

# FEDERAL REGISTER

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Part I

(Part II begins on page 11741)

Agencies in this issue—

The President  
Agricultural Research Service  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Atomic Energy Commission  
Civil Aeronautics Board  
Civil Service Commission  
Commodity Credit Corporation  
Consumer and Marketing Service  
Federal Aviation Administration  
Federal Communications Commission  
Federal Maritime Commission  
Federal Power Commission  
Federal Reserve System  
Fish and Wildlife Service  
Food and Drug Administration  
Foreign Assets Control Office  
Hazardous Materials Regulations  
Board  
Interior Department  
Interstate Commerce Commission  
Labor Department  
Land Management Bureau  
Maritime Administration  
National Park Service  
Saline Water Office  
Securities and Exchange Commission  
Small Business Administration  
Tariff Commission  
Urban Mass Transportation  
Administration

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Now Available

## LIST OF CFR SECTIONS AFFECTED

1949-1963

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

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

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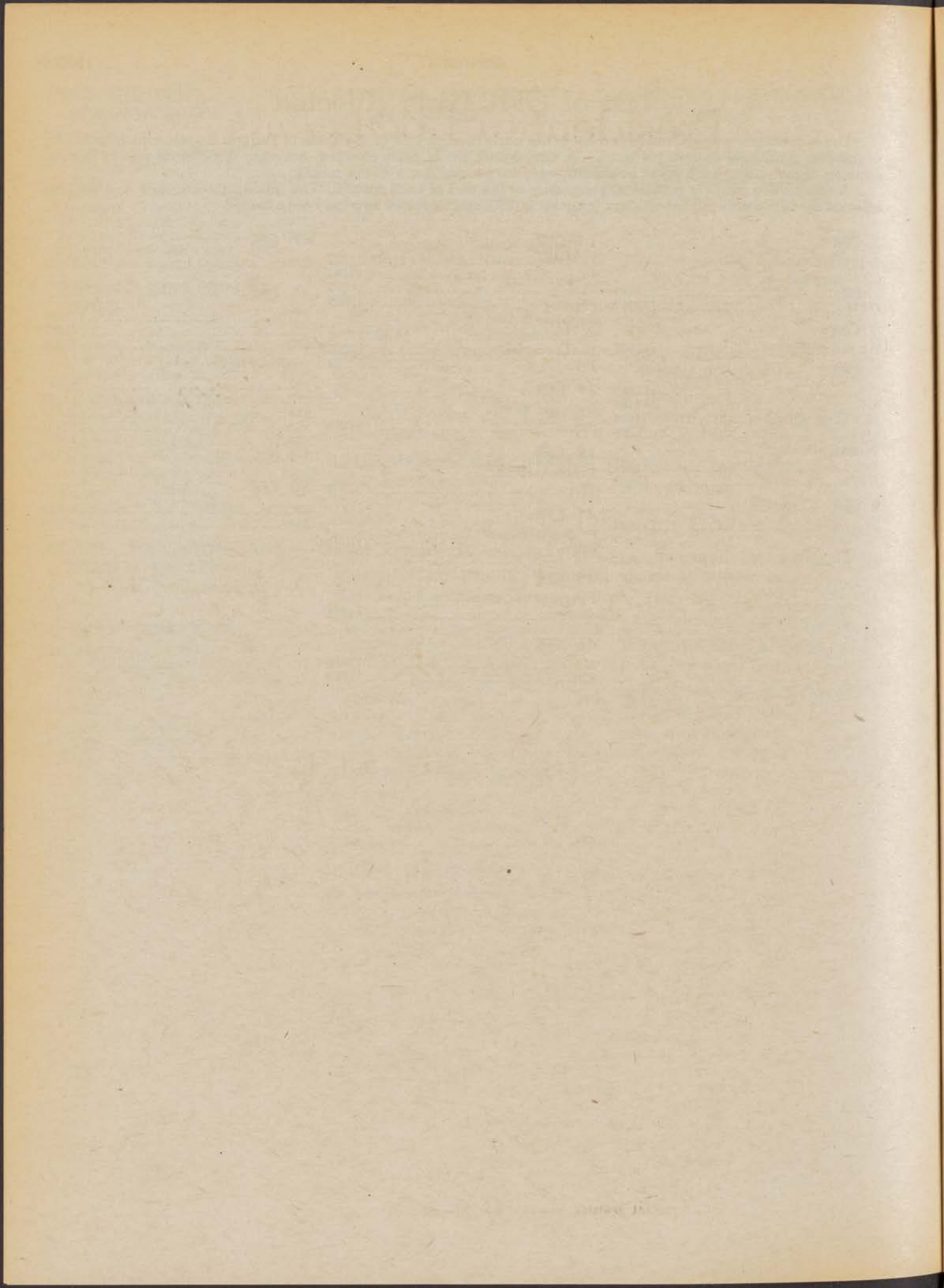
## List of CFR Parts Affected

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11548

#### DELEGATING FUNCTIONS OF THE PRESIDENT UNDER THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

By virtue of the authority vested in me by the Federal Water Pollution Control Act (62 Stat. 1155, as amended, 33 U.S.C. 466 et seq.) as amended by the Water Quality Improvement Act of 1970 (Public Law 91-224, approved Apr. 3, 1970), hereinafter referred to as the Act, by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

**SECTION 1.** *Delegations to the Secretary of the Interior.* There is hereby delegated to the Secretary of the Interior responsibility and authority

(a) to carry out the provisions of subsection (1)(2) of section 5 of the Act, relating to the study and investigation of methods to control the release of pesticides into the environment, including the preparation of a report on such investigation for submission by the President to the Congress;

(b) in consultation with the Secretary of Transportation, to carry out the provisions of subsections (b)(2) and (b)(3) of section 11 of the Act, relating to the determination of those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States and those which will not be harmful;

(c) to carry out the provisions of subsection (c)(2)(G) of section 11 of the Act, relating to identification of dispersants and other chemicals to be used;

(d) to carry out the provisions of subsection (e) of section 11 of the Act, relating to determinations of imminent and substantial threat because of actual or threatened discharge of oil, and relating to securing relief necessary to abate such actual or threatened discharges through court action;

(e) in consultation with the Secretary of Transportation, to carry out the provisions of subsections (j)(1)(C) of section 11 of the Act, relating to procedures, methods, and requirements for equipment to prevent discharges of oil from non-transportation-related onshore and offshore facilities;

(f) to carry out the provisions of subsection (a)(1) of section 12 of the Act, relating to the designation of hazardous substances, other than oil, which when discharged into or upon the navigable waters of the United States or adjoining shorelines or waters of the contiguous zone, present an imminent and substantial danger to public health or welfare;

(g) in consultation with the Secretary of Transportation, to carry out the provisions of subsection (a)(2) of section 12 of the Act, relating to the establishment of recommended methods for the removal of hazardous substances within the meaning of subsection (a)(1) of section 12 of the Act.

**SEC. 2.** *Delegations to the Secretary of Transportation.* There is hereby delegated to the Secretary of Transportation responsibility and authority



(a) in consultation with the Secretary of the Interior, to carry out the provisions of subsection (j) (1) (C) of section 11 of the Act, relating to procedures, methods and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities;

(b) to carry out the provisions of subsection (j) (1) (D) of section 11 of the Act, relating to the inspection of vessels carrying cargoes of oil and the inspection of such cargoes;

(c) to administer the revolving fund established pursuant to subsection (k) of section 11 of the Act;

(d) to carry out the provisions of subsection (m) of section 11 of the Act, relating to the boarding and inspection of vessels, the arrest of persons violating the said section 11, and the execution of warrants or other process;

(e) in consultation with the Secretary of the Interior, to carry out the provisions of subsection (g) of section 12 of the Act, including the preparation of a report for submission by the President to the Congress.

*Sec. 3. Delegations to the Federal Maritime Commission.* (a) There is hereby delegated to the Federal Maritime Commission responsibility and authority

(1) to carry out the provisions of subsection (p) (1) of section 11 of the Act, relating to the issuance of regulations governing evidence of financial responsibility for vessels to meet liability to the United States;

(2) to carry out the provisions of subsection (p) (2) of section 11 of the Act, relating to the administration of the said subsection (p);

(b) Without derogating from any action heretofore taken thereunder, the letter of the President to the Chairman of the Federal Maritime Commission dated June 2, 1970 (35 F.R. 8631), is hereby superseded.

*Sec. 4. Delegation to the Council on Environmental Quality.* (a) There is hereby delegated to the Council on Environmental Quality the responsibility and authority to carry out the provisions of subsection (c) (2) of section 11 of the Act, providing for the preparation, publication, revision or amendment of a National Contingency Plan for the removal of oil (hereinafter referred to as the National Contingency Plan).

(b) Without derogating from any action heretofore taken thereunder, the letter of the President to the Chairman of the Council on Environmental Quality dated May 26, 1970 (35 F.R. 8423), is hereby superseded.

*Sec. 5. Other delegations.* (a) There is hereby delegated to the Secretary of the Interior and to the Secretary of Transportation, respectively, in and for the waters and areas assigned to each in section 306.2 of the National Contingency Plan (35 F.R. 8511) responsibility and authority

(1) to carry out the provisions of subsection (c) (1) of section 11 of the Act, relating to the removal of oil discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the United States;

(2) to carry out the provisions of subsection (d) of section 11 of the Act, relating to the coordination and direction of removal or elimination of the threat of oil discharges, and the removal and destruction of vessels;

(3) to carry out the provisions of subsection (j) (1) (A) of section 11 of the Act, relating to methods and procedures for the removal of discharged oil;

(4) to carry out the provisions of subsection (j) (1) (B) of section 11 of the Act, relating to criteria for the development and implementation of local and regional oil removal contingency plans;



(5) to carry out the provisions of subsection (d) of section 12 of the Act, relating to the removal of discharged hazardous substances.

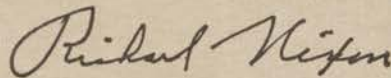
(b) The civil penalty authority of section 11(j)(2) of the Act shall be exercised by the Secretary of the Interior and the Secretary of Transportation for the enforcement of the respective regulations issued by each pursuant to delegations in this order.

SEC. 6. *Agency To Receive Notices of Discharges of Oil or Hazardous Substances.* The Coast Guard is hereby designated the "appropriate agency" for the purpose of receiving the notice of discharge of oil required by subsection (b)(4) of section 11 of the Act and for the purpose of receiving the notice of discharge of any hazardous substance required by subsection (c) of section 12 of the Act. The Commandant of the Coast Guard shall issue regulations implementing this designation.

SEC. 7. *Redelegation authority.* Secretaries of Departments and heads of agencies are hereby authorized to redelegate within their respective departments or agencies the responsibilities and authority delegated to them by this order, subject to the requirements of 3 U.S.C. 301.

SEC. 8. *Regulations.* Authority to carry out any of the foregoing responsibilities includes the authority to issue necessary implementing regulations.

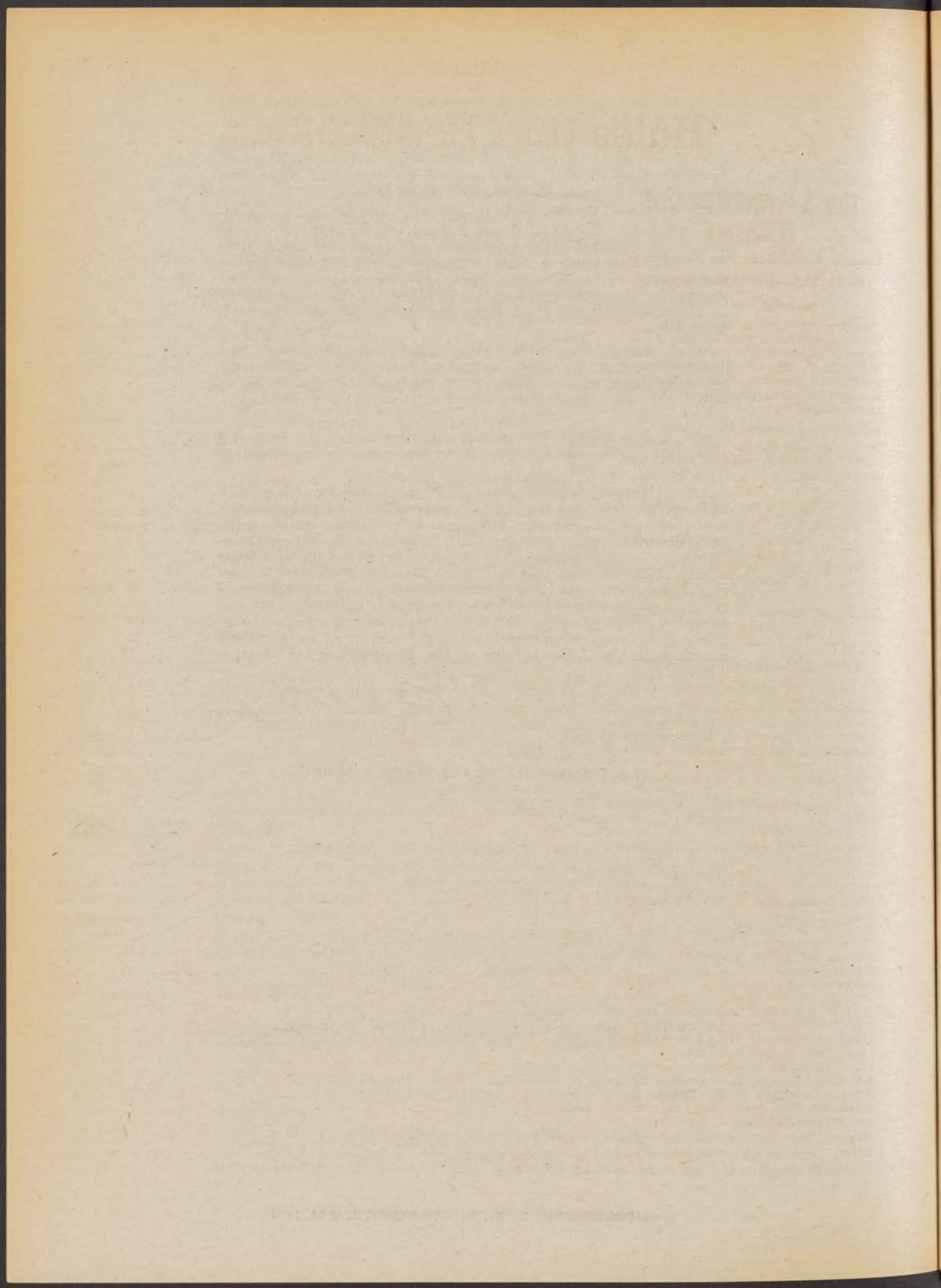
SEC. 9. *Reorganization Plan No. 3 of 1970.* Upon the taking effect of Reorganization Plan No. 3 of 1970, the responsibility and authority conferred upon the Secretary of Interior by this order, including the authority conferred by reason of his designation in the National Contingency Plan, and including the responsibility to consult with other officers, shall vest in the Administrator of the Environmental Protection Agency: *Provided*, that the Administrator shall thereafter consult with the Secretary of the Interior regarding the responsibility and authority delegated by section 1(a) of this order and officers who by this order are required to consult with the Secretary of Interior shall consult with the Administrator of the Environmental Protection Agency.



THE WHITE HOUSE,  
July 20, 1970.

[F.R. Doc. 70-9493; Filed, July 20, 1970; 2:13 p.m.]







# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Treasury Department

Section 213.3305 is amended to show that one position of Staff Assistant to the General Counsel is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (26) is added to paragraph (a) of § 213.3305 as set out below.

##### § 213.3305 Treasury Department.

- (a) *Office of the Secretary.* \* \* \*  
(26) One Staff Assistant to the General Counsel.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-9445; Filed, July 21, 1970; 8:52 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Miscellaneous Amendments

Schedule C is amended to remove 49 positions that have been abolished. Effective on publication in the FEDERAL REGISTER, the authorities listed in paragraph (1) are revoked and those listed in paragraph (2) are amended as set out below.

(1) **Revoked**—§ 213.3310, subparagraph (2) of paragraph (h); in § 213.3311, subparagraphs (11), (14), and (15) of paragraph (a), subparagraphs (3)–(5) of paragraph (b), paragraph (c) in its entirety, subparagraphs (2)–(4) of paragraph (f), subparagraph (1) of paragraph (g), and subparagraphs (1) and (3) of paragraph (h); in § 213.3312, subparagraphs (6) and (7) of paragraph (a); in § 213.3313, paragraph (o) in its entirety; § 213.3314, subparagraph (5) of paragraph (c) and subparagraphs (2) and (4) of paragraph (m); in § 213.3331, paragraphs (b) and (c); in § 213.3368, paragraph (d); in § 213.3384, subparagraph (6) of paragraph (b); and in § 213.3394, subparagraph (4) of paragraph (a).

(2) Amended to show that the following positions have been abolished: one Private Secretary to the Deputy Postmaster General, Post Office Department; one Private Secretary to each of the Assistant Commissioners of the Patent Office, Department of Commerce; one Private Secretary to the Deputy Admin-

istrator, Agency for International Development; and one Confidential Assistant and Private Secretary to the Secretary, Department of Housing and Urban Development—Subparagraph (2) of paragraph (h) of § 213.3311; subparagraph (1) of paragraph (h) of § 213.3314; subparagraph (4) of paragraph (a) of § 213.3368; and subparagraph (2) of paragraph (a) of § 213.3384.

##### § 213.3310 Department of Justice.

(h) *Land and Natural Resources Division.* \* \* \*

(2) [Revoked]

##### § 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* \* \* \*

(11) [Revoked]

(14) [Revoked]

(15) [Revoked]

(b) *Bureau of Facilities.* \* \* \*

(3) [Revoked]

(4) [Revoked]

(5) [Revoked]

(c) [Revoked]

(f) *Bureau of Operations.* \* \* \*

(2) [Revoked]

(3) [Revoked]

(4) [Revoked]

(g) *Bureau of Finance.* (1) [Revoked]

(h) *Office of the Deputy Postmaster General.* (1) [Revoked]

(2) One Private Secretary to the Deputy Postmaster General.

(3) [Revoked]

##### § 213.3312 Department of the Interior.

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

(6) [Revoked]

(7) [Revoked]

##### § 213.3313 Department of Agriculture.

(o) [Revoked]

##### § 213.3314 Department of Commerce.

(c) *Business and Defense Services Administration.* \* \* \*

(5) [Revoked]

(h) *Patent Office.* (1) One Private Secretary to the Commissioner.

(m) *Office of the Assistant Secretary for Domestic and International Business.* \* \* \*

(2) [Revoked]

(4) [Revoked]

##### § 213.3331 National Mediation Board.

(b) [Revoked]

(c) [Revoked]

##### § 213.3368 Agency for International Development.

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

(4) One Private Secretary to the Deputy Administrator.

##### § 213.3384 Department of Housing and Urban Development.

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

(2) One Executive Secretary to the Secretary.

(b) *Office of the Assistant Secretary for Mortgage Credit and Federal Housing Commissioner.* \* \* \*

(6) [Revoked]

##### § 213.3394 Department of Transportation.

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

(4) [Revoked]

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-9447; Filed, July 21, 1970; 8:52 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4869]

[New Mexico 8954]

#### NEW MEXICO

### Partial Revocation of Executive Order No. 6143

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

1. Executive Order No. 6143 of May 23, 1933, withdrawing lands to enable the State of New Mexico to make exchange selections as provided by the Act of June 15, 1926, 44 Stat. 746-748, is hereby revoked so far as it affects the following described land:



## NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 21 W.,  
Sec. 33, W $\frac{1}{2}$ .

The area described contains 320 acres in Hidalgo County.

The land is located 4 miles south of Steins, N. Mex. The terrain is mountainous being a part of the western slope of the Peloncillo Mountains. The vegetal cover consists of a sparse cover of tobosa grass and a heavy stand of creosote bush.

2. At 10 a.m. on August 20, 1970, the land 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 August 20, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land has been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws for metalliferous minerals. It will be open to location for non-metalliferous minerals at 10 a.m. on August 20, 1970.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,

Assistant Secretary of the Interior.

JULY 15, 1970.

[F.R. Doc. 70-9356; Filed, July 21, 1970;  
8:45 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

##### Areas Quarantined

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

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Pennsylvania; and a new paragraph (e) (10) relating to the State of Pennsylvania is added to read:

(e) \* \* \*

(10) *Pennsylvania.* That portion of Lancaster County bounded by a line beginning at the junction of State High-

way 272 and State Highway Legislative Route 36016; thence, following State Highway 272 in a generally southeasterly direction to Township Road 490; thence, following Township Road 490 in a generally northwesterly direction to Township Road 389; thence, following Township Road 389 in a southwesterly direction to State Highway Legislative Route 36016; thence, following State Highway Legislative Route 36016 in a generally southwesterly direction to its junction with State Highway 272.

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

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

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

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

Done at Washington, D.C., this 16th day of July 1970.

F. R. MANGHAM,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 70-9380; Filed, July 21, 1970;  
8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

#### SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 70-WE-12]

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

##### Designation and Alterations of Federal Airways

On April 23, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6511) stating that the

Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate segments of VOR Federal airway Nos. 452 and 536, and realign alternate segments of VOR Federal airway Nos. 23 and 287.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

1. Section 71.123 (35 F.R. 2009) is amended as follows:

a. In V-23 all between "Fort Jones, Calif.;" and "20 miles, 45 MSL INT Portland 350" is deleted and "Medford, Ore., including an east alternate via INT Fort Jones 041° and Medford 157° radials; Eugene, Ore.; Portland, Ore., including an east alternate and including a west alternate from Fort Jones to Portland via INT Fort Jones 340° and Roseburg, Ore., 174° radials, Roseburg, INT Roseburg 355° and Corvallis, Ore., 195° radials, Corvallis, and Newberg, Ore.;" is substituted therefor.

b. In V-287 all between "From Medford, Ore.;" and "Portland, Ore.;" is deleted and "North Bend, Ore.; Newberg, Ore., including a west alternate from North Bend to Newberg via Newport, Ore., and including an east alternate from Medford to the INT Corvallis, Ore., 352° and Newberg 204° radials via Roseburg, Ore., Eugene, Ore., and Corvallis;" is substituted therefor.

c. In V-536 "From Corvallis, Ore.;" is deleted and "From North Bend, Ore., INT North Bend 023° and Corvallis, Ore., 235° radials; Corvallis;" is substituted therefor.

d. V-452 is added:

V-452 From Newport, Ore., to Eugene, Ore.

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

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

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

[F.R. Doc. 70-9373; Filed, July 21, 1970;  
8:47 a.m.]

[Airspace Docket No. 70-CE-25]

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

##### Alteration of Federal Airway Segments

On April 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 6714) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter V-26 and V-181.



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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 356, 2009, 6006, 7553, 8212) is amended as follows:

1. In V-26 the phrase "35 MSL, Pierre, S. Dak.;" is deleted and the phrase "35 MSL, Pierre, S. Dak., including a north alternate;" is substituted therefor.

2. In V-181 the phrase "34 MSL, Fargo, N. Dak.;" is deleted and the phrase "34 MSL, Fargo, N. Dak., including an east alternate;" is substituted therefor.

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

Issued in Washington, D.C., on July 15, 1970.

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

[F.R. Doc. 70-9374; Filed, July 21, 1970;  
8:47 a.m.]

[Airspace Docket No. 70-AL-6]

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

**Alteration of Control Area and Jet Route**

On July 1, 1970, F.R. Doc. 70-8375 was published in the FEDERAL REGISTER (35 F.R. 10655) and in part altered the airspace over the north slope of Alaska by substituting the Deadhorse, Alaska, RBN, for the Prudhoe Bay, Alaska, RBN, in the descriptions of airspace assignments. The Umiat, Alaska/Prudhoe Bay Additional Control Area should have been included in the document and altered accordingly. In addition, the caption of Jet Route No. 125, Flaxman Island, Alaska, should have been cited instead of Deadhorse, Alaska. Corrective action is taken herein.

Since these amendments are immediately necessary to the safe and expeditious movement of air traffic, it has been determined that notice and public procedure hereon are impracticable and the effective date of the amendments as originally adopted may be retained.

In consideration of the foregoing, F.R. Doc. 70-8375 (35 F.R. 10655) is amended effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In Item 2. § 71.163 (35 F.R. 2046), Subitem c. is added as follows:

c. The Umiat/Prudhoe Bay, Alaska Additional Control Area is amended to read as follows:

**UMIAT/DEADHORSE, ALASKA**

From the Umiat, Alaska, RBN (lat. 69°22'25" N., long. 152°08'00" W.) to Deadhorse, Alaska, RBN (lat. 70°11'51" N., long. 148°27'47" W.).

Item 5.d. is amended as follows:

In the caption of Jet Route No. 125 "Deadhorse, Alaska" is deleted and "Flaxman Island, Alaska" is substituted therefor.

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

Issued in Washington, D.C., on July 14, 1970.

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

[F.R. Doc. 70-9375; Filed, July 21, 1970;  
8:47 a.m.]

[Airspace Docket No. 70-CE-52]

**PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES**

**Alteration of Jet Route Segments**

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to realign the segments of Jet Route Nos. 18 and 96 between the Garden City, Kans., VORTAC and the Salina, Kans., VORTAC.

Segments of J-18 and J-96 are aligned via the intersection of the Garden City 066° and Salina 257° radials between Garden City and Salina. Restricted area R-3601 encroaches upon the airspace for J-18 and J-96 up to FL-200. R-3601 is used approximately 10 hours daily. There is very little requirement for J-18 and J-96 below FL-210. Aircraft repeatedly request a change in routing from Garden City direct to Salina. This increases the controller workload. Changing the routing of J-18 and J-96 from Garden City direct to Salina would obviate this workload. Action is taken herein to make this change.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

Section 75.100 (35 F.R. 2359) is amended as follows:

1. In Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.), the phrase "INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina;" is deleted and the phrase "Salina, Kans.;" is substituted therefor.

2. In Jet Route No. 96 (Los Angeles, Calif., to Joliet, Ill.), the phrase "INT Garden City 066° and Salina, Kans., 257° radials; Salina;" is deleted and the phrase "Salina, Kans.;" is substituted therefor.

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

Issued in Washington, D.C., on July 14, 1970.

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

[F.R. Doc. 70-9376; Filed, July 21, 1970;  
8:47 a.m.]

**SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES**

[Reg. Docket No. 10445; Amdt. 95-195]

**PART 95—IFR ALTITUDES**

**Miscellaneous Amendments**

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective August 20, 1970, as follows:

1. By amending Subpart C as follows: Section 95.679 *Blue Federal airway 79* is amended to read in part:

*From, to, and MEA*

United States-Canadian border; Annette Island, Alaska, VOR; \*5,000. \*4,900—MOCA.

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

Biscayne Bay, Fla., VOR; Deerfield INT, Fla.; 2,000.

Deerfield INT, Fla.; Bonita INT, Fla.; \*6,000. \*1,400—MOCA.

Oklahoma City, Okla., VOR; Prague INT, Okla.; \*4,000. \*3,700—MOCA.

Sabine Pass, Tex., VOR; Monroe City INT, Tex.; \*1,500. \*1,300—MOCA.

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

Dillon INT, Colo.; Webster INT, Colo.; \*17,000. \*16,300—MOCA.

Holy Cross INT, Colo.; Dillon INT, Colo.; \*#18,000. \*16,300—MOCA. #MEA is established with a gap in navigation signal coverage.

Dillon INT, Colo.; \*Camp INT, Colo.; \*\*18,000. \*14,700—MCA Camp INT, westbound. \*\*16,300—MOCA.

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

Greater Southwest, Okla., VOR; Orr INT, Okla.; \*7,000. \*2,500—MOCA.

Orr INT, Okla.; Oklahoma City, Okla., VOR; Southbound, 5,000; northbound, \*7,000. \*2,500—MOCA.

Savannah, Ga., VOR; Liberty, Ga., RBN; 2,500.

Chason INT, Fla.; Tallahassee, Fla., VOR; \*2,000. \*1,600—MOCA.

Jacksonville, Fla., VOR; Goldfish INT, Fla.; \*1,800. \*1,300—MOCA.

**Puerto Rico Routes**

**Route 1:**

Cabo Rojo INT, P.R.; \*Mayaguez INT, P.R.; 2,300. \*4,500—MRA.

Mayaguez INT, P.R.; Ramey, P.R., VORTAC; 2,300.



Ramey, P.R., VORTAC; \*Utah INT, P.R.; \*\*2,500. \*7,000—MRA. \*\*1,800—MOCA.

Route 2:

Texas INT, P.R.; Ramey, P.R., VORTAC; \*2,000. \*1,800—MOCA.

Route 3:

Marlin INT, P.R.; \*Steelhead INT, P.R.; \*\*3,800. \*3,800—MRA. \*\*1,200—MOCA.

Steelhead INT, P.R.; \*Utah INT, P.R.; \*\*7,000. \*7,000—MRA. \*\*1,200—MOCA.

Route 4:

\*Idaho INT, P.R.; Ramey, P.R., VORTAC; \*\*2,500. \*8,000—MRA. \*\*1,800—MOCA.

Ramey, P.R., VORTAC; \*Midway INT, P.R.; 5,300. \*4,500—MRA.

Midway INT, P.R.; \*Point Tuna INT, P.R.; \*\*8,700. \*8,700—MCA Point Tuna INT, Northwestbound. \*\*5,000—MOCA.

Route 5:

Ramey, P.R., VORTAC; \*Bronson INT, P.R.; 1,800. \*3,000—MRA.

Bronson INT, P.R.; \*Steelhead INT, P.R.; \*\*2,500. \*3,800—MRA. \*\*1,200—MOCA.

Steelhead INT, P.R.; \*Ohio INT, P.R.; \*\*5,500. \*8,000—MRA. \*\*1,200—MOCA.

Route 6:

Coral INT, P.R.; \*Bronson INT, P.R.; \*\*3,000. \*3,000—MRA. \*\*1,200—MOCA.

Bronson INT, P.R.; \*Idaho INT, P.R.; \*\*8,000. \*8,000—MRA. \*\*1,200—MOCA.

Route 7:

Greenwater INT, P.R.; Dolphin INT, P.R.; \*2,500. \*1,200—MOCA.

Dolphin INT, P.R.; \*Ohio INT, P.R.; \*\*8,000. \*8,000—MRA. \*\*1,200—MOCA.

Route 9:

\*Hawaii INT, P.R.; Ponce, P.R., VOR; \*\*2,500. \*8,500—MRA. \*\*2,100—MOCA.

\*Ponce, P.R., VOR; Midway INT, P.R.; \*\*5,000. \*2,700—MCA Ponce VOR, north-eastbound. \*\*4,500—MOCA.

Midway INT, P.R.; \*Guaynabo INT, P.R.; \*\*5,000. \*5,200—MRA. \*\*4,600—MOCA.

Caribbean INT, P.R. \*Atlan'ic INT, P.R.; \*\*2,500. \*4,000—MCA. \*\*1,200—MOCA.

Atlantic INT, P.R.; \*Vermont INT, P.R.; \*\*8,000. \*8,000—MRA. \*\*1,200—MOCA.

Route 10:

\*Alaska INT, P.R.; Ponce, P.R. VOR; \*\*2,500. \*4,800—MRA. \*\*2,100—MOCA.

Route 11:

\*Vega INT, P.R.; San Juan, P.R., VORTAC; 2,800. \*5,000—MCA Vega INT, southbound.

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

Baker, Ore., VOR; Payette INT, Idaho; 9,000.

Baker, Ore., VOR via S alter.; Pump INT, Idaho, via S alter.; \*14,000. \*8,500—MOCA.

Pump INT, Idaho, via S alter.; Boise, Idaho, VOR via S alter.; eastbound, \*5,000; westbound, \*10,000. \*5,000—MOCA.

Cherokee, Wyo., VOR; \*Laramie, Wyo., VOR; 13,000. \*10,600—MCA Laramie VOR, westbound.

Section 95.6006 VOR Federal airway 6 is amended by adding:

Cleveland, Ohio, VOR via N alter.; Youngstown, Ohio, VOR via N alter. 3,000.

Section 95.6008 VOR Federal airway 8 is amended to read in part:

Kremmling, Colo., VOR; Superior INT, Colo.; \*16,000. \*15,200—MOCA.

Section 95.6010 VOR Federal airway 10 is amended to read in part:

Lamar, Colo., VOR; Deer INT, Kans.; \*5,600. \*4,900—MOCA.

Deer INT, Kans.; Garden City, Kans., VOR; \*5,000. 4,300—MOCA.

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

Vichy, Mo., VOR via N alter.; St. Louis, Mo., VOR via N alter.; \*2,800. \*2,200—MOCA.

Oklahoma City, Okla., VOR via S alter.; Prague INT, Okla., via S alter.; \*4,000. \*3,700—MOCA.

Section 95.6015 VOR Federal airway 15 is amended to read in part:

Huron, S. Dak. VOR via W alter.; Aberdeen, S. Dak. VOR via W alter.; \*3,000. \*2,600—MOCA.

Section 95.6023 VOR Federal airway 23 is amended to read in part:

\*McKenna INT Wash.; McChord INT, Wash.; 3,000. \*4,100—MCA McKenna INT, southbound.

Fort Jones, Calif., VOR; Talent DME Fix, Ore.; \*#10,000. \*9,400—MOCA. #MEA is established with a gap in navigational signal coverage from 9 nautical miles to 19 nautical miles northwest.

Fort Jones, Calif., VOR via W alter.; \*Hamburg INT, Ore., via Walter.; \*\*#10,000. \*12,000—MRA. \*\*9,000—MOCA. #MEA is established with a gap in navigational signal coverage from 9 nautical miles to 19 nautical miles northwest.

Section 95.6025 VOR Federal airway 25 is amended to read in part:

Redmond, Ore., VOR; The Dalles, Ore., VOR; \*7,000. \*6,500—MOCA.

Section 95.6040 VOR Federal airway 40 is amended to read in part:

Cleveland, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6044 VOR Federal airway 44 is amended to read in part:

Lighthouse INT, N.J.; INT, 122° M rad, Robbinsville VOR and 221° M rad, Deer Park VOR; \*8,000. \*2,000—MOCA.

INT 122° M rad, Robbinsville VOR and 221° M rad, Deer Park VOR; Southgate INT, N.J.; \*6,000. \*2,000—MOCA.

Section 95.6045 VOR Federal airway 45 is amended to delete:

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

Section 95.6045 VOR Federal airway 45 is amended by adding:

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

Section 95.6047 VOR Federal airway 47 is amended to delete:

Cincinnati, Ohio, VOR via W alter.; New Baltimore INT, Ohio, via W alter.; 2,500.

New Baltimore INT, Ohio, via W alter.; Camden INT, Ohio, via W alter.; \*2,600. \*2,200—MOCA.

Camden INT, Ohio, via W alter.; Englewood INT, Ohio, via W alter.; 2,700. MAA—6,000.

Section 95.6055 VOR Federal airway 55 is amended to read in part:

Junction City INT, Wis.; Eau Claire, Wis., VOR; \*3,000. \*2,800—MOCA.

Section 95.6057 VOR Federal airway 57 is amended to delete:

Falmouth, Ky., VOR; Moss INT, Ohio; 2,700.

Section 95.6071 VOR Federal airway 71 is amended to read in part:

Woodville INT, La.; \*Wilkinson INT, Miss.; \*\*2,000. \*2,500—MRA. \*\*1,800—MOCA.

Wilkinson INT, Miss.; Natchez, Miss., VOR; \*2,000. \*1,800—MOCA.

Section 95.6075 VOR Federal airway 75 is amended to read in part:

Briggs, Ohio, VOR; Cleveland, Ohio, VOR; 3,000.

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

Bayport INT, Fla., via E alter.; \*Richey INT, Fla., via E alter.; \*3,000. \*1,200—MOCA.

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

Medicine Bow, Wyo., VOR; \*Laramie, Wyo., VOR; 9,400. \*10,600—MCA Laramie VOR, westbound.

Laramie, Wyo., VOR; \*Silver Crown INT, Wyo.; 11,000. \*9,600—MCA Silver Crown INT, westbound.

Section 95.6148 VOR Federal airway 148 is amended to read in part:

Sioux Falls, S. Dak., VOR; Hatfield INT, Minn.; \*3,500. \*3,100—MOCA.

Hatfield INT, Minn.; Redwood Falls, Minn., VOR; \*3,500. \*2,800—MOCA.

Section 95.6160 VOR Federal airway 160 is amended to read in part:

Roggen INT, Colo.; Sidney, Nebr. VOR; \*7,500. \*6,100—MOCA.

Section 95.6161 VOR Federal airway 161 is amended to read in part:

Greater Southwest, Tex., VOR; \*Justin INT, Tex.; 2,200. \*2,900—MRA.

Justin INT, Tex.; \*Fox INT, Tex.; \*\*2,500. \*2,700—MRA. \*\*2,000—MOCA.

Fox INT, Tex.; Sildell INT, Tex.; \*4,000. \*2,100—MOCA.

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

Rollag INT, Minn.; \*Shelly INT, Minn.; \*\*6,000. \*16,500—MAA. \*\*2,600—MOCA.

Section 95.6177 VOR Federal airway 177 is amended to read in part:

Rib Lake INT, Wis.; Seeley INT, Wis.; \*6,000. \*2,800—MOCA.

Seeley INT, Wis.; Duluth, Minn., VOR; \*3,500. \*3,000—MOCA.

Section 95.6181 VOR Federal airway 181 is amended to read in part:

Fargo, N. Dak., VOR via E alter.; \*Shelly INT, Minn.; via E alter.; \*\*2,600. \*16,500—MAA. \*\*2,300—MOCA.

Shelly INT, Minn., via E alter.; Grand Forks, N. Dak., VOR via E alter.; \*2,600. \*2,300—MOCA.

Watertown, S. Dak., VOR; Barney INT, N. Dak.; \*3,900. \*3,300—MOCA.

Section 95.6187 VOR Federal airway 187 is amended to read in part:

Great Falls, Mont., VOR; Dearborn INT, Mont.; northeastbound, 8,000; southwestbound, 10,000.

Dearborn INT, Mont.; Blackfoot INT, Mont.; \*13,000. \*11,400—MOCA.

Blackfoot INT, Mont.; Bonner DME Fix, Mont.; \*10,000. \*9,600—MOCA.

Section 95.6200 VOR Federal airway 200 is amended to read in part:

Kremmling, Colo., VOR; Superior INT, Colo.; \*16,000. \*15,200—MOCA.

Section 95.6236 VOR Federal airway 236 is amended to read in part:

INT, 218° M rad, Ogden VOR and 249° M rad, Salt Lake City VOR; Fremont INT, Utah; 9,000.

Fremont INT, Utah; Ogden, Utah, VOR; 7,000.

Section 95.6244 VOR Federal airway 244 is amended to read in part:



\*Florence INT, Colo.; Stone INT, Colo.; westbound, \*\*12,000; eastbound, 9,000.  
\*10,000—MRA. \*\*9,000—MOCA.  
Stone INT, Colo.; Pueblo, Colo., VORTAC;  
\*7,500, \*7,300—MOCA.

Section 95.6249 VOR Federal airway 249 is amended to read in part:

INT, 034° M rad, Sparta VOR and 250° M rad, Kingston VOR; Ellenville INT, N.Y.; 4,000. Ellenville INT, N.Y.; Delancey, N.Y., VOR; 5,700.

Section 95.6278 VOR Federal airway 278 is amended to read in part:

Bridgeport, Tex., VOR; \*Fox INT, Tex.; \*\*2,600, \*2,700—MRA. \*\*2,300—MOCA.

Section 95.6430 VOR Federal airway 430 is amended to read in part:

Farmer, INT, N. Dak.; \*Carew INT, N. Dak.; \*\*3,600, \*5,500—MRA. \*\*3,000—MOCA.  
Carew INT, N. Dak.; Devils Lake, N. Dak., VOR; \*3,600, \*3,000—MOCA.

Section 95.6443 VOR Federal airway 443 is amended to read in part:

Tiverton, Ohio, VOR via E alter.; Cleveland, Ohio, VOR via E alter.; 3,000.

