEDERAL REGISTER.

The proposed additions and related technical amendments to Part 1665 would be made as follows:

1. By inserting the subheading "Subpart A—Pass-Through Type Securities" immediately after "Part 1665—Guaranty of Mortgage-Backed Securities".

2. In § 1665.1, in the third sentence thereof, by deleting the words "This part" and inserting in lieu thereof the words "This subpart".

3. In § 1665.5, in the first sentence thereof, by deleting the words "this part" and inserting in lieu thereof the words "this subpart".

4. By adding the following immediately after § 1665.19 *Applications:*

Subpart B—Bond-Type Securities

Sec.
1665.21 General.
1665.23 Eligible issuers.
1665.25 Securities.
1665.27 Mortgages.
1665.29 Trust arrangements.
1665.31 Guaranty.
1665.33 Fees.
1665.35 Audits and reports.

AUTHORITY: The provisions of this Part 1665 issued under sec. 309, National Housing Act; 12 U.S.C. 1723a.

Subpart B—Bond-Type Securities

§ 1665.21 General.

(a) In addition to the "pass-through" securities dealt with in Subpart A of this part, the Association is authorized by section 306(g) of the National Housing Act, upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on securities of the "bond-type" which are based on and backed by a trust or pool composed of mortgages which are insured by the Federal Housing Administration or the Farmers' Home Administration, or insured or guaranteed by the Veterans' Administration. The Association's guaranty of mortgage-backed securities is backed by the full faith and credit of the United States.

(b) Sections 1665.21 through 1665.35 deal with such "bond-type" securities and do not purport to set forth all the procedures and requirements that apply to the issuance and guaranty of such securities. All such transactions are governed by the specific terms and provisions of the contracts entered into by the parties. Further information may be obtained from the Government National Mortgage Association, 451 Seventh Street SW., Washington, D.C. 20414.

§ 1665.23 Eligible issuers.

Any corporation, trust, partnership, or other entity with a net worth in assets acceptable to the Association of $100 million or more, and which has the capability to assemble acceptable and eligible mortgages in sufficient quantity to support required minimum issuances of securities, may be approved for a guaranty by the Association. Further, the Association reserves the right to limit the number of issuers in the interest of conducting an orderly market of securities of this type.

§ 1665.25 Securities.

(a) *Instruments.* Securities to be issued pursuant to the provisions of this subpart may be in registered or bearer form. Each security shall have terms acceptable to the Association and shall specify its principal amount, the interest rate, and the maturity date, and the securities may include call provisions and other characteristics depending on current market conditions.

(b) *Issue amount.* Until further authorization is given, each issue of guaranteed securities must be in a minimum face amount of $200 million. The total of the outstanding principal balances of the mortgages upon which any issue is originally based and backed must be at least equal to 103 percent of the face amount of the issue of guaranteed securities. The required ratio must be maintained between mortgages and other pooled assets and securities outstanding at any one time, in accord with governing trust arrangements.

(c) *Face amount of securities.* The face amount of any security cannot be less than $50,000.

(d) *Transferability.* Securities are transferable but, if registered, are transferable, as to the Association and the issurer, only on the books of a fiscal agent as shall be agreed upon by the Association and the issuer.

(e) *Treasury approval.* Issue of $200 million or larger will be subject to approval of the Secretary of the Treausry.

§ 1665.27 Mortgages.

Guaranteed securities issued under these provisions must be based on and backed by mortgages pooled under trust arrangements satisfactory to the Association. Such mortgages must:

(a) Be insured under the National Housing Act or title V of the Housing Act of 1949, or insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code;

(b) Cover residential property;

(c) Have been insured or guaranteed no longer than 12 months prior to the date on which the Association issues its commitment to guarantee the securities; and

(d) Meet such other standards of acceptability and eligibility as may be prescribed by the Association from time to time for the issue of mortgage-backed securities of the bond type.

§ 1665.29 Trust arrangements.

(a) The pool of mortgages, together with all proceeds thereof and all other assets backing each issue of "bond-type" securities, shall be held and administered by a corporate trustee which is subject to Federal or State regulation and which is acceptable to the Association. The issuer of the securities may qualify as trustee;

(b) The trust agreement which will be executed by the issuer, the trustee and the Association and which may be reopened subject to the approval of the Association, will provide for:

(1) The issuance of the securities, including the size or other ceilings of the issuance or issuances, the nature and provisions of the securities, the principles and methods of sale and distribution, and other material matters pertaining to issuance;

(2) Conveyance of the pooled mortgages to the trustee, in trust, to provide the base and backing for the securities and otherwise for purposes of the trust arrangements, and custody of mortgage documents;

(3) Administration of the trust, to include servicing and retirement of the securities, and servicing of the mortgages through their payment or other liquidation;

(4) Principles and methods with respect to reporting requirements, the handling of losses realized from the pooled mortgages, defaults by the issuer, and other appropriate matters;

(5) Timely payment of principal and interest in accord with the terms of securities issued;

(6) Segregation of the cash flow from the pooled mortgages;

(7) Reinvestment of accumulations of proceeds from the pooled mortgages and other assets, being held pending use in payment of securities;

(8) Notification to the Association of any impending default of any payment of the securities, in order that the Association may make timely payments thereon. It is expected that the trustee and issuer or issuers, together or separately, may contract out, consistent with customary and accepted practices, some or all of the responsibilities with respect to all the foregoing.

§ 1665.31 Guaranty.

With respect to bond-type securities, the Association guarantees the timely payment of principal of and interest on such securities, subject to the terms and conditions thereof. Any failure or inability of the issuer to make such timely payment shall be deemed a default on the part of the issuer. Upon any default by the issuer and payment under its guaranty by the Association, or any failure of the issuer to comply with the terms of the guaranty transaction, the Association may, pursuant to section 306(g) of the National Housing Act, extinguish all the right, title, and interest of the issuer and trustee in the pooled mortgages, by letter directed to the issuer and the trustee, and making the mortgages the absolute property of the Association, subject only to the unsatisfied rights therein of the holders of the securities, and to an accounting to the issuer. In addition, the Association may institute a claim against the assets of the issuer or against any assurance in

lieu of such assets, and may proceed against the issuer to the extent necessary to satisfy the rights of the holders of the securities then outstanding.

§ 1665.33 Fees.

The Association may impose application and guaranty fees, which may vary with relation to the size or risk of the guaranty transaction undertaken.

§ 1665.35 Audits and reports.

The Association may at any time audit the books and examine the records of any issuer, mortgage servicer, trustee, or agent or other person bearing on its guaranty of mortgage-backed securities, and may require periodic reports from such persons.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 70-3713; Filed, Mar. 26, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 18]

RESERVE INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $989,000 has been established for the company.

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

Reserve Insurance Company
Chicago, Illinois
Illinois

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

Dated: March 23, 1970.

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

[F.R. Doc. 70-3668; Filed, Mar. 26, 1970; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF ELIGIBILITY OF WORKERS TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301 (c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Bethlehem Steel Corp., Pinole Point Works, located at Pinole Point, Calif. (No. TEA-W-12).

In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B 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., on or before April 3, 1970.

Signed at Washington, D.C., this 23d day of March 1970.

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

[F.R. Doc. 70-3667; Filed, Mar. 26, 1970; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1377 etc.]

ALLEGHENY LAND & MINERAL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 18, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 6, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket s Nos.
RI70-1377..	Allegheny Land & Mineral Co.	[4] 12	[5] 1	Consolidated Gas Supply Corp. (Murphy and Grant Districts, Richie County, W. Va.).	$600	2-19-70	[6] 3-22-70	[6] 3-23-70	27.0	[6] [7] 28.0	
RI70-1378..	J. C. Baker & Son, Inc.	[4] 1	[5] 5	Consolidated Gas Supply Corp. (Salt Lick District, Braxton County, W. Va.).	3,500	2-20-70	[6] 3-23-70	[6] 3-24-70	27.0	[6] [7] 28.0	
RI70-1379..	Gulf Oil Corp. (Operator) et al.	193	24	Transwestern Pipeline Co. (Waha & Worsham Fields, Reeves and Pecos Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	1,123	2-20-70	[10] 2-20-70	[8] 2-21-70	16.78	[11] [12] [13] 16.8534	
RI70-1380..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	110	10	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	305	2-24-70	[10] 2-24-70	[8] 2-25-70	[14] 15.0	[11] [12] [14] 15.0656	
	----do----------	[4] 28	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Heyser Field, Calhoun County, Tex.) (RR. District No. 2).	5,180	2-20-70	[10] 2-20-70	[8] 2-21-70	15.0	[11] [12] 15.0563	
	----do----------	41	8	Texas Gas Pipeline Co. (Big Hill Field, Jefferson County, Tex.) (RR. District No. 3).	336	2-20-70	[10] 2-20-70	[8] 2-21-70	15.0	[11] [12] 15.0563	
	----do----------	114	7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (North Louise Field, Wharton County, Tex.) (RR. District No. 3).	152	2-20-70	[10] 2-20-70	[8] 2-21-70	15.0	[11] [12] 15.0563	
RI70-1381..	Art Machin & Associates, Inc., Post Office Box 1069, Longview, Tex. 75601.	1	1	United Gas Pipe Line Co. (Willow Springs, Bodenheim Transition Field, Gregg County, Tex.) (RR. District No. 6).	90	2-27-70	[10] 2-27-70	[8] 2-28-70	15.0	[11] [12] 15.0375	
RI70-1382..	Francis Oil & Gas Inc., et al., Palace Bldg., Tulsa, Okla. 74103.	[15] 7	2	Cities Service Gas Co. (Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	3,100	2-16-70	[9] 3-19-70	[8] 3-20-70	[14] [17] 14.0	[12] [14] [16] [17] 15.0	RI65-404.
RI70-1383..	Union Producing Co.	[18] 273	1	Transcontinental Gas Pipe Line Corp. (Block 186, Ship Shoal Area, Offshore Louisiana).	1,350	2-18-70	[19] 3-21-70	[8] 3-22-70	[22] [23] [24] 18.5	[20] [21] [23] [25] 20.0	
RI70-1384..	Dixilyn Corp., Post Office Box 3427, Odessa, Tex. 79760.	3	1	Sea Robin Pipeline Co. (Block 222, Ship Shoal Area) (Offshore Louisiana).	12,690	2-20-70	[19] 3-23-70	[8] 3-24-70	[22] [23] [25] 18.5	[20] [21] [22] [25] 20.0	
RI70-1385..	Midwest Oil Corp....	57	1	----do----------	38,475	2-24-70	[19] 3-27-70	[8] 3-28-70	[22] [23] [26] 18.5	[20] [21] [22] [26] 20.0	

[3] Includes letter from buyer allowing seller to receive 3 cents in lieu of 2 cents for gathering gas.
[4] Contract dated after Sept. 28, 1960, the date of issuance of statement of general policy No. 61-1.
[5] The stated effective date is the effective date requested by respondent.
[6] Renegotiated rate increase.
[7] Pressure base is 15.325 p.s.i.a.
[8] The suspension period is limited to 1 day.
[9] The stated effective date is the first day after expiration of the statutory notice.
[10] The stated effective date is the date o filing pursuant to Commission Order No. 390 issued Oct. 10, 1969.
[11] Tax reimbursement increase.
[12] Pressure base is 14.65 p.s.i.a.
[13] Applicable to new gas-well gas only.
[14] Subject to a downward B.t.u. adjustment.
[15] Footnote 15 not used.
[16] Periodic rate increase.
[17] Buyer deducts 0.75 cent for dehydration charge from price shown.
[18] Name changed to Pennzoil Producing Co. effective as of Jan. 1, 1970.
[19] The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.
[20] Rate increase filed pursuant to Paragraph (A) of Opinion No. 546-A.
[21] Pressure base is 15.025 p.s.i.a.
[22] Area base rate for gas-well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.
[23] Subject to quality adjustments.
[24] Conditioned initial rate for gas-well gas pursuant to temporary certificate issued Feb. 5, 1970, in Docket No. CI70-554.
[25] Conditioned initial rate for gas-well gas pursuant to temporary certificate issued Jan. 27, 1970, in Docket No. CI70-368.
[26] Conditioned initial rate for gas-well gas pursuant to temporary certificate issued Jan. 27, 1970, in Docket No. CI70-373.