Section 95.6483 VOR Federal airway 483 is amended to read in part:

Carmel, N.Y., VOR; Ellenville INT, N.Y.; 4,000. Ellenville INT, N.Y.; Delancey, N.Y., VOR; 5,700.

Section 95.6500 VOR Federal airway 500 is amended to read in part:

Squaw Mount DME Fix, Ore.; \*Gateway INT, Ore.; \*\*10,000, \*10,000—MRA. \*10,000—MCA V-500, westbound, \*8,500—MCA V-500, eastbound. \*\*7,600—MOCA.

Section 95.6536 VOR Federal airway 536 is amended to read in part:

Corvallis, Ore., VOR; Lebanon INT, Ore.; 4,000.

Section 95.7035 Jet Route No. 35 is amended to read in part:

From, to MEA, and MAA

Memphis, Tenn., VORTAC; Farmington, Mo., VORTAC; 18,000; 45,000.  
Farmington, Mo., VORTAC; St. Louis, Mo., VORTAC; 18,000; 45,000.

Section 95.7057 Jet Route No. 57 is added to read:

Truth or Consequences, N. Mex., VORTAC; Socorro, N. Mex., VORTAC; 18,000; 45,000.  
Socorro, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7058 Jet Route No. 58 is amended to read in part:

Neptune INT, Fla.; Crab INT, Fla.; #26,000; 45,000. #MEA is established with a gap in navigation signal coverage.  
Crab INT, Fla.; Sarasota, Fla., VOR; 18,000; 45,000.

Section 95.7086 Jet Route No. 86 is amended to read in part:

Grand Isle, La., VORTAC; Crab INT, Fla.; #26,000; 45,000. #MEA is established with a gap in navigation signal coverage.  
Crab INT, Fla.; Sarasota, Fla., VOR; 18,000; 45,000.

Section 95.7142 Jet Route No. 142 is added to read:

San Simon, Ariz., VORTAC; Socorro, N. Mex., VORTAC; 20,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 VOR Federal airway changeover points:

From; to—Changeover point; Distance; from

V-4 is amended to read in part:  
Baker, Ore., VOR; Boise, Idaho, VOR; 25; Baker.

V-66 is amended by adding:  
Brookwood, Ala., VOR; Atlanta, Ga., VOR; 82; Brookwood.

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

Issued in Washington, D.C., on July 13, 1970.

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

[F.R. Doc. 70-9309; Filed, July 21, 1970; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-47]

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

Delegations to Certain Employees in the Bureau of Economics

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of July 1970.

In a recent reorganization within the Bureau of Economics, the Local Service Division was redesignated as the Government Rates Division and the Rates Division was renamed the Passenger and Cargo Rates Division. The function of processing of MAC rates and service mail rates, formerly performed by the Rates Division, was transferred to the Government Rates Division. The Board is hereby amending its delegations of authority to conform with the new organizational structure.

Since this amendment is a rule of internal agency organization, it may be adopted without public notice and procedure, and may be made effective upon adoption.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385), effective July 16, 1970, as follows:

1. Amend the table of contents for Subpart B of Part 385 by modifying the titles of §§ 385.14, 385.15, and 385.16 to read as follows:

Sec.  
385.14 Delegation to the Chief, Passenger and Cargo Rates Division, Bureau of Economics.

385.15 Delegation to the Chief, Tariffs Section, Passenger and Cargo Rates Division, Bureau of Economics.

385.16 Delegation to the Chief, Government Rates Division, Bureau of Economics.

2. Amend § 385.14 by (1) revising the title of the section and the introductory paragraph and (2) deleting and reserving paragraphs (b), (c), (f), (g), and (i). As amended, § 385.14 will read, in part, as follows:

§ 385.14 Delegation to the Chief, Passenger and Cargo Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Passenger and Cargo Rates Division, Bureau of Economics, the authority to:

\* \* \* \* \*

(b) [Reserved.]

(c) [Reserved.]

\* \* \* \* \*

(f) [Reserved.]

(g) [Reserved.]

\* \* \* \* \*

(i) [Reserved.]

3. Amend § 385.15 by revising (1) the title of the section and (2) the introductory paragraph thereof. As amended, § 385.15 will read in part as follows:

§ 385.15 Delegation to the Chief, Tariffs Section, Passenger and Cargo Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Tariffs Section, Passenger and Cargo Rates Division, Bureau of Economics, the authority to:

\* \* \* \* \*

4. Amend § 385.16 by (1) revising the title of the section, and the introductory paragraph thereof; and (2) adding paragraphs (d), (e), (f), (g), and (h). As amended, § 385.16 will read in part as follows:

§ 385.16 Delegation to the Chief, Government Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Government Rates Division, Bureau of Economics, the authority to:

\* \* \* \* \*

(d) Grant or deny air carriers authority to conduct MAC charter operations in air transportation, imposing conditions, and approve or disapprove changes prior to flight in MATS charters previously authorized, such as changes regarding flight data, departure or landing points, aircraft, persons authorized for one-way passage, intermingling of passengers, or substituting another carrier in case of emergency.

(e) Upon the application of any person or upon his own initiative, change the classification of any station for purposes of the multielement service mail rate formulas applicable to the transportation of airmail and nonpriority mail whenever the total revenue tons of all traffic enplaned at the station during the most recent 12-month period bring it within a different class, in accordance with the schedule specified in the applicable Board order.

(f) Issue show cause orders proposing (1) to establish service mail rates for air taxi operators, and (2) to make modifications of a technical nature in the mail rate formula applicable to temporary or final service mail rate orders.

(g) Issue final orders establishing temporary or final service mail rates in those cases where no objection has been filed following release of the show cause order, and where the rates established



## RULES AND REGULATIONS

are the same as those proposed in the show cause order.

(h) Issue final orders amending mail rate orders of air carriers to reflect changes in the names of the carriers subject to the orders.

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

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-9434; Filed, July 21, 1970;  
8:51 a.m.]

## Title 46—SHIPPING

### Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING  
MARITIME CARRIERS AND RELATED ACTIVITIES  
[General Order 107, Amdt. 1]

### PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

#### Applications

Section 221.23 of this part is hereby amended by changing the last sentence of paragraph (c) thereof to read as follows:

#### § 221.23 Applications.

(c) \* \* \* The form of Affidavit of United States Citizenship shall be in accordance with part 355 of this chapter (General Order 89, Rev.).

Dated: July 16, 1970.

(Section 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 70-9450; Filed, July 21, 1970;  
8:52 a.m.]

### SUBCHAPTER J—MISCELLANEOUS [General Order 89, Rev.]

### PART 355—REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP

#### Evidence of U.S. Citizenship Required With Respect to Corporate Appli- cants for or Recipients of Benefits Under the Merchant Marine Act, 1936, as Amended; Corrections

1. In F.R. Doc. 70-9271 appearing in the FEDERAL REGISTER issue of July 18, 1970 (35 F.R. 11558) the following signature lines and words are hereby added at the end of paragraph 6 of § 355.2(a) *Requirements regarding evidence of U.S. citizenship; affidavit guide* and the notarial statement so as to read as follows:

6. \* \* \*

Dated: -----

(Name of affiant)

(Notary Public)

My Commission expires: -----

2. In paragraph 5 of § 355.2(a), the footnote references "2" appearing in the 2d and 5th lines should read "3". In the 21st line of paragraph 5, a footnote reference "3" should be inserted following the parenthesis.

Dated: July 20, 1970.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 70-9461; Filed, July 21, 1970;  
8:52 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 18556; FCC 70-630]

### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

#### Miscellaneous Amendments

In the matter of amendment of Part 21 of the rules and regulations applicable to the Domestic Public Radio Services (other than Maritime Mobile), Docket No. 18556, RM-1341. The report and order in the above-entitled matter, FCC 70-630, released June 23, 1970, and published in the FEDERAL REGISTER on June 26, 1970, 35 F.R. 10435, is corrected as follows:

1. In § 21.13(b), the address is corrected and the last sentence is amended to read as follows:

§ 21.13 Place of filing applications, fees, and number of copies.

(b) Applications for authorizations under this part for stations in Alaska shall be submitted to the Federal Communications Commission, Radio District No. 14, Room 8012, Federal Office Building, Seattle, Wash. 98104, attention of the Engineer in Charge. Each such application shall be accompanied by the applicable nonrefundable fee.

#### § 21.121 [Amended]

2. In § 21.121(d) the reference at the end of the paragraph is corrected to read: "information (c.f. §§ 21.121(c) and 21.15)."

#### § 21.604 [Amended]

3. In § 21.604(a) footnote 2, the word "of" is substituted for the word "or" in the first sentence preceding "20 kc/s".

#### § 21.610 [Amended]

4. In § 21.610(a)(1), a period is inserted following the word "temporary" and the word "Services" capitalized.

#### § 21.701 [Amended]

5. In § 21.701(d) the word "basis" is inserted following the word "shared".

Released: July 16, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-9427; Filed, July 21, 1970;  
8:51 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Hazardous Materials Reg- ulations Board, Department of Transportation

[Docket No. HM-41; Amdt. 178-12]

### PART 178—SHIPPING CONTAINER SPECIFICATIONS

#### Specifications for Fiberboard Boxes; Stitching Staples

The purpose of these amendments to Part 178 of the Hazardous Materials Regulations of the Department of Transportation is to modify the specifications for staples used in the construction of fiberboard boxes.

On January 30, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-41; Notice No. 70-2 (35 F.R. 1242) proposing to amend DOT Specifications 12B, 12C, 12D, 12H, 23F, 23G, and 23H to provide industry more flexibility in the making of boxes while maintaining a minimum requirement for the strength and efficiency of material used. It was proposed to specify the requirement for staples in terms of equivalency rather than to specifically prescribe their construction.

Interested persons were afforded an opportunity to comment on this proposal. One commenter suggested the addition of a requirement in each specification relating to coating or plating of staples. It should be noted that three of the several specifications involved, specifications 12B, 12C, and 12D, do not require coated staples. The Board believes the " \* \* \* equivalent to copper coated steel in non-sparking quality" criteria sufficiently specifies the level of safety required without further detail. Other commenters responding to the notice favored the proposal.

In consideration of the foregoing, 49 CFR Part 178 of the Hazardous Materials Regulations is amended as follows:

(A) Section 178.205-6 is amended to read as follows:

§ 178.205 Specification 12B; fiberboard boxes.

§ 178.205-6 Stitching staples.

Stitching staples must be made in such a configuration that their holding capability as installed will not be less than that of flat steel staples  $\frac{3}{32}$  x 0.019 inch in cross section and not less than  $\frac{1}{16}$ -inch wide.



(B) Section 178.206-6 is amended to read as follows:

§ 178.206 Specification 12C; fiberboard boxes.

§ 178.206-6 Stitching staples.

Stitching staples must be made in such a configuration that their holding capability as installed will not be less than that of flat steep staples  $\frac{3}{32}$  x 0.019 inch in cross section and not less than  $\frac{7}{16}$ -inch wide.

(C) Section 178.207-5 is amended to read as follows:

§ 178.207 Specification 12D; fiberboard boxes.

§ 178.207-5 Stitching staples.

Stitching staples must be made in such a configuration that their holding capability as installed will not be less than that of flat steel staples  $\frac{3}{32}$  x 0.019 inch in cross section and not less than  $\frac{7}{16}$ -inch wide.

(D) Section 178.209-5 is amended to read as follows:

§ 178.209 Specification 12H; fiberboard boxes.

§ 178.209-5 Stitching staples.

Stitching staples must be made in such a configuration that their holding capability as installed will not be less than that of flat steel staples  $\frac{3}{32}$  x 0.019 inch in cross section and not less than  $\frac{7}{16}$ -inch wide. Materials used must be at least equivalent to copper coated steel in nonsparking quality.

(E) Section 178.214-5 is amended to read as follows:

§ 178.214 Specification 23F; fiberboard boxes.

§ 178.214-5 Stitching staples.

Stitching staples must be made in such a configuration that their holding capability as installed will not be less than that of flat steel staples  $\frac{3}{32}$  x 0.019 inch in cross section and not less than  $\frac{7}{16}$ -inch wide. Material used must be at least equivalent to copper coated steel in nonsparking quality.

(F) Section 178.218-4 is amended to read as follows:

§ 178.218 Specification 23G; special cylindrical fiberboard box for high explosives.

§ 178.218-4 Stitching staples.

Stitching staples must be made in such a configuration that their holding capability as installed will not be less than that of flat steel staples  $\frac{3}{32}$  x 0.019 inch in cross section and not less than  $\frac{7}{16}$ -inch wide. Material used must be at least equivalent to copper coated steel in nonsparking quality.

(G) Section 178.219-4 is amended to read as follows:

§ 178.219 Specification 23H; fiberboard boxes.

§ 178.219-4 Stitching staples.

Stitching staples must be made in such a configuration that their holding capability as installed will not be less than that of flat steel staples  $\frac{3}{32}$  x 0.019 inch in cross section and not less than

$\frac{7}{16}$ -inch wide. Material used must be at least equivalent to copper coated steel in nonsparking quality.

This amendment is effective October 30, 1970. However, compliance with the regulations as amended herein is authorized immediately.

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

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

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

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

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

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

[F.R. Doc. 70-9413; Filed, July 21, 1970; 8:50 a.m.]

### Chapter VI—Urban Mass Transportation Administration, Department of Transportation

#### PART 601—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Pursuant to section 552 of title 5 of the United States Code (formerly the Freedom of Information Act), this chapter sets forth for the guidance of the public, the basic organizational structure, spheres of responsibility, lines of authority, functions, and procedures of the Urban Mass Transportation Administration, and informs the public of the places at which, the employees from whom, and the methods whereby the public may obtain information, make submissions or requests, or obtain decisions. It also lists, and advises the public as to where and how copies of, all standards, guidelines, forms, and statements of policy and procedure promulgated by the Administration, as well as any final opinions and orders made in the adjudication of cases, any statements of policy and interpretations not otherwise published, and any administrative staff manuals and instructions to staff affecting the public, may be obtained.

Since this amendment relates only to the internal management of the Urban Mass Transportation Administration, notice and public procedure thereon are not required and the part may be made effective in less than 30 days.

In consideration of the foregoing, effective August 1, 1970, Title 49, Code of Federal Regulations, is amended by adding a new chapter VI, as set forth below.

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

CARLOS C. VILLARREAL,  
Urban Mass Transportation  
Administrator.

Sec.

- 601.1 Organization and structure.
- 601.2 Urban mass transportation programs.
- 601.3 Sources of available program information.

**AUTHORITY:** The provisions of this Part 601 issued under sec. 9, Department of Transportation Act; 49 U.S.C. 1659, 1968 Reorganization Plan No. 2; 82 Stat. 1369, and sec. 1.50 of title 49 CFR.

#### § 601.1 Organization and structure.

(a) The Urban Mass Transportation Administration (hereinafter called the Administration) is one of the operating administration within the Department of Transportation. Its Administrator is directly responsible to the Secretary of Transportation (hereinafter referred to as the Secretary) for exercising the functions of the Secretary under the Urban Mass Transportation Act of 1964, as amended (Public Law 88-365, 78 Stat. 302, 49 U.S.C. sec. 1601 et. seq.) (hereinafter referred to as the Act) which were transferred to the Secretary by section 1 of Reorganization Plan No. 2 of 1968 (33 F.R. 6965, Feb. 26, 1968, 82 Stat. 1369). The Secretary has delegated his functions under the Act to the Administrator (49 CFR 1.50).

(b) The Administrator is responsible to the Secretary for the overall planning, direction, and control of the activities of the Administration, and has sole authority within the Administration to approve urban mass transportation loans, grants, and contracts.

(c) The Administration is composed of the following offices:

(1) *Office of Administrations.* Directed by the Assistant Administrator for Administration, this office provides general administrative services for the Administrator, including budgetary, personnel, procurement, and management services;

(2) *Office of Chief Counsel.* Directed by the Chief Counsel, this office provides legal advice and support to the Administrator and other officials within the Administration, and coordinates with and supports the General Counsel of the Department on legal and regulatory matters involving or affecting urban mass transportation;

(3) *Office of Public Affairs.* Directed by the Assistant Administrator for Public Affairs, this office advises and assists the Administrator in the area of public relations and in the dissemination of general information about Administration programs, projects and activities;

(4) *Office of Program Planning.* Directed by the Assistant Administrator for Program Planning, this office advises and assists the Administrator in the development of policies and plans for carrying out the functions and programs authorized by the Act, and in coordinating the Administration's activities with those of other governmental agencies;

(5) *Office of Program Operations.* Directed by the Assistant Administrator for Program Operations; this office is responsible for reviewing and processing all applications for urban mass transportation capital facilities grants and loans, and urban mass transportation



technical studies grants, and for managing the execution of the resulting projects. The Assistant Administrator for Program Operations has been delegated authority to execute grant or loan contracts or contract amendments for approved projects under sections 3 and 9 of the Act (49 U.S.C. 1602, 1607a) and to approve requisitions for funds, third-party contracts and budget amendments within previously approved limits (33 F.R. 10862, Nov. 26, 1968);

(6) *Office of Program Demonstrations.* Directed by the Assistant Administrator for Program Demonstrations, this office is responsible for reviewing and processing all applications and proposals for urban mass transportation research, development and demonstration projects, managerial training projects, and university research and training programs in urban transportation, and for managing the execution of the resulting projects. The Assistant Administrator for Program Demonstrations has been delegated authority to execute grant and procurement contracts or contract amendments for approved projects under sections 6(a), 10, and 11 of the Act (49 U.S.C. 1605(a), 1607b, 1607c), and to approve requisitions for funds, third-party contracts and budget amendments within previously approved limits (33 F.R. 10862-3, Nov. 26, 1968);

(7) *Office of Civil Rights.* Directed by the Director of Civil Rights, this office advises and assists the Administrator in implementing compliance with applicable laws and directives pertaining to civil rights and equal employment opportunity, both within the Administration and in the conduct of urban mass transportation projects and programs.

(d) The offices of the Administration are located in the Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5 p.m. on regular business days.

#### § 601.2 Urban mass transportation programs.

The Administration administers the following urban mass transportation grant, loan, and other programs authorized by the Act:

(a) Grants or loans to local public bodies and agencies thereof to assist in financing acquisition, construction, reconstruction and improvement of facilities and equipment for use in mass transportation service in urban areas (section 3 of the Act; 49 U.S.C. 1602);

(b) Research, development, and demonstration projects in all phases of urban mass transportation (section 6(a) of the Act; 49 U.S.C. 1605(a));

(c) Technical studies grants to local public bodies and agencies thereof to assist in financing the planning, engineering and designing of urban mass transportation projects, and other technical studies (section 9 of the Act; 49 U.S.C. 1607a);

(d) Managerial training grants to local public bodies to assist in financing the cost of academic fellowships for the training of personnel employed in man-

agerial, technical, and professional positions in the urban mass transportation field (section 10 of the Act; 49 U.S.C. 1607b); and

(e) Research and training program grants to publicly or privately owned institutions of higher learning to assist in establishing or carrying on comprehensive research and training in problems of transportation in urban areas (section 11 of the Act; 49 U.S.C. 1607c).

Form No.	Title
UMTA-A1	"Urban Mass Transportation Act of 1964 and Related Laws," January 1, 1970.
UMTA-A2	"Capital Grants for Urban Mass Transportation—Information for Applicants," July 1969.
UMTA-A3	"Urban Mass Transportation Demonstrations—Information for Applicants," July 1968.
UMTA-A4	"Grants for Technical Studies for Urban Mass Transportation—Information for Applicants," July 1968.
UMTA-A5	"Grants for Managerial Training for Urban Mass Transportation—Information for Applicants," July 1968.
UMTA-A6	"Grants for University Research and Training in Urban Transportation etc.—Information for Applicants," January 1970 (and Enclosure).
UMTA-A7	"Procedural Guide for Project Sponsors," July 1969.
UMTA-A8	"Urban Mass Transportation Planning Requirements Guide," February 1966 (and Supplement).
UMTA-A9	"Accounting Procedures, Urban Mass Transportation Grant Program," June 1967.
UMTA-A10	"Instructions for Completing UMTA Form 1 'Application for Mass Transportation Demonstration Grant.'"
UMTA-A11	"Service Development Program—Instructions for Completing UMTA Form 1 'Application for Mass Transportation Demonstration Grant.'"
UMTA-A12	"Urban Corridor Demonstration Program—Information for Applicants," January 1970.
UMTA-A13	Sample Format—"Application for Urban Mass Transportation Capital Improvement Grant," January 1969.
DOT-UMTA-5	"Urban Mass Transportation Grant Contract, Part II, Terms and Conditions," July 1968.

(b) Single copies of any of these publications may be obtained without charge from the Assistant Administrator for Administration, Room 9228, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590.

(c) In addition, the Administration maintains at the same place and under the supervision of the same official a document inspection facility where the general files of the Administration are kept, and where the following records are located and available:

(1) Final opinions and orders made in the adjudication of cases and issued within the Administration.

(2) Policy statements and interpretations issued within the Administration, including policy statements and interpretations concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(3) Administrative staff manuals and instructions to staff, issued within the Administration which affect members of the public.

(4) An index to the material described in subparagraphs (1) through (3) of this paragraph.

(d) Any person desiring to inspect any of these records or obtain a copy thereof must submit his request in writing, specifying the record he wishes to inspect or a copy of which he desires,

#### § 601.3 Sources of available program information.

(a) The Administration has published the following informational pamphlets, procedural and accounting guides, and other publications, which contain the rules of procedure, criteria, guidelines, interpretations, statements of policy and rules of general applicability formulated and adopted by the Administration for the guidance of the public:—

to the Assistant Administrator for Administration, Room 9228, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590. Each request for copies must be accompanied by the appropriate fee prescribed in 49 CFR Part 7, Subpart H, § 7.85.

[F.R. Doc. 70-9367; Filed, July 21, 1970; 8:46 a.m.]

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1048]

#### PART 1033—CAR SERVICE

### Union Pacific Railroad Co. Authorized To Operate Over Tracks of Southern Pacific Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of July 1970.

It appearing, That because present tracks and facilities of the Union Pacific Railroad Co. are inadequate to handle certain trainload shipments of coal for export via Long Beach Harbor, Calif., or Los Angeles Harbor, Calif.; that such trainload shipments of coal can be transported via tracks of the Southern Pacific Co. between a point of connection with the Union Pacific Railroad Co. at



Union Pacific Railroad Co. milepost 10.9 at Whittier Junction, Calif., and Long Beach Harbor, Calif., a distance of 21.42 miles, or Los Angeles Harbor, Calif., a distance of 25.12 miles; that the Commission is of the opinion that operation by the Union Pacific Railroad Co. over this trackage of the Southern Pacific Co. is necessary to enable the Union Pacific Railroad Co. to handle this traffic, in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1048 Service Order No. 1048.

(a) *Union Pacific Railroad Co. authorized to operate over tracks of the Southern Pacific Co.* The Union Pacific Railroad Co. be, and it is hereby, authorized to operate over tracks of the Southern Pacific Co., between a point of connection between these companies at Union Pacific Railroad Co. milepost 10.9 at Whittier Junction, Calif., and Long Beach Harbor, Calif., a distance of 21.42 miles, or Los Angeles Harbor, Calif., a distance of 25.12 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Union Pacific Railroad Co. over tracks of the Southern Pacific Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Union Pacific Railroad Co. over these tracks of the Southern Pacific Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., July 20, 1970.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[F.R. Doc. 70-9424; Filed, July 21, 1970; 8:51 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

##### Mattamuskeet National Wildlife Refuge, N.C.; Correction

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### NORTH CAROLINA

##### MATTAMUSKEET NATIONAL WILDLIFE REFUGE

In F.R. Doc. 70-1130, appearing on page 1166 of the issue for Wednesday, January 28, 1970, special condition (4) should read:

(4) Boats and outboard motors are permitted. Air boats prohibited. Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning areas and damage to unstable canal banks.

W. L. TOWNS,

Acting Regional Director,  
Bureau of Sport Fisheries & Wildlife.

JULY 14, 1970.

[F.R. Doc. 70-9404; Filed, July 21, 1970; 8:49 a.m.]

### Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

#### SUBCHAPTER E—NORTHWEST ATLANTIC COMMERCIAL FISHERIES

##### PART 240—GROUND FISH FISHERIES

###### Restrictions on Fishing Gear

At its 17th Annual Meeting held in Boston, Mass., June 5-9, 1967, the International Commission for the Northwest Atlantic Fisheries approved a proposal that would reduce the number of cod end meshes to measure to determine average mesh size and to define the ICNAF gauge pressure necessary when measuring mesh size. The proposal was entered into force by the member nations on January 1, 1970. This proposal would amend §§ 240.3 (b) (2) and 240.3(c) of the current regulation.

The amendment is issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986).

This amendment is effective on the date of publication in the FEDERAL REGISTER.

1. Subparagraph (2) of § 240.3(b) is amended by changing "50" between the words "any" and "consecutive" to "20."

2. Paragraph (c) of § 240.3 of Title 50 CFR is amended as follows:

§ 240.3 Restrictions on fishing gear.

(c) All measurements of meshes shall be made by the insertion into the meshes under a pressure or pull of 5.0 kilograms (11.0 pounds.) of a flat, wedge-shaped gauge having a taper of 2 centimeters in 8 centimeters and a thickness of 2.3 millimeters.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated July 15, 1970.

PHILIP M. ROEDEL,  
Director.

Bureau of Commercial Fisheries.

[F.R. Doc. 70-9357; Filed, July 21, 1970; 8:45 a.m.]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

##### PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

###### Certificate Cost and Refund Rate

On page 9016 of the FEDERAL REGISTER of June 11, 1970, there was published a notice of proposed rule making to provide the following changes to the Republication of the Processor Wheat Marketing Certificate Regulations, as amended (33 F.R. 14676, 34 F.R. 5817, 6907, 11412, 13522, 19063).

(1) Extend the marketing certificate cost of 75 cents per bushel through the marketing year beginning July 1, 1970, as provided in section 379e of the Act (7 U.S.C. 1379e);

(2) Provide the refund rate for flour second clears not used for human consumption for the marketing year beginning July 1, 1970, based upon latest information available to the Department as to the average extraction rate of persons who process wheat into flour.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

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

Since the provisions of this amendment as set forth below must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) is impracticable and contrary



to the public interest and that this amendment shall be effective as provided below.

**Effective date.** The provisions of this amendment shall be effective with respect to processing report periods beginning on and after July 1, 1970.

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

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

(1) Section 777.5(a) is amended by changing the penultimate sentence to read as follows:

**§ 777.5 Applicability of certificate requirements.**

(a) *General.* \* \* \* The cost of domestic certificates shall be 75 cents a bushel during the marketing years beginning July 1, 1965, through the marketing year beginning July 1, 1970. \* \* \*

(2) Section 777.19(e) is amended to read as follows:

**§ 777.19 Industrial users of flour second clears.**

(e) *Refund rate.* The refund rate for the marketing years beginning July 1, 1965, and July 1, 1966, shall be \$1.71 per hundredweight, which was determined on the basis of a conversion factor of 2.283, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1967, shall be \$1.69 per hundredweight, which was determined on the basis of a conversion factor of 2.252, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1968, and July 1, 1969, shall be \$1.68 per hundredweight, which was determined on the basis of a conversion factor of 2.240, multiplied by the applicable certificate cost rounded to the nearest cent. The refund rate for the marketing year beginning July 1, 1970, shall be \$1.67 per hundredweight, which was determined on the basis of a conversion factor of 2.230 multiplied by the applicable certificate cost rounded to the nearest cent. This refund rate to be used is the rate applicable to the marketing year in which the flour second clears were produced as shown by the processor on Form CCC-165.

[F.R. Doc. 70-9435; Filed, July 21, 1970; 8:51 a.m.]

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

[Peach Reg. 8]

**PART 919—PEACHES GROWN IN MESA COUNTY, COLO.**

**Regulation by Grades and Sizes**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order

No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of peaches from the production area are expected to begin on or about July 23, 1970. The grade and size requirements provided herein are necessary to prevent the handling, on and after July 23, 1970, of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The grade and size requirements reflect the necessity for eliminating the least desirable grades and sizes; the committee's estimate of the percentage of the fruit that will be eliminated by such requirements; and the quantity of the more desirable grades and sizes which will be available for shipment after such elimination.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 23, 1970. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 15, 1970; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 15, 1970, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department on July 17, 1970, and made available to growers and handlers; shipments of the current crop of peaches are expected to begin on or about the effective

date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

**§ 919.309 Peach Regulation 8.**

(a) *Order.* During the period July 23 through September 30, 1970, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1 grade;

(2) Any peaches of any variety which are of a size smaller than 2 1/8 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 1/8 inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2 1/8 inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 1/8 inches in diameter.

(b) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count," shall have the same meaning as when used in the U.S. Standards for Peaches (7 CFR 51.1210-51.1223).

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

Dated: July 20, 1970.

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

[F.R. Doc. 70-9544; Filed, July 21, 1970; 11:16 a.m.]

**Chapter XIV—Commodity Credit Corporation, Department of Agriculture**

**SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Wheat Supplement, Amdt. 1]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

**Subpart—1970 and Subsequent Crops Wheat Loan and Purchase Program**

**SUPPORT RATES**

The regulations issued by the Commodity Credit Corporation published in 35 F.R. 8204 containing regulations for price support loans and purchases applicable to the 1970 and subsequent crops of wheat are amended as follows:

In § 1421.469, subdivision (iii) of subparagraph (2) of paragraph (c) is amended by adding Saginaw, Mich., located in the county of Saginaw, to the list of designated port terminal markets.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)



Effective date: Upon publication in the FEDERAL REGISTER.

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

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 70-9437; Filed, July 21, 1970; 8:51 a.m.]

[CCC Grain Price Support Regs., 1970 Crop Wheat Supp., Amdt. 1]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

**Subpart—1970 Crop Wheat Loan and Purchase Program**

**SUPPORT RATES**

The regulations issued by the Commodity Credit Corporation published in 35 F.R. 8867 and 10097 containing regulations for price support loans and purchases applicable to the 1970 crop of wheat are amended as follows:

In § 1421.489, paragraph (a) is amended to adjust basic county support rates as follows:

**§ 1421.489 Support rates, premiums, and discounts.**

(a) *Basic support rates (counties).* \* \* \*

IDAHO		
County	Rate per bushel	
	From—	To—
Custer	\$1.15	\$1.14
Idaho	1.21	1.22
Lemhi	1.14	1.13
KANSAS		
Barber	1.23	1.24
Gray	1.19	1.20
Pratt	1.21	1.22
MICHIGAN		
Bay	1.13	1.14
Saginaw	1.15	1.16
OKLAHOMA		
Alfalfa	1.26	1.27
Grant	1.26	1.27
Kay	1.26	1.27
Osage	1.26	1.27
OREGON		
Malheur	1.14	1.16

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

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

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 70-9436; Filed, July 21, 1970; 8:51 a.m.]

**PART 1434—HONEY**

**Subpart—Standards for Approval of Warehouses for Extracted Honey**

- Sec. 1434.50 General statement and administration.
- 1434.51 Basic standards.
- 1434.52 Bonding requirements.
- 1434.53 Examination of warehouses.
- 1434.54 Exceptions.
- 1434.55 Approval of warehouses; requests for reconsideration.
- 1434.56 Exemption from requirements.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

**§ 1434.50 General statement and administration.**

(a) This subpart prescribes the requirements which must be met by a warehouseman in the United States or Puerto Rico who desires the initial or continuing approval by Commodity Credit Corporation (hereinafter referred to as the "CCC") of his warehouse(s) for the storage and handling, under CCC contracts, of extracted honey (hereinafter referred to as "honey"), either in bulk or in containers meeting specifications contained in the applicable honey price support regulations, which is owned by CCC or held by CCC as security for price support loans. This subpart also prescribes the procedures to be followed by a warehouseman in obtaining such approval.

(b) Copies of the storage contract and other forms required to obtain approval under this subpart may be obtained from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435 (hereinafter referred to as "the Minneapolis Office").

(c) A warehouse must be approved by the Minneapolis Office and a storage contract must be entered into by CCC and the warehouseman before such warehouse will be used by CCC. The approval of a warehouse or the entering into of a storage contract does not constitute a commitment that the warehouse will be used by CCC, and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

(d) A warehouseman, in applying for approval under this subpart, shall submit to CCC at the Minneapolis Office:

(1) A completed Form CCC-55, "Application for Approval of Warehouse for Honey Storage Contract".

(2) A current financial statement on Form TW-51, "Financial Statement", supported by such supplemental schedules as may be requested. Such statement shall show the financial condition of the warehouseman as of a date not earlier than ninety (90) days prior to the date of the warehouseman's application or such other date as may be established by CCC. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the account-

ant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity.

(3) Evidence that he is licensed by the appropriate licensing authority as required under § 1434.51(b)(2) and such other documents or information as CCC may require.

**§ 1434.51 Basic standards.**

Unless otherwise provided in this subpart, each warehouseman and each of the warehouses owned or operated by him which is to be approved, or has been approved, under this subpart for the storage and handling of honey under CCC programs shall meet the following standards:

(a) Neither the warehouseman nor any of his officials or supervisory employees is suspended or debarred under CCC's regulations governing suspension and debarment, Part 1407 of this chapter, for any of the causes set forth in § 1407.5 thereof.

(b) The warehouseman shall:

(1) Be an individual, partnership, corporation, association, or other legal entity engaged in the business of storing or handling honey for hire. The warehouseman, if a corporation, shall be authorized by its charter to engage in such business.

(2) Have a current and valid license for the kind of storage operation for which he seeks approval if such a license is required by State or local laws or regulations.

(3) (i) Have a net worth, if the honey is to be stored in drums or containers, equal at least to \$10,000.

(ii) Have a net worth, if the honey is to be stored in bulk, equal at least to the product obtained by multiplying the maximum storage capacity of the warehouse (the total quantity of honey which the warehouse can accommodate when stored in the customary manner) times ten (10) cents per gallon, but in no case shall the net worth be less than \$10,000, nor need it exceed \$100,000. If the required minimum net worth exceeds \$10,000, the warehouseman may satisfy any deficiency in net worth between the \$10,000 and such required minimum net worth by furnishing an acceptable performance bond or other security acceptable to CCC.

(4) Have available sufficient funds to meet ordinary operating expenses.

(5) Have satisfactorily corrected, upon request by CCC, any deficiencies in the performance of any storage contract with CCC.

(6) Provide such bonds (or acceptable substitute security) as are required under § 1434.52.

(7) Maintain complete inventory and operating records.

(c) (1) The warehouseman, his officials, or his supervisory employees in charge of the warehouse operation shall have the necessary experience, organization, technical qualifications, and skills in the warehousing business as related to honey to enable them to provide



proper storage and handling services, and

(2) The warehouseman, his officials, and each of his supervisory employees in charge of the warehouse operations shall have a satisfactory record of integrity, judgment, and performance.

(d) The warehouse shall:

(1) Be of sound construction, in good state of repair, and adequately equipped to handle, store, and preserve the honey.

(2) Be under the control at all times of the contracting warehouseman.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate firefighting equipment for the type of warehouse and commodity involved.

(5) Have a work force and equipment available to complete the loadout within forty-five (45) working days of the total quantity of honey stored for CCC.

(6) Be located on a railroad or waterway or have a suitable method of delivering the honey into railroad cars at a rail delivery point.

#### § 1434.52 Bonding requirements.

(a) Except as otherwise provided in this subpart, an applicant for a honey storage contract shall, at his expense, furnish a performance bond to CCC. Such bond shall be executed by a surety company which: (1) Has been approved by the U.S. Treasury Department and (2) maintains an officer or representative authorized to accept service of legal process in the State where the warehouse is located.

(b) A bond furnished by a warehouseman shall be on Form CCC-33, "Warehouseman's Bond—Storage Agreement", except that a bond furnished under State law (statutory bond) or under operational rules of nongovernmental supervisory agencies may be accepted in an equivalent amount as a substitute for a bond running directly to CCC if: (1) CCC determines that it provides adequate protection to CCC, (2) it has been executed by a surety specified in paragraph (a) of this section or has a blanket rider and endorsement executed by such a surety with the liability of the surety under such rider or endorsement being the same as that of the surety under the original bond, and (3) is noncancellable for not less than ninety (90) days or includes a rider providing for not less than ninety (90) days' notice to CCC before cancellation. Excess coverage on a substitute bond for one warehouse will not be accepted or applied by CCC against insufficient bond coverage on other warehouses operated by a warehouseman.

(c) The amount of bond to be furnished for each warehouse shall be equal at least to the product obtained by multiplying: (1) For honey to be stored in drums or containers, the estimated total number of gallons of honey to be stored, as determined by CCC, times ten (10) cents per gallon, and (2) for honey to be stored in bulk, the maximum storage capacity of the warehouse (the total quantity of honey which the warehouse can accommodate when stored in the customary manner), as determined by

CCC, times twenty (20) cents per gallon; except that such bond shall not be less than \$5,000 and need not be more than \$100,000. The bond requirements specified in this paragraph (c) for honey to be stored in bulk are exclusive of any added coverage for a deficiency in net worth.

(d) Cash and negotiable securities offered by a warehouseman may be accepted by CCC in lieu of the equivalent amount of required bond coverage. Any such cash negotiable securities accepted by CCC will be returned to the warehouseman when the period for which coverage was required has ended and there appears to CCC to be no liability under the storage contract.

(e) A legal liability insurance policy may be accepted by CCC in lieu of the required amount of bond coverage provided such policy contains a clause or rider making the policy payable to CCC. CCC determines that it affords protection equivalent to a bond, and the Office of the General Counsel, U.S. Department of Agriculture, approves it for legal sufficiency.

(f) Notwithstanding any other provisions of this subpart, CCC may, after considering all the circumstances relating to the operations of the warehouse and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, requires more bond coverage than specified in this section.

#### § 1434.53 Examination of warehouses.

Except as otherwise provided in this subpart, a warehouse will be examined by a person designated by CCC before it is approved by CCC for the storage or handling of honey and periodically thereafter to determine its compliance with CCC's standards and requirements.

#### § 1434.54 Exceptions.

Notwithstanding any other provision of this subpart:

(a) The financial, bond, and original and periodic warehouse examination provisions of this subpart are not applicable to any warehouseman approved or applying for approval for the storage and handling of honey in containers if his warehouse is licensed under the U.S. Warehouse Act for such storage and handling of honey, but a special examination shall be made of such warehouse whenever such action is determined necessary.

(b) A blanket insurance policy or blanket bond acquired by CCC, which protects CCC for failure of various warehousemen to perform their obligations under their storage and handling contracts with CCC, may satisfy in full or in part the bonding requirements (other than bonds for a deficiency in net worth) prescribed in § 1434.52. (As of the publication date of this subpart, CCC does not have such an insurance policy or bond for honey.) The existence of any such blanket insurance policy or blanket bond will not relieve the warehouseman from carrying any bond required by State or local law or supervisory agency.

(c) A Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance by the warehouseman with the standards prescribed in § 1434.51 (b) (1), (3), and (4), (c) (1) and (d), and the warehouseman will not be required to furnish bond coverage for a deficiency in net worth.

(d) A warehouseman who has a net worth of at least \$10,000 but who fails, or whose warehouse fails, to meet one or more of the other standards of this subpart may be approved if:

(1) CCC determines that the warehouse services are needed and the warehouse storage and handling conditions provide satisfactory protection for the honey, and

(2) The warehouseman furnishes such additional bond coverage (or cash or acceptable negotiable securities or legal liability insurance policy) as CCC determines necessary to protect adequately its interests.

#### § 1434.55 Approval of warehouses; requests for reconsideration.

(a) CCC will approve a warehouse if it determines that warehouse meets the standards set out in this subpart. CCC will forward a notice of approval to the warehouseman. Approval under this subpart does not relieve the warehouseman of responsibility of performing his obligations under any contract with CCC or any other agency of the United States. An approval will remain in effect until the storage contract expires or is otherwise terminated unless CCC sooner withdraws its approval.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that it does not meet the standards set out in this subpart.

(2) CCC may withdraw its approval of a warehouse if CCC determines that such warehouse ceases to meet such standards or if the warehouseman fails to perform his obligations under the storage contract.

(3) CCC will forward a notice of disapproval or withdrawal of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any of his officials or supervisory employees is suspended or debarred as provided in § 1434.51 (a), CCC will approve, or reinstate the approval of, the warehouse upon the warehouseman establishing that he has remedied the cause(s) for CCC's action. If there appears to be a justifiable basis for suspension or debarment of the warehouseman or any of his officials or supervisory employees, CCC may defer action on an application for approval or reinstatement of approval or may withdraw approval pending a decision with respect to suspension or debarment proceedings.

(c) (1) If disapproval or withdrawal of approval by CCC is due to failure to meet the standards set forth in § 1434.51, other than the standard in paragraph (a) thereof, the warehouseman may, at any



time after receiving notice of such action, request reconsideration of the action and present to the Director of the Minneapolis Office, orally or in writing, information in support of his request. The Director, upon consideration of such information, shall notify the warehouseman in writing of his determination. The warehouseman may, if the Director's determination is adverse to the warehouseman, obtain a review of the determination and an informal hearing in connection therewith by filing an appeal with the Deputy Administrator, Commodity Operations, ASCS. The time for filing appeals, form of request for appeal, nature of the informal hearing, determination, and reopening of the hearing shall be as prescribed by §§ 780.6, 780.7, 780.8, 780.9, and 780.10, respectively, of the

ASCS regulations governing appeals, Part 780 of this title. In connection with such regulations, the warehouseman shall be considered to be a "participant".

(2) If disapproval or withdrawal of approval by CCC is due to failure to meet the standard set forth in § 1434.51(a), the warehouseman's rights of appeal and hearing shall be as provided in regulations governing suspension and debarment by CCC, Part 1407 of this chapter. After expiration of his suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

**§ 1434.56 Exemption from requirements.**

If warehousing services in any area cannot be secured under the provisions

of this subpart, and no reasonable and economical alternative is available for securing such services for honey under CCC programs, the President or Executive Vice President, CCC, may exempt, in writing, applicants in such area from one or more of the standards of this subpart and may establish such other requirements as are considered necessary to satisfactorily safeguard the interests of CCC.

Effective date: Date of publication in the FEDERAL REGISTER.

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

**KENNETH E. FRICK,**  
*Executive Vice President,*  
*Commodity Credit Corporation.*

[F.R. Doc. 70-9438; Filed, July 21, 1970; 8:51 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Office of Saline Water

[ 41 CFR Part 14R-9 ]

### PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

#### Patents and Data

Notice is hereby given that it is proposed to adopt as Part 14R-9 of the Department's procurement regulations the following policies and procedures regarding patents, inventions and data, arising out of, or in connection with any form of contractual arrangement entered into with or for the benefit of the Government, where a purpose of such arrangement is the conduct of research or development, for the Office of Saline Water.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Solicitor, Department of the Interior, Washington, D.C. 20240, within sixty (60) days of the date of publication of this notice in the FEDERAL REGISTER.

LAWRENCE H. DUNN,  
Assistant Secretary for Administration, Department of the Interior.

JULY 16, 1970.

#### Chapter 14R—Office of Saline Water, Department of the Interior

#### PART 14R-9—PATENTS AND DATA

Sec.	
14R-9.000	Scope of part.
14R-9.001	Contracting officer to consult with Solicitor.

##### Subpart 14R-9.1—Inventions and Patents

14R-9.100	Scope of subpart.
14R-9.101	Statutory requirements.
14R-9.101-1	Patent clause requirement.
14R-9.101-2	Definitions.
14R-9.101-2.1	Specified work object.
14R-9.101-2.2	Contractor.
14R-9.101-3	Domestic patent rights.
14R-9.101-4	Exclusion of inventions.
14R-9.101-5	Foreign rights.
14R-9.101-6	Background patents.
14R-9.101-7	Subcontracts.
14R-9.101-8	Reporting of related inventions.
14R-9.101-9	Patent clause.

##### Subpart 14R-9.2—Data

14R-9.200	Scope of subpart.
14R-9.201	Data requirements.
14R-9.202	Data clause.

**AUTHORITY:** The provisions of this Part 14R-9 issued under 5 U.S.C. 1964 ed., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950, 15 F.R. 3174.

#### § 14R-9.000 Scope of part.

The regulations and contract clauses in this part set forth the policies of the Office of Saline Water in the area of patents and data.

#### § 14R-9.001 Contracting officer to consult with Solicitor.

(a) All authority of the Secretary of the Department of the Interior with respect to patent policies and procedures has been delegated to the Solicitor of the Department (Departmental Manual, Part 210, Chapter 2, paragraph 210.2.2A(5)). Therefore, any action under any contract provision required of the contracting officer (or other official having administrative authority over the contract) which affects the disposition of rights in inventions and in the related area of data, shall be taken only after consultation with an approval of the Solicitor of the Department. No modification or alteration of any contract provision in these areas shall be made by the contracting officer without the express written authorization of the Solicitor.

(b) The Office of the Solicitor shall be consulted for policies, instructions and contract clauses concerning inventions, patents and data for use in contracts which are to be performed outside the United States, its possessions and Puerto Rico.

#### Subpart 14R-9.1—Inventions and Patents

##### § 14R-9.100 Scope of subpart.

(a) This subpart prescribes contract clauses and instructions which define and implement the policy of the Office of Saline Water of the Department of the Interior with respect to inventions made in performance under a contract which in whole or in part is for experimental, developmental or research work.

(b) Definitions of various terms employed in this subpart is to be found in § 14R-9.101-9.

##### § 14R-9.101 Statutory requirements.

The Department of the Interior is charged with the administration of the Saline Water Act, 42 U.S.C. section 1951-1958g (1964), wherein the disposition of patent rights in inventions is governed by a specific statutory provision. Section 1954(b) states:

All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating

thereto of such rights as he may have thereunder.

This has been interpreted, after a thorough review of the legislative history, as meaning that patents, etc., must be made available royalty-free. See Solicitor's Memorandum M-36637 of May 7, 1962, I.D. 54 (1962).

##### § 14R-9.101-1 Patent clause requirement.

All Office of Saline Water contracts which are in whole or in part for experimental, developmental, or research work shall contain the patent clause set out at § 14R-9.101-9.

##### § 14R-9.101-2 Definitions.

The definitions of various key terms employed in the regulations and patent clause is set forth in paragraph (a) in the patent clause.

##### § 14R-9.101-2.1 Specified work object.

The term "specified work object" relates to the tangible device or specific process upon which the research and development work is being conducted. In some types of research, such as basic research where the primary object is the development of new knowledge as distinct from the improvement of an existing device or process, there may well be no specified work object. In such case the following may be added, with the approval of the Solicitor, to paragraph (g) of the patent clause:

(12) In view of the nature of the research work under this contract, the definition of Specified Work Object given in (a) (11) is inapplicable in the patent clause. It is agreed, therefore that all obligations relating to, or flowing from, a Specified Work Object have no force and effect in this patent clause.

##### § 14R-9.101-2.2 Contractor.

The definition of "Contractor" in the patent clause may in some unusual cases given rise to situations which could cause serious difficulties in contracting. Subject to the approval of the Solicitor, deviations may be made in the definition as are deemed necessary to accommodate the specific problems presented and still attain the main objectives of the Department of the Interior's patent policy as expressed in the regulations.

##### § 14R-9.101-3 Domestic patent rights.

Under the Saline Water Act, all patents are required to be made available to the public in the United States royalty-free. This is carried out in paragraph (b) of the patent clause by having the Government take title subject to the reservation of a license in the contractor.

##### § 14R-9.101-4 Exclusion of inventions.

(a) Under the terms of the patent clause, an invention is considered made thereunder if it was conceived or first actually reduced to practice under the



contract. Where the contractor alleges at the time of contracting that an identified invention was conceived prior to the execution of the contract, and a patent application has been filed or will be filed, he may acquire the right to have the invention excluded from being considered a subject invention even though it is later actually reduced to practice under the contract. The contractor may acquire this right if he can provide evidence sufficient to convince the Contracting Officer that the work actually performed by him had brought the invention to the point of engineering practicality prior to the contract, and an actual reduction to practice under the contract will require no more than routine work.

(b) When applicable, the following paragraph shall be inserted in the contract as (b) (3) of the patent clause to cover this aspect:

An invention which has not been actually reduced to practice may be excluded from being considered a Subject Invention even though it is subsequently actually reduced to practice under the Contract if:

(i) The Contractor has demonstrated to the Contracting Officer at the time of contracting, or at a time subsequent thereto as set forth in the Schedule, that such invention was described in a patent application or in a suitable documented written disclosure furnished to the Contracting Officer and had been developed to the point of engineering practicality prior to this Contract by laboratory or design work, or both, and

(ii) A subsequent actual reduction to practice under this Contract did not require the exercise of invention or extensive experimentation, and

(iii) A U.S. patent application on said invention is filed prior to the termination of the Contract.

As used herein "extensive experimentation" shall be deemed to have taken place when the labor cost involved under the Contract in making the actual reduction to practice amounts to either (1) 15 or more percent of the total labor cost under the Contract or (2), at least 10,000 dollars.

Upon the Contractor's request and without undue delay, after the actual reduction to practice the circumstances will be reviewed and a determination will be made whether the invention would be considered a Subject Invention. Any dispute regarding the rights of the parties under this paragraph shall be subject to the Disputes Clause of this Contract.

#### § 14R-9.101-5 Foreign rights.

Title to foreground invention foreign rights will normally be waived to the contractor upon his request except when the Government, because of a compelling public interest, determines to retain such rights.

#### § 14R-9.101-6 Background patents.

(a) *Statutory provisions concerning background patents.* The Act provides generally that nothing contained therein shall be construed as to deprive the owner of any background patent rights. No prohibition against a patent owner agreeing by contract to enter into a license arrangement respecting his background patents is seen therein. However, care must be taken to make sure that such a contract is equitable. Generally speaking, it is the policy of OSW not to

require licensing of background patents provided the invention involved therein is available commercially at reasonable prices.

(b) *License to the public.* (1) Under the Saline Water Act, all patents, information, developments, etc., made under a research and development contract are required to be made available to the public. If the contractor has a dominating background patent, he can, by a restrictive licensing policy inhibit the use of a subject invention by the public, with the result that the Government's expenditure of funds for research intended to benefit the public at large would go for naught. To minimize this possibility, the background provisions in the Patent Rights clause sets forth in paragraph (d) that dominating background patents will be made available for use for water desalination in conjunction with the results of the research effort. To this end the contractor agrees to grant a license to any responsible applicant on reasonable terms, except where an embodiment of the dominating background patent is commercially available (or will be made so by a specified date) in a form which can be employed in the practice of either a subject invention or the specific subject matter of the research. In the latter case licensing is not required.

(2) It should be noted that where a contractor employs an embodiment of his patent in work on a specified work object for convenience only, there being other functionally equivalent substitutes available, he would not be required to license the patent for use with the specified work object. Should a subject invention be made which is dominated by such patent, then licensing would be required if an embodiment is not commercially available.

(3) The background requirements are satisfied if a contractor makes his dominating background patent available through the commercial sale of a product in which the background patent, together with the foreground developments, are joined. However, march-in rights are reserved to assure availability of the results of the research and development work.

(4) Where a contractor's parent or affiliated company controls a patent, not a commercial item, which would be background if held by the contractor, the patent clause at (d) (7) requires the contractor to aid in securing a license for qualified applicants.

(c) *License to the Government.* (1) Where the embodiment of a background patent is not available commercially, the Government should not be obligated to pay royalties to do pilot plant, test bed, or test module work in the field of technology of the contract using such background patents since, if successful, the result of such work will enhance the value of contractor's background.

(2) Since in many cases the purpose of the Government-sponsored research is to further develop a contractor's background invention, the Government should receive some recognition for its contribution if it wishes to employ such invention for any U.S. Government use.

Accordingly, the patent clause provides that the Government will obtain a license on such background patent at a reasonable royalty which shall recognize the Government's contributions toward the commercial development or enhancement of the patent. Paragraph (d) (4) of the patent clause covers these aspects.

(d) *Limitations on use of background patent to a process.* Where the research and development work involves the employment of a contractor's background patent in a process under parameters and conditions different from those which are employed in his commercial process, the requirement to license such background patent to the public for use in conjunction with the specified work object is limited to the conditions and parameters reasonably equivalent to those employed in the work under the contract. This would avoid the possibility of a license being acquired under the background patent which would enable the practice of contractor's commercial process, although the work under the contract called for different operating parameters.

#### § 14R-9.101-7 Subcontracts.

Flowdown of patent rights to the Government in subcontracts is covered by the patent clause at (e).

#### § 14R-9.101-8 Reporting of related inventions.

(a) In many cases a contractor conducts research on his own account parallel to that conducted under a Government contract during the same period, and sometimes with the same personnel. In order to enable the Government to determine whether or not an invention made by the contractor in the field of research contemplated by the contract is a subject invention, the patent article provides for reporting, during prescribed periods, all inventions made by the contractor which are related to the work under the contract. Additional information is to be furnished to the Government on request. Failure to report or to supply the information requested places on the contractor the duty of going forward with the evidence under any subsequent proceeding.

(b) If the contractor alleges that the reporting of related inventions would result in excessive administrative costs because of his large size and far-flung organization or other valid reasons, the contracting officer may limit the reporting requirement to a more limited segment of the organization conducting the research. However, the contractor will still be required to furnish information concerning any invention at the specific request of the contracting officer. This subject matter is covered by the patent clause in paragraph (f).

#### § 14R-9.101-9 Patent clause.

(a) *Definitions.* (1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this Contract):

(i) Which the Contractor, but not the Government, has the right to license to others, and



(11) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Commercial Item" means

(i) Any machine, manufacture or composition of matter which, at the time of a request for a license pursuant to paragraph (4), has been sold, offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(3) "Contract" means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(4) "Contractor" means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract and includes entities controlled by the contractor. The term "controlled" means the direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock. For the purposes of the Article grantees are deemed contractors.

(5) "Domestic" and "foreign" refer, respectively, (i) to the United States of America, including its territories and possessions, Puerto Rico and the District of Columbia, and (ii) to countries other than the United States of America.

(6) "Government" means the Federal Government of the United States of America.

(7) "Governmental purpose", as used herein, means the right of the Government to practice throughout the world by or on its behalf for any and all Government uses.

(8) "Made", when used in connection with any invention, means the conception or first actual reduction to practice of such invention.

(9) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(10) "Secretary" means the Secretary of the Interior, or his authorized representative.

(11) "Specified Work Object" means the specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(12) "Subcontract" means any agreement made or purchase order executed by a Contractor or Subcontractor where the supplies or services covered by such agreement or purchase order are being obtained for use in the performance of this contract.

(13) "Subcontractor" means any person holding a subcontract under this contract or any lower-tier subcontract under this contract.

(14) "Subject Invention" means any invention, discovery, improvement, or development (whether or not patentable) made in the course of or under this contract or any subcontract (of any tier) thereunder.

(15) "Saline water" includes sea water, brackish water, and other mineralized or chemically charged water.

(16) "Desalination of saline water" means the treatment of saline water to remove chemical constituents therefrom and produce water having a quality suitable for beneficial consumptive uses. The term does not include (i) treatment of milk, fruit, and vegetable or other plant juices, alcoholic beverages, tea, coffee, oil, etc., wherein the desired product is a concentrate or a dewatered material and the water removed is at most of secondary importance, (ii) treatment of potable water meeting either federal or local public standards for human consumption to produce water intended for a private, industrial, or commercial use in excess of these standards and (iii) treatment of water used in an industrial process to recover valuable minerals or chemicals introduced by such process.

(b) *Domestic patent rights in Subject Inventions.* (1) The Contractor agrees that he will promptly disclose to the Contracting Officer in writing each Subject Invention in a manner sufficiently complete as to technical details to convey to one skilled in the art to which the Invention pertains a clear understanding of the nature, purpose, operation and, as the case may be, the physical, chemical, biological or electrical characteristics of the Invention. However, if any Subject Invention is obviously unpatentable under the patent laws of the United States, such disclosure need not be made thereon. On request of the Contracting Officer, the Contractor shall comment respecting the differences or similarities between the Invention and the closest prior art drawn to his attention.

(2) The Contractor agrees to grant and does hereby grant to the Government the full and entire domestic right, title, and interest in the Subject Invention, subject to the reservation in the Contractor of a royalty-free and nonexclusive license to practice the Subject Invention. The license shall extend to existing and future affiliated companies, if any, controlled, controlling or under common control with the Contractor and shall be assignable to the successor of the part of the Contractor's business to which such invention pertains.

(c) *Foreign rights and obligations.* (1) Subject to the waiver provisions of subparagraph (2) of this paragraph, it is agreed that the entire foreign right, title and interest in any subject invention shall be in the Government, as represented for this purpose by the Secretary.

(2) The Contractor may request the foreign rights to a subject invention at any time subsequent to the reporting of such invention. The response to such request and notification thereof to the Contractor will not be unreasonably delayed. The Government will waive title to the Contractor to such subject invention in foreign countries in which the Government will not file an application for a patent for such invention, or otherwise secure protection therefor. Whenever the contractor is authorized to file in any foreign country the Government will not thereafter proceed with filing in such country except on the written agreement of the Contractor, unless such authorization has been revoked pursuant to subparagraph (3) of this paragraph.

(3) In the event the Contractor is authorized to file a foreign patent application on a subject invention, the Government agrees that it will not publish a description of such invention until a U.S. or foreign application on such invention is filed, whichever is earlier. If the Contractor is authorized to file in any foreign country, he shall, on request of the Contracting Officer, furnish to the Government a patent specification in English within six (6) months after such authorization is granted, prior to any foreign filing and without additional compensation.

The Contracting Officer may revoke such authorization on failure on the part of the Contractor to file any such foreign application within nine (9) months after such authorization has been granted.

(4) If the Contractor files patent applications in foreign countries pursuant to authorization granted under subparagraph (2) of this paragraph (c), the Contractor agrees to grant to the Government an irrevocable, nonexclusive, royalty-free license to practice the invention under any patents which may issue thereon in any foreign country, including the power to issue sub-licenses, either for purposes of the Government or pursuant to any existing or future treaties or agreement between the Government and a foreign government for governmental purposes of said foreign government, or both. The Contractor further agrees to grant under such foreign patents a non-exclusive royalty-free license to sell and to use, but not to make, to licensees of the Government who have been granted a license for the practice of the subject invention in the United States. Said licensees must be U.S. citizens or U.S. corporations in which 75 percent of the voting stock is owned by U.S. citizens.

(5) In the event the Government or the Contractor elects not to continue prosecuting any foreign application or to maintain any foreign patent on a subject invention, the other party shall be notified not less than sixty (60) days before the expiration of the response period or maintenance tax due date, and upon written request, shall execute such instruments (prepared by the party wishing to continue the prosecution or to maintain such patent) as are necessary to enable such party to carry out its wishes in this regard.

(d) *License under Background Patents.*

(1) Contractor agrees that he will make his Background Patent available for use in conjunction with a Subject Invention or Specified Work Object for water desalination. This may be done (i) by making available an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by the Background Patent, as a Commercial Item, or (ii), by the sale of an embodiment of a Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii), by the licensing of the domestic Background Patent at reasonable royalty to responsible applicants on their request; *Provided, however,* That the license in connection with a Specified Work Object shall be further limited for use under conditions and parameters reasonably equivalent to those employed under the contract.

(2) If the Secretary determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object sold or otherwise made available commercially as set forth in (d)(1)(i) is unreasonable in the circumstances, he may require the Contractor to license such domestic Background Patent to a responsible applicant at reasonable terms including a reasonable royalty for water desalination purposes for use in connection with (i) a Specified Work Object, or (ii) a Subject Invention.

(3) (a) When a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object is requested, in writing, for water desalination by a responsible applicant, and such Background Patent is not available as set forth in (d)(1)(i) or (ii), the Contractor shall have 6 months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify



the Contracting Officer of any request in writing for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his exclusive licensee wish to attempt to make available as set forth in (1) (i) or (ii).

(b) If the Contractor decides to make such Background Patent so available either by himself or by an exclusive licensee, he shall so notify the Secretary within the said six (6) months, whereupon the Secretary shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Secretary, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty for water desalination purposes in connection with (1) a Specified Work Object, or (2) a Subject Invention.

(c) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a non-exclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for the governmental purposes of such foreign government if an embodiment of the Background Patent is not commercially available in that country.

(d) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object for water desalination, or where the Contractor has made available a Commercial Item as set out in (d) (1) (i) or (ii).

(4) For use in water desalination in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and worldwide to practice such Patent which is not available as a Commercial Item as specified in (d) (1) (ii) for use of the Government in connection with pilot plants, test beds, and test modules. For all other governmental purposes, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under the contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this agreement or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or

other compensation, the Contractor's obligation to license his Background Patents continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer the Contractor shall identify and describe any license agreement which would limit his right to grant licenses under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as a Commercial Item as specified in (d) (1) (i) or (ii), and a qualified applicant requests a license under such patent for the purpose of water desalination in connection with the use of a Subject Invention or Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license.

(e) *Subcontracts.* (1) The Contractor, shall, unless otherwise authorized or directed by the Contracting Officer, include a patent clause containing provisions that correspond to those of this clause, except for the "withholding of payment" provision, in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental or research work. In the event of a refusal by a subcontractor to accept this clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal or the reasons the Contractor is of the opinion that the inclusion of this clause is inappropriate, and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not execute the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not in any subcontract, or by using such subcontract as consideration therefor, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract). Reports, instruments and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of a patent clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent clause, furnish him a copy of such clause and notify him when such subcontract is completed. It is understood that the Government is a third party beneficiary of any subcontract clause granting rights in Subject Inventions, Background Patents, and pursuant to paragraph (f), and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the subcontractor's obligations with respect to Subject Inventions, Background Patents, and pursuant to paragraph (f). The Contractor shall join with the Government at the Government's re-

quest and expense in any legal action to secure the Government's rights.

(f) *Related inventions.* The Contractor shall submit in confidence to the Contracting Officer within six (6) months after the submission of the final report required by (g) (6), written information concerning the conception of actual reduction to practice, or both, as may be applicable, of every invention made by the Contractor pertaining to the work called for in this contract which was conceived or first actually reduced to practice within the period of three (3) months prior, during, or three (3) months subsequent to the term of this contract, which invention would be a Subject Invention if made under this contract, but which the Contractor believes was made outside the performance of work required under this contract. The Contracting Officer may require additional information to be furnished in confidence by the Contractor. At the request of the Contracting Officer made during or subsequent to the term of the contract, including any extensions for additional research and development work, the Contractor shall furnish information in confidence concerning any other invention which appears to the Contracting Officer to reasonably have the possibility of being a Subject Invention.

All information supplied by the Contractor hereunder shall be of such nature and character as to enable the Contracting Officer reasonably to ascertain whether or not the invention concerned is a Subject Invention. Failure to furnish such information called for herein shall, in any subsequent proceeding, place on the Contractor the burden of going forward with the evidence to establish that such invention is not a Subject Invention. If such evidence is not then presented the invention shall be deemed to be a Subject Invention. After receipt of information furnished pursuant hereto, the Contracting Officer shall not unduly delay rendering his opinion on the matter. In the case of a contract, the Contracting Officer's decision shall be subject to the Disputes Clause of such contract, and in the case of a grant, the decision shall be subject to appeal to the Secretary or his duly authorized representative.

(g) *General provisions.* (1) The Contractor shall obtain the execution of and deliver to the Contracting Officer any document relating to Subject Inventions as the Contracting Officer may require under the terms hereof to enable the Government to file and prosecute patent applications therefor in any country and to evidence and preserve its rights. Each party hereto agrees to execute and deliver to the other party on its request suitable documents to evidence and preserve license rights derived from this article.

(2) The Government and the Contractor shall promptly notify each other of the filing of a patent application on a Subject Invention in any country, identifying the country or countries in which such filing occurs and the date and serial number of the application, and on request shall furnish a copy of such application to the other party and a copy of any action on such patent application by any Patent Office and the responses thereto. Any applications or responses furnished shall be kept confidential.

(3) Any other provisions of this article notwithstanding, the Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this Contract, have the right to examine in confidence any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to the compliance by the Contractor with the requirements of this patent clause.



(4) Notwithstanding the grant of a license under any patents to the Government pursuant to any provisions of this article, the Government shall not be prevented from contesting the validity, enforceability, scope, or title of such licensed patent.

(5) The Contractor shall furnish to the Contracting Officer interim reports every twelve (12) months or sooner, as may be required in this contract, the initial period of which shall commence with the date of this contract. Each report shall list all Subject Inventions required to be disclosed which were made more than three (3) months prior to the date of the report and not listed in a prior interim report, or certifying that there are no such unreported Inventions.

(6) The Contractor shall submit a final report under this contract listing all Subject Inventions required to be disclosed which were made in the course of the work performed under this contract, and all subcontracts entered into containing a patent rights article. If to the best of the Contractor's knowledge and belief, no Subject Inventions have resulted from performance under this contract, the Contractor shall so certify to the Contracting Officer. If there are no such subcontracts, a negative report is required.

(7) The interim and final reports required under (g) (5) and (6) shall be submitted on Form DI-1216 and Subject Invention disclosures required under subparagraph (1) of paragraph (b) shall be submitted on Form DI-1217 or an equivalent approved by the Contracting Officer. Such reports and disclosures shall be submitted in triplicate to the Contracting Officer, who will furnish copies of the DI forms on request.

(8) Any action required by or of the Government under this article shall be undertaken by the Contracting Officer as its duly authorized representative unless otherwise stated.

(9) The Government may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this article without additional compensation.

(10) The Contractor shall furnish to the Contracting Officer, in writing, and as soon as practicable, information as to the date and identity of any first public use, sale or publication of any Subject Invention made by or known to the Contractor, or of any contemplated publication by the Contractor.

(11) The Secretary shall determine the responsibility of an applicant for a license under any provision of the contract when this matter is in dispute and his determination thereof shall be final and binding.

(h) *Withholding of payment.* This section does not apply to a grant to, or a no-fee contract with, an educational institution.

If the Contractor fails to deliver to the Contracting Officer the interim reports required by (g) (5) or fails to furnish the written disclosures for all Subject Inventions required by (b) (1), shown to be due in accordance with any interim report delivered under (g) (5) or otherwise known to be unreported, there shall be withheld from payment until the Contractor shall have corrected such failure either ten percent (10%) of the amount of this contract, as from time to time amended, or ten thousand dollars (\$10,000), whichever is less. After payment of eighty percent (80%) of the amount of the contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of the amount of this contract or ten thousand dollars (\$10,000), whichever is less, shall have been set aside, such reserve or balance thereof to be retained until the Contractor shall have furnished to the Contracting Officer:

(1) The final report required by (g) (6); and

(2) Written disclosures for all inventions required by (b) (1) which are shown to be due in accordance with interim reports delivered under (g) (5) or in accordance with such final report, or are otherwise known to be unreported; and

(3) The information as to subcontracts required by (e) (2).

No amount shall be withheld under this subparagraph when the amount specified by this subparagraph is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This subparagraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract. In cost-type contracts, "amount of this contract" shall mean "estimated cost of this contract".

(1) *Warranties.* (1) The Contractor warrants that whenever he has divested himself of the right to license any Background Patent (or any invention owned by the Contractor which could become the subject of a Background Patent) prior to the date of this contract, such divestment was not done to avoid the licensing requirements set forth in paragraph (d) of this patent clause. After a Background Patent, or invention which could become the subject of a Background Patent, is identified, the Contractor shall take no action which shall impair the performance of his obligation to issue Background Patent Licenses pursuant to this contract.

(2) The Contractor warrants that he will take no action which will impair his obligation to assign to the Government any invention first actually reduced to practice in the course of or under the contract.

(3) The Contractor warrants that he has full authority to make obligations of this article effective, by reason of agreements with all of the personnel, including consultants (other than subcontractor personnel and consultants) who might reasonably be expected to make inventions, and who will be employed in work on the project contemplated by this contract, to assign to the Contractor all discoveries and inventions made within the scope of their employment.

#### Subpart 14R-9.2—Data

##### § 14R-9.200 Scope of subpart.

This subpart prescribes the contract clauses and instructions which define and implement the research and development data policies of the Office of Saline Water in the Department of the Interior.

##### § 14R-9.201 Data requirements.

(a) All contracts which are in whole or in part for experimental, developmental or research work shall contain the Data clause set forth in § 14R-9.202 which specifies that all data developed under the contract shall be delivered to the Government without any limitation as to its use. Certain proprietary data, however, need not be delivered, as set forth in (b) (2) of the Data clause, although licensing thereof may be required under particular circumstances, as set forth in (c) (3) of the Data clause. The Schedule of the contract may contain such specific provisions for the furnishing of data as may have been requested by the cognizant technical office or the contracting officer. Where

additional definition of the data is required, the Schedule provisions may specify the specific data which the Government wants to have furnished.

(b) The contractor cannot be granted the right to obtain a copyright on any work produced under a contract awarded under the Saline Water Conversion Act, Public Law 87-295 as amended, 42 U.S.C. sections 1951-1958g, which requires all information, uses, products, patents, or other developments resulting from research carried out under the authority of the Act to be available to the public.

(c) When computer software is to be generated under a contract, property rights of the Government therein must be suitably provided for. The Rights in Data provisions of the Data clause (paragraph 9.202(c)) accomplishes this purpose.

##### § 14R-9.202 Data clause.

(a) *Definitions.* For the purpose of the Data clause, the following terms have the meanings set forth below:

(1) "Data" means writings, recordings, pictorial reproductions, drawings, or other graphic representations and works of any similar nature whether or not copyrighted. The term includes computer information stored on computer listings, tapes, disks, cards, and the like. However, it does not include information incident to contract administration such as financial reports and cost analyses.

(2) "Proprietary Data" means data previously developed at private expense providing information concerning the details of a contractor's secrets of manufacture, such as may be contained in, but not limited to, his manufacturing methods or processes, treatment and chemical composition of materials, plant layout, and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the contractor has protected such information from unrestricted use by others.

(3) "Other Data" means all data other than "Proprietary Data" and includes:

(i) Operational data which provides information suitable, among other things, for instruction, operation, maintenance, evaluation, or testing; and

(ii) Descriptive data which provides descriptive or design drawings or descriptive material in the nature of design specifications which, although not including any "Proprietary Data", may nevertheless be adequate to permit manufacture by other competent firms.

(4) "Subject Data" means data specified to be delivered under this contract.

(5) As used in this clause "Standard Commercial Items" means supplies or services which are available commercially to the public by sale or otherwise.

(6) "Contract" and "contractor" are equivalent to "grant" and "grantee" respectively.

(b) *Data and reporting.* (1) Commensurate with scope of the work and in the manner, at the times and in the number of copies specified in the Schedule, the Contractor shall furnish the following data to the extent it is of the type which can reasonably be expected to be developed under the contract: *Provided however,* That if any of such data is in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where it may be found:

(i) Progress reports as required in sufficient detail to disclose all work accomplished



and results achieved during the period concerned;

(ii) A complete final technical report summarizing the state of the art and covering all work accomplished and results achieved under this contract, and including conclusions and recommendations derived therefrom. The final report shall include a complete disclosure of all materials, processes, and equipment employed, and shall be in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in the circumstances, to enable any person skilled in the art to achieve the results of the work performed under the contract to the extent possible. The Contractor shall furnish, to the extent applicable, drawings, specifications, and necessary operating and maintenance instructions concerning any equipment, item or process developed under the contract to enable any person skilled in the art to make and use such equipment and perform such process by application of the most advanced state of the art achieved in the performance of this contract. Where appropriate, the report shall include recommendations for further improvements which would advance the future state of the art based on knowledge acquired in the performance of this contract. If this contract is with an individual or an educational institution and the right to publish has not been reserved by the Government, the Contracting Officer may at his option accept as the final technical report a publication describing the results accomplished in the research under the contract together with a report setting forth such additional information as may be necessary to complete the information specified hereinabove: *Provided however*, That a copy of the manuscript for such publication must have been submitted to the Contracting Officer for informational purposes at least 90 days prior to the date of publication or such shorter period as may be agreed to by the Contracting Officer.

(iii) An intermediate complete report of all work for the period concerned, of the character required under paragraph (ii) above, shall be furnished when required by the Contracting Officer (1) upon completion of the work in each specified phase, (2) upon completion of all work performed up to the time of each contract amendment, if any, extending the period of performance, (3) upon termination, for whatever reason, prior to expiration of the time of performance, and (4) from time to time as may be directed by the Contracting Officer: *Provided however*, That an adjustment in the contract price or fee may be made for the furnishing of such report under this provision (4).

(2) The following data need not be furnished:

(i) Data for a Standard Commercial Item which is incorporated as a component part in or to be used with the product or process being developed if in lieu thereof the Contractor identifies the source and furnishes characteristics (including performance specifications, when necessary) sufficient to enable procurement of the part or an adequate substitute;

(ii) Proprietary Data for an item which was previously sold or offered for sale and is incorporated as a component part in or to be used with the product or process being developed, if in lieu thereof the Contractor shall identify such item and the Proprietary Data pertaining thereto which is necessary to enable or use of such product or performance of such process.

(3) The Contractor shall submit to the Contracting Officer, at his request, a report of all studies made in planning the work, and in developing background research for

the work, including citation references to all such background research compiled in connection with the performance of this contract: *Provided however*, That an adjustment in the contract price or fee shall be made for the furnishing of such report.

(c) *Rights in data.* (1) The physical items by which the data produced under this contract are presented, as for example, the research reports, notebooks, recordings, photographs, computer information storage means and the like, shall become the property of the Government and shall be delivered to the Contracting Officer on his request.

(2) The Government may publish, reproduce, and use all Subject Data in any manner and for any purpose, without limitation, and may authorize others to do the same. Unless otherwise provided herein, the Contractor agrees that he will not assert any copyright at common law or equity and will not establish any claim to a statutory copyright on such Subject Data. Prior to disclosure to the public by the Government the Contractor agrees not to publish or make available to others, except representatives of the Contracting Officer, any Subject Data or any information concerning the same without approval in writing from the Contracting Officer except where a copy of a manuscript was previously submitted by an individual or educational institution pursuant to (b) (1) (ii): *Provided however*, That the Contractor may retain copies of the report and prior to any public disclosure may use the information in his internal operations.

(3) When Proprietary Data as set forth in (b) (2) (ii) is requested by a responsible applicant subsequent to the publication of the final or complete report, and at the time of such request is not a Standard Commercial Item, the Contractor agrees to grant a license to such applicant to use such Proprietary Data at reasonable terms and conditions. Such license may be limited to the practice of such Data in the field of technology investigated under this contract. Any dispute as to the responsibility of an applicant should be determined by the Secretary whose decision in this regard shall be final and binding. It is agreed that any responsible applicant is a third party beneficiary under this clause.

(4) Nothing contained in this Data Clause shall be construed to imply a license under any patent, or be construed as altering the scope of any right of the Government in and to any invention whether or not patented.

(5) Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking not authorized by the terms of this contract on any piece of Subject Data furnished under this contract.

[F.R. Doc. 70-9405; Filed, July 21, 1970; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[ 7 CFR Part 921 ]

#### FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

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

Consideration is being given to the following proposals submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7

CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by said committee, during the period April 1, 1970, through March 31, 1971, will amount to \$6,899.

(2) That there be fixed, at \$1 per ton of fresh peaches, the rate of assessment payable by each first handler in accordance with § 921.41 of the aforesaid marketing agreement and order.

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

Dated: July 17, 1970.

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

[F.R. Doc. 70-9439; Filed, July 21, 1970; 8:52 a.m.]

[ 7 CFR Part 1137 ]

#### MILK IN THE EASTERN COLORADO MARKETING AREA

##### Notice of Proposed Termination 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 termination of certain provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination 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 terminated are as follows:

1. In the introductory text of § 1137-51(a), "and plus or minus a supply-demand adjustment calculated for each month as follows:"; and



2. Subparagraphs (1) and (2) of § 1137.51(a) in their entirety.

The proposed termination, which would remove the supply-demand adjustor as a component in determining the Class I price, was requested by Mountain Empire Dairymen's Association, a cooperative representing a majority of the Eastern Colorado order producers. The cooperative claims that, because of changed marketing conditions, the supply-demand adjustor (which averaged minus 6 cents in the most recent 12 months and was zero in June and July 1970) is no longer serving the purpose for which it was originally instituted in the order.

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

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 70-9382; Filed, July 21, 1970;  
8:47 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-CE-59]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the segment of VOR Federal airway No. 316 from Thunder Bay, Ontario, Canada (formerly Lakehead, Ontario, Canada), via Houghton, Mich., to Marquette, Mich., and designate a new segment of V-316 from Ironwood, Mich., to Marquette. Due to an increasing number of direct flights between Marquette and Ironwood, control problems created by these flights would be alleviated and more efficient control could be exercised if an airway existed between these locations.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for

examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on July 14, 1970.

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

[F.R. Doc. 70-9372; Filed, July 21, 1970;  
8:46 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-WE-57]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-25 from Yakima, Wash., direct to Ellensburg, Wash., with a west alternate via the INT of Yakima 305° and Ellensburg 191° T radials, the present alignment of V-25. The direct alignment would traverse R-6714 Yakima, Wash., joint-use restricted area and would be used for air traffic when the restricted area was not in use. When the restricted area was in use, air traffic would be routed via the west alternate.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

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

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

[F.R. Doc. 70-9370; Filed, July 21, 1970;  
8:46 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 70-WE-58]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Provo, Utah, transition area.

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

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

A new instrument approach procedure has been developed utilizing the State owned VOR located on the Provo Municipal Airport. It is proposed to alter the 700-foot portion of the transition area to provide sufficient controlled airspace for aircraft executing the prescribed instrument procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action.

In § 71.181 (35 F.R. 2134) the description of the Provo, Utah, transition area is amended as follows:

Delete all before "that airspace extending upward from 1,200 feet above \* \* \*" and substitute therefor "That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°13'09" N., longitude 111°43'28" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR;"

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

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

LEE E. WARREN,  
Acting Director, Western Region.

[F.R. Doc. 70-9371; Filed, July 21, 1970;  
8:46 a.m.]



[ 14 CFR Part 71 ]

[Airspace Docket No. 70-EA-43]

**CONTROL ZONE AND TRANSITION AREAS**

**Proposed Alteration**

*Correction*

In F.R. Doc. 70-8831 appearing at page 11184 in the issue of Saturday, July 11, 1970, in the third line of the Fulton, N.Y., transition area description the coordinate reading "42°21'05" N.," should read "43°21'05" N.,".

[ 14 CFR Parts 71, 75 ]

[Airspace Docket No. 70-WE-54]

**FEDERAL AIRWAY, JET ROUTE, AND ADDITIONAL CONTROL AREA**

**Proposed Designation, Establishment and Revocation**

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would accomplish the following:

1. Establish Jet Route No. 12 from Salt Lake City, Utah, to Grand Junction, Colo., via Fairfield, Utah.

2. Designate VOR Federal airway No. 134 from Fairfield, Utah, via a VOR to be commissioned in the vicinity of Price, Utah, at lat. 39°36'50" N., long. 110°44'56" W. on about August 1, 1970, to Grand Junction, Colo.

3. Revoke the Fairfield additional control area. (Formerly the Provo, Utah, additional control area.)

The proposed jet route and airway would improve air traffic control by providing an additional arrival and departure route for the Salt Lake City area for traffic from and to points east. If the airway is designated, there would no longer be a requirement for the Fairfield additional control area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the

Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[F.R. Doc. 70-9369; Filed, July 21, 1970; 8:46 a.m.]

[ 14 CFR Part 75 ]

[Airspace Docket No. 70-WE-55]

**JET ROUTES**

**Proposed Establishment and Alteration**

The Federal Aviation Administration (FAA) is considering amendment to Part 75 of the Federal Aviation Regulations that would extend J-517 from Spokane, Wash., to Boise, Idaho, and that would realign J-3 from Lakeview, Oreg., to Spokane via John Day, Oreg., in lieu of Pendleton, Oreg.