Dixilyn Corp. (Dixilyn) requests waiver of the statutory notice to permit an effective date of February 20, 1970, for its proposed rate increase. Good cause has not been shown for waiving the statutory notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Dixilyn's rate filing and such request is denied.

The basic contracts related to rate increases filed by Allegheny Land & Mineral Co. (Allegheny), J. C. Baker & Son, Inc. (Baker), and Francis Oil & Gas Inc., et al. (Francis), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, the proposed rate increases should be suspended for 1 day from March 22, 1970 (Allegheny), the proposed effective date, March 23, 1970 (Baker), the expiration date of the statutory notice, and March 19, 1970 (Francis), the proposed effective date.

Several of the proposed rate increases herein reflect the 0.5-percent increase in the production tax from 7.0 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. The producers' proposed rates exceed the applicable area ceiling rate for the area involved as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing, pursuant to the Commission's Order No. 390 issued October 10, 1969, since the filings involved were made after October 31, 1969.

The proposed rate increases filed by Union Producing Co. (Union), Dixilyn, and Midwest Oil Corp. (Midwest) from 18.5 cents to 20 cents per Mcf involving sales of third vintage gas well gas in Offshore Louisiana were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price of 18.5 cents as adjusted for quality and permitted such producers to file for contractually authorized increases up to the 20-cent base rate established in Opinion No. 546-A for onshore gas well gas. The producers were issued temporary certificates authorizing the collection of the third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas subject to quality adjustments)

Consistent with previous Commission action on similar rate filings, we conclude that Union, Dixilyn, and Midwest's proposed rate increases should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(d) of the Natural Gas Act pending the outcome of the area rate proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 70-3599; Filed, Mar. 26, 1970; 8:45 a.m.]

[Docket No. RI70-1365 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 18, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 1, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1365	Humble Oil & Refining Co.	469	2	Transwestern Pipeline Co. (Barstow Field, Ward County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$12,755	2-16-70	[2] 3-19-70	8-19-70	15.77	[3 4] 19.0831	
RI70-1366	American Petrofina Co. of Texas (Operator) et al., Post Office Box 2159, Dallas, Tex. 75221.	52	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Stratton Field, Neuces County, Tex.) (R.R. District No. 4).	11,146	2-16-70	[2 5] 3-19-70	8-19-70	[7] 15.05625	[4 6] 17.06375	RI70-445.
RI70-1367	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	546	5	Northern Natural Gas Co. (East Balko Field, Beaver County, Okla.) (Panhandle Area).	25	2-16-70	[2] 3-19-70	8-19-70	[8] 17.0	[4 6 8] 18.015	
RI70-1367	do	556	2	Cities Service Gas Co. (Bishop Field, Ellis County, Okla.) (Panhandle Area).	570	2-16-70	[2] 3-28-70	8-28-70	[8] 17.0	[4 6 8] 18.0	
RI70-1368	Bracken Oil Co. (Operator) et al., 111 East Elm, Tyler, Tex. 75701.	1	9	Mississippi River Trans-Mission Corp. (Woodlawn Field, Marion County, Tex.) (RR. District No. 6).	1,468	2-16-70	[2 5] 3-19-70	8-19-70	[8] 14.0	[4 6 8] 15.7069	G-16084.
RI70-1369	Alex W. McCoy Associates, Inc., 2609 Fourth National Bldg., Tulsa, Okla. 74119.	1	2	Arkansas Louisiana Gas Co. (Southwest Waukomis Field, Garfield County, Okla.) (Oklahoma "Other" Area).	3,246	2-16-70	[2] 3-19-70	8-19-70	[10 11] 15.0	[4 9 10 11] 17.8	
RI70-1370	Burnett Corp. (Operator) et al., 328 First National Bank Bldg., Amarillo, Tex. 79105.	2	3	Panhandle Eastern Pipe Line Co. (Panhandle Field, Hutchinson and Carson Counties, Tex.) (RR. District No. 10).	30,000	2-13-70	[2] 5- 1-70	10- 1-70	11.0	[4 6] 12.0	
RI70-1371	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	372	2	Natural Gas Pipeline Co. of America (Northwest Quinlan Field, Woodward County, Okla.) (Panhandle Area).	4,874	2-16-70	[2] 3-23-70	8-23-70	[12] 17.0	[4 6 12] 19.515	
RI70-1372	Thomas E. Berry (Operator) et al., Post Office Box 111, Stillwater, Okla.	2	9	Transwestern Pipeline Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	26,041	2-16-70	[2] 3-19-70	8-19-70	[8] 17.0	[4 6 8] 26.0175	
RI70-1373	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	340	5	Michigan Wisconsin Pipe Line Co. (Lovedale Field, Harper County, Okla.) (Panhandle Area).	152	2-16-70	[2] 3-19-70	8-19-70	[12 14] 18.85	[4 12 13 14] 20.36556	RI69-349.
	do	309	6	Michigan Wisconsin Pipe Line Co. (Woodward Gas Area, Woodward County, Okla.) (Panhandle Area).	303	2-16-70	[2] 3-19-70	8-19-70	[12 13] 19.0	[4 12 13 15] 20.51556	RI69-349.
	do	455	5	Transwestern Pipeline Co. (South Tangier Field, Woodward County, Okla.) (Panhandle Area).	304	2-16-70	[2] 3-19-70	8-19-70	[12] 18.0	[4 12 13] 19.51827	RI69-219.
	do	465	2	Panhandle Eastern Pipe Line Co. (Northeast Selling Field, Dewey County, Okla.) (Oklahoma "Other" Area).	266	2-16-70	[2] 3-19-70	8-19-70	[12 17] 16.5	[4 12 16 17] 18.71556	
	do	534	2	Panhandle Eastern Pipe Line Co. (Wildcat Field, Ellis County, Okla.) (Panhandle Area).	247	2-16-70	[2] 3-19-70	8-19-70	[12] 17.0	[4 12 16] 18.0	
RI70-1374	Pan American Petroleum Co. (Operator) et al.	481	5	El Paso Natural Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	303	2-16-70	[2] 3-19-70	8-19-70	18.0	[4 13] 19.51556	RI69-224.
RI70-1375	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	8	12	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	67	2-16-70	[2] 3-19-70	8-19-70	[8] 16.0	[4 6 8] 18.0	
	do	10	12	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	396	2-16-70	[2] 3-19-70	8-19-70	[8] 15.0	[4 6 8] 18.0	
	do	52	2	do	357	2-16-70	[2] 3-19-70	8-19-70	[8] 17.0	[4 6 8] 19.3	
	do	64	1	do	589	2-16-70	[2] 3-19-70	8-19-70	[8] 17.0	[4 6 8] 18.0	
	do	13	4	Colorado Interstate Gas Co. (Keyes Field, Cimarron and Texas Counties, Okla.) (Panhandle Area).	1,744	2-16-70	[2] 3-19-70	8-19-70	[8] 16.0	[4 6 8] 18.0	
	do	76	5	Colorado Interstate Gas Co. (Carthage-Reiss Field, Texas County, Okla.) (Panhandle Area).	448	2-16-70	[2] 3-19-70	8-19-70	[8] 16.0	[4 6 8] 18.0	
	do	126	4	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	156	2-16-70	[2] 3-19-70	8-19-70	[8] 17.0	[4 6 8] 18.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1376..	Anadarko Production Co. (Operator and Agent) et al.	71	2	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	2,183	2-16-70	[2] 3-19-70	8-19-70	[3] 16.0	[4] [5] 18.0	

[1] The stated effective date is the effective date requested by respondent.
[2] Increase to contract rate.
[3] Pressure base is 14.65 p.s.i.a.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] Periodic rate increase.
[6] A rate increase to 16.06 cents suspended in Docket No. RI65-250 but a motion to make rate effective subject to refund has not been filed.
[7] Subject to a downward B.t.u. adjustment.
[8] Filing from initial certificated rate to first periodic increase.
[9] Seller pays 1.8 cents gathering charge to the Cam Gas Co. for delivering gas to Arkansas Louisiana Gas Co.
[10] Initial rate as conditioned by temporary certificate issued Feb. 20, 1964, in Docket No. CI64-113.
[11] Subject to upward and downward B.t.u. adjustment.
[12] "Fractured" rate increase.
[13] Includes 0.85 cent upward B.t.u. adjustment.
[14] Includes 1.0 cent upward B.t.u. adjustment.
[15] Filing from initial certificated rate to initial contract rate.
[16] Includes base rates of 15 cents before increase and 17 cents after increase, plus upward B.t.u. adjustment. Plus tax reimbursement after increase.

American Petrofina Company of Texas (Operator) et al., request that their proposed rate increase be permitted to become effective as of March 12, 1970. Braken Oil Co. (Operator) et al., request a retroactive effective date of October 1, 1969 for their proposed rate increase, and Alex W. McCoy Associates, Inc., requests a retroactive effective date of February 20, 1969, for its rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate increase, that the suspension period with respect thereto be limited to 1 day, or as short a period as possible. Good cause has not been shown for limiting to 1 day the suspension period with respect to Humble's rate filing and such request is denied.

The sale of Alexander W. McCoy Associates, Inc. (McCoy), is presently being made under a conditioned temporary certificate issued February 20, 1964, in Docket No. CI64-113 which provides for an initial rate of 15 cents per Mcf. Although McCoy accepted the temporary certificate, it is not willing to accept a permanent certificate so conditioned. The temporary certificate also contains condition (2) which states that the conditioned rate shall remain in effect until changed by Commission order in the related certificate proceeding, Docket No. CI64-113. Consistent with previous Commission action involving temporary certificate sales for which a permanent certificate has not been issued within 3 years from the date service commenced thereunder (date of initial delivery for this sale is Feb. 20, 1964), we conclude that it would be in the public interest to waive condition (2) of McCoy's temporary certificate to permit the filing of the proposed rate increases.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-3600; Filed, Mar. 26, 1970; 8:45 a.m.]

POST OFFICE DEPARTMENT

PRIVATE EXPRESS STATUTES

Resumption of Applicability in Certain Areas Where Suspended

Following is the text of an order of the Postmaster General, dated March 25, 1970:

Effective 12:01 a.m., March 27, 1970, I hereby terminate the suspensions of restrictions in respect to carriage of letters out of the mails dated March 18, 1970, for the New York area (35 F.R. 4973) and March 21, 1970, for other areas (35 F.R. 5015) where mail service was impaired by the work stoppages involving postal employees.

Since the above order restores requirements in effect immediately prior to the recent mail service emergency, notice of proposed rule making and delay in effective date would be impracticable and contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 901)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-3781; Filed, Mar. 25, 1970; 4:22 p.m.]

PARTIAL SUSPENSION OF EMBARGOES

On March 25, 1970, the embargoes on mail previously announced have been lifted as to ZIP Coded mail of all classes except as to the following:

ZIP Code Areas	*Facility*
100, 103, 104	New York, N.Y.
105-108	Westchester, N.Y.
109	Suffern, N.Y.
110-114	Long Island Terminal.
115, 116	Mineola, N.Y.
117, 118	Hicksville, N.Y.
119	Riverhead, N.Y.

The embargo remains in force on all classes of mail originating in or destined for ZIP Code areas listed above except ZIP Coded first class and air mail. The Regional Director, New York, will define conditions of acceptance of first class and air mail in ZIP Code Areas 100, 103, and 104.

(5 U.S.C. 301, 39 U.S.C. 501, 701, 6106, 6107)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-3782; Filed, Mar. 26, 1970; 9:27 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 87]

VALLEY DIVISION, YUMA PROJECT, ARIZONA-CALIFORNIA

Public Notice Announcing Availability of Water for Private Lands

FEBRUARY 25, 1970.

1. *Private lands for which water will be available.* In pursuance of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, especially the Act of August 13, 1914 (38 Stat. 686), as amended, and the Act of June 29, 1956 (70 Stat. 409), notice is hereby given that upon proper water-right application being made therefor, water will be furnished under the Valley Division of the Yuma Project, during calendar year 1970 and thereafter, for the following-described private lands:

VALLEY DIVISION
Gila and Salt River Base and Meridian, Arizona
T. 9 S., R. 24 W., G&SRM, Arizona

Section	Description	Irrigable acreage
18	Lot 8 [1]	29.70
	Lot 10 [1]	38.18
	Lot 12	17.44
	Lot 13	2.50
19	Lot 5 [1]	38.05
	Lot 7	23.93
	Lot 8 [1]	37.60
	Lot 12	37.78
	Lot 22	20.00
19	Lot 23	21.00
	SE¼NW¼	40.08
	NE¼SW¼	39.91

[1] Acreages include those portions presently covered by water-right application and Public Notice No. 59, dated Aug. 22, 1947, Valley and Reservation Divisions, Yuma Project, Arizona-California.

Farm unit plats showing the lands described are on file in the office of the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Ariz., and in the Land and Survey Office, Bureau of Land Management, Phoenix, Ariz.

2. *Limit of area for which water right may be secured.* The maximum acreage of land in private ownership for which water-right application may be made

shall be 160 acres of irrigable land for each landowner, including any other lands under water-right application in the Division.

3. *Application for water rights.* (a) All water-right applications must be made to the Yuma County Water Users' Association, North Second Avenue, Yuma, Ariz., upon forms provided for that purpose, and may be made on or after the date of this notice.

(b) Applications for fractions of the parcels described in section 1 hereof or for less than all of the acreage therein specified for any parcel will not be approved.

4. *Construction and other charges on the valley division.* (a) The lands in the Valley Division covered by this notice are affected by contracts between the United States of America and Yuma County Water Users' Association, dated May 31, 1906, February 5, 1931, and April 1, 1957, respectively, copies of which are available for inspection at the office of said Association and at the office of the Project Manager, Bureau of Reclamation, Yuma, Ariz. Under said contracts, the Association is entitled to collect and retain payment of the following charges: Annual operation and maintenance charges covering the cost of operating and maintaining the irrigation system and other Association expenses; and a construction charge to return the cost of the system. These charges are assessable against each acre of said land now and hereafter found irrigable by or under the authority of the Secretary of the Interior. The construction charge for each such acre is $85 payable in not to exceed 30 equal installments which shall not be less than $2.93 at the time of filing water-right application, and $2.83 on each November 20 thereafter until all of said construction charge has been paid in full. The above-mentioned operation and maintenance charges shall be payable to Yuma County Water Users' Association pursuant to public notices to be issued annually by the Association covering the assessments levied by it to provide revenues to meet its obligations and expenses. At the time of filing water-right application, the applicant will be required to apply for membership in said association. No such application will be approved until the applicant has become a member of the Association, as evidenced by stock of said Association duly issued to the applicant.

(b) The charge provided for in subsection 4(a) shall be payable at the office of the Yuma County Water Users' Association, North Second Avenue, Yuma, Ariz.

5. *Increased construction charge in certain cases.* In all cases where water-right application for the lands described in Section 1 hereof shall not be made within 1 year from the date of this notice, the construction charge for such land shall be increased 5 percentum each year until such application is made and an initial installment is paid.

6. *Exclusion of lands by action of Colorado River.* Every water-right application shall contain the following provisions:

The applicant hereby releases the United States from any and all claims for loss or damages on account of (1) the exclusion of said lands or any part thereof from the irrigable lands of said project, or (2) the failure to supply water for the irrigation of any part of the lands hereinbefore described when such exclusion or failure is due to (a) the destruction by flood, erosion, encroachment, or other action of the Colorado River, of the levees erected by the Bureau of Reclamation along the banks of said river, or (b) a change with location of said levees when such change is considered necessary by the proper officials of the United States to prevent the destruction of said levees from the said causes. Lands so excluded shall be relieved from payment of all construction and of operation and maintenance charges which otherwise would thereafter become due from the lands so excluded, but construction and operation and maintenance charges theretofore paid on lands so excluded shall not be refunded.

A. B. WEST,
Regional Director, Region 3, Bureau of Reclamation.

[F.R. Doc. 70-3665; Filed, Mar. 26, 1970; 8:45 a.m.]

[Public Notice 1]

COLORADO

Fruitland Mesa Project

Participating project of the Colorado River Storage Project, land class equivalents, Act of Sept. 2, 1964, 78 Stat. 852.

1. Section 3 of the above-cited act authorizing construction of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa Federal Reclamation projects, provides that "on the said projects, the limitation on lands held in single ownership which may be eligible to receive project water from, through, or by means of project works shall be one hundred and sixty acres of Class 1 land as defined for the Bostwick Park Project or the equivalent thereof in other land classes as determined by the Secretary of the Interior."

2. Article 1 (i) of Contract No. 14-06-400-5113 between the United States and the Fruitland Mesa Water Conservancy District dated June 25, 1969, provides that "Computation of the equivalent of one hundred and sixty (160) acres of Class 1 land shall be based on factors which shall be set forth in a Public Notice issued by the Secretary of the Interior and which shall become effective on the date said Public Notice is published in the FEDERAL REGISTER."

3. Accordingly, I have determined and hereby establish that, in computing the equivalent of 160 acres of Class 1 land in the Fruitland Mesa Water Conservancy District of the Fruitland Mesa Reclamation Project, each acre of Class 2 land shall be counted as eight-tenths of an acre, and each acre of Class 3 land shall me counted as six-tenths of an acre.

WALTER J. HICKEL,
Secretary of the Interior.

MARCH 10, 1970.

[F.R. Doc. 70-3663; Filed, Mar. 26, 1970; 8:45 a.m.]

[Public Notice 2]

COLORADO

Bostwick Park Project

Participating project of the Colorado River Storage Project, land class equivalents, Act of Sept. 2, 1964, 78 Stat. 852.

1. Section 3 of the above-cited act authorizing construction of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa Federal Reclamation projects, provides that "on the said projects, the limitation on lands held in single ownership which may be eligible to receive project water from, through, or by means of project works shall be one-hundred and sixty acres of Class 1 land as defined for the Bostwick Park Project or the equivalent thereof in other land classes as determined by the Secretary of the Interior."

2. Article 21 of Contract No. 14-06-400-4421 between the United States and the Bostwick Park Water Conservancy District dated March 18, 1966, provides that "Computation of the equivalent of one-hundred sixty (160) acres of Class 1 land shall be based on factors which shall be set forth in a Public Notice issued by the Secretary of the Interior and which shall become effective on the date said Public Notice is published in the FEDERAL REGISTER."

3. Public Notice No. 1 dated May 25, 1966, as published at page 7843 of the FEDERAL REGISTER of June 2, 1966, is hereby amended to establish that in computing the equivalent of 160 acres of Class 1 land in the Bostwick Park Water Conservancy District of the Bostwick Park Reclamation Project, each acre of Class 2 land shall hereafter be counted as eight-tenths of an acre, and each acre of Class 3 land shall be counted as six-tenths of an acre.

WALTER J. HICKEL,
Secretary of the Interior.

MARCH 10, 1970.

[F.R. Doc. 70-3664; Filed, Mar. 26, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00134–33–46040. Applicant: The Ohio State University, Department of Microbial and Cellular Biology, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 9S and spares. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for teaching and research programs at the College of Biological Sciences. Teaching will take in the techniques of electron microscopy as well as a course offered in cytology. In research this article will be used to study the interactions of microenvironment and microorganisms in Lake Erie. It will also be used to examine the surface of chicken erthrocyles during and after infection of malarial parasites.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument available at the time the applicant ordered the foreign article was the EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is currently being manufactured by Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 3, 1970, that the foreign article is easier to operate than the EMU–4B, and is, therefore, superior to the domestic instrument for educational purposes. We, therefore, find that the greater ease of operation of the foreign article is pertinent to the purposes for which this article is intended to be used.

For this reason, we find that the Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

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

[F.R. Doc. 70–3689; Filed, Mar. 26, 1970; 8:47 a.m.]

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00167–33–46040. Applicant: The Research Foundation of State University of New York, Department of Anatomy, SUNY-Upstate Medical Center, 766 Irving Avenue, Syracuse, N.Y. 13210. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for the continuation and extension of studies dealing with avian tumor viruses. The contemplated studies are as follows:

1. Conjugated antibody studies;
2. Relationship of group-specific antigens to viral structure;
3. Ultrastructure studies of avian leukosis virus.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU–4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 21, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time application was received.

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

[F.R. Doc. 70–3690; Filed, Mar. 26, 1970; 8:47 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00175–33–46040. Applicant: University of California, Berkeley Campus, Post Office Box 1500, Berkeley, Calif. 94701. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A. G., West Germany.

Intended use of article. The article will be used to survey human tumor tissue from various sources and of various types of the presence of C-type virus particles. Ultrastructural investigations of induced cellular transformation of normal cells by both viral and chemical agents will be done; host control of viral maturation sites will be studied. The biomedical-biophysical properties as related to structure of these viruses will be studied by negative-contrast techniques.

Comments: No comments were received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the application was received was the Model EMU–4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 21, 1970, that the additional resolving

capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the Model EMU–4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received.

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

[F.R. Doc. 70–3691; Filed, Mar. 26, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1286]

ATROPINE SULFATE-PHENOBARBITAL

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 two preparations marketed by Cole Pharmacal Co., Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108:

1. Atropine and Phenobarbital, tablet, containing ¼ grain phenobarbital and 1/500 grain atropine sulfate per tablet (NDA 3–452).

2. Siltrobarb, tablet, containing ⅛ grain phenobarbital, 1/500 grain atropine sulfate, and 8 grains magnesium trisilicate per tablet (NDA 1–286).

The Food and Drug Administration concludes that:

1. The amount of atropine sulfate in the Atropine and Phenobarbital tablet is not a recognized therapeutic dose. Therefore, there is a lack of substantial evidence that the Atropine and Phenobarbital tablet will have the effect it purports or is represented to have under conditions of use recommended or suggested in the labeling.

2. The Siltrobarb tablet lacks substantial evidence of effectiveness as a fixed combination for all labeled indications.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for the above-listed drugs.

Prior to initiating such action, however, the Commissioner invites the holder of the 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 date of publication of this notice in the FEDERAL REGISTER.

This announcement of the proposed action and implementation of the NAS-NRC report for these drugs is made to give notice to persons who might be adversely affected by their withdrawal from the market.

The above-named holder of the new-drug applications for these drugs has been mailed a copy of the NAS-NRC reports. Any interested person may obtain a copy by request to the office named below.

Communications forwarded in response to this announcement should refer to DESI 1286, which identifies this announcement, and should be directed to the following appropriate office and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for NAS-NRC reports: Press Relations Office (CE–300).
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–16), Bureau of Drugs.

This announcement 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 (21 CFR 2.120).

Dated: March 13, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–3671; Filed, Mar. 26, 1970; 8:45 a.m.]

[DESI 1546]

GUANIDINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Guanidine Hydrochloride Tablets, containing 0.125 gram guanidine hydrochloride per tablet; marketed by Davies, Rose-Hoyt Pharmaceutical Division of The Kendall Co., 633 Highland Avenue, Needham Heights, Mass. 02194 (NDA 1546).