The establishment of J-517 would improve air traffic control and flight planning by providing a numbered route for approximately 15 daily operations direct between Boise and Spokane. The realignment of J-3 westward would facilitate air traffic control by eliminating the coordination problem between the Seattle and Salt Lake City Air Route Traffic Control Centers (ARTCCs). J-3 is within the Seattle ARTCC area but so near the common ARTCC boundary in the vicinity of John Day that Seattle ARTCC must identify flights along J-3 to Salt Lake City ARTCC.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

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

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

[F.R. Doc. 70-9368; Filed, July 21, 1970; 8:46 a.m.]

**FEDERAL POWER COMMISSION**

[ 18 CFR Part 141 ]

[Docket No. R-392]

**ANNUAL REPORT FOR ELECTRIC UTILITIES AND LICENSEES**

**Notice of Proposed Rule Making**

JULY 14, 1970.

Revisions in FPC Form No. 1, Annual Report for Electric Utilities and Licensees (Class A and B), for Reporting Year 1970.

1. Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to revise, effective for the reporting year 1970, schedule pages 429 and 430, Depreciation and Amortization of Electric Plant (Accounts 403, 404) of the FPC Form 1, Annual Report for Electric Utilities and Licensees Class A and Class B, prescribed by § 141.1, Chapter 1, Title 18, CFR.

2. The aforesaid revision in schedule pages 429 and 430, depreciation and amortization of electric plant, in FPC Form No. 1 provides for expansion of section A thereof to include an additional plant function, "Intangible Plant," so as to have this section all inclusive of depreciation and amortization expenses, as they relate to each plant function. In addition, section B is now being proposed to relate only to details of amortization rather than depreciation and amortization as formerly. And finally, a new section C is being proposed to allow reporting in more detail information on methods of determining depreciation charges. Specifically section C as proposed will require reporting the depreciable plant base, estimated average service life, net salvage percent, applied depreciation rate, mortality curve type (when available), and the average remaining life (when available), for each electric plant account. The revisions being proposed will be of considerable benefit to the Commission staff in their continuous analysis of depreciation adequacy and practices.

3. The revision to FPC Form No. 1 would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 302, 304, and 309 (49 Stat. 854, 855, 858, 16 U.S.C. 825, 825a, 825c, 825h).

4. Accordingly, it is proposed to revise, effective for the reporting year 1970, the Annual Report for Public Utilities and Licensees, Class A and B, FPC Form No. 1 prescribed by § 141.1, Subchapter D, Chapter 1, Title 18 of the Code of Federal Regulations, by revising pages 429 and 430 thereof, all as set out in Attachment A hereto.<sup>1</sup>

<sup>1</sup> Attachment A filed as part of the original document.



5. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 28, 1970, data, views, comments and suggestions in writing, concerning the matter herein proposed. An original and 14 conformed copies should be filed with the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions under the provisions of the Federal Reports Act of 1942 (44 U.S.C. 3501-3511) may at the same time submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Standards, Bureau of the Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the matter should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revised report form. The Commission will consider all such written submittals before acting on the proposed revisions.

6. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission,

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-9350; Filed, July 21, 1970;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 200 ]

[Release Nos. 33-5073, 34-8931, 35-16778,  
39-277, IC-6111, and IAA-265]

### PUBLIC AVAILABILITY OF REQUESTS FOR INTERPRETATIVE LETTERS AND RESPONSES BY COMMISSION'S STAFF

#### Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a new § 200.81 of the Code of Federal Regulations (17 CFR 200.81) concerning public availability of requests for no-action and interpretative letters and the responses made by the Commission's staff to such requests, and to amend the provisions of § 200.80(c)(4) of the Code of Federal Regulations to reflect the changes effected by the Commission's action. Proposed § 200.81 would provide generally that requests for interpretative advice or no-action letters and written responses to such requests shall be treated as public records of the Commission after a response has been made. It would, however, provide for confidential treatment for a period not exceeding 60 days where it is shown that such treatment is reasonable and appropriate.

On September 20, 1968, the Commission published a request for comments as

to whether staff interpretative and no-action letters should be made available to the public (Securities Act Release No. 4924; 33 F.R. 1480). As noted in that release, interpretative letters are informal opinions of the application of the law to contemplated factual situations; in a no-action letter, an authorized staff official may state with respect to a specific proposed transaction that the staff will not recommend to the Commission that it take enforcement action if the transaction is consummated in the manner described in the incoming letter.

The Commission received numerous comments in response to that release. The overwhelming majority of commentators favored public disclosure of the matters treated in no-action and interpretative letters in one form or another. Most were concerned, however, that a means be found to assure that confidential treatment of sensitive matters could be given when appropriate.

From the Commission's viewpoint, considering budgetary and manpower limitations, those suggestions that would effect the broadest dissemination of useful information at the least cost to the Government were, of course, most appealing. For that reason, the Commission proposes to adopt a rule which would provide for the public availability of no-action and interpretative letters and the responses thereto within 10 days after the staff has sent or given the response. However, in particular cases where it appears that a temporary delay in publication would be appropriate, the letter and the response thereto would be given confidential treatment for a reasonable period not exceeding 60 days. In such cases the burden would be on the person requesting the no-action position or interpretation to establish the need for confidential treatment and it would not be granted unless the need is clearly shown. In exceptional situations, such as mergers or other acquisition programs, where the transaction cannot be completed within a 60-day period, an additional period of confidential treatment could be granted upon application therefor.

It is contemplated that from time to time where the subject matter of a no-action or interpretative letter is of particular interest or importance, such letter and the response thereto would be published in summarized form in the Commission's daily "News Digest." This would call attention to the position taken in the staff's response and interested persons could, if they so desire, inspect the full text of the letter and the response thereto in the public file.

It should be recognized that no-action and interpretative responses by the staff are subject to reconsideration and should not be regarded as precedents binding on the Commission.

To avoid possible confusion as a result of the adoption of the foregoing proposal, the Commission also proposes to amend § 200.80 of the Code of Federal Regulations (17 CFR 200.80) to delete subdivision (i) of paragraph (c)(4) of that section, relating to the confidential treat-

ment of interpretative and no-action letters.

The text of the proposed § 200.81 of this chapter is as follows:

#### § 200.81 Publication of interpretative and no-action letters and other written communications.

(a) Except as provided in paragraphs (b) and (c) of this section, every letter or other written communication requesting the staff of the Commission to provide interpretative legal advice with respect to any statute administered by the Commission or any rule or regulation adopted thereunder, or requesting a statement that, on the basis of the facts stated in such letter or other communication, the staff would not recommend that the Commission take any enforcement action, shall be made available for inspection and copying by any person upon request made pursuant to § 200.80(d) of this chapter, together with any written response thereto, within 10 days after the response has been sent or given to the person requesting it.

(b) Any person submitting such a letter or other written communication may also submit therewith a request that it be accorded confidential treatment for a specified period of time, not exceeding 60 days after the staff's response has been sent or given to the person requesting it, together with a statement setting forth the considerations upon which the request for such treatment is based. If the staff determines that the request is reasonable and appropriate and should be granted, the letter or other communication will not be made available for public inspection or copying until the expiration of the specified period. If it appears to the staff that the request for confidential treatment should be denied, the staff shall so advise the person making the request and such person may withdraw the letter or other communication within 30 days thereafter. In such case, the letter or other communication shall remain in the Commission's files but will not be made public. If such letter or other communication is not so withdrawn, it shall be deemed to be available for public inspection and copying together with any written response thereto.

(c) This section shall not apply, however, to letters of comment or other communications relating to the accuracy or adequacy of any registration statement, report or other document filed with the Commission, or relating to the extent to which such statement, report or document complies or fails to comply with any applicable requirement.

All interested persons are invited to submit their views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before August 15, 1970. All such communications will be considered available for public inspection.

By the Commission, July 14, 1970.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 70-9407; Filed, July 21, 1970;  
8:49 a.m.]



# Notices

## DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

HAIR, HUMAN, PROCESSED

### Importations Directly From Portugal Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Economy (Comissao Reguladora dos Produtos Quimicos e Farmaceuticos (C.R.P.Q.F.)) of the Government of Portugal, under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations, are now available with respect to the importation into the United States directly, or on a through bill of lading, from Portugal of the following commodity:

Hair, human, processed (wigs, etc.).

[SEAL] MARGARET W. SCHWARTZ,  
Director,  
Office of Foreign Assets Control.

[F.R. Doc. 70-9429; Filed, July 21, 1970;  
8:51 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 15830]

MONTANA

### Notice of Proposed Withdrawal and Reservation of Lands

JULY 14, 1970.

The Forest Service, U.S. Department of Agriculture, has filed application M 15830 for the withdrawal of national forest land described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land to develop a campground and provide fishing access to Bloody Dick Creek within the Beaverhead National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulation (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant

agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD NATIONAL FOREST

Kitty Creek Campground

T. 9 S., R. 15 W.,

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

Sec. 10, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described aggregates 117.50 acres in Beaverhead County, Mont.

EUGENE H. NEWELL,  
Land Office Manager.

[F.R. Doc. 70-9403; Filed, July 21, 1970;  
8:49 a.m.]

### National Park Service

[Order 36, Amdt. 2]

### LAND ACQUISITION OFFICERS OF SPECIAL PROJECTS

#### Delegation of Authority

The first paragraph of Order No. 36, dated June 4, 1966 and revised by Amendment No. 1, dated May 6, 1968 (33 F.R. 8552), is further revised to read as follows:

*Delegation.* The Land Acquisition Officers of the following: Assateague Island National Seashore, Md.; Cape Cod National Seashore, Mass.; Indiana Dunes National Lakeshore, Ind.; Point Reyes National Seashore, Calif.; and St. Croix National Riverways, Minn.-Wis.; are authorized to exercise authority with respect to the following:

(245 DM 1, 27 F.R. 6395, as amended; 5 U.S.C. 22; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: July 13, 1970.

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

[F.R. Doc. 70-9401; Filed, July 21, 1970;  
8:48 a.m.]

### Office of the Secretary

### COMMISSIONER, BUREAU OF RECLAMATION

#### Delegation of Authority

The delegation of authority to the Commissioner of Reclamation previously published in the FEDERAL REGISTER at 33 F.R. 12391 is amended by the addition of 255 DM 1.1A(14).

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

Part 255—Bureau of Reclamation

Chapter 1—General Program Delegation

255.1.1 *Delegation*—Commissioner of Reclamation. The Commissioner of Reclamation is authorized, except as provided in 200 DM 2 and 255 DM 1.2, to:

A. Perform the functions and exercise the authority now or hereafter vested in the Secretary of the Interior, or in the Department of the Interior, by:

(14) Section 303 of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885; 43 U.S.C. 1501 et seq.), to the extent not already delegated under (1) above.

WALTER J. HICKEL,  
Secretary of the Interior.

JULY 14, 1970.

[F.R. Doc. 70-9402; Filed, July 21, 1970;  
8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

### ASC COUNTY COMMITTEES AND ASCS COUNTY OFFICES

#### Delegation of Authority With Respect to the CCC Granary Storage Program

Pursuant to authority vested in me by the Board of Directors and the Bylaws of Commodity Credit Corporation (hereinafter called CCC), there are hereby delegated the following authorities to the chairman of each Agricultural Stabilization and Conservation county committee (hereinafter called ASC county committee) and the executive director of each Agricultural Stabilization and Conservation Service county office (hereinafter called ASCS county office), in connection with CCC storage operations:

*CCC bin storage operations.* (1) Upon receipt of prior written authorization, the chairman may execute real estate leases



## NOTICES

on behalf of and in the name of CCC as determined by the ASC county committee to be necessary in connection with the CCC storage program.

(2) The chairman or the executive director may execute leases of CCC-owned storage structures not currently needed for storage of CCC-owned grain.

(3) The chairman may execute contracts on behalf of and in the name of CCC for site preparation and maintenance work, electrical services, repair and operation of property and equipment, handling, transportation and maintenance of commodities, and procurement of supplies and materials in connection with the CCC storage program.

(4) Upon receipt of prior written authorization, the chairman may sell CCC-owned storage structures, equipment, and materials.

*Sales of CCC commodities locally.* (1) Upon receipt of prior authorization, the chairman or county executive director may make local sales of agricultural commodities, other than seeds, owned by CCC and execute any documents in connection with such sales.

The authority herein delegated shall be exercised in conformity with the By-laws of CCC and applicable program policies and instructions. That portion of the delegation of authority published February 12, 1964 (29 F.R. 2390) relating to the CCC granary storage program is hereby superseded.

(Sec. 62 Stat. 1070, as amended; 15 U.S.C. 714b)

*Effective date.* Date of publication.

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

KENNETH E. FRICK,  
*Executive Vice President,  
Commodity Credit Corporation.*

[F.R. Doc. 70-9381; Filed, July 21, 1970; 8:47 a.m.]

Office of the Secretary  
FLORIDA

Designation of Areas for Emergency Loans

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

FLORIDA

Broward. Martin.  
Dade. Palm Beach.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of July 1970.

CLIFFORD M. HARDIN,  
*Secretary of Agriculture.*

[F.R. Doc. 70-9383; Filed, July 21, 1970; 8:47 a.m.]

KENTUCKY

Designation of Area for Emergency Loans

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

KENTUCKY

Fulton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 3, 1971, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of July 1970.

CLIFFORD M. HARDIN,  
*Secretary of Agriculture.*

[F.R. Doc. 70-9442; Filed, July 21, 1970; 8:52 a.m.]

TENNESSEE

Designation of Areas for Emergency Loans

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

TENNESSEE

Crockett. Lauderdale.  
Dyer. Obion.  
Gibson. Weakley.  
Lake.

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

Done at Washington, D.C., this 17th day of July 1970.

CLIFFORD M. HARDIN,  
*Secretary of Agriculture.*

[F.R. Doc. 70-9440; Filed, July 21, 1970; 8:52 a.m.]

VIRGINIA

Designation of Areas for Emergency Loans

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

VIRGINIA

Rockbridge. Nelson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of July 1970.

CLIFFORD M. HARDIN,  
*Secretary of Agriculture.*

[F.R. Doc. 70-9441; Filed, July 21, 1970; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration  
OCEANIC STEAMSHIP CO.

Notice of Application

Notice is hereby given that The Oceanic Steamship Co. (Oceanic) has filed an application dated February 27, 1970, for a new operating-differential subsidy agreement under title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (herein called the Act), with said new operating-differential subsidy agreement to become effective upon termination of Oceanic's present Operating-Differential Subsidy Agreement, Contract No. FMB-44, which agreement, as heretofore amended, is now scheduled to expire on December 17, 1972. The application as supplemented by letters from Oceanic dated March 30, 1970, and May 11, 1970, is for operating-differential subsidy (ODS) aid on two services primarily operating on Trade Route No. 27, as described hereinafter:

(1) 12 to 24 sailings per annum by two new MA Design C7-S-88a containerships to be constructed for operation on a "Container Freight Service" between U.S. Pacific Coast ports and ports in British Columbia, on the one hand; and on the other, ports of Australia, Samoa, New Zealand, Tahiti, Fiji, Hawaii, and ports of islands lying along the general route, including service between intermediate ports as authorized by law.

(2) Twelve to 16 sailings per annum by the presently subsidized combination passenger-freight vessels, "Mariposa" and "Monterey," operating between ports



of California, the port of Seattle, Wash., Pacific Coast ports of Alaska, Pacific Coast ports of Canada, and Pacific Coast ports of Mexico, on the one hand, and, on the other, ports in Australia, New Zealand, Fiji, Tahiti, Hawaii, and ports of islands lying along the general route, including service between intermediate ports as authorized by law.

In its letter of May 11, 1970, supplementing its application of February 27, 1970, Oceanic states that it "hereby affirms that it seeks to provide service within the same range of ports with respect to both its services as enumerated in its present ODS Contract, FMB-44, as amended \* \* \*." Also, the proposed 12 to 16 subsidized sailings per annum by the combination passenger-freight vessels, "SS's Mariposa" and "Monterey," is the same number of subsidized sailings as is now permitted by these vessels under ODS Contract No. FMB-44, as amended. However, the proposed 12 to 24 sailings per annum by the new containerships is an increase from the 10 to 13 subsidized sailings per annum presently permitted by Oceanic's C-3 type freight vessels under ODS Contract No. FMB-44, as amended.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 3616, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on July 31, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held on the Container Freight Service, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

In the event that a section 605(c) hearing is ordered to be held on the Combination Passenger-Freight Service to be provided by the SS's "Mariposa" and "Monterey", the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel operated or to be operated on a service, route or line served by two or more citizens of the United States with vessels of U.S. registry, and if so, whether the effect of such contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines,

and (2) whether it is necessary to enter into such contract in order to provide adequate service by vessels of U.S. registry.

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

By order of the Maritime Subsidy Board.

Dated: July 16, 1970.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 70-9449; Filed, July 21, 1970;  
8:52 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[DESI 0035 NV]

### DRUG PRODUCT CONTAINING CHLORTETRACYCLINE

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

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Purina Aureomycin Etts Medicated; contains 2 grams of chlortetracycline hydrochloride per pound; by Ralston Purina Co., 835 South Eight Street, St. Louis, Mo. 63199.

The Academy evaluated this vitamin-antibiotic preparation as probably not effective for the therapeutic and non-therapeutic claims in hogs, cattle, and sheep. The Academy stated: (1) The dosage of the antibacterial drug is frequently low and inconsistent; (2) the oral administration for severely ill animals is questioned; (3) information is needed to document the value of vitamins in this preparation; (4) dose response curves are needed for many of the recommended uses; (5) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped; (6) claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; (7) claims for growth promotion or stimulation are disallowed and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions"; and (8) the label should carry a warning that treated animals must actually consume enough medicated feed to provide a therapeutic dose under the conditions that prevail and, as a precaution, the label should state the desired oral dose

per unit of animal weight per day for each species as a guide to effective use of the preparation in feed.

The Food and Drug Administration concurs with the Academy's findings, however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency, where appropriate efficacy data are available to support such a claim, should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9358; Filed, July 21, 1970;  
8:45 a.m.]



[DESI 0063 NV]

**PENICILLIN-STREPTOMYCIN-VITAMIN MIX FOR USE IN DRINKING WATER****Drugs for Veterinary Use; Drug Efficacy Study Implementation**

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Whitmoyer A-V 25; each lb. contains 16 million units of procaine penicillin (equivalent to 9.6 grams penicillin G reference standard), 35 grams of streptomycin base (as sulfate), 1,500,000 U.S.P. units of vitamin A, 1,200,000 I.C. units vitamin D<sub>2</sub>, 4.5 milligrams of vitamin B<sub>12</sub>, 600 milligrams of pyridoxine hydrochloride, 900 I.U. vitamin E, 7,500 milligrams of niacin, 400 milligrams of folic acid, 1,600 milligrams menadione sodium bisulfite, and 7,500 milligrams of choline bitartrate; by Whitmoyer Laboratories, Inc., Subsidiary of Rohm & Haas Co., Myerstown, Pa. 17067.

The Academy classified this product as probably not effective for (1) Treatment of enteric diseases in swine, calves, and poultry; (2) use during stress conditions to prevent birds from succumbing to disease; and (3) stimulation of feed intake and maintenance of weight gains during the occurrence of chronic respiratory disease and infectious sinusitis. The Academy's report stated:

1. The oral administration (via drinking water) for severely ill animals is questioned.
2. Information is needed to document the value of vitamins in the preparation.
3. Dose response curves are needed for many of the recommended uses.
4. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.
5. The disease claims for streptomycin must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of the streptomycin sulfate.
6. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped.
7. The label should warn that treated animals must actually consume enough medicated water or medicated feed to provide a therapeutic dose under the conditions that prevail. As a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water or feed.
8. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

The Food and Drug Administration concurs with the Academy's findings. This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does

not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drug of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drug are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The manufacturer of the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9359; Filed, July 21, 1970;  
8:45 a.m.]

[DESI 0098 NV]

**DRUG PRODUCT CONTAINING PROCAINE PENICILLIN G AND OTHER DRUGS****Drugs for Veterinary Use; Drug Efficacy Study Implementation**

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Azimycin; each cubic centimeter contains 200,000 units of procaine penicillin

G, 250 milligrams of dihydrostreptomycin (as dihydrostreptomycin sulfate), 10 milligrams of chlorpheniramine maleate, and 0.5 milligram of dexamethasone; by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

The Academy evaluated this product as probably effective as an anti-inflammatory, antibacterial, and antihistaminic veterinary aqueous suspension for intramuscular injection. The Academy stated: (1) Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped; (2) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; and (3) frequency of maintenance dosage for dihydrostreptomycin needs to be corrected. Information is needed to document the benefits of this combination of active ingredients. Dose response curves and tissue concentrations of the drug are necessary for the antibacterial drugs with regard to the instructions on the label. The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to



the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9360; Filed, July 21, 1970;  
8:46 a.m.]

[DESI 0122 NV]

### PENICILLIN, STREPTOMYCIN, VITAMIN COMBINATION DRUGS

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

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations which are intended for use in animal drinking water:

1. FloxAid BF; each lb. contains 11 million units procaine penicillin (equivalent to 6.6 grams penicillin G reference standard), 33,000 milligrams streptomycin base (as streptomycin sulfate), 1,760,000 U.S.P. units vitamin A, 1 million I.C. units vitamin D, 13.2 milligrams vitamin B<sub>12</sub> activity, 550 milligrams pyridoxine hydrochloride (vitamin B<sub>6</sub>), 1,045 milligrams menadione sodium bisulfite (source of vitamin K activity), 770 Int. units vitamin E (as *d*-alpha-tocopheryl acetate), 132 milligrams folic acid, 5,000 milligrams choline bitartrate; by Animal Health Products, Merck Chemical Division, Merck and Co., Inc., Rahway, N.J. 07065.

2. FloxAid AWP; each lb. contains 15 million units procaine penicillin (equivalent to 9 grams penicillin G reference standard), 5,480,000 units potassium penicillin (equivalent to 3.3 grams penicillin G reference standard), 61,440 milligrams streptomycin base (as streptomycin sulfate), 3,277,000 U.S.P. units vitamin A, 2,048,000 I.C. units vitamin D, 24.6 milligrams vitamin B<sub>12</sub> activity, 1,024 milligrams pyridoxine hydrochloride (vitamin B<sub>6</sub>), 1,946 milligrams menadione sodium bisulfite (source of vitamin K activity), 1,440 Int. units vitamin E (as *d*-alphatocopheryl acetate), 246 milligrams folic acid, 9,305 milligrams choline bitartrate; by Animal Health Products, Merck Chemical Division, Merck and Co.

The Academy evaluated these products as probably not effective as a scientifically formulated combination of antibiotics for protection against disease and added growth, and vitamins for normal growth and development while birds are eating less feed.

The Academy further stated:

1. The dosage of antibacterial drugs are low and inconsistent; response curves are needed for many of the recommended uses.

2. Information is needed to document the value of vitamins in these preparations as well as the drug label claim "to help birds to a fast healthy start, maintain normal growth and production,

stimulate feed intake and maintain weight gains."

3. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to penicillin and streptomycin." If the disease cannot be so qualified, the claim must be dropped.

4. Claims made "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control."

5. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

6. The manufacturer's label should warn that treated animals must actually consume enough medicated water to provide a therapeutic dose under the conditions that prevail. As a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparations in drinking water.

7. The disease claims for streptomycin must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of streptomycin sulfate.

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

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

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

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

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

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

The manufacturer of the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9361; Filed, July 21, 1970;  
8:46 a.m.]

[DESI 0129 NV]

### DRUG PRODUCT CONTAINING DIHYDROSTREPTOMYCIN AND OTHER DRUGS

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

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Kao-Strep; each 2 grams contains 0.075 gram of dihydrostreptomycin base (as sulfate), 1.50 grams of kaolin, 0.135 gram of pectin, and 0.210 gram of hydrated alumina powder; by Wyeth Laboratories, Inc., Box 8299, Philadelphia, Pa. 19101.

The Academy evaluated this preparation as probably effective when used for the treatment of acute calf scours, digestive disturbances in young pigs, swine dysentery, and intestinal infections in general. The Academy stated: (1) The recommended dosages are inconsistent. The dosages should list the quantity of drug and the body weight and species of animal; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped; (3) labeling should warn that treated animals must actually consume enough medicated water or medicated feed to provide a therapeutic dose under the conditions that prevail and, as a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water or feed; (4) the disease claims for this preparation must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of the active ingredients; and (5) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

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



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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9362; Filed, July 21, 1970;  
8:46 a.m.]

[DESI 0156NV]

#### DRUG CONTAINING PENICILLIN, DIHYDROSTREPTOMYCIN AND PREDNISOLONE

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

The Food and Drug Administration has evaluated a report received from the

National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Bio-Delta which contains 200,000 units of procaine penicillin G, 250 milligrams of dihydrostreptomycin (as dihydrostreptomycin sulfate), and 10 milligrams of prednisolone anhydrous (as prednisolone hydrous) per cubic centimeter and is marketed by The Upjohn Co., Kalamazoo, Mich. 49001.

The Academy evaluated this product as probably effective in the treatment of acute and chronic bacterial infections in horses, foals, dogs, and cats when such infections are due to organisms susceptible to penicillin G and dihydrostreptomycin and when the antiinflammatory effects of prednisolone are indicated.

The Academy further stated:

1. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified the claim must be dropped.

2. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

3. Dihydrostreptomycin sulfate should be administered more often than once a day, therefore, the frequency of maintenance dosage for dihydrostreptomycin sulfate recommended in the labeling needs to be corrected.

4. Dose response curves and tissue concentration should be submitted with regard to the indications and dosage schedule for the antibacterial drugs.

5. The implied use against viral diseases should be deleted as use of prednisolone for treating these conditions is questionable.

The Food and Drug Administration concurs in the Academy's finding.

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962 is requested to submit updating information as needed to make the application current with regard

to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 13, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9363; Filed, July 21, 1970;  
8:46 a.m.]

[DESI 0157NV]

#### CERTAIN DRUG PRODUCTS CONTAINING TETRACYCLINE, NOVIOCIIN, AND PREDNISOLONE

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

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations which are intended for use in cats and dogs:

1. Delta-Albaplex Tablets; each tablet contains 60 milligrams of tetracycline hydrochloride, 60 milligrams of novobiocin (as sodium novobiocin), and 1.5 milligrams of prednisolone anhydrous; by The Upjohn Co., Kalamazoo, Mich. 49001.

2. Delta-Albaplex Capsules; each capsule contains tetracycline phosphate complex equivalent to 60 milligrams of tetracycline hydrochloride, 60 milligrams of novobiocin, and 1.5 milligrams of prednisolone; by The Upjohn Co.

The Academy evaluated these drugs as: (1) Probably effective for antimicrobial activity; and (2) effective for endocrine activity, however, more evidence should be presented on the value of the drug combination and the labels should clearly state that the drugs are not effective against viral disease. The Academy stated:

1. The novobiocin dose is low and the dosage schedule must be revised. The use of glucocorticoid drugs in viral diseases is questioned.

2. Each disease claim should be properly qualified as "appropriate for use in



(name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified the claim must be dropped.

3. Because of possible incompatibilities in the mechanism of action of antimicrobial ingredients in a product containing more than one, it is suggested that the manufacturer reconsider the formula. The addition of one antibiotic to another may result in a less than additive action with regard to inhibition of bacterial multiplication, or with regard to the fraction of bacterial population killed.

4. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

5. Evidence must be provided to establish that the tablets disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

6. The possible toxic effects of novobiocin must be more clearly defined.

The Food and Drug Administration concurs in the findings of the Academy.

Products of this type are prescription items and should bear the legend "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9364; Filed, July 21, 1970;  
8:46 a.m.]

[DESI 8880V]

### OTRHOMIN WEIDNER

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

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations produced by Weidnerit, Dr. Edmund Weidner, 1 Berlin 31, Federal Republic of Germany, and imported by Dr. Stephen Jackson, 4815 Rugby Avenue, Washington, D.C. 20014:

1. Otrhomin Weidner Solution Injectable; each cubic centimeter contains 15 percent di-hexamethylene-tetramine thiocyanate ammonium sulfate, and 15.1 percent hexamethylene-tetramine.

2. Otrhomin Weidner Tablets; each tablet contains 2 grams of di-hexamethylene tetramine thiocyanate ammonium sulfate and hexamethylene tetramine thiocyanate.

3. Otrhomin Weidner Powder; contains di-hexamethylene tetramine thiocyanate ammonium sulfate and hexamethylene tetramine thiocyanate.

The Academy classified these preparations as probably not effective as a bactericidal and antiallergic agent used against uterine infections and mastitis in cows. More information is needed on the drugs antimicrobial activity to support claims for treatment of other infections in cattle, horses, swine, dogs, and cats.

The Academy also concluded that when tablets are used orally data are needed to provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect. Tablets used for intrauterine administration require information from the manufacturer with respect to: (1) The degree of disintegration within the uterus; (2) the presence of hazardous foreign body ingredients; and (3) the chemical compatibility of the vehicle and active agents.

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

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

respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drugs has been mailed a copy of the NAS-NRC reports. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51; 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9365; Filed, July 21, 1970;  
8:46 a.m.]

[DESI 12437V]

### TEMARIL-P

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

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Temaril-P, antipruritic-antitussive; each tablet contains 5 milligrams of trimeprazine (as the tartrate) and 2 milligrams of prednisolone; by Norden Laboratories, Inc., 601 West Oak Street, Lincoln, Nebr. 68501.



The Academy report states that this drug is probably effective for dogs, but that more information is needed concerning its use in cats. The indications for use on the label combine the antipruritic and antitussive action of trimeprazine with the anti-inflammatory action of prednisolone. The Academy stated: (1) Data should be submitted to show that the mixture of trimeprazine and prednisolone is more effective than either of these drugs administered alone; and (2) the literature references submitted are based on clinical observations and no controlled data are available. Trimeprazine is a weak phenothiazine derivative tranquilizer with antipruritic as a prime action. The efficacy for prednisolone is assumed, based on a preponderance of literature on this drug and related glucocorticoids. Indications are that the drug should not be used in cats.

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9366; Filed, July 21, 1970;  
8:46 a.m.]

[DESI 814NV]

### PROCAINE PENICILLIN G FOR INTRAMAMMARY INFUSION

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

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Hanford's Penicillin Mastitis Treatment; each 10 cubic centimeters contain 100,000 units of procaine penicillin G in oil suspension; marketed by G. C. Hanford Manufacturing Co., 304 Oneida Street, Syracuse, N.Y. 13202.

The Academy evaluated this intramammary product as probably effective for use in treatment of mastitis in cattle by udder instillation when the mastitis is caused by organisms sensitive to the drug. The Academy report recommended deletion of labeling claims of effectiveness against *C. pyogenes*.

The Academy also recommended that the labels of all antimastitis preparations carry warning statements to the effect that:

1. The product is therapeutically effective only against udder infections caused by microorganisms susceptible to its active ingredients.
2. Proper cleaning and disinfecting of the teat is necessary before introduction of the drug into the teat orifice.
3. Appropriate sanitation and management procedures to prevent and/or control bovine mastitis should be instituted.

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

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9385; Filed, July 21, 1970;  
8:47 a.m.]

[DESI 0020NV]

### CERTAIN TABLETS CONTAINING STREPTOMYCIN, SULFATHIAZOLE, AND KAOLIN

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

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

1. 2-Way Tabs for Calf Scours; each tablet contains 0.25 gram streptomycin base (as streptomycin sulfate), 3.24 grams sulfathiazole, 2.85 grams kaolin; by Hess & Clark, Division of Richardson-Merrell Inc., Ashland, Ohio 44805.

2. S-2-K Calf Scour Tabs; each tablet contains 0.25 gram streptomycin base (as streptomycin sulfate), 3.24 grams sulfathiazole, 2.85 grams kaolin; by Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., Kansas City, Mo. 64141.

The Academy classified S-2-K Calf Scour Tabs with proposed revised labeling as probably effective, and they classified 2-Way Tabs for Calf Scours as probably not effective for treatment of bacterial diarrhea and bacterial pneumonia in calves. The Academy stated: (1) Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified, the



claim must be dropped; (2) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; (3) dosage should be expressed on a unit/weight basis; (4) frequency of maintenance dosage is inadequate; (5) documentation does not support the claim for pneumonia; and (6) the manufacturer of these tablets must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

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

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9386; Filed, July 21, 1970;  
8:47 a.m.]

[DESI 0155 NV]

### CERTAIN CAPSULES CONTAINING TETRACYCLINE, NOVOBIOCIN, NYSTATIN AND PENICILLIN

#### Drugs for Veterinary Use; Drug Efficacy Study Implementation Announcement

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Panplex; each capsule contains tetracycline phosphate complex equivalent to 50 milligrams to tetracycline hydrochloride, 50 milligrams of novobiocin as novobiocin sodium, 50,000 units of nystatin, and 100,000 international units of penicillin G potassium; by The Upjohn Co., Kalamazoo, Mich. 49001.

The Academy stated that this drug is probably effective for oral administration in the treatment of susceptible bacterial infections in dogs and cats. The Academy further stated: (1) Labeling changes are needed. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped; (2) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination; and (3) the dosage recommendations need to be revised. Because of possible incompatibilities in the mechanism of action of antimicrobial ingredients in a product containing more than one, it is suggested that the manufacturer reconsider the formula. The addition of one antibiotic to another may result in a less than additive action with regard to inhibition of bacterial multiplication, or with regard to the fraction of a bacterial population killed.

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to

make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls in accordance with the requirements of section 512 of the act.

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9387; Filed, July 21, 1970;  
8:47 a.m.]

[DESI 10630V]

### DRUG PRODUCT CONTAINING MEPROBAMATE

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

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Equanil (Meprobamate Tablets); each tablet contains 400 milligrams of meprobamate; by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

The Academy report stated that this drug is probably not effective for indications in small animal practice such as, anxiety and tension, neurological conditions with associated muscle spasms, or muscle spasms due to rheumatic conditions. The efficacious use of meprobamate has not been adequately documented for veterinary purposes. The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the



date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9388; Filed, July 21, 1970;  
8:47 a.m.]

[DESI 4687]

**POLYCARBOPHIL AND THIHENINOL  
METHYLBROMIDE; POLYAMINE  
METHYLENE RESIN, ALUMINUM  
SODIUM SILICATE AND ALUMINUM  
MAGNESIUM SILICATE; SUCCINYL-  
SULFATHIAZOLE, KAOLIN AND  
PECTIN**

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

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

1. Sorboquel Tablets; polycarbophil 0.5 gram and thihexinol methylbromide 15 milligrams; White Laboratories, Inc., Galloping Hill Road, Kenilworth, N.J. 07033 (NDA 12-216).

2. Resion Suspension; polyamine methylene resin 1.5 grams, aluminum sodium silicate 1.5 grams, and aluminum magnesium silicate 0.188 gram per 15 milliliters; The National Drug Company, Division of Richardson-Merrell, Inc., 4663 Stenton Avenue, Philadelphia, Pa. 19144 (NDA 7-381).

3. Cremosuxidine Suspension; succinylsulfathiazole 100 milligrams, colloidal

kaolin 100 milligrams, and pectin 8.5 milligrams per milliliter; Merck Sharp & Dohme, Division of Merck & Company, Inc., West Point, Pa. 19486 (NDA 4-687).

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

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered the reports of the Academy, as well as other available evidence, and has concluded that there is a lack of substantial evidence of effectiveness of the preparation containing succinylsulfathiazole, colloidal kaolin, and pectin for treatment of nonspecific diarrheas including "summer diarrhea."

This drug is regarded as possibly effective as specific therapy in diarrheas caused by organisms susceptible to succinylsulfathiazole.

2. The preparation containing polycarbophil and thihexinol methylbromide is regarded as possibly effective for the symptomatic treatment of acute and chronic diarrhea.

3. The preparation containing polyamine methylene resin, aluminum sodium silicate, and aluminum magnesium silicate is regarded as possibly effective for the control of simple diarrhea.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a preparation containing succinylsulfathiazole, colloidal kaolin, and pectin is requested to submit a supplement to his application to provide for labeling which deletes those indications for which the drug has been classified as lacking substantial evidence of effectiveness as described in paragraph A1 above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. The labeling of any preparation containing succinylsulfathiazole, colloidal kaolin, and pectin on the market without an approved new-drug application should be revised if such labeling includes those indications for which the drug has been classified as lacking substantial evidence of effectiveness as described in paragraph A1 above. Failure to delete such indications and put the revised labeling into use within 60 days after the publication date of this announcement in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Holders of approved new-drug applications for all drugs listed above and any person marketing these drugs without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to

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

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for these drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of a report by writing to the office named below.

Communications forwarded in response to this announcement should refer to DESI 4687 which identifies this announcement and should be directed to the attention of the following appropriate office and unless otherwise specified below be addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number):  
Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new drug applications: Office of New Drugs (BD-100), Bureau of Drugs.  
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC Report: Press Relations Office (CE-200), 200 "C" Street SW., Washington, D.C. 20204.

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

Dated: July 1, 1970.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.

[F.R. Doc. 70-9389; Filed, July 21, 1970;  
8:47 a.m.]



[DESI 5456V]

**PHTHALYLSULFATHIAZOLE****Drugs for Veterinary Use; Drug Efficacy Study Implementation**

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Sulfathalidine Boluses; each bolus contains 4 grams of phthalylsulfathiazole; by Animal Health Products, Merck & Co., Inc., Chemical Division, Rahway, N.J. 07065.

The Academy evaluated this product as probably effective for the treatment of certain bacterial intestinal infections, such as calf scours and infectious enteritis of pigs. The Academy stated: (1) Labeling changes are needed; (2) more data are needed to support claims made for use of the drug in horses; (3) the disease claims for this preparation must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of the active ingredients; (4) each disease claim should be properly qualified "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped; and (5) the manufacturer of this bolus must provide evidence that it disintegrates in the gastrointestinal tract of the medicated species to produce the desired effect.

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

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

with the requirements of section 512 of the act.

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9390; Filed, July 21, 1970;  
8:48 a.m.]

[DESI 7404V]

**PYRILAMINE MALEATE SOLUTION FOR INJECTION****Drugs for Veterinary Use; Drug Efficacy Study Implementation**

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Histosol; each cubic centimeter contains 20.0 milligrams of pyrilamine maleate; by Norden Laboratories, Inc., 601 West Oak, Lincoln, Nebr. 68501.

The Academy evaluated this drug as probably effective for use in conditions in which antihistaminic therapy may be expected to lead to alleviation of some signs of disease in cattle, horses, and dogs. The Academy stated: (1) Efficacy is not well established except in the case of exposure to an antigen to which the animal has pre-existing sensitivity; (2) the sedative and antiemetic actions of antihistaminic drugs on the central nervous system may have prophylactic or therapeutic value in selected situations; (3) the dosages should be stated on a body weight basis to make the preparation safe for use in small animals; and (4) labeling should cover the following side effects: (a) Depression of the central nervous system and incoordination can occur at therapeutic doses; (b) disturbances of gastrointestinal function may occur; and (c) overdosage may give rise to excitement, ataxia, and convulsions.

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

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute

a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9391; Filed, July 21, 1970;  
8:48 a.m.]

[DESI 11703V]

**DRUG PRODUCT CONTAINING NEO-MYCIN, PREDNISOLONE, AND TETRACAINE****Drugs for Veterinary Use; Drug Efficacy Study Implementation**

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the product: Neo-Delta-Cortef with Tetracaine; each cubic centimeter contains 2.5 milligrams prednisolone acetate, 5 milligrams neomycin sulfate (equivalent to 3.5 milligrams



neomycin base), and 5 milligrams tetracaine hydrochloride; by The Upjohn Co., Kalamazoo, Mich. 59001.