The Food and Drug Administration has considered the report of the Academy, as well as other available evidence, and concludes there is a lack of substantial evidence that the drug is effective for the indication recommended in its labeling: myasthenia gravis. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug application for this drug.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug, and any interested person who may be adversely affected by removal of this drug from the market, to submit any pertinent data bearing on the proposal within 30 days after publication of this announcement in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the product, and not previously submitted.

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

The above named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report; any interested person may also obtain a copy on request from the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 1546 and be directed to the following appropriate office and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for NAS-NRC Report: Press Relations Office (CE–300).
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–16), Bureau of Drugs.

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

Dated: March 19, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–3672; Filed, Mar. 26, 1970; 8:45 a.m.]

[DESI 6046]

SODIUM SUCCINATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Sodium Succinate, marketed as Soduxin, 30 percent aqueous solution, for intravenous use, by Brewer and Co., 6 Roosevelt Avenue, Box 190, Mystic, Conn. 06355 (NDA 6–046).

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

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

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered the report from the Academy, as well as other available evidence, and concludes that sodium succinate is an effective diagnostic agent for determining circulation time.

2. The drug is regarded as possibly effective for the following labeled indications: As an analeptic for arousal following barbiturate anesthesia; for reducing the waking time following barbiturate anesthesia; and for the treatment of barbiturate poisoning.

3. The drug lacks substantial evidence of effectiveness for use as a respiratory stimulant.

B. *Drug form.* Sodium succinate preparations are sterile aqueous solutions suitable for intravenous administration and contain an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

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

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Following intravenous injection, and depending upon the circulation time, it induces a swallowing reflex which is followed by a cough and a flush in the blush areas. There may also be an involuntary upward movement of the thyroid cartilage.

INDICATIONS

Sodium succinate may be used as a diagnostic agent to determine circulation time.

CONTRAINDICATIONS

Sodium succinate is contraindicated in patients with a known hypersensitivity to the drug.

WARNING

Usage in pregnancy: Safe use of sodium succinate has not been established with respect to adverse effects upon fetal development. Therefore, sodium succinate should not be used in women of childbearing potential and particularly during early pregnancy unless in the judgment of the physician the potential benefits outweigh the unknown hazards.

PRECAUTIONS

Sodium succinate should be used with caution in the elderly, debilitated, and those with known pulmonary disease.

ADVERSE REACTIONS

The following adverse reactions have been reported: Anginal pain, hypotension, and sudden unexplained death.

DOSAGE AND ADMINISTRATION

One to one and one-half cc. of 30 percent solution is injected intravenously for circulation time measurement. The time measurement is from the start of the injection to the beginning of the swallowing reflex.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A2 above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for a period of 6 months following publication hereof in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data providing substantial evidence of effectiveness.

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

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

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new drug application form FD-356H to the extent described in the proposal for abbreviated new drug applications, section 130.4(f), published in the FEDERAL REGISTER February 27, 1969. (One supplement may contain all the information described in this paragraph.)

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

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

b. 60 days for updating information.

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

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A1 above, should submit an abbreviated new-drug application meeting the conditions specified in the proposed regulation, § 130.4(f) (1) and (2), published in the FEDERAL REGISTER February 27, 1969. Such applications should include proposed labeling in accord with the labeling conditions described herein.

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

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

b. The manufacturer, packer, or distributor of such drug submits, within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

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

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

G. *Opportunity for a hearing.* 1. Any person who would be adversely affected by an order requiring deletion of the claims for which the drug lacks substantial evidence of effectiveness, as described in paragraph A3, may request a hearing within 30 days following the publication date of this announcement.

2. If no request for a hearing is received, the approval of all previously approved applications providing for such claims will be regarded as withdrawn and the applications will be approvable as supplemented in accord with this announcement. If such request is filed, an announcement will be published in the FEDERAL REGISTER setting forth the provisions of section 505(e) of the Act on the basis of which the Commissioner proposes to withdraw approval of such new-drug applications and all amendments and supplements thereto.

H. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in §§ 130.4 or 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Marketed Drugs (BD–300), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 6046 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Requests for NAS-NRC report: Press Relations Office (CE–300).
Supplements (identify with NDA number): Office of Marketed Drugs (BD–300), Bureau of Drugs.
Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (BD–300), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–16), Bureau of Drugs.

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

Dated: March 19, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–3673; Filed, Mar. 26, 1970; 8:45 a.m.]

[DESI 10721]

COMBINATION DRUG CONTAINING MECLIZINE AND NIACIN

Drugs for Human Use; Drug Efficacy Study Implementation

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

Antivert Tablets, each tablet containing 12.5 milligrams meclizine hydrochloride and 50 milligrams niacin; marketed by J. B. Roerig and Co., Division, Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 10–721).

The Food and Drug Administration has concluded (1) there is a lack of substantial evidence that this drug is effective as a fixed-combination in the treatment of vertigo, Meniere's syndrome, and in conditions of apprehension and mental confusion that may arise from niacin deficiency, and (2) there is a lack of substantial evidence that each component of the combination drug contributes to the total effects claimed for the drug.

The Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug application for this drug. Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug, and any interested person who may be adversely affected by removal of the drug from the market, to submit any pertinent data bearing on the proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the product and not previously submitted.

This announcement is made to give notice to persons who might be adversely affected by withdrawal of the drug from the market. Promulgation of an order withdrawing approval of the new-drug application will cause any such combination drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 10721, and should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for NAS–NRC report: Press Relations Office (CE–300).
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–16), Bureau of Drugs.

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

Dated: March 19, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–3674; Filed, Mar. 26, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70–51]

NEW YORK HARBOR, WATERS SURROUNDING ELLIS ISLAND

Security Zone

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(a)(2), I hereby affirm for publication in the FEDERAL REGISTER the order of Mark A. Whalen, Rear Admiral, U.S. Coast Guard, Commander, 3d Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

NEW YORK HARBOR, WATERS SURROUNDING ELLIS ISLAND

SECURITY ZONE

Pursuant to the authority of the Espionage Act of 1917, 40 Stat. 220, as amended, title 50 U.S. Code section 191, Executive Order No. 10173, as amended, Title 33 Code of Federal Regulations section 6.04–6; Presidential Proclamation 2914 of December 16, 1950; I declare that from 10:30 a.m. e.s.t., Monday, March 16, 1970, until further notice the following area is a security zone and I order it be closed to any person or vessel.

The area of water or land and water surrounding Ellis Island in Upper New York Bay, New York Harbor, bounded by the following coordinates:

1. 40°42′07″ north latitude.
   74°02′25″ west longitude.
2. 40°41′57″ north latitude.
   74°02′12″ west longitude.
3. 40°41′44″ north latitude.
   74°02′33.5″ west longitude.
4. 40°41′48″ north latitude.
   74°02′43.5″ west longitude.
5. 40°41′55″ north latitude.
   74°02′44″ west longitude.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port.

The Captain of the Port of New York, N.Y., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: March 26, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70–3790; Filed, Mar. 26, 1970; 10:26 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22036; Order 70-3-120]

AMERICAN AIRLINES, INC., ET AL.

Rates; Order of Suspension and Investigation

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

Rule prohibiting the use of specific commodity rates in combination with other rates proposed by American Airlines, Inc., Braniff Airways, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

By tariff revision bearing a posting date of February 10, 1970, and marked for effectiveness March 27, 1970, American Airlines, Inc., Braniff Airways, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., proposed by tariff rule to prohibit the use of their domestic specific commodity rates in combination with other rates. In support of their filing, the carriers state that although a basic rule provides that through rates take precedence over any aggregate of intermediate rates (combination rates) and prohibits combinations of rates where a through rate is also provided,[1] they believe it would be useful to provide an explicit statement in the specific commodity rates tariff on combining rates in such tariff. However, the new rule totally prohibits the use of such rates in combination whether or not a through rate is published. No person has protested the filing.

Prior to the issuance of the current specific commodity rates tariff CAB No. 115, the majority of such rates were published in a predecessor tariff CAB No. 12. This latter tariff contained a rule permitting the use of specific commodity rates in combination in the absence of a through specific commodity rate via the route of movement.

Upon consideration of all relevant matters, the Board finds that the proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferentail, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The Board generally requires through rates (and fares) to be published for all markets served by each carrier. Specific commodity rates, being discounts designed for specific promotional purposes, are permitted to be published selectively in terms of markets, although it is recognized that this selectivity may create some preference and prejudice situations as among shippers. Where published, however, we believe the rates should be available to all shippers whether on a "local" basis or in combination with other rates. To preclude the use of the specific rate in combination with other rates is, in our view, an unreasonable restriction which magnifies the preference and prejudice problems inherent in selective discount pricing. Moreover, the application of this broad rule has the effect of producing many rate increases which have not been justified.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the provisions of Rule No. 25 on 16th Revised Page 6 of Airline Tariff Publishers, Inc., Agent's CAB No. 115, and rules, regulations, or practices affecting such provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of Rule No. 25 on 16th Revised Page 6 of Airline Tariff Publishers, Inc., Agent's CAB No. 115 are suspended and their use deferred to and including June 24, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc., Braniff Airways, Inc., The Flying Tiger Line, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3695; Filed, Mar. 26, 1970; 8:47 a.m.]

[Docket No. 22028; Order 70-3-115]

FLYING TIGER LINE, INC.

Commodity Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1970.

By tariff revisions bearing the posting date of February 12, 1970, and marked to become effective April 1, 1970, The Flying Tiger Line Inc. (Tiger), proposes to revise its general commodity rates. This revision would consist of increases, with a few exceptions, for shipments below 100 pounds, and at the 100- and 200-pound weight breaks, and reductions at the 1,000-pound weight break. The carrier also proposes to establish a 500-pound weight break involving reductions below currently effective rates. The proposal is marked to expire September 30, 1970.[1]

A complaint was received from the Society of American Florists and Ornamental Horticulturists (SAF) requesting suspension and investigation of the proposal. The complaint asserts chiefly that (1) SAF is not concerned with Tiger's rate level since it is not a major carrier of floral products, but is disturbed by Tiger's attempt to have its rates, costs, and economic theories adopted as a basis for all other carriers; (2) Tiger's costs are very high and overstated; and (3) the Board should (a) permit no further rate adjustments until the airlines' cost formulas submitted in the Minimum Charge Investigation (Docket 20398) are evaluated and (b) accept certain principles in ratemaking that would result in lower rates for flowers.

In support of its proposal and in answer to the complaint, Tiger asserts, inter alia, that neither Tiger nor other airlines have earned reasonable returns on their investments in cargo facilities; that price increases have resulted in higher operating costs; that the immediate need is for a restructuring of cargo rates in accordance with costs and value of service, which are reflected in the rates proposed; that, if its proposals had been in effect through 1969, its gross revenues would have been increased by only $81,000, or 1.6 percent; and that cut flower traffic typically moves under specific commodity rates and will not be affected by Tiger's proposal.

A statement was submitted by WTC Air Freight (WTC), an air freight forwarder, in support of Tiger's proposal, stating that the rates filed purportedly reflect more accurately the carrier's costs.

Upon consideration of all relevant matters, the Board finds that Tiger's proposal, to the extent that it involves rates (practically all increases) for shipments below 500 pounds, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Effective November 4, 1968, Tiger filed significant increases in general commodity rates, especially at lower weight breaks (Order 68-10-111, Oct. 21, 1968). These increased rates, which are typically the ones currently in effect, are generally higher than the rates filed by other domestic carriers in July 1969 and subsequently (Order 69-5-114, and following orders), although in certain markets they are similar. In the foregoing orders, the Board dismissed complaints and permitted the increases of

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[1] Official Air Freight Rules Tariff No. 1-B, CAB No. 96, Airline Tariff Publishers, Inc., Agent, Rule No. 48(D), reads as follows:

(D) Except as otherwise provided, when a local or joint rate is established for application over a particular route from point of origin to point of destination for a specified service, such rate is applicable over such route, notwithstanding that it is higher or lower than the aggregate of intermediate rates over such route for such service.