The Academy evaluated this eye and ear drop product as probably effective for the treatment of certain ear conditions, and probably not effective for the treatment of eye conditions in domestic animals. The Academy further stated: (1) There is no specific documentation of effectiveness of this product in naturally occurring animal diseases; (2) the ophthalmic indication for corneal ulceration used in the labeling to describe a disease condition is much too broad as tetracaine hydrochloride and prednisolone acetate may be specifically contraindicated for use in treating certain corneal ulcers; (3) topical application of prednisolone acetate to lesions caused by organisms resistant to neomycin could have adverse effects on the eye. Neomycin sulfate is not effective for use against many of the bacteria which are found in animal eyes; (4) use of the drug for the treatment of uveitis would require additional adjunctive therapy; (5) tetracaine hydrochloride should be removed from the preparation; (6) the prolonged anesthetic effect of tetracaine hydrochloride on ear canal skin is not adequately documented; and (7) all topical ophthalmic preparations containing corticosteroids are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and corneal regeneration is well under way.

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

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9392; Filed, July 21, 1970;  
8:48 a.m.]

[DESI 12965V]

#### CERTAIN DRUG PRODUCTS CONTAINING TYLOSIN

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

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

1. Corvel Tylocine Injection; each cubic centimeter contains 50 milligrams of tylosin activity (as tylosin base); by Corvel, a division of Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206.

2. Elanco Tylan 50 For Injection; each cubic centimeter contains 50 milligrams of tylosin activity (as tylosin base); by Elanco Products Co., a division of Eli Lilly and Co.

3. Corvel Tylocine Injection (tylosin) 200 mg.; each cubic centimeter contains 200 milligrams of tylosin activity (as tylosin base); by Corvel, a division of Eli Lilly and Co.

4. Elanco Tylan 200 For Injection; each cubic centimeter contains 200 milligrams of tylosin activity (as tylosin base); by Elanco Products Co., a division of Eli Lilly and Co.

The Academy reports stated that these drugs are probably effective for use in treating infections in cattle, swine, dogs, and cats when such infections are caused by pathogens sensitive to tylosin. The reports also stated that tylosin's antimicrobial effect is recognized; however, several label changes are needed, each disease claim on the labels should be properly qualified and more information is needed on blood concentration levels to support the dosage schedule and claims made in the labeling.

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

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug applications for the listed drugs has been mailed a copy of the NAS-NRC reports. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9393; Filed, July 21, 1970;  
8:48 a.m.]

[DESI 13133V]

#### FLURANDRENOLONE-NEOMYCIN SULFATE OINTMENT

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

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



Group, on the following preparation: Corderm Ointment; each gram contains 0.5 milligram of flurandrenolone and 5.0 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base); by Corvel, a division of Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206.

The Academy evaluated this preparation as probably effective as a topical ointment for dermatological use on dogs. The Academy stated: (1) There is a need for revision of the label to delete claims which are not verified by animal use; (2) the label should state that the neomycin component of the drug should be used as long as there is evidence of infection, once the infection is gone, it would be desirable to use a cortisone preparation omitting neomycin because of the potential of sensitivity; (3) the label should also warn that if infection develops during the use of flurandrenolone and neomycin sulfate ointment, the lesions should be brought under control with other measures and then another preparation (not containing neomycin) used at that point; (4) each ingredient in a preparation containing more than one drug must be effective, or contribute to the effectiveness of the preparation, to warrant acceptance as a therapeutic ingredient; (5) the word "pyodermitis" on the label should be changed to "superficial pyoderma"; (6) the label states "is 20 times more potent than hydrocortisone", but fails to say how or in what species; and (7) ointment forms are not indicated in moist or exudative lesions, and this topical form may not be the best to use for treating deep pyoderma.

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

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

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9394; Filed, July 21, 1970;  
8:48 a.m.]

[DESI 2-0010NV]

### POTASSIUM PHENOXYMETHYL PENICILLIN

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

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations manufactured by Abbott Laboratories, North Chicago, Ill. 60064 and marketed by Diamond Laboratories, Inc., Des Moines, Iowa 50317:

1. Veesyn Covotab tablets containing 200,000 units (125 milligrams) or 400,000 units (250 milligrams) of potassium phenoxymethyl penicillin per tablet.

2. Veesyn Granules for Oral Solution, dry granules, which when mixed with water produce a solution containing 40,000 units (25 milligrams) of potassium phenoxymethyl penicillin per milliliter.

The Academy evaluated use of the drugs in the treatment of infections in dogs and cats when such infections are caused by pathogens sensitive to the antibiotic. The Academy concluded that the antibiotic tablets are probably effective and the antibiotic granules are effective for such use.

The Academy stated:

1. Each disease claim in the labeling should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to potassium phenoxymethyl penicillin." If the disease cannot be so qualified, the claim must be dropped. The broad statement regarding secondary invaders must be deleted or qualified as to the pathogens sensitive to the drug.

2. The manufacturer should express dosage in terms of quantity of drug to be administered per unit of animal weight.

3. Labeling should contain a statement on the recommended procedure for treating allergic reactions to penicillin.

4. The manufacturer of the tablets must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

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

The holder of the applications for the subject drugs has been mailed copies of the NAS-NRC reports. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9395; Filed, July 21, 1970;  
8:48 a.m.]

[DESI 2-0023 NV]

### PENICILLIN, DIHYDROSTREPTOMYCIN INJECTABLE

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

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations which are listed with the Academy's classification regarding effectiveness of each product for the treatment of bacterial infections in animals:

1. Romar Pen-Dihydro; each 2 cubic centimeters contains 400,000 units procaine penicillin G, 0.5 gram dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Romar Laboratories, Parsippany, N.J. 07054; probably effective.

2. Purina Inject-R-Mycin; each bottle contains 25 grams dihydrostreptomycin (as dihydrostreptomycin sulfate), 3 million units penicillin G potassium, 2 million units procaine penicillin G, which when mixed with water according to the directions produces 250 or 500 cubic cen-



timeters of solution; by Ralston Purina Co., St. Louis, Mo. 63102; probably effective.

3. Norden Iomycin Veterinary; sterile powder which when mixed with water according to the directions produces a solution containing 160,000 units diethylaminoethyl ester penicillin G hydriodide, 0.2 gram dihydrostreptomycin base (as dihydrostreptomycin sulfate) per cubic centimeter; by Delta Laboratories, Division of Anabolic Inc., 1050 West Florence Avenue, Inglewood, Calif. 90301; probably effective.

4. Procaine Penicillin G Crystalline and Dihydrostreptomycin Sulfate; each 2 cubic centimeters contains 400,000 units procaine penicillin G, 0.5 gram dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Philadelphia Laboratories, Inc., Philadelphia, Pa. 19114; probably not effective.

5. Districillin A.S., Veterinary; each cubic centimeter contains 200,000 units procaine penicillin G, 0.25 gram dihydrostreptomycin base (as dihydrostreptomycin sulfate); by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903; probably effective.

6. Derma Mycillin-V; each 2 cubic centimeters contains 400,000 units procaine penicillin G, 0.5 gram dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Maury Biological Co., Inc., 6109 South Western Avenue, Los Angeles, Calif. 90047; probably effective.

7. Combiotic Aqueous Suspension; each cubic centimeter contains 200,000 units procaine penicillin G crystalline, 250 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017; probably not effective.

8. Pro Penstrep Veterinary; each cubic centimeter contains 200,000 units procaine penicillin G, 0.25 gram dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Merck Chemical Division, Merck & Co., Inc., Rahway, N.J. 07065; probably not effective.

9. Penstrep, Veterinary; each cubic centimeter contains 200,000 units procaine penicillin G, 0.25 gram dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Merck Chemical Division, Merck & Co., Inc.; probably not effective.

10. Longicil S; each cubic centimeter contains 150,000 units benzathine penicillin G, 150,000 units procaine penicillin G, and 250 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501; probably not effective.

11. Benzetacil-SM; when reconstituted each cubic centimeter contains 10,000 units benzathine penicillin G and 50 milligrams dihydrostreptomycin base (as dihydrostreptomycin sulfate); by Wyeth Laboratories Inc., Box 8299, Philadelphia, Pa. 19101; probably not effective.

The Academy further commented:

1. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribu-

tion to the total effect claimed for the combination drugs.

2. The panel acknowledges that penicillin and streptomycin are effective when each drug is used separately.

3. There is lack of critical documentation that penicillin and dihydrostreptomycin in combination produce effective blood levels.

4. Each disease label claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If a disease claim cannot be so qualified the indication for use in treating such a disease condition must be deleted.

5. Label claims regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

6. Dosage levels should be expressed in terms of quantity of drug to be given per unit of animal weight.

7. Labeling should contain appropriate precaution statements regarding use of the drug.

The Food and Drug Administration concurs in the Academy's findings, however; the Administration recognizes that there are some animal disease conditions where concomitant treatment with penicillin and streptomycin may be of value.

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

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the Act.

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

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drugs or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9396; Filed, July 21, 1970;  
8:48 a.m.]

[Docket No. FDC-D-165; NADA No. 11-334V  
and 11-582V]

#### AMERICAN CYANAMID CO.

#### Acetazolamide; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of February 7, 1969 (34 F.R. 1839), the Food and Drug Administration announced its conclusions following evaluation of veterinary drugs containing acetazolamide by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group. The Administration concluded that said drugs are effective to aid in treating mild congestive heart failure and for rapid reduction of intraocular pressure in dogs, however, there is lack of substantial evidence that said drugs will have the effect they purport or are represented to have under the other conditions of use prescribed, recommended, or suggested in their labeling.

Holders of new animal drug applications for these drugs which contain inadequate labeling in that the labeling in such applications differs from the labeling presented in the announcement, and any other interested persons, were invited to submit revised labeling or adequate documentation in support of the labeling used within the 6-month time period provided for in said announcement.

Responses were received from American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, holder of new animal drug application No. 11-334V for Vetamox Acetazolamide Tablets and Vetamox Acetazolamide Olets, and new animal drug application No. 11-582V for Vetamox Acetazolamide Sodium Parenteral and Vetamox Acetazolamide Sodium Soluble Powder. The information furnished has been reviewed and such information considered together with other evidence available when the applications were approved still fails to provide substantial evidence of effectiveness of the drugs for their recommended use in cattle, swine, and horses.



Therefore, notice is given to American Cyanamid Co., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of new animal drug application No. 11-334V for Vetamox Acetazolamide Tablets and Vetamox Acetazolamide Olets, and new animal drug application No. 11-582V for Vetamox Acetazolamide Sodium Parenteral and Vetamox Acetazolamide Sodium Powder, and all amendments and supplements thereto, held by American Cyanamid Co. on the grounds that:

Information before the Commissioner with respect to these drugs, evaluated together with the evidence available to him when the applications were approved, does not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who may be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the subject new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the named drug products, and recommended for similar conditions of use, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance re-

questing the hearing and giving the reasons why approval of the new animal drug applications should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the applications and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the applications, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 10, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9397; Filed, July 21, 1970;  
8:48 a.m.]

[Docket No. FDC-D-198; NDA No. 9-964]

### E. FOUGERA & CO., INC.

#### Visciodol Suspension; Notice of Opportunity for Hearing

In an announcement (DESI 6363) published in the FEDERAL REGISTER of February 11, 1970 (35 F.R. 2836), E. Fougera & Co., Inc., Post Office Box 73, Cantiague Road, Hicksville, Long Island, N.Y. 11802, holder of new-drug application No. 9-964 for VISCIODOL SUSPENSION (iodized oil and 320 milligrams sulfanilamide per milliliter), and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit any pertinent data bearing on the announced intention to withdraw approval of the new-drug application.

In response to the announcement, no pertinent submissions were received to show that the drug is effective as a fixed-combination for use as a contrast agent for bronchography. Additionally, the inclusion of sulfanilamide in this preparation represents an unwarranted risk to the patient because administration may result in development of sensitization to sulfa drugs and may produce severe hypersensitivity reactions in patients previously sensitized, and because the high blood levels resultant from this route of administration may likely pro-

duce methemoglobinemia in susceptible individuals. Therefore, notice is hereby given to the above firm and to any interested person who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order, under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the listed new-drug application and all amendments and supplements thereto on the grounds that: New evidence of clinical experience, not contained in such application or not available until after such application was approved, evaluated together with the evidence available when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved; and on the basis of new information before him with respect to such drug, evaluated together with the evidence available when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application(s) should not be withdrawn. Promulgation of the proposed order will cause any drug for human use containing the same components and offered for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing,



they must file, within 30 days after the publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 6, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9399; Filed, July 21, 1970;  
8:48 a.m.]

[Docket No. FDC-D-192; NDA No. 8-214]

#### LAFAYETTE PHARMACAL, INC.

#### Mulsopaque Injection: Notice of Withdrawal of Approval of New-Drug Application

In the FEDERAL REGISTER of February 11, 1970 (35 F.R. 2836) (DESI 6363), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council concerning effectiveness of iophendylate for human use, and stated his intention to initiate proceedings to withdraw approval of new-drug application No. 8-214 for Mulsopaque Injection containing 50 percent emulsion of iophendylate.

Lafayette Pharmacal, Inc., Lafayette, Ind. 47902, holder of the new-drug application, by letter of April 16, 1970, waived opportunity for hearing on the proposed withdrawal of approval of the application. No date or objections were filed by any other interested person.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal

Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated together with the evidence available when the application was approved that there is a lack of substantial evidence that Mulsopaque Injection will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in its labeling, i.e., for T-tube and operative cholangiography, visualization of sinus or fistulous tracts, empyema, or abscess cavities, and ducts of the salivary glands and breast.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 8-214, and all amendments and supplements applying thereto, is withdrawn. Promulgation of this order causes any drug containing an emulsion of iophendylate offered for the same uses to be a new drug for which an approved new-drug application is not in effect and makes such a drug subject to regulatory action.

Effective date: This order becomes effective on the date of signature.

Dated: July 6, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9400; Filed, July 21, 1970;  
8:48 a.m.]

[Docket No. FDC-D-199; NDA Nos. 12-341;  
12-404]

#### WALLACE PHARMACEUTICALS AND MERCK SHARP AND DOHME

#### Cyclex; Pree-MT; Notice of Opportunity for Hearing

In a notice published in the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2697) (DESI 9947), Wallace Pharmaceuticals, Half Acre Road, Cranbury, N.J. 08512 and Merck Sharp and Dohme, Division of Merck & Co., Inc., Rahway, N.J. 07065, holders of new-drug applications for Pree-MT Tablets (NDA 12-404) and Cyclex Tablets (NDA 12-341), respectively, both containing 200 milligrams meprobamate and 25 milligrams hydrochlorothiazide, and any interested person who may be adversely affected by removal of the drugs from the market, were invited to submit any pertinent data bearing on the announced intention to initiate proceedings to withdraw approval of the new-drug applications based on a lack of substantial evidence that the drugs are effective as fixed-combinations for their labeled claims related to hypertension, congestive heart failure, premenstrual tension or premenstrual syndrome. Merck Sharp & Dohme submitted data pertinent to the proposal on March 6, 1970. The data have been reviewed and it is concluded that there is a lack of substantial evidence that Cyclex Tablets are effective for their claimed indications.

Therefore, notice is hereby given to Wallace Pharmaceuticals, Merck, Sharp

& Dohme, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the above-referenced new-drug applications and all amendments and supplements thereto, on the grounds that new information before the Commissioner with respect to these drugs, evaluated with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application(s) should not be withdrawn. Promulgation of the proposed order will cause any drug for human use containing the same components and offered for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after the publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not



rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data; making findings and conclusions on such data.

If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 6, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-9398; Filed, July 21, 1970;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

### UNDERGROUND NUCLEAR TEST PROGRAMS, NEVADA TEST SITE (TESTS OF ONE MEGATON OR LESS)

#### Notice of Availability of the General Manager's Draft FY 1971 Environmental Statement

Notice is hereby given that a document entitled "Draft FY 1971 Environmental Statement—Underground Nuclear Test Programs, Nevada Test Site (Tests of One Megaton or Less)" issued pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission General Manager's Interim Procedures implementing section 102(2)(C) of the Act, is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Commission's Nevada Operations Office, 2753 South Highland, Las Vegas, Nev. 89102; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, Calif. 94704; the Chicago Operations Office, 9800 South Cass, Argonne, Ill. 60439; and the New York Operations Office, 376 Hudson Street, New York, N.Y. 10014. This statement covers all noncratering nuclear tests of one megaton or less for FY 1971 at the Nevada Test Site.

The Draft Environmental Statement will be furnished upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 16th day of July 1970.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 70-9417; Filed, July 21, 1970;  
8:50 a.m.]

[Docket No. 50-323]

## PACIFIC GAS & ELECTRIC CO.

### Scheduled For Reopened Hearing

In the matter of Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Unit 2); Docket No. 50-323.

The parties are hereby notified that the reopened hearing in this matter will be held on August 7, 1970 at 10 a.m., local time, in the San Luis Obispo City Hall, Council Chambers, 990 Palm Street, San Luis Obispo, Calif.

Dated: July 20, 1970, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,  
JAMES P. GLEASON,  
Chairman.

[F.R. Doc. 70-9494; Filed, July 21, 1970;  
8:52 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 21866-8]

### DOMESTIC PASSENGER—FARE INVESTIGATION

#### Rate of Return; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 1, 1970, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 9, 1970, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 17, 1970.

[SEAL] HARRY H. SCHNEIDER,  
Hearing Examiner.

[F.R. Doc. 70-9432; Filed, July 21, 1970;  
8:51 a.m.]

[Docket 22370; Order 70-7-79]

## P.I.E. AIR FREIGHT FORWARDING, INC.

### Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of July 1970.

By tariff revision filed June 15, for effectiveness July 20, 1970, P.I.E. Air

Freight Forwarding, Inc. (P.I.E.) an air freight forwarder, proposes to increase its minimum charge for collecting and remitting collections on c.o.d. shipments to \$4.

P.I.E.'s current c.o.d. fee is 1 percent of the amounts involved, subject to a minimum charge of \$2. Its proposed fee would increase fees 100 percent of current levels for collections of \$200 or less and would exceed the fees in effect for most other air freight forwarders. P.I.E. presents no justification in support of its proposal.<sup>1</sup>

Upon consideration of the foregoing and all other relevant factors, the Board finds that the proposed minimum fee for collecting and remitting collections on c.o.d. shipments may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending 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 be instituted to determine whether the charges and provisions in Rule No. 80(C) on the 1st Revised Page 10 of P.I.E. Air Freight Forwarding, Inc.'s CAB No. 1, and rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule No. 80(C) on the 1st Revised Page 10 of P.I.E. Air Freight Forwarding, Inc.'s CAB No. 1, are suspended and their use deferred to and including October 17, 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 before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon P.I.E. Air Freight Forwarding, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

<sup>1</sup> See orders 69-9-50, Sept. 9, 1969, and 70-6-26, June 3, 1970, in which the Board suspended increases in c.o.d. fees proposed by Scott Air Freight, Inc., and Shulman Air Freight, respectively, on the ground of lack of justification. See also Increased Valuation and C.O.D. Charges Proposed by Railway Express Agency, Inc., 27 C.A.B. 542 (1958), in which the Board, after investigation, held the proposed increases in c.o.d. and other charges unjust and unreasonable chiefly on the ground that the Railway Express Agency had failed to sustain the burden of coming forward with evidence justifying the proposed increases.



By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-9433; Filed, July 21, 1970;  
8:51 a.m.]

## CIVIL SERVICE COMMISSION

### DEPARTMENT OF COMMERCE

#### Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary for Economic Development, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-9443; Filed, July 21, 1970;  
8:52 a.m.]

### DEPARTMENT OF COMMERCE

#### Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, Office of Public Affairs, Economic Development Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-9444; Filed, July 21, 1970;  
8:52 a.m.]

### PARTICIPANTS IN EXECUTIVE INTERCHANGE PROGRAM

#### Notice of Listing; Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission on March 20, 1970, found a manpower shortage exists for private industry executives to be selected for participation in the Executive Interchange Program. This finding will be terminated automatically on December 31, 1971.

Assuming other legal requirements are met, appointees may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-9448; Filed, July 21, 1970;  
8:52 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-774]

### TAX CERTIFICATES

#### Issuance

JULY 16, 1970.

Interested persons have inquired whether the Commission would issue a tax certificate, pursuant to section 1071 of the Internal Revenue Code, 26 U.S.C. 1071, in the case where a broadcast licensee, owning interests inconsistent with the new policy established in the First Report and Order in Docket No. 18110 (FCC 70-310), disposed of any such interest(s) in order to come into compliance with the policy. The Commission hereby gives notice that it would issue a tax certificate in such circumstances.

The Commission generally adheres to the involuntary test set forth in its 1956 Public Notice (FCC 56-979) (and see H. Rept. No. 775, 85th Cong., 1st Sess., p. 29 (1957)). It believes, however, that there can be situations where the certificate should be issued as " \* \* \* appropriate to effectuate a change in a policy, or the adoption of a new policy by the Commission with respect to the ownership and control of radio broadcasting stations \* \* \* " (Section 1071)—namely, where there is a causal relationship between the change in Commission policy and the sale of the broadcast facilities and the sale does effectuate the new policy. In the situation described in the first paragraph, the Commission finds that there is such a causal relationship, since, in its long experience in this field, it has found that broadcasters in a market do not usually sell an AM (or FM) operation, retaining the TV operation (or vice versa); that the normal and well-established practice is to operate both the aural and television facilities in the same market. The Commission having found that this type of cross-ownership is inconsistent with the public interest (see First Report and Order in Docket No. 18110, FCC 70-310), it clearly serves that interest to facilitate sales which will bring about consistency with the new Commission policy. (The question of whether divestiture will be required remains an open one, to be resolved in the Further Notice in Docket No. 18110 (FCC 70-310); in short, our action today is not based on the proposal in the further notice, but rather the new policy established in the first report and order.)

The Commission stresses that it is not returning to old policies whereby a licensee, holding a maximum number of facilities permitted under the rule, was given a tax certificate when he purchased additional facilities and thus had to sell one of his existing holdings. Such transactions are not only wholly voluntary, but also do not effectuate any new policy adopted by the Commission. Rather, the Commission will determine whether there is a causal relation between the adoption of the new Commission policy and the sale in question, and whether issuance of the certificate is "necessary or appropriate" to effectuate the new policy (e.g.,

whether the sale occurs within a reasonable time span of the adoption of the new policy such as one license period; the showing that the policy is a significant factor in the sale; and whether the showing is consistent with our general experience in this broadcast field). In those situations which do not come within the above example factors and where there is no such general experience to rely upon as here, the issuance of the certificate turns upon the specific factual showing made that there is a causal relation between the adoption of the new Commission policy and the sale in question.

Action by the Commission July 15, 1970. Commissioners Burch (Chairman), Robert E. Lee, Cox, Johnson, H. Rex Lee, and Wells, with Commissioner Bartley abstaining from voting.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-9425; Filed, July 21, 1970;  
8:51 a.m.]

[Docket Nos. 18559 etc.; FCC 70R-246]

### UNITED TELEVISION CO., INC. (WFAN-TV), ET AL.

#### Memorandum Opinion and Order Enlarging Issues

In re applications of United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18559, File No. BRCT-585, for renewal of license; United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18561, File No. BPCT-3917, for construction permit; United Broadcasting Co., Inc. (WOOK), Washington, D.C., Docket No. 18562, File No. BR-1104, for renewal of license; Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563, File No. BP-17416, for construction permit for new standard broadcast station.

1. The Review Board has before it an appeal from the presiding officer's adverse ruling or, in the alternative, petition to enlarge issues, filed May 20, 1970, by United Broadcasting Co., Inc. (WOOK), (hereinafter United).<sup>1</sup> This proceeding, designated for hearing by Memorandum Opinion and Order, FCC 69-618, 18 FCC 2d 363, involves, among other matters, United's application for renewal of its license for standard broadcast Station WOOK, Washington, D.C. and the competing application of Community for a construction permit specifying the facilities of Station WOOK. Included among the issues specified in the designation Order were issues relating to certain programs and announcements broadcast by Station WOOK in 1966, and an issue to determine the effect of the evidence adduced pursuant to such issues on the basic and/or comparative qualifications of United. In addition, the Review Board, in a Memorandum Opinion and Order, FCC 69R-435, 20 FCC 2d 278, enlarged the issues to include consideration

<sup>1</sup> The Board also has before it: Washington Community Broadcasting Co.'s (Community) opposition, filed May 22, 1970; the Broadcast Bureau's comments, filed June 2, 1970; and United's reply, filed June 12, 1970.



of additional broadcasts carried by Station WOOK in early 1969, allegedly involving violations of 18 U.S.C. § 1304 and the Commission rules and policies promulgated pursuant thereto. Finally, the Review Board, in an Order, FCC 70R-185, 19 R.R. 2d 86, released May 19, 1970, further enlarged the issues to determine whether United committed various alleged violations of the Commission's rules and in light of these alleged violations whether United has complied with the duties and responsibilities of a Commission licensee.

2. During the course of a prehearing conference held on April 16, 1970, United requested the hearing examiner to rule that it could introduce evidence designed to show meritorious programming by Station WOOK for the period 1966 to 1969 in mitigation of an unfavorable resolution of any of the issues going to the past operations of that station. The examiner, by Memorandum Opinion and Order, FCC 70M-689, released May 13, 1970, held that the only programming evidence that may be adduced by United for the period 1966 to 1969, is evidence relating to "specific program, programs, or series of programs" placed in issue by the designations of the other parties.<sup>2</sup> The examiner further concluded that United's showing with respect to the overall programming of Station WOOK must, without enlargement of the issue, be confined to the period which preceded the filing of the Community application, in accordance with the Commission's Policy Statement on Comparative Hearings Involving Regular Renewal Applicants, FCC 70-62, 18 R.R. 2d 1901. The instant appeal ensued.

3. In support of the instant appeal, United claims that the examiner's ruling was "erroneously restrictive," and that there should be "no limitation" on the extent of the evidence which United may adduce with respect to the overall performance of Station WOOK for the period during which the misconduct covered by the issues is alleged to have occurred. In the alternative, United requests the enlargement of issues. In this regard, United points out that the Policy Statement, supra, deals only with the period of programming upon which a renewal applicant may rely in a comparative hearing with a competing applicant. Movant contends, however, that any limitation on the adduction of such evidence here would be "a rash denial of (United's) due process" since this proceeding involves a question relating to requisite qualifications. In further support of the requested issue, United posits that all aspects of a station's record of performance, the good as well as the bad, must be evaluated in passing on the qualifications of a broadcast licensee, citing *Hall v. FCC*, 103 U.S. App. D.C. 248, 257

F. 2d 626 (1958). In conclusion, United maintains that the addition of the requested issue would be consistent with the Review Board practice of permitting the adduction of programming evidence in mitigation of adverse findings under basic qualification issues, citing *Midwest Radio-Television, Inc.*, 18 FCC 2d 1011, 16 R.R. 2d 987 (1969); *Bluegrass Broadcasting Co.*, 14 FCC 2d 738, 14 R.R. 2d 488 (1968); *Wagoner Radio Co.*, 12 FCC 2d 978, 13 R.R. 2d 1146 (1968).

4. In opposition, Community points out that United concedes that under the Policy Statement, "for comparative purposes, its showing of an unusually good programming record would be based on the period 1963 through 1966, up to the date of \* \* \* Community's application." However, Community asserts that United "cannot evade the Commission's Policy Statement through the subterfuge of purporting to 'mitigate' its misconduct." According to Community, such a procedure would allow an innocent renewal applicant to show meritorious programming only for the period prior to the filing of a competing application, while a wrongdoer would be allowed to show such upgraded performance after the competing application was filed. Moreover, Community avers that none of the cases cited by United stands for the proposition that a renewal applicant has the right to introduce evidence of recent meritorious programming covering a period when the licensee could be presumed to have an "ulterior purpose" in upgrading his programs. The Broadcast Bureau, in its comments, asserts that United has failed to comply with the requirements of section 1.229 of the Commission's rules.<sup>3</sup> However, in the event an issue is added, the Bureau requests that it be limited to meritorious public service programming, not to "overall performance" of Station WOOK as requested, citing *Chronicle Broadcasting Co.*, 18 FCC 2d 210, 16 R.R. 2d 494 (1969).

5. The Review Board agrees with the hearing examiner's ruling that evidence of meritorious programming in mitigation of alleged misconduct cannot be accepted without the addition of an appropriate issue. The cases cited above so hold, and there is no dispute that such evidence cannot be adduced pursuant to the recent Policy Statement, supra. The examiner's ruling will therefore be affirmed. However, on the basis of the above cited precedent, an issue will be added under which United may adduce evidence of meritorious public service programming during the period of the alleged misconduct.<sup>4</sup> Although the issue was limited in those cases to programming instituted before the licensee received notice that action against it was being contemplated by the Commission, we will not impose that limitation here because,

unlike the earlier cases, at least part of the alleged misconduct occurred since this case was designated for hearing. We note, however, that the issue will be added without prejudice to the rights of the parties to argue, subsequently, regarding the weight which should be accorded to the evidence adduced under the issue. Finally, Community's contention that United will receive an unfair advantage over other renewal applicants who are not permitted to introduce evidence of recent programming must be rejected. United will be permitted to adduce evidence concerning the merits of its past programming in mitigation of any adverse findings under the qualifying issues; it will not, for the purpose of determining whether it meets the test set forth in the Policy Statement, be permitted to rely on the evidence adduced pursuant to the issue added herein.

6. Accordingly, it is ordered, That the appeal from the presiding officer's adverse ruling or, in the alternative, petition to enlarge issues, filed May 20, 1970, by United Broadcasting Co., Inc. (WOOK), is granted to the extent indicated below and is denied in all other respects; and

7. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the programming of Station WOOK has been meritorious, particularly with regard to public service programs.

8. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein will be on United Broadcasting Co., Inc.

Adopted: July 14, 1970.

Released: July 16, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>5</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-9426; Filed, July 21, 1970;  
8:51 a.m.]

## FEDERAL MARITIME COMMISSION

### INTER-AMERICAN FREIGHT CONFERENCE

#### Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing,

<sup>5</sup> Board Members Nelson and Pincock absent.

<sup>2</sup> The examiner's ruling was based, at least in part, on the Review Board's remarks in FCC 69R-435, supra, wherein the Board stated that "the Examiner may permit inquiry into the merits of this type of programming \* \* \* under the standard comparative issues" already specified.

<sup>3</sup> This apparent defect was subsequently remedied by Appendix A, attached to United's reply.

<sup>4</sup> To the extent that United seeks authority to adduce evidence as to its "overall performance," such request will be denied as excessively broad in scope. See *Chronicle Broadcasting Co.*, supra.



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.

David Orlin, Esquire, Casey, Lane and Mitten-dorf, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9648-A-3, between the member lines of the Inter-American Freight Conference, modifies the basic agreement by (1) the addition of Article 6(a) (the original Article 6(a) remained inoperative under the Commission's Order in Docket No. 67-48 approving the basic agreement) which provides for the establishment of an Administrative Committee for each section of the conference to be elected by a two-thirds affirmative vote of the members of each section entitled to vote. The Administrative Committee shall be delegated specific responsibilities and obligations as determined by a two-thirds affirmative vote of the members within each section entitled to vote; (2) the amendment of Article 6(c) to provide that the Executive Administrator for each section shall be appointed by a two-thirds affirmative vote of the lines within each section entitled to vote, and shall not be financially interested in or employed by or in any way connected with any member line or agent, or any representative thereof; (3) the amendment of Article 9(a) to provide that meetings of each section shall be called by the respective Executive Administrators as circumstances warrant, as well as at the request of a member line, and to provide that member(s) abstaining from voting on any subject shall be considered as relinquishing the right to vote, in such instances the total number of the parties of the section entitled to vote shall be reduced accordingly; (4) the amendment of Article 11 to increase the admission fee from \$2,500 to \$5,000, and divide the admission fee between sections A, B, and C as indicated therein; (5) the amendment of Article 14(d) to clarify that the screening committee shall promptly screen complaints for the purpose of confirming that complaints, if subsequently proven, would constitute breaches of the agreement; (6) the amendment of Article 14(j) to provide that promptly upon determining whether or not there has been a breach of the agreement, the neutral body shall give written notice of its determination to each of the member lines involved in a complaint; and (7) qualifying Article 25

which presently provides that the agreement cannot be amended or modified except by the unanimous consent of all members, by subjecting it to the provisions of Article 9(a) pertaining to abstentions.

Dated: July 17, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-9416; Filed, July 21, 1970;  
8:50 a.m.]

[Docket No. 70-4]

## YORK FORWARDING CORP. ET AL.

### Notice To Amend Order of Investigation

On June 10, 1970, Hearing Counsel filed a motion to amend the Commission's notice of investigation and hearing served on January 14, 1970, to include the following issues: (1) That the principals of respondents York Forwarding Corp. and Wood Shipping Co., Inc., wilfully misrepresented information and made false statements to a Commission investigator in an attempt to obstruct said investigation in violation of § 510.9 (b) and (c) of General Order 4, 46 CFR 510.9 (b) and (c), and (2) permitted their names and licenses to be used by persons not employed by them for the purpose of freight forwarding services in violation of § 510.23(a) of General Order 4, 46 CFR 510.23(a).

Hearing Counsel's request for filing of replies to the motion to not later than June 15, 1970, was granted by the Examiner because the hearing was scheduled for June 16, 1970. Respondents' counsel objected to the reduction of time for filing replies. Hearing was held on June 16-19, 1970, as scheduled, and counsel for respondents again objected to the motion of Hearing Counsel and the shortening of time to reply thereto, arguing that the motion constituted surprise and the shortening of time a denial of due process.

The Examiner proceeded and allowed the introduction of evidence subject to a later motion to strike should the Commission deny Hearing Counsel's motion to amend its January 14, 1970, order to include the additional issues.

The Commission has carefully reviewed the facts at this juncture and has considered Hearing Counsel's motion and the respondents' objections thereto. We have concluded that Hearing Counsel's position is proper, reasonable and permissible under Rule 5(j) of the Commission's rules of practice and procedure.

Accordingly, notice is hereby given that the Commission's order of investigation and hearing, issued January 14, 1970, is amended to include the additional issues stated above.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-9415; Filed, July 21, 1970;  
8:50 a.m.]

## FEDERAL RESERVE SYSTEM

### FIDELITY AMERICAN BANKSHARES, INC.

#### Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of Fidelity American Bankshares, Inc., Lynchburg, Va., for approval of acquisition of 80 percent or more of the voting shares of The Buchanan National Bank, Buchanan, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Fidelity American Bankshares, Inc., Lynchburg, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent of more of the voting shares of The Buchanan National Bank, Buchanan, Va. (Buchanan National).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published the FEDERAL REGISTER on May 23, 1970 (35 F.R. 7999), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls two banks with aggregate deposits of \$249 million, representing 3.5 percent of total bank deposits held by all commercial banks in the State of Virginia. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition of Buchanan National (deposits \$2 million) would increase Applicant's control of deposits in the State by 0.03 percent. Applicant has two concurrent applications pending before the Board for the acquisition of The Bank of Natural Bridge, Natural Bridge Station, Va. (deposits of \$3 million), and Bank of Hampton Roads, Newport News, Va. (deposits \$19 million), the consummation of which would increase its deposits an additional 0.32 percent. After the acquisition of the three banks, Applicant would remain the smallest bank holding company and the eighth largest banking organization in the State.

Buchanan National is the smaller of two banks located in Buchanan, Va., the



fourth largest of five banks located in Botetourt County, and it controls 12 percent of commercial bank deposits in the county. It is situated 45 miles from Applicant's nearest present subsidiary, located in Lynchburg, Va., and it appears that no significant competition between Buchanan National and Applicant's present subsidiaries would be eliminated by consummation of this proposal. As regards the proposed subsidiaries, Buchanan National and The Bank of Natural Bridge are located 18 miles apart in contiguous counties, with no intervening banks. However, it appears that only a minimal overlap of business has developed because they serve separate areas with no established commuting patterns, and for this reason future competition between them is not projected. Bank of Hampton Roads, a third proposed affiliate of Applicant, located approximately 200 miles southeast of the Buchanan and Natural Bridge banks, does not compete with Buchanan National or The Bank of Natural Bridge.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiaries are regarded as consistent with approval. Applicant's ability to furnish management succession to Buchanan National lends some weight toward approval of the application. Consummation of the proposal would enable Buchanan National to improve its services to the public by drawing on the resources of Applicant in such areas as increased lending capabilities, credit cards, trust services, and investment counseling; and these considerations lend some weight in favor of approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

*It is hereby ordered*, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
July 14, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-9351; Filed, July 21, 1970;  
8:45 a.m.]

**FIDELITY AMERICAN BANKSHARES,  
INC.**

**Order Approving Acquisition of Bank  
Stock By Bank Holding Company**

In the matter of the application of  
Fidelity American Bankshares, Inc.,

<sup>1</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

Lynchburg, Va., for approval of acquisition of 80 percent or more of the voting shares of The Bank of Natural Bridge, Natural Bridge Station, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Fidelity American Bankshares, Inc., Lynchburg, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Bank of Natural Bridge, Natural Bridge Station, Va. (Natural Bridge Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Virginia, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 22, 1970 (35 F.R. 7912), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls two banks with aggregate deposits of \$249 million, representing 3.5 percent of total bank deposits for the State of Virginia. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition of Natural Bridge Bank (deposits \$3 million) would increase its control of deposits in the State by 0.05 percent. Applicant has two concurrent applications pending before the Board for the acquisition of The Buchanan National Bank, Buchanan, Va. (deposits \$2 million), and Bank of Hampton Roads, Newport News, Va. (deposits \$19 million), the consummation of which would increase its deposits by an additional 0.3 percent. After the acquisition of the three banks, Applicant would remain the smallest bank holding company and the eighth largest banking organization in the State.

Natural Bridge Bank is the fifth largest of seven banks in Rockbridge County and controls 7 percent of the commercial bank deposits in the county. Its only office is located in Natural Bridge Station, approximately 3 miles outside the town of Natural Bridge, and approximately 37 miles northwest of Lynchburg. The nearest office of Applicant's present subsidiaries is the Boonsboro Branch of The Fidelity National Bank in Lynchburg which is 32 miles

from Natural Bridge. It appears that, because of the distance involved, consummation of the proposed acquisition would not eliminate any substantial amount of existing competition between Applicant's present subsidiaries and Natural Bridge Bank or foreclose potential competition between them. As regards the proposed subsidiaries, Natural Bridge Bank and The Buchanan National Bank are located 18 miles apart in contiguous counties, with no intervening banks. However, it appears that only a minimal overlap of business has developed because they serve separate areas with no established commuting patterns, and for this reason future competition between them is not projected. Bank of Hampton Roads, a third proposed affiliate of Applicant, is located approximately 200 miles southeast of the Natural Bridge and Buchanan banks, and does not compete with either of these banks.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiaries are regarded as consistent with approval. Applicant's ability to furnish management succession to Natural Bridge Bank lends some weight toward approval of the application. Consummation of the proposal would enable Natural Bridge Bank to improve its services to the public by drawing on the resources of Applicant in such areas as increased lending capabilities, credit cards, trust services, and investment counseling; and these considerations lend some weight in favor of approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

*It is hereby ordered*, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
July 14, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-9352; Filed, July 21, 1970;  
8:45 a.m.]

**FIDELITY AMERICAN BANKSHARES,  
INC.**

**Order Approving Acquisition of Bank  
Stock By Bank Holding Company**

In the matter of the application of  
Fidelity American Bankshares, Inc.,

<sup>1</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.



Lynchburg, Va., for approval of acquisition of voting shares of the successor by merger to Bank of Hampton Roads, Newport News, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Fidelity American Bankshares, Inc., Lynchburg, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares of a new insured nonmember bank into which would be merged Bank of Hampton Roads, Newport News, Va. (Hampton Bank). The new insured nonmember bank has no significance except as a vehicle for accomplishing the acquisition of the bank to be merged into it; the proposal is therefore treated herein as one to acquire shares of Hampton Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Virginia and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 22, 1970 (35 F.R. 7912), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls two banks with aggregate deposits of \$249 million, representing 3.5 percent of total bank deposits for the State of Virginia. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition of Hampton Bank (deposits \$19 million) would increase its control of deposits in the State by 0.27 percent. Applicant has two concurrent applications pending before the Board for the acquisition of The Buchanan National Bank, Buchanan, Va. (deposits \$2 million), and The Bank of Natural Bridge, Natural Bridge Station, Va. (deposits \$3 million), the consummation of which would increase its deposits by an additional 0.08 percent. After the acquisition of the three banks, Applicant would remain the smallest bank holding company and the eighth largest banking organization in the State.

Hampton Bank controls 7.6 percent of total deposits in the Newport News-

Hampton area, and is the fifth largest of 10 banking organizations operating therein. Applicants closest present subsidiary is located in Portsmouth, a distance of about 16 miles. Because of the distances involving toll bridges and the presence of intervening banks, no significant competition has developed or is likely to develop between the two banks. As regards the proposed subsidiaries, Hampton Bank is over 200 miles southeast of Applicant's two proposed affiliates. The Buchanan National Bank and The Bank of Natural Bridge, and does not compete with either of them.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors as they pertain to Applicant and its subsidiaries are regarded as consistent with approval. Applicant's ability to furnish management succession to Hampton Bank lends some weight toward approval of the application. Consummation of the proposal would enable Hampton Bank to improve its services to the public by drawing on the resources of Applicant to increase its credit availability and to provide a wider range of services thereby increasing its ability to compete more effectively with the larger banking organizations in the area, and these considerations lend some weight in favor of approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

*It is hereby ordered,* For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
July 14, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-9353; Filed, July 21, 1970;  
8:45 a.m.]

### FIRST NEW MEXICO BANKSHARE CORP.

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

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First New Mexico Bankshare Corp., Albuquerque, N. Mex., for prior approval by the Board of Governors of action

<sup>1</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns.

whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of First National Bank of Rio Arriba, Espanola; The Merchants Bank, Gallup; First National Bank in Raton, Raton; Security National Bank of Roswell, Roswell, all in New Mexico. Applicant presently owns 99.96 percent of the voting shares of Albuquerque National Bank, Albuquerque, N. Mex.

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

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

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

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

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

By order of the Board of Governors,  
July 14, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-9354; Filed, July 21, 1970;  
8:45 a.m.]

### FIRST UNION, INC.

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

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First Union, Incorporated, St. Louis, Mo., which presently owns 97.4 percent of the voting shares of First National Bank in St. Louis, St. Louis, Mo., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 99.2 percent of the voting shares of Vandalia State Bank, Vandalia, Mo.



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

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

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

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

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

By order of the Board of Governors, July 14, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-9355; Filed, July 21, 1970;  
8:45 a.m.]

## UNITED BANCSHARES OF FLORIDA, INC.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Bancshares of Florida, Inc., Coral Gables, Fla., for approval of the acquisition of 82.37 percent or more of the voting shares of Security Exchange Bank, West Palm Beach, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of United Bancshares of Florida, Inc., Coral Gables, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 82.37 percent or more of the voting shares of Security Exchange Bank, West Palm Beach, Fla. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and

requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 21, 1970 (35 F.R. 7831) providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant presently controls four banks with aggregate deposits of \$256 million, representing 2.1 percent of total deposits held by Florida's commercial banks. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) On acquisition of Bank (deposits \$31 million) applicant would control 2.3 percent of such deposits, and would become the eighth largest banking organization in the State.

Bank, located in Palm Beach County, is the 10th largest of the 25 banking organizations located therein, and controls 4.1 percent of county deposits. All of applicant's present subsidiaries are located in Dade County, more than 70 miles to the south of Bank. Consummation of the proposed acquisition would eliminate no existing competition, and it does not appear that it would foreclose potential competition, or have adverse effects on the viability or competitive effectiveness of any competing bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area, and could serve to stimulate competition in West Palm Beach city and county. Applicant is substantially reducing the debt it incurred in 1966 when it became a one-bank holding company, has strengthened the capital positions of existing subsidiary banks, and has formulated definite plans to further reduce existing debts and to eliminate the debt to be incurred in the acquisition of Bank. In addition, it has agreed to strengthen the capital position of Bank. The banking factors, as they relate to Applicant and its present subsidiaries are consistent with approval, and, as they relate to Bank, lend support toward approval of the application. Considerations relating to the convenience and needs of the communities to be served weigh slightly in favor of approval of the application because of new and improved services to be offered by Bank which include trust services, construction loan financing, and an increase in Bank's lending capabilities. It is the Board's judgment that the proposed transaction would be in the public

interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
July 16, 1970.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-9384; Filed, July 21, 1970;  
8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[811-1635]

### ALLEGHANY CORP.

### Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JULY 16, 1970.

Notice is hereby given that Alleghany Corp. (Applicant), 350 Park Avenue, New York, N.Y. 10022, a Maryland corporation registered as a non-diversified, closed-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized on January 26, 1929, and first registered under the Act on November 1, 1940, as a closed-end nondiversified management investment company. On June 5, 1945, Applicant was authorized by the Interstate Commerce Commission (ICC), to acquire control of the Chesapeake & Ohio Railway Co. (Ohio), and, indirectly, of its subsidiary carriers. On October 4, 1945, Applicant's registration under the Act was terminated by Commission order because Applicant, having acquired Ohio had become subject to regulation under the Interstate Commerce Act and had thus ceased to be an investment company by reason of section 3(c)(9) of the Act which excludes from the definition of investment company any company subject to regulation under the Interstate Commerce Act. In 1955 Applicant

<sup>1</sup> Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell.



was authorized by the ICC to acquire control of the New York Central Railroad Co. (Central), and affiliates, continuing Applicant's status as a company subject to regulation under the Interstate Commerce Act.

Applicant states that after the merger of Central and the Pennsylvania Railroad Co. on February 1, 1968, Applicant considered itself to continue to hold carrier status as such status had not been revoked by the ICC and also considered itself still subject to regulation under the Interstate Commerce Act and thus excluded from the definition of investment company by reason of section 3(c)(9). Applicant also, however, considered itself to be no longer in control of a carrier. Applicant registered as a nondiversified closed-end management investment company on April 10, 1968. Applicant states that it registered under the Act to eliminate such uncertainty, if any, as might have existed as to its status as a company subject to regulation under the Interstate Commerce Act and to eliminate any possibility of liability for doing business as an unregistered investment company.

Applicant states that it entered into an agreement dated September 4, 1968, as amended September 27, 1968, pursuant to which it acquired 99.07 percent of the outstanding common stock and 100 percent of the outstanding 5 percent cumulative preferred stock of Jones Motor Co., Inc. (Jones), a Pennsylvania motor common carrier, and agreed subject to Interstate Commerce Commission approval, to merge a new subsidiary of Applicant with Jones. All shares of Jones common and preferred stock were deposited in a voting trust with Marine Midland Grace Trust Co. of New York as independent voting trustee. The merger agreement between Applicant, its subsidiary and Jones provided for the acquisition by Applicant of the motor carrier operating rights and most of the assets and liabilities of Jones contingent upon ICC approval thereof.

Applicant states that its intention to assume motor carrier status and to apply for an order terminating its status as a registered investment company was disclosed in a Form N-8B-1 Registration Statement filed pursuant to the Act on September 9, 1968. Applicant further states that the registration statement provided, among other things, that Applicant could invest in companies for the purpose of exercising control or management. Applicant states that on April 25, 1969, its stockholders approved an amendment to Applicant's articles of re-statement of charter to permit Applicant to engage in business as a motor carrier and authorized it, by a vote of 6,096,937 common shares and 170,190 preferred shares in favor, and 8,803 common shares and 245 preferred shares against, to cease to be an investment company for purposes of the Act.

On January 27, 1970, the ICC authorized Applicant to acquire the operating rights and property of Jones and its

subsidiary, Erie Trucking Co. Applicant states that on April 30, 1970, pursuant to the order of the Interstate Commerce Commission, it consummated its acquisition of Jones and thereby became an operating motor carrier.

Applicant asserts that, by virtue of the order of the ICC and the subsequent acquisition of the operating rights and property of Jones, Applicant has become subject to regulation under the Interstate Commerce Act as a motor carrier. Applicant further asserts that it, therefore, has ceased to be an investment company within the meaning of the Act by reason of section 3(c)(9) which excludes from the definition of investment company any company subject to regulation under the Interstate Commerce Act. Applicant states it is now subject to all provisions of Part II of the Interstate Commerce Act including, inter alia, the securities provisions of section 214.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than August 4, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P.R. Doc. 70-9411: Filed, July 21, 1970;  
8:49 a.m.]

[70-4779]

## AMERICAN ELECTRIC POWER CO., INC.

### Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper by Holding Company and Exception From Competitive Bidding

JULY 16, 1970.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a posteffective amendment to its application-declaration in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated September 15, 1969 (Holding Company Act Release No. 16476), the Commission authorized AEP to issue and sell, from time to time prior to June 30, 1971, short-term notes to banks, and commercial paper to a dealer in an aggregate face amount of not more than \$110 million to be outstanding at any one time and to make capital contributions to its subsidiary companies.

AEP now proposes that the aggregate amount of such borrowings be increased from \$110 million to \$130 million and that the increased commercial paper borrowings be excepted from the competitive bidding requirements of Rule 50 under the Act. AEP will file with the Commission by amendment a list of the banks to which it proposes to issue and sell the proposed notes, and no such notes will be issued and sold prior to the issuance of a supplemental order by the Commission in connection therewith.

The notes sold to banks will bear interest at the prime commercial rate then in effect, will mature not more than 270 days from the date of issue, and will be prepayable at any time without premium. The commercial paper notes will be of varying maturities, with no such notes maturing more than 270 days after the date of issue, and none will be prepayable prior to maturity. Such notes, in denominations of not less than \$50,000 and not more than \$5 million, will be issued and sold by AEP directly to a dealer in commercial paper at a discount rate which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days if such commercial paper notes would have an effective interest cost which exceeds the effective interest cost at which AEP could borrow from banks.



The posteffective amendment states that AEP will have to make the previously authorized capital contributions to Ohio Power Co. commencing during the last part of the third quarter of 1970, rather than in 1971 as previously anticipated, and that the proceeds of the proposed additional short-term debt will be utilized by American for the purpose of making such cash capital contributions.

Notice is further given that any interested person may, not later than August 6, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 70-9408; Filed, July 21, 1970;  
8:49 a.m.]

[70-4896]

### BLACKSTONE VALLEY ELECTRIC CO.

#### Notice of Proposed Issue and Sale of Principal Amount of First Mortgage and Collateral Trust Bonds at Competitive Bidding

JULY 16, 1970.

Notice is hereby given that Blackstone Valley Electric Co. (Blackstone), Post Office Box 1111, Lincoln, R.I. 02865, a public-utility subsidiary company of Eastern Utilities Associates (EUA), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act) designating sections 6(b) and 12(c) of

the Act and Rules 42(b)(2) and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Blackstone proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$7,500,000 principal amount of first mortgage and collateral trust bonds, ----- percent series due 1973. The interest rate (which shall be a multiple of one-eighth of one percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated November 1, 1943 (Mortgage), between Blackstone and State Street Bank and Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a fourth supplemental indenture to be dated August 1, 1970.

The net proceeds from the sale of the bonds will be used to prepay, in whole or in part without premium, Blackstone's short-term notes to banks and/or to EUA, which were issued to provide funds for the purchase of securities of Montaup Electric Co., another EUA public-utility subsidiary company, and for construction. As of April 30, 1970, such short-term notes amounted to \$7,600,000.

It is stated that fees and expenses relating to the proposed transaction are estimated at \$60,000, including legal fees and expenses of \$12,300 and accountant's fees of \$5,000. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, are estimated at \$6,800.

It is stated that the Division of Public Utilities and Carriers, Department of Business Regulation, State of Rhode Island, the State Commission of the State in which Blackstone is organized and doing business, has jurisdiction over the proposed issue and sale of the bonds and the retirement by Blackstone of short-term notes to banks and/or to EUA. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 7, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and

proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 70-9409; Filed, July 21, 1970;  
8:49 a.m.]

[812-2778]

### EATON & HOWARD STOCK FUND

#### Notice of Filing of Application For an Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

JULY 16, 1970.

Notice is hereby given that Eaton & Howard Stock Fund (applicant), 24 Federal Street, Boston, Mass. 02110, a common law trust existing under the laws of Massachusetts registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for substantially all of the assets of the Clayston Corp. (Clayston).

All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Clayston, a Massachusetts corporation, is an investment company, all of the outstanding stock of which is owned by 12 shareholders and is excepted from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between applicant and Clayston, substantially all of the cash and securities owned by Clayston with a value of approximately \$2,390,044 as of April 20, 1970, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Clayston to be transferred to applicant by the net asset value



per share of applicant both to be determined as of a valuation time as defined in the agreement. If the valuation under the agreement had taken place on April 20, 1970, Clayston would have received 188,340 shares of applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Clayston, the shares of applicant, which are registered under the Securities Act of 1933, are to be distributed to the Clayston stockholders on the liquidation of Clayston. Applicant has been advised by the management of Clayston that the stockholders of Clayston have no present intention of redeeming any of applicant's shares following the proposed transaction.

There is no affiliation between applicant and Clayston. Clayston is not an affiliated person of any affiliated person of applicant, and the agreement was negotiated at arm's length by the two companies. Applicant's board of trustees approved the agreement as being beneficial to its shareholders, because among other things, applicant will be able to acquire at one time substantial additions to its portfolio securities without affecting the market in those securities and without incurring brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 5, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case

of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and the postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 70-9412; Filed, July 21, 1970;  
8:49 a.m.]

[81-102]

### VOLUNTARY PURCHASING GROUPS, INC.

#### Notice of Application and Opportunity for Hearing

JULY 16, 1970.

Notice is hereby given that Voluntary Purchasing Groups, Inc. ("VPG") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "Act"), for an order exempting it from the registration provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting VPG from section 13 or 14 of the Act and any officer, director or beneficial owner of more than 10 percent of VPG's capital stock from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding \$1 million and a class of equity securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuer from the registration, periodic reporting and proxy solicitations of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the securities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of VPG states, in part:

1. VPG, incorporated in Texas on September 22, 1967, has assets in excess of

\$1 million and equity security holders in excess of 500.

2. VPG is engaged in the business of manufacturing, packaging, progressing and distributing agricultural chemicals, including a line of farm chemicals and a line of lawn and garden supplies. Sales of the products by the corporation are made exclusively to stockholders of the corporation, and at the end of the year all net profits of the company are rebated to the stockholder-patrons in the form of patronage refunds.

3. The articles of incorporation provide that no dividends may ever be paid with respect to the stock, and the patronage refunds are paid solely on the basis of purchases.

4. The Internal Revenue Service in a Revenue Ruling concluded that VPG qualified under Section 1381 of the Internal Revenue Code as a "non-exempt cooperative" and was entitled to deduct its patronage refunds paid against its taxable income.

5. The stock in the corporation is not traded. The by-laws provide that a stockholder may not transfer his stock without first offering the stock to the corporation. Any transfer to a successor in interest must be approved by the Board of Directors.

6. VPG has waived a hearing on this matter.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than August 5, 1970, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 70-9410; Filed, July 21, 1970;  
8:49 a.m.]

## SMALL BUSINESS ADMINISTRATION

### MINORITY ASSISTANCE CORP.

#### Notice of Issuance of Small Business Investment Company License

On June 20, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 10186) stating that Minority Assistance



Corp., 40 West 40th Street, New York, N.Y. 10018, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business June 30, 1970, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-5279 to Minority Assistance Corp. pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

A. H. SINGER,  
Associate Administrator  
for Investment.

JULY 2, 1970.

[F.R. Doc. 70-9406; Filed, July 21, 1970;  
8:49 a.m.]

## TARIFF COMMISSION

[TEA-I-18]

### NONRUBBER FOOTWEAR

#### Notice of Investigation and Hearing

*Investigation instituted.* Following receipt on July 15, 1970, of a request from the President, the U.S. Tariff Commission, on the 16th day of July 1970, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether—

footwear of the kinds described in Part 1A of Schedule 7 of the Tariff Schedules of the United States, other than the footwear described in items 700.51, 700.52, 700.53, and 700.60,

are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

A copy of the President's request is reproduced below:

Dear Dr. SUTTON:

An interagency task force has recently completed a detailed examination of the problems of the nonrubber footwear industry. The task force benefited from the information developed in the two section 332 investigations completed in January 1969, and in December 1969, by the Tariff Commission. The report of the task force has been made public and I am forwarding a copy of it for the Commission's information.

You will note in the report that the task force found that the facts and information available to it did not demonstrate a case of overall import injury. However, it also noted its concern that, if all the necessary information were available, there might be injury to the men's and women's leather footwear industry. It pointed out that an investigation such as the Tariff Commission is authorized to conduct—with powers of subpoena, access to confidential business data, and public hearings—would provide a more comprehen-

sive basis for judgment than was available to the task force.

For these reasons, under the authority vested in me by section 301(b)(1) of the Trade Expansion Act of 1962, I therefore request that the Tariff Commission promptly make an investigation to determine whether, as a result in major part of concessions granted under trade agreements, increased imports are causing or threatening to cause serious injury to the U.S. industry producing men's and women's leather footwear. In light of the Commission's previous section 332 investigations and the report of the interagency task force, I would hope that this investigation could be completed at the earliest date.

Sincerely,

RICHARD NIXON.

*Public hearing ordered.* A public hearing in connection with this investigation will be held beginning at 10 a.m. e.d.s.t., on October 13, 1970, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with section 201.13 of the Tariff Commission's rules of practice and procedure.

Issued: July 17, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[F.R. Doc. 70-9430; Filed, July 21, 1970;  
8:51 a.m.]

[AA1921-64]

### TUNERS FROM JAPAN

#### Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 15, 1970, that tuners of the type used in consumer electronic products, except stereophonic tuners, from Japan are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

*Hearing.* A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m. e.d.s.t., on September 16, 1970. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: July 17, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[F.R. Doc. 70-9431; Filed, July 21, 1970;  
8:51 a.m.]

## DEPARTMENT OF LABOR

Office of the Secretary

### AMERICAN ST. GOBAIN CORP.

#### Notice of Certification of Eligibility of Workers to Apply for Adjustment Assistance

Under date of May 28, 1970, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers, AFL-CIO, and the Window Glass Cutters League of America, AFL-CIO, on behalf of workers of the Jennette, Pa., sheet glass plant of the American St. Gobain Corp. The petition points out that the request for certification is made under Proclamation 3967 ("Adjustment of Duties on Certain Sheet Glass") of February 27, 1970 (35 F.R. 3975). In that proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Trade Expansion Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3) upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of casual connection is applicable here as under the tariff adjustment and other adjustment assistance provisions—that is, the increased imports have been the major factor.

Upon receipt of the petition, the Department's Director of the Office of Foreign Economic Policy instituted an investigation, following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations 34 F.R. 18342 and 35 F.R. 8851; 29 CFR Part 90). The Director reported that increased imports of sheet glass of the types covered by the Presidential Proclamation 3967 have been the major factor in causing the unemployment or underemployment of a significant number of workers from the plant of the American St. Gobain Corp. in Jeannette, Pa.

After due consideration, I make the following certification:

"Those production, maintenance, and salaried workers of the American St. Gobain Corporation, Jeannette plant, located at Jeannette, Pennsylvania, who



became unemployed or underemployed after April 9, 1969, and before January 1, 1970, are eligible to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962."

Signed at Washington, D.C., this 16th day of July 1970.

GEORGE H. HILDEBRAND,  
Deputy Under Secretary,  
International Affairs.

[F.R. Doc. 70-9377; Filed, July 21, 1970;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

JULY 17, 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.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 42000—Increased Passenger Fares—The Baltimore and Ohio Railroad Co. et al. Filed by Traffic Executive Association—Eastern Railroads, agent (No. A-16), for interested rail carriers. This is in relation to the transportation of passengers, between points on the lines of applicant carriers and between such points on the one hand, and points on the lines of connecting carriers in the United States, on the other.

Grounds for relief—Establishment of new fares by applicant carriers and maintenance of present fares by connecting carriers.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[F.R. Doc. 70-9422; Filed, July 21, 1970;  
8:50 a.m.]

[Notice 13]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 17, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the

proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 552) (Cancels Deviation No. 506), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed July 7, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Ohio Turnpike and Interstate Highway 80 at Interchange No. 15 over Interstate Highway 80 to junction U.S. Highway 46 near Delaware, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80, thence over Interstate Highway 80 bypassing Dover, N.J., to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Turnpike, and (2) from Youngstown, Ohio, over Ohio Highway 7 (U.S. Highway 62) to junction Interstate Highway 80, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From New York, N.Y., through the Lincoln Tunnel, thence over New Jersey Highway 3 to junction U.S. Highway 1, thence over U.S. Highway 1 (Tonelle Avenue) to junction U.S. Highway 1 and U.S. Truck Highway 1 (formerly New Jersey Highway 1) at the traffic circle under the Pulaski Skyway in Jersey City, N.J.; (2) from junction U.S. Highway 1 and New Jersey Highway 3 over New Jersey Highway via Lincoln Tunnel Interchange to the New Jersey Turnpike;

(3) From the Lincoln Tunnel Interchange over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange; (4) from junction U.S. Highway 30 and Pennsylvania Turnpike over the Pennsylvania Turnpike to junction U.S. Highway 22; (5) from the Carlisle Interchange at Middlesex over the Pennsylvania Turnpike to King of Prussia, Pa., thence over Pennsylvania Highway 23 to Philadelphia, Pa.; (6) from junction U.S. Highway 22 and the Pennsylvania Turnpike over the Pennsylvania Turnpike to the Pennsylvania-Ohio State line (Gateway Interchange); (7) from Harrisburg, Pa., over U.S. Highway 11 to Middlesex, Pa., thence over the Pennsylvania Turnpike to Irwin, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa.; (8) from the Pennsylvania-Ohio State line at the junction of the Ohio and Pennsylvania Turnpikes over the Ohio Turnpike to junction Ohio Highway 18; (9) from junction Ohio Turnpike and Ohio Highway 18 over the Ohio Turnpike to the Ohio-Indiana State

line; and (10) from the junction of the northeast segment of the Pennsylvania Turnpike System and the Pennsylvania Turnpike over the eastern extension of the Pennsylvania Turnpike via the Delaware River Bridge near Edgely, Pa., and Florence, N.J., to junction connecting segment of the New Jersey Turnpike, thence over the connecting segment of the New Jersey Turnpike to the New Jersey Turnpike at Interchange No. 6, and return over the same routes.

No. MC-1940 (Deviation No. 19), TRAILWAYS OF NEW ENGLAND, INC., 4000 Trailways Building, 1200 I Street NW., Washington, D.C. 20005, filed July 9, 1970. Carrier's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Massachusetts Highway 110 and Interstate Highway 495 over Interstate Highway 495 to junction Interstate Highway 290, thence over Interstate Highway 290 to Worcester, Mass., with the following access route: From junction Interstate Highway 495 and Massachusetts Highway 110 over Massachusetts Highway 110 to junction Massachusetts Highway 2A, thence over Massachusetts Highway 2A to Ayer, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Hartford, Conn., over Alternate U.S. Highway 5 to Springfield, Mass., thence over Massachusetts Highway 116 to junction U.S. Highway 202, thence over U.S. Highway 202 to Athol, Mass., thence over Massachusetts Highway 2 to East Templeton, Mass., thence over Massachusetts Highway 101 to Gardner, Mass., thence over Massachusetts Highway 68 to junction Massachusetts Highway 2 thence over Massachusetts Highway 2 to Littleton Common, Mass., thence over Massachusetts Highway 110 to Haverhill, Mass.; (2) from Worcester, Mass., over Massachusetts Highway 12 to Fitchburg, Mass.; and (3) from West Boylston, Mass., over Massachusetts Highway 110 to junction Massachusetts Highway 2, and return over the same routes.

No. MC-2866 (Deviation No. 11) (Cancels Deviation Nos. 5 and 8), EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa. 17701, filed July 8, 1970. Carrier's representative: S. Berne Smith, 100 Pine Street, Harrisburg, Pa. 17108. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Pennsylvania Highway 93 and Interstate Highway 80 north of Sybertsville, Pa., over Interstate Highway 80 to junction Ohio Highways 170 and 193 north of Youngstown, Ohio, thence over Ohio Highways 170 and 193 to junction U.S. Highway 62 at Youngstown, Ohio,



with the following access routes: (a) From junction Interstate Highway 80 and Pennsylvania Highway 339 (formerly Pennsylvania Highway 242) over Pennsylvania Highway 339 to Nescopeck, Pa., (b) from junction Interstate Highway 80 and Pennsylvania Highway 487 (formerly Pennsylvania Highway 339) over Pennsylvania Highway 487 to Bloomsburg, Pa., (c) from junction Interstate Highway 80 and Pennsylvania Highway 42 (formerly Pennsylvania Highway 44) over Pennsylvania Highway 42 to junction U.S. Highway 11 west of Bloomsburg, Pa., (d) from junction Interstate Highway 80 and Pennsylvania Highway 54 to Maudale, Pa., (e) from junction Interstate Highway 80 and Pennsylvania Highway 254 over Pennsylvania Highway 254 to Milton, Pa., (f) from junction Interstate Highway 80 and Pennsylvania Highway 147 over Pennsylvania Highway 147 to junction Pennsylvania Highway 405 north of Milton, Pa.,

(g) From junction Interstate Highway 80 and U.S. Highway 15 over U.S. Highway 15 to West Milton, Pa., (h) from junction Interstate Highway 80 and U.S. Highway 15 over U.S. Highway 15 to junction Pennsylvania Highway 54 (formerly unnumbered highway) west of Montgomery, Pa., (i) from junction Interstate Highway 80 and unnumbered highway over unnumbered highway to Carroll, Pa., thence over Pennsylvania Highway 880 to junction Pennsylvania Highway 44, thence over Pennsylvania Highway 44 to Jersey Shore, Pa., (j) from junction Interstate Highway 80 and Pennsylvania Highway 120 east of Mackeyville, Pa., over Pennsylvania Highway 120 to junction Pennsylvania Highway 64 west of Salome, Pa., (k) from junction Interstate Highway 80 and Pennsylvania Highway 26 over Pennsylvania Highway 26 to Bellefonte, Pa., (l) from junction Interstate Highway 80 and Pennsylvania Highway 970 over Pennsylvania Highway 970 to junction U.S. Highway 322 near Woodland, Pa., (m) from junction Interstate Highway 80 and Pennsylvania Highway 879 over Pennsylvania Highway 879 to Clearfield, Pa., (n) from junction Interstate Highway 80 and Pennsylvania Highway 153 south of Anderson Creek, Pa., over Pennsylvania Highway 153 to Clearfield, Pa., (o) from junction Interstate Highway 80 and Pennsylvania Highway 255 over Pennsylvania Highway 255 to DuBois, Pa., (p) junction Interstate Highway 80 and U.S. Highway 219 over U.S. Highway 219 to DuBois, Pa., (q) from junction Interstate Highway 80 and Pennsylvania Highway 310 over Pennsylvania Highway 310 to junction U.S. Highway 322, (r) from junction Interstate Highway 80 and Pennsylvania Highway 28 over Pennsylvania Highway 28 to junction U.S. Highway 322 east of Brookville, Pa.,

(s) From junction Interstate Highway 80 and Pennsylvania Highway 36 over Pennsylvania Highway 36 to junction U.S. Highway 322, west of Brookville, Pa., (t) from junction Interstate Highway 80 and Pennsylvania Highway 949 over Pennsylvania Highway 949 to Corsica, Pa., (u) from junction Interstate High-

way 80 and Pennsylvania Highway 68 over Pennsylvania Highway 68 to Clarion, Pa., (v) from junction Interstate Highway 80 and Pennsylvania Highway 66 over Pennsylvania Highway 66 to junction U.S. Highway 322, (w) from junction Interstate Highway 80 and Pennsylvania Highway 478 over Pennsylvania Highway 478 to junction Pennsylvania Highway 38, thence over Pennsylvania Highway 38 to junction U.S. Highway 322, (x) from junction Interstate Highway 80 and Pennsylvania Highway 8 over Pennsylvania Highway 8 to junction U.S. Highway 62 near Franklin, Pa., (y) from junction Interstate Highway 80 and U.S. Highway 19 over U.S. Highway 19 to Mercer, Pa., and (z) from junction Interstate Highway 80 and Pennsylvania Highway 18 over Pennsylvania Highway 18 to junction Pennsylvania Highway 518, thence over Pennsylvania Highway 518 to Sharon, Pa., and (2) from junction Interstate Highway 80 and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) north of Sybertsville, Pa., over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Pennsylvania Highway 93 south of Conyngham, Pa., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows:

From junction Interstate Highway 80 and Pennsylvania Highway 93 north of Sybertsville, Pa., over Pennsylvania Highway 93 to Berwick, Pa., thence over U.S. Highway 11 to Danville, Pa., thence over Pennsylvania Highway 54 to junction Pennsylvania Highway 642, thence over Pennsylvania Highway 642 to Milton, Pa., thence over Pennsylvania Highway 405 to Montgomery, Pa., thence over Pennsylvania Highway 54 (formerly unnumbered highway) to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa., thence over U.S. Highway 220 to Port Matilda, Pa., thence over U.S. Highway 322 to Clearfield, Pa., thence over Pennsylvania Highway 879 (formerly U.S. Highway 322) to Grampan, Pa., thence over U.S. Highway 219 to DuBois, Pa., thence over Pennsylvania Highway 950 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction Pennsylvania Highway 257, thence over Pennsylvania Highway 257 to Oil City, Pa., thence over U.S. Highway 62 to Youngstown, Ohio (also from junction Interstate Highway 80 and Pennsylvania Highway 93 north of Sybertsville, Pa., over Pennsylvania Highway 93 to Hazelton, Pa., thence over Pennsylvania Highway 924 to Shenandoah, Pa., thence over Pennsylvania Highway 54 to Ashland, Pa., thence over Pennsylvania Highway 147 to junction Pennsylvania Highway 642 south of Milton; also from Sunbury, Pa., over Pennsylvania Highway 147 and Susquehanna River Bridge to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Pennsylvania Highway 642 near Milton, Pa.; also from Montgomery, Pa., over Pennsylvania Highway 405 to Muncy,

Pa., thence over Pennsylvania Highway 147 to junction U.S. Highway 220, thence over U.S. Highway 220 to Williamsport, Pa.; also from Mill Hall, Pa., over Pennsylvania Highway 64 to junction Pennsylvania Highway 550 near Zion, Pa., thence over Pennsylvania Highway 144 to Milesburg, Pa., and return over the same routes.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[F.R. Doc. 70-9419; Filed, July 21, 1970;  
8:50 a.m.]

[Notice 25]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 17, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification, and protests, if any, should refer to such letter-notices by number.

### MOTOR CARRIERS OF PROPERTY

No. MC 108398 (Deviation No. 2), RINGSBY-PACIFIC LTD., 3201 Ringsby Court, Denver, Colo. 80216, filed June 25, 1970, amended July 6, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 97 and Oregon Highway 58 approximately 80 miles north of Klamath Falls, Oreg., over U.S. Highway 97 to junction U.S. Highway 20 at or near Bend, Oreg., thence over U.S. Highway 20 to junction U.S. Highway 99E at or near Albany, Oreg.; and (2) from junction U.S. Highway 97 and Oregon Highway 58, over U.S. Highway 97 to junction U.S. Highway 197, thence over U.S. Highway 197 to junction Interstate Highway 80N at or near The Dalles, Oreg., thence over Interstate Highway 80N to Portland, Oreg., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodity over pertinent service routes as follows: (1) From Portland, Oreg., over U.S. Highway 99W to Junction City,



Oreg. (also from Portland over U.S. Highway 99E to Junction City), thence over U.S. Highway 99 via Goshen, Oreg., and Weed, Calif., to Red Bluff, Calif., thence over U.S. Highway 99W to junction U.S. Highway 40, thence over U.S. Highway 40 to San Francisco, Calif. (also from Red Bluff over U.S. Highway 99E to Sacramento, Calif., thence over U.S. Highway 40 to San Francisco); and (2) from Goshen, Oreg., over Oregon Highway 58 to junction U.S. Highway 97, thence over U.S. Highway 97 via Klamath Falls, Oreg., to Weed, Calif., and return over the same routes.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[F.R. Doc. 70-9420; Filed, July 21, 1970;  
8:50 a.m.]

[Notice 67]

### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 17, 1970.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

No. MC 83539 (Sub-No. 281), filed May 28, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished this issue to reflect the hearing information. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Kenneth Weeks (same address as applicant), and Thomas E. James, 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tubing* (other than oilfield tubing), from Rosenberg, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

HEARING: August 3, 1970, in Room 8A07, Fritz Garland Lanham Building, 819 Taylor Street, Fort Worth, Tex., before Examiner W. Wallace Wilhite.

No. MC 27356 (Sub-No. 3) (Republication), filed July 28, 1969, published in the FEDERAL REGISTER issue of August 21, 1969, and republished this issue.

Applicant: M-F EXPRESS, INC., 553 South Broadway, Post Office Box 972, Greenville, Miss. 38701. Applicant's representative: Douglas C. Wynn, 618 Washington Avenue, Post Office Box 1295, Greenville, Miss. 38701. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated June 16, 1970, and served July 8, 1970, finds; that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment), between Mobile, Ala., and Poplarville, Miss., from Mobile over U.S. Highway 98 to junction Mississippi Highway 26 near Lucedale, Miss., thence over Mississippi Highway 26 to Poplarville, and return over the same route, serving the intermediate point of Wiggings, Miss., restricted against the transportation of traffic moving between points in West Baton Route, East Baton Route, Livingston, Ascension, and Iberville Parishes, on the one hand, and, on the other, Mobile, Ala., and points in its commercial zone; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as previously published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

#### NOTICE OF FILING OF PETITION

No. MC 125952 (Sub-No. 11) (Notice of Filing of Petitions To Add Additional Shippers Under Contract Permit), filed June 22, 1970. Petitioner: INTERSTATE DISTRIBUTOR CO., 8311 Durango SW., Tacoma, Wash. 98499. Petitioner's representative: George R. LaBissoniere, 1224 Washington Building, Seattle, Wash. 98101. By separate petitions both filed on June 22, 1970, petitioner states it holds authority in MC 125952 (Sub-No. 11) to transport such merchandise as is dealt in by wholesale and retail grocery establishments except frozen foods and foods moving in vehicles equipped with mechanical refrigeration, from all points in California to Aberdeen, Chehalis, and Tacoma, Wash., under continuing contract with West Coast Grocery Co., of Tacoma, Wash. Petitioner states it now seeks by the two separately filed petitions

to serve two additional shippers, as follows: (1) *State Distributing Co.*, on the same basis that it is serving the shipper authorized under its Sub 11 authority. *State Distributing Co.* is a separate corporation but it is a wholly owned division of *West Coast Grocery Co.*, and therefore requires an additional permit authorization to haul for this company. This company would have occasion to request the movement of wine from Modesto, and Lodi, Calif., to Tacoma, Wash. All authority under (1) that is being requested is namely to transport wine from Modesto and Lodi to Tacoma for the account of *State Distributing Co.* only, as a contract carrier; and (2) *petitioner also seeks to service Standard Grocery Co.*, of Seattle, Wash., on the same basis upon which it is serving the shipper authorized under its Sub 11 authority. Since the authority authorized from all points in California to *West Coast Grocery Co.* includes the items requested hereunder to be transported for *Standard Grocery Co.* of Tacoma, Wash., this petition, in effect, merely seeks to add another shipper under the territorial and commodity authority that can already be transported from points in California to Tacoma, Buckley, and Burien, Wash. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petitions within 30 days from the date of publication in the FEDERAL REGISTER.

#### APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 14314 (Sub-No. 17) (Correction), filed May 6, 1970, published in the FEDERAL REGISTER issues of May 27, 1970, and June 24, 1970, and republished in part, as corrected, this issue. Applicant: DUFF TRUCK LINE, INC., Broadway and Vine Street, Lima, Ohio 45802. Applicant's representatives: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603, and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. NOTE: The purpose of this partial republication is to advise that the instant application of Duff Truck Line, Inc., in MC 14314 (Sub-No. 17), is to convert its present certificate of registration authorized in MC 14314 (Sub-No. 14), on the basis of a regular route request; and that said certificate of registration is based upon irregular route certificates of public convenience and necessity issued to it by the Public Utilities Commission of Ohio, as more specifically described in the appendix to the said certificate of registration. The rest of the application remains as previously published in the FEDERAL REGISTER issues of May 27, 1970, and June 24, 1970.

No. MC 15945 (Sub-No. 10), filed July 6, 1970. Applicant: BRINGWALD TRANSFER, INC., Post Office Box 685, Vincennes, Ind. 47591. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to



operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *strawboard*, from Miamisburg, Ohio, and Chicago and Mount Carmel, Ill., to Vincennes, Ind.; (2) *scrap paper*, from St. Louis, Mo.; Miamisburg, Ohio; Louisville, Ky.; Chicago, Ill.; and Memphis and Nashville, Tenn.; to Vincennes, Ind.; (3) *lumber*, from Memphis, Tenn., to Vincennes, Ind.; (4) *sulphate of aluminum*, from East St. Louis, Ill., to Vincennes, Ind.; (5) *empty rosin drums*, from Vincennes, Ind., to Kalamazoo, Mich.; (6) *rosin and rosin sizing*, in drums, from Kalamazoo, Mich., to Vincennes, Ind.; (7) *strawboard, corrugated paper, chipboard, and fillers*, from Vincennes, Ind., to St. Louis, Mo., and points and places in Ohio south and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30S to Kenton, Ohio, thence along U.S. Highway 68 to Xenia, Ohio, and thence along U.S. Highway 42 to Cincinnati, Ohio, those in that part of Kentucky west of U.S. Highway 25 and U.S. Highway 25E, those in that part of Michigan south of U.S. Highway 16, those in that part of Illinois east of a line beginning at the Illinois-Wisconsin State line and extending south along U.S. Highway 51 to El Paso, Ill., thence south of a line extending from El Paso along U.S. Highway 24 to Mississippi River, and those in Tennessee, including the points named and those on the indicated portions of the highways specified.