[1] By tariff revision bearing the posting date of Feb. 12, 1970, and marked to become effective Oct. 1, 1970, Tiger proposes additional changes in its general commodity rates. That proposed revision will not be considered by the Board at this time.

the other carriers to become effective upon consideration of the fact that the all-cargo operations of the domestic industry are not profitable. The Board further stated that the increase filed, amounting to 7.5 percent, should not be an undue burden upon shippers.

Tiger's proposal would result in its second major increase within 17 months. The rates filed would raise charges for shipments below 500 pounds essentially between 5 and 12 percent, although in some cases the increases would be about 20 percent. Thus, Tiger's rates, already above rates published by competing carriers, would become even higher.

While Tiger's scheduled services have not been profitable, the proposed rate increases would, according to its own statement, produce relatively insignificant increases in revenues. The carrier emphasizes the importance of improving its rate structure through its proposal. The data submitted by Tiger in justification of its current proposal indicate that, for numerous shipment sizes and hauls, current rates are below its fully allocated costs, excluding a return element. But these differences are typically not substantial, reflecting Tiger's filing of November 4, 1968, which approximated a cost-based structure. Furthermore, in a number of instances, current rates are above claimed costs. In addition, in certain cases where current rates are below costs, the increased rates proposed would be to levels above costs.

In view of the foregoing circumstances, we are not prepared to permit, without investigation, Tiger to increase its rates as currently proposed, involving its shipments below 500 pounds. However, we shall permit Tiger's proposals at higher weight breaks, involving reductions in nearly all instances, to become effective without investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto,[2] and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A attached hereto [2] are suspended and their use deferred to and including June 29, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except as granted herein, the complaint of the Society of American Florists and Ornamental Horticulturists in Docket 21962, to the extent that it applies to the filing marked to become effective April 1, 1970, is dismissed;

4. The proceeding be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon The Flying Tiger Line Inc., Society of American Florists and Ornamental Horticulturists, and WTC Air Freight, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3696; Filed, Mar. 26, 1970; 8:47 a.m.]

[2] Filed as part of the original document.

[Docket No. 20291; Order 70-3-111]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 23, 1970.

By Order 70-3-46, dated March 10, 1970, action was deferred, with a view toward eventual approval, on certain resolutions adopted by Traffic Conferences 1 and 3 and Joint Conference 3-1 of the International Air Transport Association (IATA). The agreement would extend through March 31, 1971, for application within the Western Hemisphere and Asia/Australasia and via the Pacific, the effectiveness of currently approved baggage resolutions which are scheduled to expire March 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 70-3-46 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21603 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3697; Filed, Mar. 26, 1970; 8:47 a.m.]

[Docket No. 20993; Order 70-3-112]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority March 23, 1970.

By Order 70-3-47, dated March 10, 1970, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement amends the table for conversion of currencies by revising from 0.05 to 0.01 German marks for use in rounding-off cargo rates.

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 70-3-47 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21649 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3698; Filed, Mar. 26, 1970; 8:47 a.m.]

[Docket No. 21955; Order 70-3-107]

ROSS AVIATION, INC.

Service Mail Rate; Order To Show Cause

Issued under delegated authority March 23, 1970.

The Postmaster General filed Notice of Intent 70-3, February 27, 1970 pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 41 cents per great circle aircraft mile for the transportation of mail by aircraft between Sheridan, Newcastle, Wheatland, and Cheyenne, Wyo.

By Order 68-11-93, November 21, 1968, the Board established a final rate for Ross Aviation, Inc. (Ross), for service between Cheyenne, Wheatland, and Newcastle, Wyo. The Board also established a final service mail rate for Ross between Sheridan and Casper, Wyo., in Order 69-4-37, April 8, 1969. The Post Office Department stated in the notice of intent that it is necessary to consolidate these two routes and eliminate Casper from the new route to enable more efficient air taxi operation. It is also stated that Casper is best served by using surface transportation.

On March 4, 1970, the Postmaster General filed an amendment to Notice of Intent 70-3. Paragraph 8. "Interested Certificated Carriers" was amended to add Western Air Lines, Inc., and its route between Sheridan and Cheyenne. The Postmaster General stated that Western's schedules on this route do not meet the Post Office Department's needs.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to

issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 41 cents per great circle aircraft mile between Sheridan, Newcastle, Wheatland, and Cheyenne, Wyo.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Ross Aviation, Inc., the Postmaster General, and Western Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc., for this service.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix.

3. This order shall be served upon Ross Aviation, Inc., the Postmaster General, and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-3699; Filed, Mar. 26, 1970; 8:47 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in section 385.14(g).

[Docket No. 22029; Order 70-3-118]

UNITED AIR LINES, INC.

Cancellation of General Commodity Rates for Large Shipments From Los Angeles to Honolulu; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1970.

By tariff revisions[1] bearing the posting date of February 19, 1970, and marked to become effective April 5, 1970, United Air Lines, Inc. (United), proposes to cancel general commodity rates applicable to shipments of 30,000 and 40,000 pounds from Los Angeles to Honolulu.

In support of its proposal, United asserts in essence that it has been conducting its Hawaiian all-cargo services at operating losses, although these losses have been reduced by the recent increases in rates; that, even with the higher revenues resulting from the proposal, the Hawaii service will not be operated at a profit; that the traffic involved in the proposal will probably not be affected by the increases filed; and that the rates resulting from the proposal will be lower than comparable rates on the mainland.

A complaint requesting suspension pending investigation was submitted by Sears, Roebuck and Co. (Sears). This asserts, inter alia, that United has not submitted cost analysis to support the proposed cancellations; that the resulting higher rates, in addition to the recently filed increases, would have inflationary effects on Hawaii; that the shipments moving at the rates in issue involve especially low costs; and that Sears has reduced its shipments because of the recent rate increases.

Upon consideration of all relevant matters, the Board finds that the proposed cancellation of the 30,000-pound rate may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. By the same token, the Board finds that the complaint does not set forth facts sufficient to warrant investigation of the proposed cancellation of the rates for 40,000-pound shipments, and the request therefor, and consequently the request for suspension, will be denied.

United's proposal involves the cancellation of the general commodity rate of 40,000 pounds and over and of 17 cents per pound for shipments of 30,000–39,999 pounds. This would leave in effect the current rate of 19 cents per pound for shipments with a minimum weight of 3,000 pounds, which will result in increases of 18.8 and 11.8 percent, respectively, over current levels. These current levels, however, have been in effect only since November 10, 1969, and represent substantial increases over previous rates, which were 13 cents per pound at the 40,000-pound weight break and 15 cents for 30,000-pound shipments.[2] The instant proposals would result in increasing rates above pre-November 10, 1969, levels by 46 percent for shipments of 40,000 pounds and over and by 27 percent at 30,000 pounds. These increases appear excessive and would, in our opinion, have a significant adverse impact upon shippers.

On the other hand, the current rates for shipments of 30,000 and 40,000 pounds are relatively low, especially in consideration of the fact that they would apply to shipments in the predominant traffic flow. The yields from the foregoing shipments are 13.3 cents and 12.5 cents per ton-mile, respectively, which are below United's experienced average costs per ton-mile of 13.4 cents in its Hawaiian all-cargo services for the 12 months ended June 30, 1969. The latter cost figure includes operating expenses only, excluding return on investment and taxes, and covers both east- and westbound traffic.

While United's average cost covers all sizes of shipments, a considerable amount of data from various carriers has been presented to the Board indicating that costs per pound decline very little for shipments above 3,000 pounds. United's current rates for shipments of 30,000 and 40,000 pounds, however, are significantly below the rate for shipments between 3,000 and 29,999 pounds. The cancellation of the 40,000-pound rate and the maintenance of the current 30,000-pound rate will bring the rate structure closer to costs of service and yet keep the rate increase imposed at one time within reasonable bounds.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether:

(a) The provisions on seventh Revised Page 8 of United Air Lines, Inc's CAB No. 164 insofar as they cancel the general commodity rate of 17 cents per pound subject to the minimum weight of 30,000 pounds applying from Los Angeles, Calif., to Honolulu, Hawaii,

(b) The rates which would apply if such cancellation of rates is permitted to become effective, and

(c) The rules, regulations, and practices affecting the rates and provisions described above,

are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to

[1] Revisions to United Air Lines, Inc., Hawaiian Air Cargo Rates Tariff No. UHC-1; CAB No. 164.

[2] By Order 69-9-29, adopted Sept. 5, 1969, the Board suspended and set for investigation United's proposals, inter alia, canceling the 30,000- and 40,000-pound weight breaks for general commodity rates in the same market. The order stated that the Board would be willing to consider the filing of rates for the foregoing shipment sizes not exceeding 17 cents and 16 cents per pound, respectively. By Order 69-11-24, Nov. 6, 1966, we dismissed complaints against tariffs filed by the carrier reflecting the foregoing rates, which became effective Nov. 10, 1969.

determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the provisions described under (a) in ordering paragraph 1 hereof are suspended and their use deferred to and including July 3, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of Sears, Roebuck and Co. in Docket 21964 is dismissed;

4. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariffs and served upon United Air Lines, Inc., and Sears, Roebuck and Co., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3700; Filed, Mar. 26, 1970; 8:47 a.m.]

[Docket No. 21882 etc.; Order 70-3-110]

WESTERN AIR LINES, INC., ET AL.

Order Denying Temporary Suspension and Temporary Exemptions, Denying Petition for Institution of an Investigation and Severance of Issues, and Expanding Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of March 1970.

Joint application of Western Air Lines, Inc., Wien Consolidated Airlines, Inc., for approval of an agreement, for a temporary suspension, and for a temporary exemption, Docket No. 21882, CAB agreement 21598; applications of Alaska Airlines, Inc., Kodiak Airways, Inc., Western Alaska Airlines, Inc., for temporary exemptions, Dockets Nos. 21855, 21963, 21969; petition of Western Alaska Airlines, Inc., for the institution of an investigation, and for severance of issues, Docket No. 21970; Alaska Service Investigation, Docket No. 20826 etc.

There are now pending before the Board a number of pleadings relating to service between Kodiak, Kenai, Homer, King Salmon, and Anchorage, Alaska, and Seattle, Wash.

In Docket 21882, Western Air Lines, Inc. (Western), and Wien Consolidated Airlines, Inc. (Wien), have filed a joint application requesting approval of an agreement, and grant of a temporary suspension and a temporary exemption. The joint filing contemplates that Western would receive authority to temporarily suspend service at Kodiak, Kenai, Homer, and King Salmon, Alaska, and that Wien would receive a temporary exemption to provide replacement service between Anchorage and Kodiak via Kenai, and Homer, and between Homer and King Salmon. The joint agreement also provides that Wien would, inter alia, purchase Western's ground property at the various points at which Western would be temporarily suspended, that Wien would assume Western's subleases at these points, and that Wien would offer employment to Western's employees at these points.

In Docket 21855, Alaska Airlines, Inc. (Alaska), has applied for a temporary exemption to provide service between Anchorage and Seattle via Kenai and Kodiak.

In Docket 21963, Kodiak Airways, Inc. (Kodiak), has filed an exemption application requesting authority to provide service between Anchorage and Kodiak via Homer and Kenai, and between King Salmon and Seattle via Kodiak.

In Docket 21969, Western Alaska Airlines, Inc. (Western Alaska), has filed an application requesting a temporary exemption to provide Anchorage-King Salmon service, and Anchorage-Seattle service via King Salmon, Kenai, and Kodiak. Western Alaska has also filed a petition for the institution of an investigation to consider the issues raised by its certificate application, in Docket 21936 (which seeks authority similar to that sought in Western Alaska's exemption application), and the suspension or other modification of Western's and Wien's authority at various points. In addition, Western Alaska seeks to sever from the Alaska Service Investigation the issues which would be included in the investigation which Western Alaska seeks to have instituted.