(8) *Such commodities* as are dealt in by junk and salvage companies, from Vincennes, Ind., to Chicago and East St. Louis, Ill.; Louisville, Ky.; and St. Louis, Mo.; and return, over the same route; (9) *paper* (new, old, scrap, and waste), and *such commodities as are dealt in by junk and salvage dealers*, from Cincinnati, Ohio, to Vincennes, Ind.; (10) *scrap paper*, from Murray, Ky., to Vincennes, Ind., and from Evansville, Ind., to Mount Carmel, Ill.; (11) *fiberboard and materials and supplies* used in packaging eggs, from Vincennes, Ind., to St. Louis, Mo., points and places in Ohio west and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30S to Kenton, Ohio, thence along U.S. Highway 68 to Xenia, Ohio, and thence along U.S. Highway 42 to Cincinnati, points and places in Kentucky on and west of U.S. Highway 25 and 25E, points and places in Michigan on and south of U.S. Highway 16, points and places in Illinois south and east of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to El Paso, and thence along U.S. Highway 24 to the Mississippi River, and points and places in Tennessee, including points on the highways named; (12) *scrap paper*, from the destination territory described above to Vincennes; (13) *fiberboard*, from Quincy, Ill., to Vincennes; (14) *lumber*, from Grayville and Karnak, Ill., to Vincennes;

(15) *Sizing*, from East St. Louis, Ill., St. Louis and Maplewood, Mo., to Vin-

cennes; (16) *skids*, from St. Louis, Mo., and points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30S to Kenton, Ohio, thence along U.S. Highway 68 to Xenia, Ohio, and thence along U.S. Highway 42 to Cincinnati, Ohio, points in Kentucky west of a line extending along U.S. Highway 25 from Covington to Corbin, Ky., thence along U.S. Highway 25E to the Kentucky-Tennessee State line, points in Michigan south of U.S. Highway 16, points in Illinois east and south of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to El Paso, Ill., thence along U.S. Highway 24 to the Mississippi River, near Quincy, Ill., and points in Tennessee, including points on the indicated portions of the highways described, to Vincennes, Ind.; (17) *paper and paper products*, from the plantsite of Packaging Corp. of America at Vincennes, Ind., to points in Missouri; and (18) *scrap paper*, from points in Missouri, to the plantsite of Packaging Corp. of America at Vincennes, Ind. NOTE: The commodities and territory described above are identical to that which is presently held by DUMES TRUCKING COMPANY, INC., in its permits numbered MC 20995 and MC 20995 Subs. 1, 2, 3, and 4. This application is a matter directly related to MC-F-10881 published in FEDERAL REGISTER issue of July 15, 1970. The purpose of this application is to convert the above-described authority from that of contract carrier permits to certificate of public convenience and necessity in order that dual operations may be overcome, and that BRINGWALD TRANSFER, INC., may continue to operate as a common carrier. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 30173 (Sub-No. 5), filed June 24, 1970. Applicant: GAMACHE TRUCKING CO., INC., Bates Street, Fall River, Mass. 02722. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Massachusetts. NOTE: Applicant states that the requested authority will be joined with its authority under MC 30173. Tacking would occur at Fall River, Mass., and points within 15 miles thereof in Massachusetts. The instant application is a matter directly related to MC-F-10853, published in the FEDERAL REGISTER issue of June 10, 1970, wherein applicant seeks authority to convert the certificate of registration of Southeast Transfer, Inc., MC 98773 (Sub-No. 1) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 66746 (Sub-No. 15), filed June 24, 1970. Applicant: JOHN L. KERR AND G. O. KERR, JR., a partnership, doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8365, Jackson, Miss. 39204. Applicants'

representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (1) Regular routes: From the Louisiana-Mississippi State line over U.S. Highway 90 to the Mississippi-Alabama State line, and return over the same route, serving all intermediate points. (2) Irregular routes: Between points in Mississippi within 75 miles of Gulfport, Miss. NOTE: Applicant states that the purpose of this application is to convert its certificate of registration into a certificate of public convenience and necessity. This application is a matter directly related to No. MC-F-10871, published in the FEDERAL REGISTER issue of July 8, 1970. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 128944 (Sub-No. 7), filed July 1, 1970. Applicant: RELIABLE TRUCK LINES, INC., 402 Maplewood Avenue, Nashville, Tenn. 37210. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives and commodities requiring special equipment) (1) between Tennessee-Alabama State line and Tusculumbia, Ala., from the Alabama-Tennessee State line over U.S. Highway 72 to Florence, Ala., thence over U.S. Highway 43 to Tusculumbia, Ala., and return over the same route, serving all intermediate points, and (2) between Huntsville, Ala., and Decatur, Ala., over Alabama Highway 20, serving all intermediate points. NOTE: Applicant states that it proposes to use tacking the authority sought in conjunction with all of its existing authority and all authority it might acquire as a result of any pending applications. The instant application is a matter directly related to MC-F-10880, published in the FEDERAL REGISTER issue of July 15, 1970, wherein applicant seeks to convert the certificate of registration of Robert F. Coates under MC-96951 (Sub-No. 1) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Huntsville, Ala.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).



## MOTOR CARRIERS OF PROPERTY

No. MC-F-10885. Authority sought for purchase by KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140, of a portion of the operating rights of UNIT TRANSPORTATION, INC., 845 East Avenue, Hamilton, Ohio 45011, and for acquisition by JUPITER TRANSPORTATION COMPANY, 400 East Randolph Street, Chicago, Ill. 60601, of control of such rights through the purchase. Applicants' attorneys: Paul F. Sullivan, Washington Building, 15th and New York Avenue, N.W., Washington, D.C. 20005 and Ronald Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Camping trailers*, in initial movements, as a *common carrier* over irregular routes, from Cincinnati, Ohio, to points in the United States, except points in Hawaii and Alaska, and return in secondary movements, from Hamilton, Ohio, to points in the United States (except points in Hawaii and Alaska); and return in secondary movements, *refreshment trailers*, in initial movements, in truckaway service, from Hamilton, Ohio, to points in the United States, except Alaska and Hawaii and return in secondary movement, in truckaway service, *folding tent camping trailers*, in initial movements, in truckaway service, and *advertising material* moving in the same vehicle with folding tent camping trailers, from Lodi, Calif., to points in the United States, except Alaska and Hawaii;

*Folding tent camping trailers*, in secondary movements, in truckaway service, from points in the United States, except Alaska and Hawaii; to Lodi, Calif.; *folding camping trailers*, in initial movements, in truckaway service, from New Haven, Mo., and Elm Grove and Milwaukee, Wis., to points in the United States (except Alaska and Hawaii); *folding camping trailers*, in secondary movements, in truckaway service, from points in the United States (except Alaska and Hawaii), to New Haven, Mo., and Elm Grove and Milwaukee, Wis.; *pontoon-type boats*, assembled or knocked down, not including any one boat weighing in excess of 5,000 pounds, and *boat parts, boat trailers, boat accessories, blocking and shoring materials, and advertising matter*, all related to, and when moving in mixed shipments with pontoon-type boats, from points in Blue Earth County, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *pontoon-type boats*, assembled or knocked down, not including any one boat weighing in excess of 5,000 pounds;

*Boats*, other than pontoon-type boats, assembled or knocked down, not including any one boat weighing in excess of 5,000 pounds or exceeding 22 feet in length, and *boat parts, boat trailers, boat accessories, blocking and shoring mate-*

*rials, and advertising matter*, all related to and when moving in mixed shipments with boats as authorized in this commodity description, from Branchport, and Gibsons Landing, N.Y., and points within 10 miles of Branchport, and Gibsons Landing, and points within 10 miles of Pen Yan, N.Y. (not including Pen Yan), to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *boats, boat parts, boat trailers, boat accessories, and advertising materials* relating thereto when moved in mixed loads with boats, from Marathon and Pen Yan, N.Y., to points in the United States (except Alaska and Hawaii); *boats and accessories therefor, and related advertising materials* when accompanying the boats, between points in Yates County, N.Y., on the one hand, and, on the other, points in New York, between Peekskill, N.Y., on the one hand, and, on the other, points in New York; and authority applied for in pending Docket No. MC-124218 Sub-15, covering the transportation of (1) *all-terrain vehicles* (vehicles specifically designed for transportation over all surface conditions including sand, ice, snow, water, swamp, and firm land), as a *common carrier* over irregular routes, *parts and accessories therefor and advertising materials*, from Hamilton, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used or useful in the manufacture of trailers and all terrain vehicles, *returned all terrain vehicles* (vehicles specifically designed for transportation over all surface conditions including sand, ice, snow, water, swamp, and firm land), *parts and accessories therefor and advertising materials*, from points in the United States (except Alaska and Hawaii) to Hamilton, Ohio. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-10886. Authority sought for control by CENTRAL CARTAGE CO., 3399 East McNichols Road, Detroit, Mich. 48212, of MCKINLAY TRANSPORT, LIMITED, Highway 401 at 25, Ontario, Canada, and for acquisition by T. J. MOROUN and M. J. MOROUN, both of 1007 Bishop Road, Grosse Pointe Park, Mich. 48230, of control of MCKINLAY TRANSPORT, LIMITED, through the acquisition by CENTRAL CARTAGE CO. Applicants' attorney: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled: *General commodities*, excepting among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between port of entry on the United States-Canada boundary at Detroit and Sault Ste. Marie, Mich., on the one hand, and, on the other, specified

points in Michigan near the boundary; between port of entry on the same boundary on the Niagara River, on the one hand, and, on the other, Niagara Falls, and Buffalo, N.Y.; and between Detroit and Willow Run Airport, Mich. CENTRAL CARTAGE CO., holds no authority from this Commission. However, it is in control, directly or indirectly, of the following carriers: (A) CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich. 48212, is authorized to operate as a *common carrier*, in Michigan. (B) MOHAWK MOTOR INC., 3399 East McNichols Road, Detroit, Mich. 48212, is authorized to operate as a *common carrier*, in Michigan, Ohio, Indiana, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10887. Authority sought for purchase by MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629, all of the operating rights of ANTHONY L. GLOTZBACH, doing business as CHARLESTOWN TRANSFER, 762 Oak Street, Charlestown, Ind. 47111, and for acquisition by MILTON D. RATNER, 7000 South Pulaski Road, Chicago, Ill. 60629, of control of such rights through the purchase. Applicant's attorneys and representatives: Jack Goodman, Axelrod, Goodman, Steiner and Bazelon, 39 South La Salle Street, Chicago, Ill. 60603, and Daniel F. Donahue, 282 Maincross, Charlestown, Ind. 47111. Operating rights sought to be transferred: *General commodities*, excepting, among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Lexington, Ind., and Louisville, Ky.; *live-stock*, over irregular routes, from Lexington, Ind., and places within 10 miles of Lexington to Louisville, Ky.; *general commodities*, excepting, among others, dangerous explosives, household goods and liquid in bulk, between Lexington, Ind., and Louisville, Ky. Vendee is authorized to operate as a *common carrier* in Nebraska, South Dakota, Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, District of Columbia, Wisconsin, Missouri, Illinois, Minnesota, Iowa, North Dakota, Arkansas, Tennessee, Louisiana, Georgia, North Carolina, South Carolina, Mississippi, Wyoming, Colorado, Texas, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10888. Authority sought for purchase by MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y., of a portion of the operating rights of PAULINE E. RICHARDSON, doing business as RICH'S SOUTH SHORE EXPRESS, 732 Nantasket Avenue, Hull, Mass., and for acquisition by CHARLES GOLDMAN, 2208 Radburn Road, Fair Lawn, N.J.; BERT GOLDMAN, 60 Dickenson Place, Great Neck, N.Y.; MONROE RUBENSTEIN, 42 Ninth Street, Fall River, Mass.; and BURTON D. CHAIT,



1050 Fifth Avenue, New York, N.Y., of control of such rights through the purchase. Applicants' attorneys: Herman B. J. Weckstein, 60 Park Place, Newark, N.J., 07102, and Francis P. Barrett, Barrett and Barrett, 60 Adams Street, Post Office Box 238, Milton, Mass. 02187. Operating rights sought to be transferred: *General commodities*, excepting, among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points within 25 miles of the city hall, Boston, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Maine, Connecticut, Pennsylvania, Rhode Island, New Hampshire, New Jersey, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10890. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025 (MC-42487). GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Post Office Box 4048, Pocatello, Idaho 83201 (MC-263), and T. R. HENNINGSEN, doing business as HENNINGSEN FREIGHT LINES, 216 East Platium Street, Butte, Mont. 59701 (MC-120647), seek to enter into an agreement for the pooling of service in the transportation of general commodities in interstate commerce to and from the following points in Montana: those along U.S. Highway 91, between Butte and the Montana-Idaho State line (except those between Butte and the junction of U.S. Highway 91 and 10S, approximately 1 mile west of Rocket, Mont.), and not including those in the Butte commercial zone. Attorney: Eugene T. Lipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036.

No. MC-F-10892. Authority sought for purchase by WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Post Office Box 458, Cambridge, Md. 21613, of the operating rights of RICKWOOD TRANSPORTATION CO., INC., Hurlock, Md. 21643, and for acquisition by MARION WHEATLEY, also of Cambridge, Md., of control of such rights through the purchase. Applicants' attorney: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Operating rights sought to be transferred: *Agricultural commodities*, as a *common carrier* over irregular routes, from points in Accomac and Northampton Counties, Va., certain specified points in Maryland, and Sussex County, Del., to certain specified points in New York, Philadelphia and Pittsburgh, Pa.; Baltimore, Md.; Washington, D.C.; and Richmond, Va.; from points in Dorchester County, Md., to certain specified points in Pennsylvania, New Jersey, Boston, Mass., and points on Long Island, N.Y., from Philadelphia, Pa., and Mount Holly, N.J., to Hurlock, Md.; *canned goods*, from certain specified points in Maryland, and Sussex County, Del., to Baltimore, Md., Washington, D.C., and points in New

Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, from certain specified points in Maryland, Delaware, to Providence, R.I., certain specified points in Massachusetts, Washington, D.C., Alexandria and Exmore, Va., and points in New York on and east of U.S. Highway 11, those in Pennsylvania, on and east of U.S. Highway 11, and those in New Jersey, Connecticut, Delaware, and Maryland; *box materials*, from Cambridge, Md., to North Bergen, N.J.;

*Paper cartons, paint, livestock and poultry feeds, noodles, spaghetti, fish, and produce*, from Philadelphia, Pa., to Cambridge, Md.; *coal*, from certain specified points in Pennsylvania, to points in Dorchester County, Md., from certain specified points in Pennsylvania and Baltimore, Md., to certain specified points in Maryland; *tomato pulp*, from Newark and Laurel, Del., to Cambridge, Md.; *salt*, from Silver Springs, N.Y., to Cambridge, Md.; *sugar*, from Philadelphia, Pa., New York, N.Y., and Baltimore, Md., to certain specified points; *empty cartons*, from Philadelphia, Pa., to Cambridge and Hurlock, Md.; *canning machinery*, from Philadelphia, Pa., to Hurlock, Md.; *fertilizer, livestock and poultry feeds, and materials used in the manufacture of livestock and poultry feeds*, from Baltimore, Md., Philadelphia and Nazareth, Pa., to certain specified points in Maryland; and *empty cans*, from Cambridge, Md., to Newark and Laurel, Del. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Delaware, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Florida, Georgia, North Carolina, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10893. Authority sought for purchase by SOUTHERN TRUCKING CORPORATION, 1500 Orenda Street, Memphis, Tenn. 38107, of the operating rights of SAMUEL A. BRASFIELD, 1727 Osborn Drive, Memphis, Tenn. 38127, and for acquisition by PAUL A. COSTIN, 1500 Orenda Street, Memphis, Tenn. 38107, of control of such rights through the purchase. Applicants' attorney: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be transferred: *Stone*, as a *common carrier*, over irregular routes, from Tate and Elberton, Ga., and points in Georgia within 10 miles thereof to points in Tennessee, west of Tennessee Highway 13; *agricultural implements, farm machinery, and incidental component parts and attachments* moving in connection therewith except heavy commodities, from Memphis, Tenn., to points in described areas of Alabama and Arkansas, and points in Florida, Georgia, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and West Virginia;

*Agricultural machinery and agricultural implements and parts and attachments* moving therewith except heavy commodities, from Pine Bluff, Ark., to points in Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Caro-

lina, South Carolina, Tennessee, and Texas; from Yazoo City, Miss., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas; from Forest City, Ark., to points in Alabama, Kentucky, Louisiana, Maine, Mississippi, Missouri, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; from Carlisle, Ark., to points in Missouri; from De Witt, Ark., to points in California and Texas; *trailers*, in initial movements and truckaway service, from Camden, Ark., to points in Alabama, Louisiana, Michigan, Minnesota, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, and Texas; *fertilizer and fertilizer ingredients*, in bags, from Memphis, Tenn., to points in Arkansas and Mississippi; from Birmingham and Cherokee, Ala., to points in Arkansas and Mississippi and Tennessee west of Tennessee Highway 13; *used cotton ties, and bagging*, from Rock Hill, S.C., to points in Georgia, Alabama, Mississippi, Louisiana, Arkansas, Texas, and Tennessee;

*Used construction machinery and equipment, and used automotive, electronic, and aircraft parts*, uncrated except heavy commodities, from points in the United States with certain exceptions to Memphis, Tenn.; sod seeders, scrapers, cutters and disk harrows, excepting heavy commodities, from the plantsite of Midland Manufacturing Co., Inc., near Electric Mills, Miss., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Nebraska, North Dakota, Oklahoma, Tennessee, and Texas. Portions of the authority described above is conditioned to preclude the carrier from engaging in private and for hire carriage at the same time. Vendee is authorized to operate as a *common carrier* in Tennessee, Arkansas, Mississippi, Louisiana, Alabama, Kentucky, Texas, Florida, South Carolina, Georgia, North Carolina, Alabama, West Virginia, Illinois, Indiana, Iowa, Michigan, Missouri, Oklahoma, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10894. Authority sought for control by MARTY'S EXPRESS, INC., 2335 Wheatsheaf Lane, Philadelphia, Pa. 19137, of PILGRIM TRUCKING CORPORATION, 124 Poinier Street, Newark, N.J. 07114, and for acquisition by MARTIN MARANO, SR., 2335 Wheatsheaf Lane, Philadelphia, Pa. 19137, of control of PILGRIM TRUCKING CORPORATION, through the acquisition by MARTY'S EXPRESS, INC. Applicants' attorney: Ronald Ervais, 2520 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, Pa. 19107. Operating rights sought to be controlled: *General commodities*, excepting, among others, dangerous explosives, household goods, but not excepting, commodities in bulk, as a *common carrier*, over irregular routes, between points in Essex, Hudson, Bergen, Passaic, and Union Counties, N.J.; between Bloomfield, Kearney, and Jersey City, N.J., on the one hand, and on the other, points in Middlesex, Somerset and Morris Counties, N.J. MARTY'S



EXPRESS, INC., is authorized to operate as a common carrier in Pennsylvania, New Jersey, and Delaware. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10895. Authority sought for purchase by MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, of the operating rights of MAHER TRUCKING CO., INC., 4622 South Bishop Street, Chicago, Ill. 60609, and for acquisition by THE B. F. GOODRICH COMPANY, 500 South Main Street, Akron, Ohio 44318, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120133 Sub-1, covering the transportation of property, as a common carrier, in interstate commerce, with the State of Illinois. Vendee is authorized to operate as a common carrier in Indiana, Illinois, Missouri, Kentucky, Nebraska, Ohio, Iowa, and Tennessee. Application has been filed for temporary authority under section 210a(b).

#### PASSENGERS

No. MC-F-10889. Authority sought for purchase by CAPITOL BUS COMPANY, 1061 South Cameron Street, Harrisburg, Pa. 17104, of a portion of the operating rights of SOUTHERN TIER STAGES, INC., 750 Harry L. Drive, Johnson City, N.Y. 13790, and for acquisition by JOSEPH L. MAGUIRE, 1815 Oak Road, Pottsville, Pa. 17901, RICHARD J. MAGUIRE, Scottsdale Apartments, Harrisburg, Pa. 17100 and RUSSELL W. VAN ATTA, 1006 Towne House Apartments, Harrisburg, Pa. 17102, of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 1735 K Street, NW., Washington, D.C. 20423. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, as a common carrier, over regular routes, from Owego, N.Y., to Ithaca, N.Y., serving all intermediate points. Vendee is authorized to operate as a common carrier in New York, New Jersey, Maryland, Delaware, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[F.R. Doc. 70-9421; Filed, July 21, 1970;  
8:50 a.m.]

[Ex Parte No. 264]

### UNITED-BUCKINGHAM FREIGHT LINES, INC.

#### Petition for Interpretation of Regulation

JULY 17, 1970.

Petition for interpretation of regulation concerning circuitry in substituted rail-for-motor service, 49 CFR 1090.5, or, alternatively, for relief from the provisions of 49 CFR 1090.5, filed May 25, 1970.

Petitioner: UNITED-BUCKINGHAM FREIGHT LINES, INC., Post Office Box 1631, Rapid City, S. Dak. 57701. Petitioner's Representative: J. Maurice Andren (same address as petitioner).

Title 49, Code of Federal Regulations, Chapter X, Subchapter A, Part 1090, prescribes the manner, circumstances, and conditions in which piggyback or trailer-on-flatcar rail service (TOFC) may be substituted for authorized motor carrier service. In particular, part 1090.5(a) provides:

Motor \* \* \* common carriers shall not participate in joint intermodal TOFC service which is to be provided in lieu of their authorized line-haul transportation, and motor and water common and contract carriers shall not utilize open tariff TOFC service, where the distance from origin to destination over the route including the TOFC movement is less than 85 percent of the distance between such points over the motor or water carrier's authorized service route: *Provided, however,* That the Interstate Commerce Commission may grant relief from the provisions of this paragraph upon consideration of an appropriate petition.

Petitioner is authorized, as pertinent, to operate between Chicago, Ill., and Minneapolis-St. Paul, Minn., over specified regular routes. With respect to this service, petitioner proposes to utilize rail TOFC service in substitution for motor service between rail TOFC ramps at Chicago and Minneapolis-St. Paul.

In computing mileages required to reach the required determination pursuant to the quoted regulation, petitioner seeks guidance as to whether such mileage should be determined:

(1) By adding (a) the sum of the mileage from the motor carrier's terminal to the rail loading ramp, (b) the rail ramp-to-ramp mileage, and (c) the mileage from the rail off-loading ramp to the motor carrier's terminal, in order to determine the total motor-rail-motor distance traversed; or (2) by determining only the mileage traversed in the substituted rail service between points (municipalities) authorized to be served by the motor carrier.

The basic issue thus presented is whether motor carrier terminal-to-rail ramp and rail ramp-to-motor carrier terminal mileages may be added to the actual rail miles traversed in order to determine if the total mileage in motor-rail-motor service is no less than 85 percent of the all-motor mileage.

Should the issue be resolved as set forth in alternative (1) above, the savings in mileage over petitioner's all-motor route would be less than 15 percent and petitioner would be able to utilize assertedly more efficient substituted rail service between Chicago and Minneapolis-St. Paul. Should the issue be resolved as set forth in (2) above, and hence result in a mileage savings of more than 15 percent over petitioner's all-motor routes, petitioner requests relief from the 85 percent circuitry requirements of 49 CFR 1090.5(a) to permit its utilization of substituted rail-for-motor service of Chicago, St. Paul & Pacific Railroad Co. between Chicago and Minneapolis-St. Paul.

Any person or persons desiring to participate in this proceeding (including petitioner) may, within 30 days from the date of this publication, file representations, consisting of an original and six copies, supporting or opposing the relief sought by petitioner. A copy of such statement should be served upon petitioner's representative at the address listed above.

Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[F.R. Doc. 70-9423; Filed, July 21, 1970;  
8:50 a.m.]



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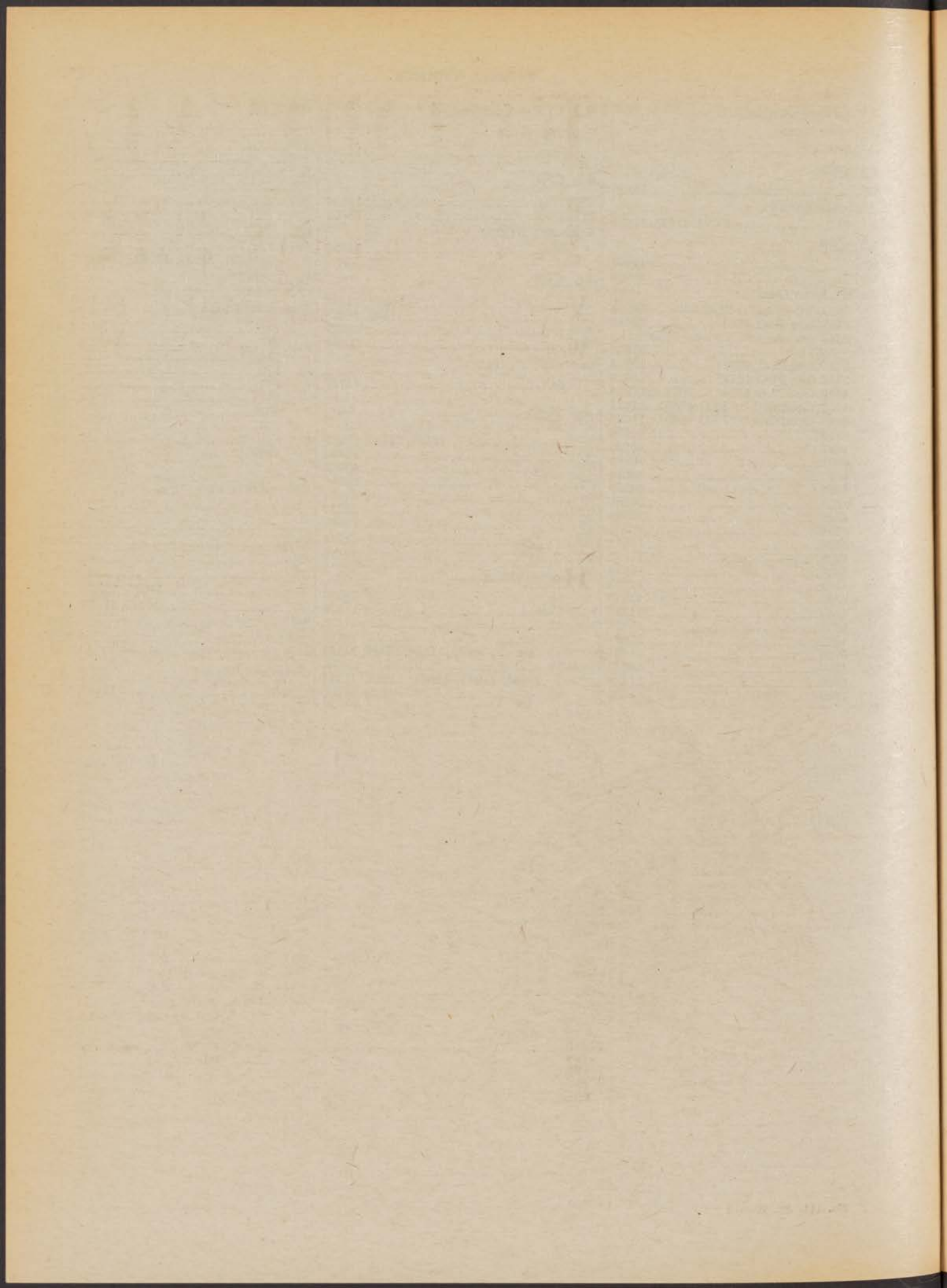


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PART II

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
Hazardous Materials Regulations Board

•  
Classification and Labeling of  
Hazardous Materials





## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
[14 CFR Part 103]

[Docket No. 10437; Notice No. 7027]

### CLASSIFICATION AND LABELING OF HAZARDOUS MATERIALS

#### Notice of Proposed Rule Making

On October 16, 1968 (33 F.R. 15347), the Department of Transportation sought public advice and comment on adoption of the United Nations hazardous materials classification and labeling system.

By separate document published on this page the Hazardous Materials Regulations Board issued a notice of proposed rule making (Docket No. HM-8; Notice No. 70-13) concerned with the classification and labeling of hazardous materials. A number of the proposed regulations would apply to shipment of hazardous materials by aircraft. For the reasons stated in that notice, it is proposed to make certain corresponding changes in Title 14, Code of Federal Regulations, Part 103 of the Federal Aviation Regulations as set forth below.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before October 15, 1970 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend 14 CFR Part 103 as follows:

(A) Section 103.13 would be amended to read as follows:

#### § 103.13 Labeling requirements.

Except as otherwise provided for in this part, shippers shall label each package of hazardous materials offered for transportation in air commerce with the appropriate label required in 49 CFR Part 172, even though that package is exempt from those labeling requirements in 49 CFR Part 173.

(B) In § 103.29 the heading and paragraph (a) would be amended to read as follows:

#### § 103.29 Magnetized materials: packaging, marking, and labeling requirements.

(a) Plainly mark the outside of the package "MAGNETIZED MATERIALS", and label it with the magnetized materials label described in 49 CFR 173.414.

(C) Section 103.30 would be added to read as follows:

#### § 103.30 Hazardous materials acceptable on cargo aircraft only.

The "cargo aircraft only" label described in 49 CFR 173.415 must be displayed on packages of hazardous materials permitted on cargo aircraft but not on passenger-carrying aircraft.

This proposal is made under the authority of title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)).

Issued in Washington, D.C. on July 13, 1970.

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

[F.R. Doc. 70-9206; Filed, July 21, 1970;  
8:45 a.m.]

### Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 174, 175,  
176, 177]

[Docket No. HM-8; Notice No. 70-13]

### CLASSIFICATION AND LABELING OF HAZARDOUS MATERIALS

#### Transportation of Hazardous Materials

On October 16, 1968 (33 F.R. 15347), the Department of Transportation sought public advice and comment on adoption of the United Nations' hazardous materials classification and labeling system. Comments generally favored adopting the U.N. system. This notice proposes to (1) convert the existing labeling requirements to the U.N. system (with minor exceptions), (2) to completely revise the commodity list, and (3) to revise some of the hazard classification categories.

#### ANALYSIS OF COMMENTS

Most of the comments indicated that the question of redefinition of flammable and combustible liquids remains highly controversial. Most of the controversy stemmed from a concern that new packaging requirements would be imposed for combustible liquid shipments, and from the continuing argument as to whether the closed cup or the open cup method should be prescribed. The open cup method is being retained for the present, keeping the limit at 80° F. for flammable liquids. Most nonshipper comments on combustible liquids indicated a need for identification of vehicles carrying combustible liquids. The question of combustible liquids is being covered in a separate rule-making action. Accordingly, this notice will be generally limited to those changes necessary to effect a meaningful conversion from the present labels to the U.N. labels.

Concern was expressed by numerous commenters that previously established packaging procedures would be changed by the changes in classification. To prevent this, the same packaging references

are used for those reclassified items in almost all cases. If rearrangement is necessary at a later time, it will be the subject of a separate rule-making action.

A number of commenters suggested that the labels could be blown up to a 10" x 10" size for use as placards on rail cars and on container vans for water shipment. This notice deals primarily with labels for packages. Rail and highway placarding generally will be the subject of separate rule-making action.

The only new hazard classification items covered in this notice are etiologic agents, and a separation of the present flammable liquids and solids categories into flammable liquids, flammable solids, water-reactive materials, and spontaneously combustible materials. The Board recognizes the continuing need for benchmark tests for these materials, and is undertaking to develop those benchmarks.

The present term "tear gas, poison class C" would be replaced by the term "irritant". This is to bring the Department's terminology more in line with the terminology used by the Departments of Defense, Agriculture, and Health, Education, and Welfare. At present, users of these materials refer to the materials by one name during use or storage, and a different name for transportation.

About half of the comments pertained to the provisions for etiologic materials. Many commenters objected to including etiologic agents as "poisonous materials". Others suggested that the transportation of these materials are already adequately regulated by other government agencies. The Department has coordinated this proposal with the Departments of Defense, Agriculture, and Health, Education, and Welfare. The Transportation of Explosives Act (18 U.S.C. 831-835) clearly assigns this jurisdiction to the Department of Transportation. The inclusion of etiologic agents as poisonous materials is in conformance with the U.N. system. Therefore, the proposed classification of etiologic agents is retained in this notice.

There was almost unanimous disagreement with the use of the skull-and-crossbones symbol for etiologic agents. Since the U.N. system does not prescribe a label for etiologic agents, the Board is proposing use of the symbol developed by the National Cancer Institute of the Public Health Service.

Several commenters objected to the use of the U.N. numbering system on the labels. Although a need for the use of these numbers in domestic shipments has not yet been clearly defined, the numbers are important in international shipments. This notice proposes as an alternate method, to leave the numbers off the labels for routine domestic use, but permit them to be over stamped on the labels for all export shipments. Import shipments may have the numbered labels, of course. Further comments would be useful on this matter.

The Board has decided to postpone the inclusion of corrosive solids until a later rule-making action.



There was adverse comment to the requirement that classes A, B, and C explosives all carry the same type of label. While there is merit in the objection, we are keeping the labels consistent with the U.N. system, but are providing exemptions to labeling for certain class C explosives of minimal risk.

Several commenters suggested that explosive (class C) and organic peroxides should really be classified as flammable solids and explosives, respectively. While those comments have some merit, their adoption would not be appropriate in this notice. This may be considered later when setting up benchmarks and tests to be used in classification of materials.

Many commenters expressed concern about the U.N. system of multiple labels. This notice retains the present single hazard labeling concept, with the existing exceptions. If multiple labeling is necessary for safety, it will be proposed in a separate rule-making action.

OTHER PROPOSED CHANGES

It appears that several basic types of information are needed by those who may be exposed to hazardous materials between the producer and the consumer. These include:

1. *General warning.* This should indicate the presence and nature of the hazard. This warning would be provided by the color, hazard symbol, and hazard name, as described in the request for public advice, and retained in this proposal.

2. *Special handling precautions.* These should consist of "alert" words or short phrases. Long, "small print" statements are likely to go unread. The Board proposes to include the "DANGER/WARNING/CAUTION" system used by the Departments of Agriculture, and Health, Education, and Welfare in order to provide greater uniformity with other governmental requirements. Specific comments are requested on the usefulness of this system.

3. *Emergency procedures.* Information is needed, but we doubt whether this detailed information should be included on the primary warning label.

With regard to the special handling precautions, a number of suggestions were made to the Board as to the exact words to be used. These suggestions included the following listed approximately in order of priority:

- Explosive A:
  - \*KEEP AWAY FROM HEAT, SPARKS, AND OPEN FLAME
  - HANDLE CAREFULLY
  - DO NOT DROP
- Explosive B:
  - \*KEEP AWAY FROM HEAT, SPARKS, AND OPEN FLAME
  - HANDLE CAREFULLY
- Explosive C:
  - \*KEEP AWAY FROM HEAT, SPARKS, AND OPEN FLAME
- Nonflammable Compressed Gas:
  - \*KEEP AWAY FROM HEAT AND FIRE

\*The Board proposes to require that the phrases marked with an asterisk (\*) appear on each label.

- DO NOT DROP
- CONTENTS UNDER PRESSURE
- Flammable Compressed Gas:
  - \*KEEP AWAY FROM HEAT, SPARKS, AND OPEN FLAME
  - \*HANDLE CAREFULLY
  - DO NOT DRCP
  - \*VENTILATED STORAGE ONLY
  - CONTENTS UNDER PRESSURE
  - REMOVE DAMAGED PACKAGES TO SAFE PLACE
- Poison Gas:
  - \*KEEP AWAY FROM HEAT AND FIRE
  - \*HANDLE CAREFULLY
  - \*DO NOT DROP
  - AVOID BREATHING GAS
  - BEWARE OF FUMES—AVOID INHALATION
  - VENTILATED STORAGE ONLY
  - CONTENTS UNDER PRESSURE
- Flammable Liquid:
  - \*KEEP AWAY FROM HEAT, SPARKS, AND OPEN FLAME
  - \*VENTILATED STORAGE ONLY
  - REMOVE LEAKING PACKAGES TO SAFE PLACE
- Flammable Solid:
  - \*KEEP AWAY FROM HEAT AND OPEN FLAME
- Spontaneously Combustible Material:
  - \*KEEP AWAY FROM HEAT AND OPEN FLAME
  - \*VENTILATED STORAGE ONLY
- Water-Reactive Material:
  - \*DO NOT APPLY WATER TO CONTENTS
  - \*KEEP DRY
- Oxidizing Material:
  - \*DO NOT STORE NEAR COMBUSTIBLE MATERIALS
- Organic Peroxide:
  - \*KEEP AWAY FROM FIRE AND OPEN FLAME
  - \*DO NOT STORE NEAR COMBUSTIBLE MATERIALS
  - \*HANDLE CAREFULLY
  - VENTILATED STORAGE ONLY
  - REMOVE DAMAGED PACKAGES TO SAFE PLACE
- Poison A:
  - \*KEEP AWAY FROM FOOD PRODUCTS
  - \*WASH THOROUGHLY AFTER HANDLING
  - \*HARMFUL OR FATAL IF TAKEN INTO BODY
  - IF LEAKING: DO NOT TOUCH CONTENTS OR BREATHE FUMES
  - HANDLE CAREFULLY
- Poison B:
  - \*KEEP AWAY FROM FOOD PRODUCTS
  - \*WASH THOROUGHLY AFTER HANDLING
  - \*HARMFUL OR FATAL IF TAKEN INTO BODY
  - IF LEAKING: DO NOT TOUCH CONTENTS
  - HANDLE CAREFULLY
- Irritant:
  - \*WASH THOROUGHLY AFTER HANDLING
  - \*AVOID IRRITATING FUMES
- Etiologic:
  - \*IF LEAKING OR BROKEN: EVACUATE AREA, DO NOT TOUCH
  - \*HANDLE CAREFULLY
  - \*KEEP AWAY FROM FOOD PRODUCTS
  - WASH THOROUGHLY AFTER HANDLING
- Corrosive Liquid:
  - \*WASH THOROUGHLY AFTER HANDLING
  - \*FLUSH SPILLAGE WITH WATER
  - REMOVE LEAKING PACKAGES TO SAFE PLACE

Some of this suggested label information is duplicative, and in some cases it is probably not possible to include all of the

informational items. Commenters who believe that a different priority would be more appropriate should indicate their preference.

Although the list of commodities (§ 172.5) would be completely revised to reflect the new labels, no previously unregulated specific commodities have been added to the list.

Additional columns would be added to the commodity list for cargo aircraft and passenger aircraft limitations. The quantity limits specified for air are taken from the Air Transport Association Tariff 6D, supplemented as appropriate by data from the International Air Transport Association regulations.

The terms "mark", "label", and "placard" have often been misused and misunderstood. Definitions of those terms have been proposed to help in the proper application of these terms. The terms "not accepted" and "forbidden" would be clarified to reflect current usage and needs.

In Subpart D, new definitions are proposed for flammable solids, spontaneously combustible materials, and water-reactive materials. For the most part, the redefinitions are only a rearrangement of the terms of the present definitions for flammable solids.

The Board hopes to consolidate all of the definitions, which are presently scattered throughout the regulations into Part 171. Although this notice proposes to place the new and revised definitions in the format of the present regulations, the Board intends in the final rule to make that consolidation.

The general marking and labeling requirements in §§ 173.402 through 173.414 would be revised to provide for the new labeling usage. Numerous editorial changes would be made in the final rule to incorporate the proper names and section references for the new labels. Since these changes are not substantive in nature, they are not listed specifically herein. Examples are §§ 173.25, 173.29, 173.119, and 173.134.

If the proposed labeling system is adopted, numerous other changes relating to shipments of hazardous materials may also be desirable, and would be proposed at a later date.

SUBMISSION OF COMMENTS

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street, SW., Washington, D.C. 20590. Communications received on or before October 15, 1970 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

These proposals are made under the authority of sections 831-835 of title 18, United States Code, section 9 of the De-



PROPOSED RULE MAKING

partment of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

I. Part 172 would be amended as follows:

(A) In Part 172 table of contents, §§ 172.4, 172.5 would be amended to read as follows:

- Sec. 172.4 Classifications, abbreviations, labels, terms, and symbols.
- 172.5 Commodity list of hazardous materials.

(B) Part 172 Heading would be amended to read as follows:

**PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS SUBJECT TO PARTS 170-189 OF THIS CHAPTER**

(C) Section 172.4 would be amended to read as follows:

§ 172.4 Classifications, abbreviations, labels, terms, and symbols.

(a) This paragraph lists all of the hazard classifications covered by Parts 170-189 of this chapter and the kind of label assigned to each classification. It lists the abbreviations, as used in § 172.5, for each classification. Also provided is the grouping of classifications within classes 1 through 8 of the United Nations classification system.

Classification	Abbreviation	Label(s)
<b>Class 1:</b>		
Explosive, class A.....	Expl. A....	Orange A.
Explosive, class B.....	Expl. B....	Orange B.
Explosive, class C.....	Expl. C....	Orange C.
<b>Class 2:</b>		
Nonflammable compressed gas.	Nonf. G....	Green.
Flammable compressed gas.	F.G.....	Red Gas.
<b>Class 3:</b>		
Flammable liquid.....	F.L.....	Red.
<b>Class 4:</b>		
Flammable solid.....	F.S.....	Red Striped.
Spontaneously combustible material.	SCM.....	Red Bottom.
Water-reactive material....	WRM.....	Blue.
<b>Class 5:</b>		
Oxidizing material.....	Oxy. M....	Yellow or Peroxide.
<b>Class 6:</b>		
Poison, gas or liquid, class A.	Pols. A....	Poison Gas or Poison A.
Poison, solid or liquid, class B.	Pols. B....	Poison B.
Irritating agent.....	Irr.....	Irritant.
Etiologic agent.....	Etio.....	Etiologic.
<b>Class 7:</b>		
Radioactive material.....	RAM.....	Radioactive.
<b>Class 8:</b>		
Corrosive liquid.....	Cor. L....	Corrosive Liquid.

(b) Terms, abbreviations, and symbols.