Various civic and governmental parties have stated that they either support or do not object to approval of the Western/Wien joint application.[1] Answers in opposition to the joint application have been filed by Kodiak and Western Alaska. Alaska has filed an answer stating that the carrier does not believe that its exemption application and the Western/Wien joint application are mutually exclusive, but that grant of the joint application might prejudice the resolution of the Alaska Service Investigation. ALPA has filed an answer requesting a deferral of the joint application until such time as more information is available to determine what effect grant of the application would have on both Western's and Wien's pilots. Western and Wien have filed a joint reply to the answers filed by the air carriers.

With respect to Alaska's application, the city of Kodiak and the city of Kenai have stated that they support the application. Answers in opposition have been filed by Kodiak, Western, and Western Alaska. Wien has filed an answer stating that it does not oppose Alaska's application provided that Alaska is limited to providing Kodiak-Seattle turnaround service or to carrying passengers whose origin or destination is Seattle. Pan American has filed an answer which requests that if Alaska's application is granted, Alaska should also receive an exemption from its Fairbanks long-haul restriction so that the proposed Anchorage-Seattle flights will not be required to originate or terminate at Fairbanks. Alaska has filed a reply to the answers filed by Kodiak, Western, Western Alaska, and Wien.

Answers in opposition to Kodiak's application have been filed by Alaska, Western, Western Alaska, and Wien. Kodiak has filed a reply.

With respect to Western Alaska's application for a temporary exemption,[2] answers in opposition have been filed by Alaska, Kodiak, Western, and Wien. Western Alaska has filed a reply.

Upon consideration of the foregoing and other relevant matters, we have decided to deny the Western/Wien joint application and the exemption applications of Alaska, Kodiak, and Western Alaska.[3] With the exception of certain King Salmon markets, each of the markets for which exemption authority is requested will be in issue in the pending Alaska Service Investigation, as hereinafter expanded, in which a hearing is imminent.[4] The four competing applications for temporary exemptions raise difficult and complex questions including issues of carrier selection and mutual exclusivity. We believe that these issues would be more appropriately decided after the development of a complete evidentiary record in the pending Alaska Service Investigation. In view of the foregoing, we are unable to find that enforcement of the Act would be an undue burden on the appli-

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[1] The city of Homer has filed a letter in support of the joint application while the city of Kenai, the city of Kodiak, the Kodiak Island Borough, and the city of Homer Chamber of Commerce have stated they do not object to grant of the joint application. The Alaska Transportation Commission has stated its opposition to the proposed suspension of Western unless similar replacement service is provided.

[2] Answers in opposition to Western Alaska's petition for the institution of an investigation and for the severance of issues have been filed by Alaska, Western, and Wien, while Kodiak has filed an answer in support of Western Alaska's petition.

[3] We will also deny Western Alaska's petition for the institution of a separate investigation and its petition for the severance of issues. Since we are hereinafter expanding the Alaska Service Investigation to consider the need for Kodiak-Seattle nonstop service and the hearing in the Alaska Service Investigation is imminent, no useful purpose would be served by instituting a separate investigation at this time.

[4] The issues in the Alaska Service Investigation already include the modification of Western's and Wien's existing authority to serve King Salmon. The applicants have set forth no matters which persuade us that the Board should consider issues of authorization of additional service at King Salmon. The hearing in the Investigation is scheduled for June 15, 1970.

cants and would not be in the public interest.[5]

Although we are denying the various requests for exemptions to provide Kodiak-Seattle nonstop service, we have decided to modify the scope of the Alaska Service Investigation to include the issue of suspension, termination or other modification of Western's authority in the Kodiak-Portland/Seattle market and the authorization of new or additional service therein.[6] Western has recently discontinued nonstop service in the Kodiak-Seattle market in which Western carried in excess of 15,000 on-line passengers during 1969.[7] Under these circumstances, we believe it appropriate to consider whether a new carrier should be authorized in the market, in addition to, or in place of Western.[8] We note that we do not intend the limited expansion of the investigation authorized herein to be construed as an indication that we are likely to grant other requests for expansion. The size of the markets here involved, and the fact that nonstop service has been discontinued constitute exceptional circumstances. Moreover, we believe that our present action will not cause any delay of the investigation, while grant of subsequent requests for expansion would be likely to delay the proceeding.

Accordingly, it is ordered, That:

1. The application of Alaska Airlines, Inc., Docket 21855, be and it hereby is denied;

2. The joint application of Western Air Lines, Inc., and Wien Consolidated Airlines, Inc., Docket 21882, insofar as it requests approval of CAB Agreement 21598, be and it herein is dismissed without prejudice;

3. The joint application of Western Air Lines, Inc., and Wien Consolidated Airlines, Inc., Docket 21882, except to the extent dismissed herein, be and it hereby is denied;

4. The application of Kodiak Airways, Inc., Docket 21963, be and it hereby is denied;

5. The application of Western Alaska Airlines, Inc., Docket 21969, be and it hereby is denied;

6. The petitions of Western Alaska Airlines, Inc., Dockets 21970 and 20826, be and they hereby are denied;

7. The scope of the Alaska Service Investigation, Docket 20826 etc., be and it hereby is expanded to include the issue of suspension, termination, or other modification of Western Air Lines, Inc.'s, authority and the authorization of new or additional air service in the Kodiak-Portland/Seattle market, with any authority awarded to be in the form of a separate segment and ineligible for subsidy;

8. Motions to consolidate and applications for Kodiak-Portland/Seattle authority shall be filed no later than 7 days after the service date of this order and answers to such pleadings shall be filed no later than 5 days thereafter;

9. The motion of Alaska Airlines, Inc., Docket 20826, to expand the scope of the Alaska Service Investigation, be and it hereby is dismissed; and

10. A copy of this order shall be served on Alaska Airlines, Inc., Howard J. Mays, Kodiak Airways, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., Western Alaska Airlines, Inc., Wien Consolidated Airlines, Inc., the Alaska Transportation Commission, the city of Anchorage, the city of Kenai, the city of Kodiak, the city of Homer, the city of King Salmon, the city of Portland, and the city of Seattle.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3701; Filed, Mar. 26, 1970; 8:47 a.m.]

[Docket No. 21951]

AIRLIFT INTERNATIONAL, INC., AND TRANSAVIA, N.V.

Notice of Proposed Approval

Joint application of Airlift International, Inc. and Transavia, N.V., Docket 21951.

Notice is hereby given pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority on March 31, 1970. Prior to such time interested persons may file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., March 25, 1970.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority:

Application of Airlift International, Inc., and Transavia, N.V. for approval of a dry-lease pursuant to section 408(b) or for exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended; Docket 21951.

By application filed February 26, 1970, Airlift International, Inc. (Airlift), and Transavia, N.V. (Transavia) apply for approval of the dry-lease by Airlift to Transavia of a Boeing 707-320C aircraft under section 412 of the Federal Aviation Act of 1958, as amended (the Act) and under the third proviso of section 408(b) of said Act. Further in view of the imminence of the effective date of the lease, it is alternatively requested that the agreement be exempted from section 408(b) pursuant to the provisions of section 416(b) of the Act.

In support of the application, the applicants state that Airlift is certificated all-cargo carrier engaged in air transportation of property and mail only between certain points in the 48 coterminous States and between certain points within the 48 States and San Juan, Puerto Rico and St. Thomas, Virgin Islands. Transavia is a foreign air carrier authorized to engage in foreign air transportation of persons and property on a charter basis between the Netherlands and the United States. On February 10, 1970, Airlift and Transavia entered into a contract subject to Board approval whereby Airlift will dry-lease to Transavia a Boeing 707-320C aircraft for a period of 18 months beginning April 1, 1970, and terminating September 30, 1971, at a rental of $120,000 per month for the first 3 and last 3 months, and $117,000 per month for the intervening 12 months.

Applicants state that owing to the currently reduced state of military airlift requirements, Airlift's military operation does not require the full time of even one of its three DC-8-63 aircraft committed to such service. In order to minimize its losses from the nonutilization of its excess jet aircraft, Airlift has sought to effect agreements for use of such aircraft by other carriers until such time as the excess aircraft may be disposed of permanently. A further stated reason for this effort is Airlift's effort to standardize its fleet to two basic aircraft types (DC-8-63 and L-100), as compared with its current heterogeneous mixture of some 10 different aircraft types.[1]

It is further requested that the Board exercise the power granted by section 416(b) to exempt the proposed transaction from section 408(b) of the Act inasmuch as (a) the agreement is of limited extent; (b) Airlift is the only domestic all-cargo air carrier without lucrative long-haul international

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[5] Since we are denying Wien's request for a temporary exemption to provide the proposed replacement service, we shall also deny Western's application for a temporary suspension. Without replacement service by either Wien, Kodiak, Western Alaska, or Alaska, suspension of Western would leave the Anchorage-Kenai/Kodiak markets without certificated service and therefore would not be in the public interest.

Furthermore, we shall dismiss without prejudice the joint application for approval of the Western/Wien replacement agreement. Since we are denying the temporary suspension and temporary exemption, it would be premature for the Board to consider the agreement at this time. The parties may wish to refile this agreement subsequently if the circumstances warrant.

[6] The Kodiak-Portland/Seattle markets shall be added to the list of markets in Appendix A of Order 69-3-68, dated Mar. 19, 1969, subject to the condition that any award of Kodiak-Portland/Seattle authority must be in the form of a separate segment. Interested parties shall have seven days to file motions to consolidate applications for Kodiak-Portland/Seattle authority. We do not anticipate that the inclusion of these markets will result in any delay in the procedural dates in the Investigation. All persons seeking consolidation of applications for Kodiak-Portland/Seattle authority should exchange direct exhibits supporting their applications on the date for direct exhibits which has been established by the Examiner, even if the Board has not yet acted on the motions to consolidate.

[7] However, we also note that of the 15,000 on-line passengers in the market carried by Western during 1969, almost 50 percent of the passengers elected to utilize connecting service at Anchorage. Should Western not reinstitute Kodiak-Seattle nonstop service during the pendency of the Alaska Service Investigation, we believe that the remaining passengers can utilize connecting service at Anchorage where there are presently eight nonstop round trips per day to Seattle.

[8] While Alaska has filed a motion, on Mar. 11, 1970, requesting that the Investigation be expanded in the same manner as has been accomplished in this order, the Board's action has been taken on its own initiative as a matter of discretion and we shall, therefore, dismiss Alaska's motion.

[1] The World Aviation Directory for Winter, 1969-70 shows Airlift to be owning 27 aircraft, of the following types: Jet aircraft: (1) two DC-8F Jet Traders; (2) three DC-8-63; (3) three 707-320C; (4) four 727-QC; and (5) three L-100. Turbo-prop: (6) four CL-44D; (7) seven DC-7C; and (8) one C-46.

routes, (c) it is experiencing a sharp decline in military revenue at a time when its fleet is expanding due to delivery of aircraft ordered at an earlier date, and (d) the expense of, and time consumed in a section 408 proceeding would be an undue burden, and could prevent the implementation of the contract.

No objections or requests for a hearing have been filed.

Notice of intent to dispose of the application has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408 of the Act.

Upon consideration of the lease transaction, it is found that the lease of a Boeing 707-320C aircraft to Transavia by Airlift is subject to section 408(a)(2) of the Act. However it is further concluded that such acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.

Under all the circumstances it appears that approval of the lease transaction under section 408 would not be inconsistent with the public interest.[2] The lease apparently will enable Airlift to reduce its losses resulting from the nonutilization of excess jet aircraft.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing lease transaction should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

1. The lease from Airlift by Transavia of one Boeing 707-320C aircraft for a period terminating on September 30, 1971, be and it hereby is approved;

2. This action shall be deemed a determination for rate-making purposes of the reasonableness of the transaction; and

3. Except to the extent granted herein, the application in Docket 21951 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective upon issuance and the filing of petitions shall not stay its effectiveness.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3777; Filed, Mar. 26, 1970; 8:48 a.m.]

[2] The applicant's request for an exemption from the provisions of section 408 will be denied as Transavia is not an air carrier, and the exemption provisions of section 416(b) of the Act apply only to air carriers.

FEDERAL MARITIME COMMISSION

JOHN H. FAUNCE, INC., AND WTC AIR FREIGHT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

D. Britton Faunce, Executive Vice President, John H. Faunce, Inc., 721 Chestnut Street, Philadelphia, Pa. 19106.

Federal Maritime Commission Agreement No. FF 70-4 between John H. Faunce, Inc. (Faunce, a Pennsylvania corporation), and WTC Air Freight (WTC, a California corporation) provides for the sale of all the issued and outstanding capital stock of Faunce to WTC.

Faunce holds Independent Ocean Freight Forwarder License No. 712 and is the parent company of A. J. DeMay & Co., Inc., which holds Independent Ocean Freight Forwarder License No. 833. WTC, an air freight forwarder, is the parent company of Penson Forwarding Corp. (Independent Ocean Freight Forwarder License No. 879) and of Bemo Shipping Co., Inc. (Independent Ocean Freight Forwarder License No. 93).

In consideration of the sale of Faunce's stock to WTC, the latter would deliver to the stockholders of Faunce a certain number of shares of WTC's voting common stock pursuant to the terms and conditions set forth in the agreement.

Dated: March 24, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-3702; Filed, Mar. 26, 1970; 8:47 a.m.]

MEDCHI FREIGHT POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement, at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Eric G. Brown, Secretary, MedChi Freight Pool, 10 Place de la Joliette (2me), Bouches-du-Rhone, Marseilles, France.

Agreement No. 9020-10 makes the following changes in the basic pooling agreement which requires the Commission's approval pursuant to section 15 of the Shipping Act, 1916:

1. *Article 2 "Membership".* (a) Provides that the assignment of new quotas or the division of vacant quotas shall be prorated among all the member lines.

(b) Provides that lines or groups of lines may combine their obligations and quotas.

2. *Article 3 "Ports".* Includes within the definition of the port of Marseilles the annex ports of Lavera, Port de Bouc, Fos, Port St. Louis de Rhone and Caronte.

3. *Article 9 "Service Obligations".* Provides that a line shall be credited with making a call at a discharging port if westbound cargo is solicited for that port in lieu of the present requirement that at least ten tons of westbound cargo must be destined for and discharged at that port.

4. *Article 10 "Percentages, Undercarriage and Overcarriage".* (a) Removes time limitations placed on the effectiveness of previous changes to this article.

(b) Changes the basis for assessing penalties under paragraph 4.

(c) Provides that any line or group of lines having carried less than 50 percent of its quota is not entitled to participate in the sharing of penalties.

5. *Article 11 "Financial Settlements".* Suspends financial settlements for the 1970 Pool Period.

6. *Article 14 "Voting Procedure".* Boosts from 50 percent to 80 percent the

number of Pool Committee members required to be present to pass resolutions. Also, permits a member line to represent one other line by proxy.

7. *Article 20 "Resolutions Not Subject to Prior Approval"*. Adds the following to the list of changes which the Pool Committee is authorized to make by a ¾ vote without prior Section 15 approval: "* * * to change penalties for loading and discharging calls in Article 10."

Dated: March 23, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-3703; Filed, Mar. 26, 1970; 8:47 a.m.]

REGIS F. KRAMER ASSOCIATES AND WTC AIR FREIGHT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Regis F. Kramer, President, Regis F. Kramer Associates, Post Office Box 91202, Los Angeles, Calif. 90009.

Federal Maritime Commission Agreement No. FF 70-3 between Regis F. Kramer, owner of all the issued and outstanding capital stock of Regis F. Kramer Associates (Associates, a California corporation) and WTC Air Freight (WTC, a California corporation) provides for the sale of 100 percent of the issued and outstanding capital stock of Associates to WTC.

Associates holds Independent Ocean Freight Forwarder License No. 1238, and, WTC, an air freight forwarder, is the parent company of Penson Forwarding Corp. (Independent Ocean Freight Forwarder License No. 879) and of Bemo Shipping Co., Inc. (Independent Ocean Freight Forwarder License No. 93).

In consideration of the sale of Associates' stock to WTC, the latter would deliver to Regis F. Kramer a certain number of shares of WTC's voting common stock pursuant to the terms and conditions set forth in the agreement.

Dated: March 23, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-3704; Filed, Mar. 26, 1970; 8:47 a.m.]

SEA-LAND SERVICE, INC., AND BERWIND LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.

Agreement No. DC-44 between Sea-Land Service, Inc., and Berwind Lines, Inc., provides for the transportation of cargo under through bills of lading issued by Sea-Land Service between U.S. Pacific ports and ports in the Virgin Islands with transshipment at San Juan, P.R. On shipments handled pursuant to the agreement at the through rates, terms, and conditions published in Sea-Land's Tariff FMC-F No. 11, Berwind Lines, Inc., insofar as it functions under the agreement, concurs in and shall comply with all the terms, conditions, rates, rules, regulations, and transshipment routes of that tariff. On shipments handled pursuant to this agreement, Berwind Lines will receive the local rate between San Juan, P.R., and the Virgin Islands as shown in its Tariff FMC-F No. 2. Sea-Land will receive the remainder of the through rate as its proportion. Either party may terminate this agreement upon 30 days written notice to the other party. The agreement shall become effective upon approval of the Commission pursuant to section 15, Shipping Act, 1916.

Dated: March 20, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-3705; Filed, Mar. 26, 1970; 8:47 a.m.]

WIGGIN TERMINALS, INC., AND PATTERSON, WYLDE & CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Paul J. Whipple, President, Wiggin Terminals, Inc., 50 Terminal Street, Boston, Mass. 02129.

Agreement No. T-2396 between Patterson, Wylde & Co., Inc. (PatWyl), and Wiggin Terminals, Inc. (Wiggin), provides for the establishment of a corporation, called NEW, to perform certain terminal services at Castle Island Terminals, South Boston, Mass. NEW will be equally owned by the two parties, the agreement specifying initial capitalization, administration, purchasing of equipment, etc. for the corporation. PatWyl and Wiggin agree not to perform certain services at Castle Island Terminal without the prior written consent of the other. NEW agrees to file a tariff of charges with the Federal Maritime Commission and if it becomes a member of the Port of Boston Marine Terminal Association, such of its services as are covered by the tariff of that Association may be provided under such tariff.

Dated: March 24, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-3706; Filed, Mar. 26, 1970; 8:48 a.m.]

WILHELMSEN COMPANIES AND KLAVENESS COMPANIES

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 offices of the District Managers, 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, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Seymour H. Kligler, The Firm of Herman Goldman, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9850, between the Wilhelmsen Companies and the Klaveness Companies (as Owners), provides for their joint fixing of fares in the carriage of passengers between ports of the United States, including Hawaii, and worldwide ports on vessels under charter to Barber Lines A/S pursuant to Agreement No. 9809. The Owners, through their respective managers, will solicit and book passengers, collect passenger revenue and issue their own tickets; fix fares, charges, and practices; appoint and remove agents; settle claims; and perform such other duties and make such other decisions as may be necessary or advisable in the fulfillment of exclusive management and control over the two respective companies. However, all decisions concerning the availability of the vessels, the time of their sailing and other such matters are within the sole judgment and control of the Charterer.

Consideration by the Commission of Agreement No. 9850, for approval, is subject to approval by the Commission of Agreement No. 9809-1 which amends Agreement No. 9809 by providing that Wilhelmsen Companies, Klaveness Companies, and Fearnley Companies (as Owners) may engage in the Charterer's trades as common carriers by water of passengers, with the Charterer relinquishing that function. Fearnley Companies is not a party to Agreement No. 9850.

Dated: March 24, 1970.

By order of the Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-3707; Filed, Mar. 26, 1970; 8:48 a.m.]

[Commission Order 251 (Revised)]

INFORMAL COMPLAINTS

Assignment of Responsibility and Handling Procedures

SECTION 1. *Purpose.* 1.01 The purpose of this order is to assign responsibility for, and establish procedures for, the handling of informal complaints.

SEC. 2. *Responsibility of Field Offices.* 2.01 The Field Offices shall be responsible for receiving, evaluating and concluding all informal complaints filed directly with them or referred by the Washington staff under the following conditions:

1. Informal complaints referred by the Washington Bureaus the substance of which indicates the probability of faster resolution of the problems by the Field Offices.

2. Informal complaints received directly by the Field Offices providing the substance thereof, if true, would not constitute statutory violations or violations of the Commission's own rules and orders, except as limited by section 6.

SEC. 3. *Responsibilities of the Bureau of Compliance and the Bureau of Domestic Regulation.* 3.01 The Bureau of Compliance and the Bureau of Domestic Regulation within their respective functional areas, shall be responsible for receiving, evaluating and concluding all informal complaints, the handling of which has not been assigned to the Field Offices by section 2 of this order.

SEC. 4. *Submission of informal complaints by the public,* 4.01 There are no forms or specific requirements for the filing of an informal complaint with the Commission. It may be submitted in the form of a letter addressed to any one of the officials designated below at the locations indicated. These officials also are available for information and advice concerning the filing of informal complaints.

Chief, Office of Tariffs and Informal Complaints, Bureau of Compliance, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.

Chief, Division of Domestic Offshore Carriers, Bureau of Domestic Regulation, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.

Chief, Division of Certification and Licensing, Bureau of Domestic Regulation, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.

Chief, Division of Terminals, Bureau of Domestic Regulation, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573.

District Manager, Federal Maritime Commission, 26 Federal Plaza, Room 4012, New York, N.Y. 10007.

Chief Investigator, Federal Maritime Commission, Post Office Box 30550, 600 South Street, Room 946, New Orleans, La. 70130.

Chief Investigator, Federal Maritime Commission, 450 Golden Gate Avenue, Room 15001, Post Office Box 36067, San Francisco, Calif. 94102.

4.02 Informal complaints involving a request for adjustment of a freight rate, including the establishment of an initial rate on a commodity for which a rate has not previously been filed, should contain:

1. An identification of the commodity and rate adjustment sought, past and estimated future movement of the commodity, and trade area involved.

2. The complainant's reasons for requesting the adjustment and why he disagrees with the position taken by the carriers or conferences.

3. The names of the carriers or conferences involved together with copies of any correspondence which he has had with them or a resume of facts if the shipper contacted the carriers or conferences in person.

4.03 Informal complaints involving matters other than requests for establishment or adjustment of rates, such as alleged discriminatory actions, rebates, or other unfair practices of the carrier or conference, or other alleged violations of the statute, should contain:

1. A statement of the nature of the violation.

2. An explanation of how the complainant is being harmed by the action complained of.

3. The name and address of the carrier, conference, terminal operator, or

freight forwarder against whom the complaint is being made.

4. The dates on which the actions complained of took place.

5. A statement of pertinent facts, such as the name of the vessel involved, date of sailing, date of entry or exit at port of loading or discharge, date on which cargo was booked or date of other significant events.

6. Copies of any pertinent documents.

7. Copies of correspondence with the carrier and/or conference, terminal operator, or freight forwarder concerning the complaint matter.

8. A statement whether the complainant has any objection to disclosure of his identity, since it may be necessary for the Commission to communicate with the person against whom the complaint was made.

SEC. 5. *Internal procedure.* 5.01 Upon receipt of an informal complaint, it shall be reviewed as to the jurisdiction of the Federal Maritime Commission over the parties involved and the subject matter. Those complaints not within the jurisdiction of the Commission shall be immediately acknowledged with copy to the agency having jurisdiction, and the complainant so informed of this fact.

5.02 Informal complaints within the jurisdiction of the Commission shall be acknowledged in writing or by phone upon receipt or as soon thereafter as appropriate to avoid followup correspondence by the complainant; thereafter the procedure outlined in sections 5.03 through 5.05 of this order shall be followed.

5.03 All informal complaints within the jurisdiction of the Commission and which could involve statutory violations shall be discussed fully with the Director, Bureau of Investigation, or his designee if the complaint is within the area of responsibility of the Bureau of Compliance or the Bureau of Domestic Regulation. Complaints within the area of responsibility of the Field Offices shall in all cases be discussed fully with the Chief Investigator in his district. These initial contacts are for the express purpose of developing any information or facts having a bearing upon the parties or the substance of the complaint, and the most feasible method of handling the matter.

5.04 For informal complaints not falling within the limitations of section 6, the Field Offices, the Bureau of Compliance and the Bureau of Domestic Regulation within their respective functional areas, shall develop full and accurate facts essential to the resolution of the complaint.

5.05 The Field Office, the Bureau of Compliance and the Bureau of Domestic Regulation, within their respective spheres of activity shall determine substance or lack of substance of the complaint and shall take the action indicated below:

1. Field Offices shall (a) if the complaint lacks substance or does not represent a violation of statute or the Commission's rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement of the parties; or (b) if the complaint contains substance, in the form of a violation of the statutes or the Commission's own rules and orders, refer the complaint and a report of all information and facts developed to the appropriate Washington Bureau; in this connection, the Field Offices shall refer to the appropriate Washington Bureau any complaint, wherever the facts developed to date indicate in their judgment an apparent violation of law or the Commission's rules or orders (upon making this determination, the Field Offices shall terminate all efforts in the development of further information or facts); (c) in addition complaints shall be referred to the appropriate Washington Bureau when they require legal interpretation or present legal argument, involve complex questions as to rates or classifications, involve questions of policy or interpretation of statutes or orders, rules or regulations of the Commission for which no precedent has been established or involves the resolution of a matter having far-reaching effect.

2. The Bureau of Compliance and the Bureau of Domestic Regulation shall (a) if the complaint lacks substance or does not represent a violation of statutes or the Commission rules and orders, advise the interested parties of this fact, obtaining where feasible and possible a settlement of the matter through mutual agreement; or (b) if the complaint contains substance in the form of a violation of statute or the Commission's rules and orders, request, as appropriate, the Bureau of Investigation to conduct such investigation as may be necessary to develop full facts and upon receipt of the investigative report, resolve the matter within the framework of existing policy or prepare a memorandum to the Commission recommending appropriate action.

SEC. 6. *Limitations.* 6.01 Whenever an informal complaint relates directly to a matter under formal proceeding, it shall be referred by the Field Offices, or Washington staff to the Office of the Secretary for disposition in accordance with the provisions of Rule 10(dd) of the Commission rules of practice and procedure.

6.02 Informal complaints pending action by the Commission (other than those referenced by section 6.01, above), shall be referred by the Field Offices, or Washington staff to the Director, Bureau of Compliance or Director, Bureau of Domestic Regulation as appropriate, for determination of course of action to be taken. Acknowledgment of such complaints shall be made by the Washington Bureau.

6.03 The Field Offices shall refer to the appropriate Washington Bureau all complaints from Members of Congress, Governors of States, or heads of Government agencies after acknowledgment as provided in section 5.02; copy of such referral shall be forwarded to the Deputy Managing Director.

6.04 The Commission will follow a policy of nondisclosure of the identity of the complainant whenever it appears that disclosure would be inimical to the complainant's interests, or whenever the complainant requests that his identity be kept confidential.

SEC. 7. *Review of staff action.* 7.01 A complainant not satisfied with the disposal of his informal complaint by the staff, as provided in section 5.05 of this order, may request the matter be reopened and reviewed by the Managing Director.

SEC. 8. *Effect on other orders.* 8.01 This revision supersedes Commission Order No. 251 (Revised) published in the FEDERAL REGISTER September 14, 1968. In the Federal Maritime Commission Manual of Commission Orders, this supersedes Commission Order No. 251 (Revised) dated September 16, 1968.

WM. JARREL SMITH, Jr.,
Acting Deputy Managing Director.

MARCH 23, 1970.

[F.R. Doc. 70-3708; Filed, Mar. 26, 1970; 8:48 a.m.]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Universal Van-Pac, Inc, Building 200-D, Mohawk Street, Port Newark, N.J. 07114.
Officers:
S. Seymour Cohan—President/Director.
Alan E. Cohan—Vice President/Director.
Beatrice Cohan—Secretary/Director.

Name changed from Universal Air Freight International to:
Horizon Air Freight International, 1200 Lawrence Street, Los Angeles, Calif.
Officers:
J. P. Jueterbock—Vice President.
Anthony T. Ciaccio—President.
Roy L. Tyra—Vice President

Frank Arevalo, doing business as Arevalo Freight Forwarding, Cargo Building, 2144 M.I.A.D., Post Office Box 2294, Miami, Fla. 33159. Frank Arevalo—Owner.

Dated: March 24, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-3709; Filed, Mar. 26, 1970; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 908]

OCEANIC SHIPPING CO.

Order of Revocation

Whereas, The Federal Maritime Commission has been advised that Oceanic

Shipping Co., Post Office Box 1037, Mobile, Ala. 36601, a partnership between Harold L. Coleman and Patrick E. Lilley, was dissolved on February 4, 1970; and

Whereas, The Independent Ocean Freight Forwarder License No. 908 issued to Oceanic Shipping Co. has been returned to the Federal Maritime Commission;

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 908 of Oceanic Shipping Co. be and is hereby revoked effective March 5, 1970.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Oceanic Shipping Co.

JOHN F. GILSON,
Deputy Director,
Bureau of Domestic Regulation.

[F.R. Doc. 70-3710; Filed, Mar. 26, 1970; 8:48 a.m.]

[Docket No. 70-15]

VALENCIA BAXT EXPRESS, INC.

General Increase in Rates in U.S. North Atlantic/Puerto Rico Trade; Order of Investigation and Suspension

There has been filed with the Federal Maritime Commission by Valencia Baxt Express, Inc., a nonvessel operating common carrier by water in the subject domestic trade, Freight Tariff FMC-F No. 18 scheduled to become effective March 23, 1970, which generally increases rates and charges between New York and Puerto Rico.

Upon consideration of the said tariff there is reason to believe that the increased rates and charges, and the governing rules and regulations, should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916 and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the aforesaid tariff with a view to making such findings and orders in the premises as the facts and circumstances warrant;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said tariff is suspended and the use thereof be deferred to and including July 22, 1970, unless otherwise ordered by this Commission. In the event the matter hereby placed under investigation is further changed, amended, or reissued upon termination of the suspension period or before the investigation has been concluded, such changed, amended, or reissued matter will be included in this investigation;

It is further ordered, That there shall be filed immediately with the Commission by Valencia Baxt Express, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until July 23, 1970, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That Valencia Baxt Express, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

MARCH 20, 1970.

[F.R. Doc. 70-3711; Filed, Mar. 26, 1970; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry or Withdrawal From Warehouse for Consumption

MARCH 24, 1970.

On June 11, 1969, there was published in the FEDERAL REGISTER (34 F.R. 9238) a letter dated June 6, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to cotton textiles and cotton textile products in Categories 31 and 64 produced or manufactured in Brazil. These levels of restraint are subject to adjustment pursuant to the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3 and Article 6(c) thereof relating to nonparticipants which provide that where restraint is exercised for more than one category the level for any one category may be exceeded by 5 percent provided that the total exports subject to restraint do not exceed the aggregate level for all products so restrained.

Accordingly, at the request of the Government of Brazil and pursuant to the Long-Term Arrangement Regarding International Trade in Cotton Textiles, there is published below a letter of March 19, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textiles and cotton textile products in Categories 31 and 64 for the 12-month period which began on March 27, 1969. The level for Category 64 is being increased by five (5) percent and the level for Category 31 is being decreased by that amount.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MARCH 19, 1970.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on June 6, 1969, by the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels of restraint for the entry into the United States for consumption and the withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in categories 31 and 64 produced or manufactured in Brazil.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, pursuant to a request by the Government of Brazil, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of June 6, 1969, the levels of restraint applicable to cotton textiles and cotton textile products in categories 31 and 64 for the 12-month period beginning March 27, 1969, and extending through March 26, 1970, are hereby amended as follows, to be effective as soon as possible:

Categories Amended		*12-month levels of restraint*[1]
31	pieces	1,447,126
64	pounds	84,000

[1] These levels have not been adjusted to reflect entries made on or after Mar. 27, 1969.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 70-3679, Filed, Mar. 26, 1970; 8:46 a.m.]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal From Warehouse for Consumption

MARCH 24, 1970.

On March 17, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Malaysia that it was renewing for an additional 12-month period beginning March 21, 1970, and extending through March 20, 1971, the restraint on imports into the United States of cotton textile products in Category 50, produced or manufactured in Malaysia. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 50 for the preceding 12-month period.

There is published below a letter of March 20, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 50, produced or manufactured in Malaysia which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning March 21, 1970, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

MARCH 20, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 21, 1970, and for the 12-month period extending through March 20, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 50, produced or manufactured in Malaysia, in excess of a level of restraint for the period of 5,789 dozen.

In carrying out this directive, entries of cotton textile products in Category 50, produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to March 21, 1970, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods during the period March 21, 1969, through March 20, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 50 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet, Textile Advisory Committee.

[F.R. Doc. 70-3680; Filed, Mar. 26, 1970; 8:46 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

MARCH 24, 1970.

On March 23, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of the Hungarian People's Republic that it was renewing for an additional 12-month period beginning March 25, 1970, and extending through March 24, 1971, the restraint on imports into the United States of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary. Pursuant to Annex B, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 26 (other than duck) for the preceding 12-month period.

There is published below a letter of March 24, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning March 25, 1970, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

MARCH 24, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective March 25, 1970, and for the 12-month period extending through March 24, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (other than duck[1]), produced or manufactured in Hungary, in excess of a level of restraint for the period of 352,800 square yards.

In carrying out this directive, entries of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary, which have been exported to the United States from Hungary prior to March 25, 1970, shall, to the extent of any unfilled balance be charged against the level of restraint established for such goods during the period March 25, 1969, through March 24, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 26 (other than duck) in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from Hungary have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553

[1] The T.S.U.S.A. numbers for duck fabric not covered by this directive are:

320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

(Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70–3681; Filed, Mar. 26, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 43]

FRANKFORT AND CINCINNATI RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Frankfort and Cincinnati Railroad Co. is unable to transport traffic over its lines between Elsinore, Ky., and Georgetown, Ky., because of unsafe track and roadbed.

It is ordered, That:

(a) The Frankfort and Cincinnati Railroad Co., being unable to transport traffic over its lines between Elsinore, Ky., and Georgetown, Ky., because of unsafe track and roadbed, that line and its connections are hereby authorized to reroute and direct such traffic over any available route, to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as orginally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., March 24, 1970.

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70–3666; Filed, Mar. 26, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 24, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 41924—*Beet or cane sugar to Cedar Rapids, Iowa.* Filed by Western Trunk Line Committee, agent (No. A–2622), for interested rail carriers. Rates on sugar, beet or cane, in bulk, in carloads, as described in the application, from points in Montana and western trunkline territory, to Cedar Rapids, Iowa.

Grounds for relief—Rate relationship.

Tariffs—Supplement 95 to Western Trunk Line Committee, agent, tariff ICC A–4481, supplement 65 to Trans-Continental Freight Bureau, agent, tariff ICC 1785, and supplement 30 to H. H. Kirchoff tariff ICC 21 (Great Northern series).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–3687; Filed, Mar. 26, 1970; 8:47 a.m.]

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