(1) "Not accepted"—means not to be offered for transportation, or transported by rail express, air, or passenger-carrying transport vehicle.

(2) "Forbidden"—means not to be offered for transportation, or transported, by any mode.

(3) "\*"—means that the material may or may not be classed as a hazardous material under the definition for each classification in Part 173 of this chapter.

(4) "n.o.s."—means not otherwise specified.

(5) "φ"—means that articles may be transported as rail baggage.

(6) "Mark or marking"—means the prescribed words or symbols, applied directly on the outside surface of a package to identify the packaging or its contents, but not including a label. Examples of marking are the shipping name of the contents, hazard classification, specification identification, and test dates.

(7) "Label or labeling"—means the prescribed identification on the outside surface of a package that includes a color-code, a symbol, and a descriptive legend denoting the hazardous nature of the contents of the package.

(8) "Placard or placarding"—means the prescribed identification on the outside surface of a transport vehicle that includes a color-code and a descriptive legend denoting the hazardous nature of the contents of the transport vehicle.

(D) In § 172.5 the heading and the complete commodity list would be amended to read as follows:

§ 172.5 Commodity list of hazardous materials.

COMMODITY LIST OF HAZARDOUS MATERIALS

Article	Classed as—	Exemptions and packaging (see sec.)	Label required (if not exempt)	Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Accumulator, pressurized ( <i>pneumatic or hydraulic</i> ), containing non-flammable gas.	Nonf. G.....	173.306(e)	Green.....	No limit.....	No limit.....	No limit.
Acetaldehyde ( <i>ethyl aldehyde</i> ).....	F.L.....	173.118, 173.119	Red.....	10 gallons.....	1 quart.....	10 gallons.
Acetone.....	F.L.....	173.118, 173.119	do.....	do.....	do.....	Do.
Acetone cyanohydrin.....	Pols. B.....	173.345, 173.346	Poison B.....	55 gallons.....	do.....	55 gallons.
*Acetone oils.....	F.L.....	173.118, 173.119	Red.....	10 gallons.....	do.....	10 gallons.
Acetonitrile.....	F.L.....	173.118, 173.119	do.....	do.....	do.....	Do.
Acetyl benzoyl peroxide, solid, or solution containing more than 40% peroxide.	Oxy. M.....	Forbidden.....	Forbidden.....	do.....	do.....	do.....
Acetyl benzoyl peroxide, solution containing 40% or less peroxide.	Oxy. M.....	No exemption, 173.222.....	Peroxide.....	1 quart.....	Not accepted.....	1 quart.
Acetyl chloride.....	Cor. L.....	173.244, 173.247	Corrosive liquid.....	1 gallon.....	1 quart.....	1 gallon.
Acetylene.....	F.G.....	173.306, 173.303	Red gas.....	300 pounds.....	Not accepted.....	300 pounds.
Acetyl peroxide, solid or solution containing more than 25% peroxide.	Oxy. M.....	Forbidden.....	Forbidden.....	do.....	do.....	do.....
Acetyl peroxide, solution containing 25% or less peroxide.	Oxy. M.....	173.153(b), 173.222.....	Peroxide.....	1 quart.....	Not accepted.....	1 quart.
Acids, liquid, n.o.s.....	Cor. L.....	173.244, 173.245	Corrosive liquid.....	5 pints.....	1 quart.....	5 pints.
*Acid, sludge.....	Cor. L.....	No exemption, 173.248.....	do.....	1 quart.....	Not accepted.....	1 quart.
Acrolein, inhibited.....	F.L.....	No exemption, 173.122.....	Red.....	do.....	do.....	Do.
Acrylonitrile.....	F.L.....	173.118, 173.119	do.....	10 gallons.....	1 quart.....	10 gallons.
Actuating cartridges, explosive fire extinguisher or valve.	Expl. C.....	173.114	Orange C.....	150 pounds.....	50 pounds.....	150 pounds.
*Adhesives, n.o.s. See Cement, liquid, n.o.s.						
Aeroplane flares. See Fireworks, special.						
Aerosol products. See Compressed gases, n.o.s.						
Air, compressed.....	Nonf. G.....	173.306, 173.302	Green.....	300 pounds.....	150 pounds.....	300 pounds.
Aircraft rocket engines (commercial).....	F.S.....	No exemption, 173.238.....	Red Striped.....	550 pounds.....	Not accepted.....	550 pounds.
Aircraft rocket engine igniters (commercial).....	F.S.....	No exemption, 173.238.....	do.....	25 pounds.....	do.....	25 pounds.
*Alcohol, n.o.s.....	F.L.....	173.118, 173.125	Red.....	10 gallons.....	1 quart.....	10 gallons.
Aldrin.....	Pols. B.....	173.364, 173.376	Poison B.....	200 pounds.....	50 pounds.....	200 pounds.
Aldrin mixtures, dry, with more than 68% aldrin.	Pols. B.....	173.364, 173.376	do.....	do.....	do.....	Do.
Aldrin mixtures, liquid, with more than 60% aldrin.	Pols. B.....	173.345, 173.361	do.....	55 gallons.....	1 quart.....	55 gallons.
*Alkaline caustic liquids, n.o.s.....	Cor. L.....	173.244, 173.249	Corrosive Liquid.....	10 gallons.....	do.....	5 gallons.
Alkaline corrosive battery fluid.....	Cor. L.....	173.244, 173.249, 173.257	do.....	do.....	do.....	Do.
Alkaline corrosive battery fluid with storage battery.	Cor. L.....	No exemption, 173.258.....	do.....	400 pounds.....	Not accepted.....	5 pints.
Alkaline corrosive liquids, n.o.s.....	Cor. L.....	173.244, 173.249	do.....	10 gallons.....	1 quart.....	5 gallons.
Alkyl aluminum halides. See Spontaneously combustible liquids or solids.						
Allyl alcohol.....	Pols. B.....	173.345, 173.346	Poison B.....	55 gallons.....	do.....	55 gallons.
Allyl bromide.....	F.L.....	173.118, 173.119	Red.....	10 gallons.....	do.....	10 gallons.



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Allyl chloroformate (chlorocarbonate).....	Cor. L.....	No exemption, 173.288.....	Corrosive Liquid.....	5 pints.....	Not accepted.....	5 pints.
Allyl trichlorosilane.....	Cor. L.....	No exemption, 173.280.....	do.....	10 gallons.....	do.....	10 gallons.
Aluminum alkyls. See Spontaneously combustible liquids, n.o.s.						
Aluminum dross, wet or hot.....	SCM.....	Forbidden 173.173.....				
*Aluminum liquid (or paint). See *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Aluminum nitrate.....	Oxy. M.....	173.153, 173.182.....	Yellow.....	100 pounds.....	25 pounds.....	100 pounds.
Amatol. See High explosives						
Ammonia, anhydrous.....	Nonf. G.....	173.306, 173.304, 173.314, 173.315.....	Green.....	300 pounds.....	Not accepted.....	300 pounds.
Ammonium arsenate, solid.....	Pois. B.....	173.364, 173.365.....	Poison B.....	200 pounds.....	50 pounds.....	200 pounds.
Ammonium bichromate (ammonium dichromate).....	F.S.....	173.163, 173.154, 173.235.....	Red Striped.....	100 pounds.....	25 pounds.....	100 pounds.
Ammonium nitrate.....	Oxy. M.....	173.153, 173.182.....	Yellow.....	do.....	do.....	Do.
Ammonium nitrate-carbonate mixtures.....	Oxy. M.....	173.153, 173.182.....	do.....	do.....	do.....	Do.
Ammonium nitrate fertilizer, containing 90% or more ammonium nitrate with no organic coating.....	Oxy. M.....	173.153, 173.182.....	do.....	do.....	do.....	Do.
Ammonium nitrate-fuel oil. See Nitro carbo nitrate						
*Ammonium nitrate mixed fertilizer.....	Oxy. M.....	173.153, 173.182.....	do.....	do.....	do.....	Do.
Ammonium nitrate (organic coating).....	Oxy. M.....	173.153, 173.182.....	do.....	do.....	do.....	Do.
*Ammonium nitrate—phosphate.....	Oxy. M.....	173.153, 173.182.....	do.....	do.....	do.....	Do.
Ammonium perchlorate.....	Oxy. M.....	173.153, 173.154, 173.239a.....	do.....	do.....	do.....	Do.
Ammonium permanganate.....	Oxy. M.....	173.153, 173.154.....	do.....	do.....	Not accepted.....	Not accepted.
Ammonium picrate. See High explosives.						
Ammonium picrate, wet (not to exceed 16 ounces).....	F.S.....	173.192.....	None.....	1 pound.....	do.....	1 pound.
Ammunition, chemical (containing class A poisons, liquids, or gases). See Chemical ammunition.						
Ammunition, chemical (containing class B poisons, liquids, or gases). See Chemical ammunition.						
Ammunition, chemical (containing class C poisons, liquids, or solids). See Chemical ammunition.						
Ammunition, chemical explosive (with fuzes or bursting charges).....	Expl. A.....	173.59.....	Orange A.....	Not accepted.....	do.....	Not accepted.
Ammunition, nonexplosive.....		173.55.....				
Ammunition for cannon with empty projectiles.....	Expl. B.....	No exemption, 173.89.....	Orange B.....	Not accepted.....	Nos accepted.....	Do.
Ammunition for cannon with explosive projectiles.....	Expl. A.....	No exemption, 173.54.....	Orange A.....	do.....	do.....	Do.
Ammunition for cannon with gas projectiles.....	Expl. A.....	No exemption, 173.54.....	do.....	do.....	do.....	Do.
Ammunition for cannon with illuminating projectiles.....	Expl. A.....	No exemption, 173.54.....	do.....	do.....	do.....	Do.
Ammunition for cannon with incendiary projectiles.....	Expl. A.....	No exemption, 173.54.....	do.....	do.....	do.....	Do.
Ammunition for cannon with inert loaded projectiles.....	Expl. B.....	No exemption, 173.89.....	Orange B.....	do.....	do.....	Do.
Ammunition for cannon with smoke projectiles.....	Expl. A.....	No exemption, 173.54.....	Orange A.....	do.....	do.....	Do.
Ammunition for cannon with solid projectiles.....	Expl. B.....	No exemption, 173.89.....	Orange B.....	do.....	do.....	Do.
Ammunition for cannon without projectiles.....	Expl. B.....	No exemption, 173.89.....	do.....	do.....	do.....	Do.
Ammunition, rocket. See Rocket ammunition.						
Ammunition, small-arms. See Small-arms ammunition.						
Ammunition for small-arms with explosive projectiles.....	Expl. A.....	No exemption, 173.68.....	Orange A.....	do.....	do.....	Do.
Ammunition for small-arms with incendiary projectiles.....	Expl. A.....	No exemption, 173.68.....	do.....	do.....	do.....	Do.
*Amyl acetate (commercial grade).....	F.L.....	173.118, 173.119.....	Red.....	10 gallons.....	1 quart.....	10 gallons.
Amyl chloride.....	F.L.....	173.118, 173.119.....	do.....	do.....	do.....	Do.
Amyl mercaptan.....	F.L.....	No exemption, 173.141.....	do.....	do.....	Not accepted.....	Do.
Amyl nitrate.....	F.L.....	173.118, 173.119.....	do.....	do.....	1 quart.....	Do.
Amyl trichlorosilane.....	Cor. B.....	No exemption, 173.280.....	Corrosive Liquid.....	do.....	Not accepted.....	Do.
Anhydrous ammonia. See Ammonia, anhydrous.						
Anhydrous hydrazine. See Hydrazine, anhydrous.						
Anhydrous hydrofluoric acid. See Hydrogen fluoride.						
Aniline oil, liquid.....	Pois. B.....	No exemption, 173.347.....	Poison B.....	55 gallons.....	do.....	55 gallons.
Anisoyl chloride.....	Cor. L.....	173.244, 173.279.....	Corrosive Liquid.....	1 quart.....	1 quart.....	1 quart.
*Antifreeze compounds, liquid.....	F.L.....	173.118, 173.119.....	Red.....	10 gallons.....	Not accepted.....	10 gallons.
*Antifreeze preparations proprietary, liquid.....	F.L.....	173.118, 173.119.....	do.....	do.....	do.....	Do.
Antimony pentachloride.....	Cor. L.....	173.244, 173.247.....	Corrosive Liquid.....	1 quart.....	1 quart.....	1 quart.
Antimony pentachloride, solution.....	Cor. L.....	173.244, 173.245.....	do.....	5 pints.....	do.....	5 pints.
Antimony pentafluoride.....	Cor. L.....	No exemption, 173.246.....	do.....	25 pounds.....	Not accepted.....	25 pounds.
*Aqua ammonia solution containing anhydrous ammonia.....	Nonf. G.....	173.306, 173.304, 173.314, 173.315.....	Green.....	300 pounds.....	do.....	300 pounds.
Argon.....	Nonf. G.....	173.306, 173.302, 173.314.....	do.....	do.....	150 pounds.....	Do.
Argon, liquefied.....	Nonf. G.....	No exemption, 173.304.....	do.....	do.....	Not accepted.....	Do.
Arsenic acid, liquid.....	Pois. B.....	173.345, 173.348.....	Poison B.....	55 gallons.....	1 quart.....	55 gallons.
Arsenic acid, solid.....	Pois. B.....	173.364, 173.366.....	do.....	200 pounds.....	50 pounds.....	200 pounds.
Arsenic bromide, solid.....	Pois. B.....	173.364, 173.365.....	do.....	do.....	do.....	Do.
Arsenic chloride (arsenous) liquid.....	Pois. B.....	173.345, 173.346.....	do.....	55 gallons.....	1 quart.....	55 gallons.
Arsenic iodide, solid.....	Pois. B.....	173.364, 173.365.....	do.....	200 pounds.....	50 pounds.....	200 pounds.
Arsenic pentoxide, solid.....	Pois. B.....	173.364, 173.365.....	do.....	do.....	do.....	Do.
Arsenic solid.....	Pois. B.....	173.364, 173.365.....	do.....	do.....	do.....	Do.
Arsenic sulfide, solid.....	Pois. B.....	173.364, 173.365.....	do.....	do.....	do.....	Do.
Arsenic trichloride, liquid.....	Pois. B.....	173.345, 173.346.....	do.....	55 gallons.....	1 quart.....	55 gallons.
Arsenic trioxide, solid (arsenic, white, solid, arsenous acid, solid).....	Pois. B.....	173.364, 173.366.....	do.....	200 gallons.....	50 pounds.....	200 pounds.
Arsenic, white solid.....	Pois. B.....	173.364, 173.366.....	do.....	do.....	do.....	Do.
Arsenical compounds or mixtures, n.o.s., liquid.....	Pois. B.....	173.345, 173.346.....	do.....	55 gallons.....	1 quart.....	55 gallons.
Arsenical compounds or mixtures, n.o.s., solid.....	Pois. B.....	173.364, 173.367.....	do.....	200 pounds.....	50 pounds.....	200 pounds.
Arsenical dip, liquid (sheep dip).....	Pois. B.....	173.345, 173.346.....	do.....	55 gallons.....	1 quart.....	55 gallons.
Arsenical dust.....	Pois. B.....	173.364, 173.368.....	do.....	200 pounds.....	50 pounds.....	200 pounds.
Arsenical flue dust.....	Pois. B.....	173.364, 173.368.....	do.....	do.....	do.....	Do.
Arsenous acid, solid.....	Pois. B.....	173.364, 173.365.....	do.....	do.....	do.....	Do.
Arsenous and mercuric iodide solution, liquid.....	Pois. B.....	173.345, 173.346.....	do.....	55 gallons.....	1 quart.....	55 gallons.
*Asphalt, cut-back.....	F.L.....	173.118, 173.131.....	Red.....	10 gallons.....	do.....	10 gallons.
Automobiles, motorcycles, tractors, or other self-propelled vehicles.....		See 173.120, 173.306.....				
Automobiles, motorcycles, tractors, or other self-propelled vehicles, engines or other mechanical apparatus, with charged electric storage batteries, wet.....		See 173.250.....				
1-Aziridinyl phosphine oxide (tris). See Tris-(1-aziridinyl) phosphine oxide.						



## PROPOSED RULE MAKING

## COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Bags, sodium nitrate, empty and unwashed	F.S.	No exemption, 173.155(a)	Red Striped	25 pounds	Not accepted	25 pounds.
Barium azide—50% or more water, wet	F.S.	No exemption, 173.239	do.	1 pound	do.	1 pound.
Barium chlorate	Oxy. M.	173.153, 173.163	Yellow	100 pounds	25 pounds	100 pounds.
Barium chlorate, wet	Oxy. M.	173.153, 173.163(a)(6)	do.	200 pounds	do.	200 pounds.
Barium cyanide, solid	Pois. B.	173.370	Poison B	do.	do.	Do.
Barium nitrate	Oxy. M.	173.153, 173.182	Yellow	100 pounds	do.	100 pounds.
Barium perchlorate	Oxy. M.	173.153, 173.154	do.	do.	do.	Do.
Barium permanganate	Oxy. M.	173.153, 173.154	do.	do.	do.	Do.
Barium peroxide (binoxide, dioxide)	Oxy. M.	173.153, 173.156	do.	do.	do.	Do.
Batteries, dry		Not regulated				
Batteries, electric storage, wet	Cor. L.	173.258, 173.260	Corrosive liquid	600 pounds	Not accepted	No limit.
Batteries, electric storage, wet, with automobiles, auto parts, engines or other mechanical apparatus.	Cor. L.	173.250, 173.260	do.	No limit	No limit.	Do.
Battery charger with electrolyte (acid or alkaline battery fluid)	Cor. L.	173.259	do.	5 gallons	Not accepted	5 pints.
Battery fluid. See Electrolyte (acid) or Alkaline corrosive battery fluid.						
Benzene (benzol)	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Benzene phosphorus dichloride	Cor. L.	173.244, 173.250a	Corrosive liquid	5 pints	Not accepted	5 pints.
Benzene phosphorus trichloride	Cor. L.	173.244, 173.250a	do.	do.	do.	Do.
Benzine	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Benzoyl chloride	Cor. L.	173.244, 173.247	Corrosive Liquid	1 quart	do.	1 quart.
Benzoyl peroxide	Oxy. M.	No exemption, 173.157, 173.158	Peroxide	25 pounds	Not accepted	25 pounds.
Benzyl bromide (bromotoluene, alpha)	Cor. L.	No exemption, 173.281	Corrosive Liquid	5 pints	do.	5 pints.
Benzyl chloride	Cor. L.	173.244, 173.295	do.	1 quart	1 quart	1 quart.
Benzyl chloroformate (chlorocarbonate)	Cor. L.	No exemption, 173.288	do.	5 pints	Not accepted	5 pints.
*Beryllium compounds, n.o.s.	Pois. B.	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Black powder	Expl. A	No exemption, 173.60	Orange A	Not accepted	Not accepted	Not accepted.
Black powder igniters with empty cartridge bags	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
Blasting caps—1,000 or less	Expl. C	No exemption, 173.103	do.	See 173.86	Not accepted	Not accepted.
Blasting caps—electric, 1,000 or less	Expl. A	No exemption, 173.66	Orange A	Not accepted	do.	Do.
Blasting caps—electric, more than 1,000	Expl. C	No exemption, 173.103	Orange C	See 173.86	do.	Do.
Blasting caps with metal clad mild detonating fuse—1,000 or less	Expl. A	No exemption, 173.66(c), 173.67.	Orange A	do.	do.	Do.
Blasting caps with metal clad mild detonating fuse—more than 1,000	Expl. C	No exemption, 173.103	Orange C	See 173.86	do.	Do.
Blasting caps with safety fuse—1,000 or less	Expl. A	No exemption, 173.66(c), 173.67.	Orange A	Not accepted	do.	Do.
Blasting caps with safety fuse—more than 1,000	Expl. A	No exemption, 173.66(c), 173.67.	Orange A	Not accepted	do.	Do.
Blasting gelatin. See High explosives.						
Blasting powder. See Black powder.						
*Boiler compound, liquid	Cor. L.	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Bombs, explosive. See Explosive bomb.						
Bombs, explosive, with gas, smoke, or incendiary material. See Explosive bomb.						
Bombs, fireworks. See Fireworks, special.						
Bombs, gas, smoke or incendiary, non-explosive. See Chemical ammunition.						
Bombs, incendiary, or smoke without bursting charges. See Fireworks, special.						
Bombs, practice, with electric primers or electric squibs (nonexplosive)		See 173.55				
Bombs, sand-loaded or empty (nonexplosive)		See 173.55				
Boosters (explosive)	Expl. A	No exemption, 173.69	Orange A	Not accepted	Not accepted	Not accepted.
Bordeaux arsenites, liquid	Pois. B.	173.345, 173.346	Poison B	55 gallons	1 quart	55 gallons.
Bordeaux arsenites, solid	Pois. B.	173.364, 173.365	do.	200 pounds	50 pounds	200 pounds.
Boron trichloride	Cor. L.	No exemption, 173.251	Corrosive Liquid	1 quart	Not accepted	1 quart.
Boron trifluoride	Nonf. G.	173.306, 173.302	Green	300 pounds	do.	300 pounds.
*Box toe gum	F.L.	173.118, 173.119	Red	10 gallons	do.	10 gallons.
Bromine	Cor. L.	No exemption, 173.252	Corrosive Liquid	1 quart	do.	1 quart.
Bromine pentafluoride	Cor. L.	No exemption, 173.284	do.	100 pounds	do.	100 pounds.
Bromine trifluoride	Cor. L.	No exemption, 173.283	do.	do.	do.	Do.
Bromoacetone, liquid	Pois. A	No exemption, 173.329(a)	Poison A	Not accepted	do.	Not accepted.
Bromobenzyl cyanide, liquid	Irr.	No exemption, 173.382	Irritant	20 pounds	do.	20 pounds.
Bromotoluene, alpha. See Benzyl bromide.						
Bruceine, solid (dimethoxy strychnine)	Pois. B.	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Burnt cotton (not repicked)	F.S.	No exemption, 173.159	Red Striped	Not accepted	Not accepted	Not accepted.
Burnt fiber	F.S.	No exemption, 173.169	do.	do.	do.	Do.
Bursters (explosive)	Expl. A	No exemption, 173.69	do.	do.	do.	Do.
Butadiene, inhibited	F.G.	173.306, 173.304 173.314, 173.315.	Red Gas	300 pounds	do.	300 pounds.
Butane. See Liquefied petroleum gas.						
*Butyl acetate	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Butyl alcohol. See Alcohol, n.o.s.						
Butyl mercaptan	F.L.	No exemption, 173.141	do.	do.	Not accepted	Do.
Butyl trichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	do.	do.	Do.
Butyraldehyde	F.L.	173.118, 173.119	Red	do.	1 quart	Do.
Cacodylic acid, solid (dimethylarsenic)	Pois. B.	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Calcium arsenate, solid	Pois. B.	173.364, 173.367, 173.368	do.	do.	do.	Do.
Calcium arsenite, solid	Pois. B.	173.364, 173.365	do.	do.	do.	Do.
Calcium chlorate	Oxy. M.	173.153, 173.163	Yellow	100 pounds	25 pounds	100 pounds.
Calcium chlorite	Oxy. M.	No exemption, 173.160	do.	do.	Not accepted	Do.
Calcium cyanide	Pois. B.	173.370 (c) and (d)	Poison B	200 pounds	25 pounds	200 pounds.
Calcium hypochlorite compounds (dry, containing more than 39% available chlorine)	Oxy. M.	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
Calcium, metallic	WRM	173.153, 173.154	Blue	do.	25 pounds	Do.
Calcium, metallic, crystalline	WRM	No exemption, 173.231	do.	25 pounds	Not accepted	25 pounds.
Calcium nitrate	Oxy. M.	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Calcium permanganate	Oxy. M.	173.153, 173.154	do.	do.	do.	Do.
Calcium peroxide	Oxy. M.	173.153, 173.156	do.	do.	do.	Do.
Calcium phosphide	WRM	No exemption, 173.161	Blue	25 pounds	Not accepted	25 pounds.
Calcium resinate	F.S.	No exemption, 173.166	Red Striped	125 pounds	do.	125 pounds.
Calcium resinate, fused	F.S.	No exemption, 173.166	do.	do.	do.	Do.
Cannon primers	Expl. C	No exemption, 173.107	Orange C	150 pounds	50 pounds	150 pounds.
Caps, blasting. See Blasting caps.						
Caps, toy. See Toy caps.						
Caprylyl peroxide solution	Oxy. M.	173.153(b), 173.221	Peroxide	1 quart	1 quart	1 quart.
Carbolic acid (phenol), liquid (liquid tar acid containing over 60% benzo-phenol)	Pois. B.	173.345, 173.349	Poison B	55 gallons	do.	55 gallons.
Carbolic acid (phenol) solid	Pois. B.	173.369	do.	250 pounds	50 pounds	250 pounds.



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Carbon bisulfide (disulfide)	F. L.	No exemption, 173.121	Red	Not accepted	Not accepted	Not accepted.
Carbon dioxide gas, liquefied ("mining device")	Nonf. G	173.304(a) (2) Table Note 4	Green	6 pounds	do	6 pounds.
Carbon dioxide, liquefied	Nonf. G	173.306, 173.304, 173.314, 173.315.	do	300 pounds	150 pounds	300 pounds.
Carbon dioxide, nitrous oxide mixture	Nonf. G	173.306, 173.304	do	do	do	Do.
Carbon dioxide-oxygen mixture	Nonf. G	173.306, 173.304	do	do	do	Do.
Carbon monoxide	F. G	173.306, 173.304	Red Gas	150 pounds	Not accepted	150 pounds.
*Carbon remover, liquid	F. L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
<i>Carbonyl chloride. See Phosgene.</i>						
Cartridge bags, empty, with black powder igniters	Expl. C.	No exemption, 173.105	Orange C	150 pounds	50 pounds	150 pounds.
Cartridge cases, empty, primed	Expl. C.	No exemption, 173.107	do	do	do	Do.
Cartridges, practice ammunition	Expl. C.	No exemption, 173.101a	do	do	do	Do.
<i>Case oil. See Gasoline or "Naphtha.</i>						
<i>Casinghead gasoline. See Gasoline.</i>						
Caustic potash, liquid. <i>See Potassium hydroxide solutions.</i>						
Caustic soda, liquid. <i>See Sodium hydroxide solutions</i>						
*Cement, adhesive, n.o.s. <i>See Cement, liquid, n.o.s.</i>						
*Cement, leather	F. L.	173.118, 173.119	Red	12 gallons	1 quart	12 gallons.
*Cement, container, linoleum, tile or wallboard, liquid	F. L.	173.118, 173.132	do	15 gallons	do	15 gallons.
*Cement, liquid, n.o.s.	F. L.	173.118, 173.132	do	do	do	Do.
*Cement, pyroxylin	F. L.	173.118, 173.132	do	do	do	Do.
*Cement, roofing, liquid	F. L.	173.118, 173.119	do	12 gallons	do	12 gallons.
*Cement, rubber	F. L.	173.118, 173.132	do	15 gallons	do	15 gallons.
*Charcoal, activated	F. S.	173.162	Red Striped	200 pounds	25 pounds	200 pounds.
Charcoal briquettes	F. S.	173.162	do	do	50 pounds	50 pounds.
Charcoal, shell	F. S.	173.162	do	do	25 pounds	200 pounds.
Charcoal, wood, ground, crushed, granulated or pulverized	F. S.	173.162	do	do	do	Do.
Charcoal, wood, lump	F. S.	173.162	do	100 pounds	50 pounds	50 pounds.
Charcoal screenings, made from "pinon" wood	F. S.	173.162	do	200 pounds	25 pounds	200 pounds.
Charcoal wood screenings other than "pinon" wood screenings	F. S.	No exemption, 173.162	do	Not accepted	Not accepted	Not accepted.
Charcoal screenings, wet	SCM	Forbidden				
Charcoal, wet	SCM	Forbidden				
Charged oil well jet perforating guns (total explosive contents in guns exceeding 20 lbs. per motor vehicle).	Expl. A	No exemption, 173.53(u), 173.80	Orange A	Not accepted	Not accepted	Do.
Charged oil well jet perforating guns (total explosive contents in guns not exceeding 20 lbs. per motor vehicle).	Expl. C	No exemption, 173.53(u), 173.110.	Orange C	do	do	Do.
*Chemicals, n.o.s. <i>See *Drugs, chemicals, medicines or cosmetics, n.o.s.</i>						
Chemical ammunition (containing class A poisons, gases, or liquids)	Pois. A	No exemption, 173.330	Poison gas or Poison A.	do	do	Do.
Chemical ammunition (containing class B poisons, liquids or solids)	Pois. B	173.345, 173.350	Poison B	55 gallons	do	55 gallons.
Chemical ammunition (containing class C poisons, liquids or solids)	Irr	No exemption, 173.383	Irritant	20 pounds	do	20 pounds.
Chemical ammunition, explosive	Expl. A	173.59	Orange A	Not accepted	do	Not accepted.
*Chemical kits	Cor. L	173.286	Corrosive liquid	5 pints	1 quart	1 quart.
*Chlorate and borate mixtures	Oxy. M	173.153, 173.229	Yellow	100 pounds	25 pounds	100 pounds.
*Chlorate and magnesium chloride mixtures	Oxy. M	173.153, 173.229	do	do	do	Do.
Chlorates, n.o.s.	Oxy. M	173.153, 173.163	do	do	do	Do.
Chlorates, n.o.s., wet	Oxy. M	173.153, 173.163(a)(6)	do	200 pounds	do	200 pounds.
<i>Chlorate explosives, dry. See High explosives.</i>						
<i>Chlorate of potash. See Potassium chlorate.</i>						
<i>Chlorate of soda. See Sodium chlorate.</i>						
<i>Chlorate powders. See High explosives.</i>						
<i>Chloride of phosphorus. See Phosphorus trichloride.</i>						
Chloride of sulfur. <i>See Sulfur chloride.</i>						
*Chlorine	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	150 pounds	Not accepted	150 pounds.
Chlorine dioxide hydrate, frozen	Oxy. M	No exemption, 173.237	Yellow	Not accepted	do	Not accepted.
Chlorine trifluoride	Cor. L	No exemption, 173.285	Corrosive Liquid	100 pounds	do	100 pounds.
Chloroacetophenone, gas, liquid or solid	Irr	No exemption, 173.382	Irritant	75 pounds	do	75 pounds.
Chloroacetyl chloride	Cor. L	No exemption, 173.253	Corrosive Liquid	1 quart	do	1 quart.
Chlorobenzoyl peroxide (para)	Oxy. M	No exemption, 173.157, 173.158.	Peroxide	25 pounds	do	25 pounds.
<i>Chlorodinitrobenzoyl. See Dinitrochlorobenzol, solid.</i>						
Chloroform and methyl chloride mixtures	Pois. A	No exemption, 173.329(b)	Poison Gas	Not accepted	do	Not accepted.
Chloroform, liquid	Pois. B	No exemption, 173.367	Poison B	24 pounds	do	Do.
Chloroform, absorbed	Pois. B	No exemption, 173.367	do	75 pounds	do	Do.
Chloroform mixtures (containing no compressed gas or poisonous liquid, class A)	Pois. B	No exemption, 173.367	do	do	do	Do.
Chloroform and nonflammable, nonliquefied compressed gas mixtures	Pois. A	No exemption, 173.329(c)	Poison Gas	Not accepted	do	Do.
Chlorosulfonic acid	Cor. L	173.244, 173.254	Corrosive Liquid	1 quart	1 quart	1 quart.
Chlorosulfonic acid-sulfur trioxide mixtures	Cor. L	173.244, 173.254	do	do	do	Do.
4-Chloro-o-toluidine hydrochloride	Pois. B	No exemption, 173.362	Poison B	do	do	Do.
Chromic acid mixtures, dry	Oxy. M	173.153, 173.164	Yellow	100 pounds	25 pounds	100 pounds.
Chromic acid, solid	Oxy. M	173.153, 173.164	do	do	do	Do.
Chromic acid, solution	Cor. L	173.244, 173.245, 173.287	Corrosive Liquid	1 gallon	1 quart	1 gallon.
<i>Chromic anhydride. See Chromic acid, solid.</i>						
<i>Chromium trioxide. See Chromic acid, solid.</i>						
Chromyl chloride	Cor. L	No exemption, 173.247	do	do	Not accepted	Do.
<i>Cigar and cigarette lighter fluid. See Lighter fluid.</i>						
Cigarette lighters charged with fuel	F. S.	173.21(d)	Red Striped	Not accepted	do	Not accepted.
Cigarette loads	Expl. C	No exemption, 173.111	Orange C	150 pounds	25 pounds	150 pounds.
*Cleaning fluid or liquid	F. L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
<i>Cloud gas cylinders. See Chemical ammunition.</i>						
Coal briquettes, hot	SCM	Forbidden				
<i>Coal gas. See Hydrocarbon gas, nonliquefied.</i>						
Coal, ground bituminous, sea coal, coal facings, etc.	F. S.	173.165	Red Striped	Not accepted	Not accepted	Not accepted.



## PROPOSED RULE MAKING

## COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Coal tar distillate	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Coal tar light oil	F.L.	173.118, 173.119	do	do	do	Do.
*Coal tar naphtha	F.L.	173.118, 173.119	do	do	do	Do.
*Coal tar oil	F.L.	173.118, 173.119	do	do	do	Do.
*Coating solution	F.L.	173.118, 173.132	do	15 gallons	do	15 gallons.
Cobalt resinate, precipitated	SCM	No exemption, 173.166	Red Bottom	125 pounds	Not accepted	Not accepted.
Cocculus, solid (fish berry)	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Coke, hot	SCM	Forbidden				
Collodion	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Collodion cotton, wet. See Nitrocellulose, wet.						
Cologne spirits (alcohol)	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Columbian spirits (wood alcohol)	F.L.	173.118, 173.119	do	do	do	Do.
Combination fuzes	Expl. C	No exemption, 173.105	Orange C	150 pounds	50 pounds	150 pounds.
Combination primers	Expl. C	No exemption, 173.107	do	do	do	Do.
Commercial shaped charges. See High explosives.						
Common fireworks. See Fireworks, common.						
*Compounds, cleaning, liquid	Cor. L	173.244, 173.245	Corrosive Liquid	1 quart	1 quart	1 quart.
*Compounds, cleaning, liquid	F.L.	173.118, 173.119	R <sub>2</sub>	10 gallons	do	10 gallons.
*Compounds, cleaning liquid (containing hydrochloric (muriatic) acid)	Cor. L	173.244, 173.263	Corrosive Liquid	10 pints	do	1 gallon.
Compounds, cleaning, liquid (containing hydrofluoric acid)	Cor. L	173.244, 173.256	do	do	do	Do.
*Compounds, enamel	F.L.	173.118, 173.128	Red	55 gallons	do	55 gallons.
*Compounds, iron or steel rust preventing or removing	Cor. L	173.244, 173.245	Corrosive liquid	1 gallon	do	1 gallon.
*Compounds, lacquer, paint or varnish, etc., removing, reducing or thinning, liquid	F.L.	173.118, 173.128	Red	55 gallons	do	55 gallons.
*Compounds, lacquer, paint or varnish removing liquid	Cor. L	173.244, 173.245	Corrosive liquid	1 gallon	do	1 gallon.
*Compounds, polishing, liquid	F.L.	173.118, 173.129	Red	55 gallons	do	55 gallons.
*Compounds, tree or weed killing, liquid	F.L.	173.118, 173.119	do	10 gallons	do	10 gallons.
*Compounds, tree or weed killing, liquid	Pois. B	173.345, 173.346	Poison B	55 gallons	do	55 gallons.
*Compounds, tree or weed killing, solid	Oxy. M	173.153, 173.154, 173.229	Yellow	100 pounds	25 pounds	100 pounds.
*Compounds, type-cleaning, liquid	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Compounds, vulcanizing, liquid	Cor. L	173.244, 173.245	Corrosive liquid	1 quart	do	1 quart.
*Compounds, vulcanizing, liquid	F.L.	173.118, 173.119	Red	10 gallons	do	10 gallons.
Compressed gases, flammable, n.o.s.	F.G.	173.306, 173.305, 173.304, 173.302	Red Gas	300 pounds	Not accepted	300 pounds.
Compressed gases, nonflammable, n.o.s.	Nonf. G	173.306, 173.305, 173.304, 173.302	Green	do	150 pounds	Do.
Containers, reused or empty		See 173.28 or 173.29				
Copper acetoarsenite, solid (emerald green, imperial green, Kings green, moss green, meadow green, mitis green, parrot green, Vienna green)	Pois. B	173.364, 173.367	Poison B	200 pounds	50 pounds	200 pounds.
Copper arsenite, solid (Scheele's green, cupric green, copper orthoarsenite, Swedish green)	Pois. B	173.364, 173.365	do	do	do	Do.
Copper cyanide	Pois. B	173.370	do	No limit	25 pounds	No limit.
Cordeau detonant fuse	Expl. C	No exemption, 173.104	Orange C	300 pounds	50 pounds	300 pounds.
Corrosive battery fluid. See Electrolyte (acid), or Alkaline corrosive battery fluid.						
Corrosive liquid, n.o.s.	Cor. L	173.244, 173.245	Corrosive Liquid	5 pints	1 quart	1 quart.
Cotton, burnt. See Burnt cotton						
Cotton, waste, oily with more than 5% of animal or vegetable oil	F.S.	No exemption, 173.167	Red Striped	Not accepted	Not accepted	Not accepted.
Crotonaldehyde	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Crude nitrogen fertilizer solution	Nonf. G	173.306, 173.304, 173.314	Green	300 pounds	150 pounds	300 pounds.
*Crude oil, petroleum	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Cumene hydroperoxide (not exceeding 96% in nonvolatile solvent)	Oxy. M	173.153(b), 173.224	Peroxide	1 quart	do	1 quart.
Cupric cyanide. See Copper cyanide						
Cupriethylene diamine solution	Cor. L	173.244, 173.249	Corrosive Liquid	1 gallon	do	Do.
Cyanides or cyanide mixtures, dry	Pois. B	173.364, 173.370	Poison B	200 pounds	25 pounds	200 pounds.
Cyanogen bromide	Pois. B	No exemption, 173.379	do	25 pounds	Not accepted	25 pounds.
Cyanogen chloride containing less than 0.9% water	Pois. A	No exemption, 173.328	Poison Gas	Not accepted	do	Not accepted.
Cyanogen gas	Pois. A	No exemption, 173.328	do	do	do	Do.
Cyclohexane	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Cyclohexanone peroxide, over 50% concentration but not exceeding 85% concentration	Oxy. M	No exemption, 173.157, 173.158	Peroxide	25 pounds	Not accepted	25 pounds.
Cyclohexanone peroxide, not over 50% concentration	Oxy. M	173.153, 173.154	do	do	2 pounds	Do.
Cyclohexenyl trichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	10 gallons	Not accepted	10 gallons.
Cyclohexyl trichlorosilane	Cor. L	No exemption, 173.280	do	do	do	Do.
Cyclopentane	F.L.	173.118, 173.119	Red	do	1 quart	Do.
Cyclopentane, methyl	F.L.	173.118, 173.119	do	do	do	Do.
Cyclopropane	F.G.	173.306, 173.304	Red Gas	300 pounds	Not accepted	300 pounds.
Cyclotrimethylenetrinitramine, desensitized. See High explosives.						
Cyclotrimethylenetrinitramine, wet with not less than 10% of water. See High explosives.						
Decaborane	F.S and WRM	No exemption, 173.236	Red Striped and Blue	25 pounds	do	25 pounds.
Delay electric igniters	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
Denatured alcohol. See Alcohol, n.o.s.						
Depth bombs. See Explosive bomb.						
Detonating fuzes, class A explosives, with or without radioactive components	Expl. A	No exemption, 173.69	Orange A	Not accepted	Not accepted	Not accepted.
Detonating fuzes, class C explosives	Expl. C	No exemption, 173.113	Orange C	150 pounds	50 pounds	150 pounds.
Detonating primers	Expl. A	No exemption, 173.68	Orange A	Not accepted	Not accepted	Not accepted.
Diazodinitrophenol. See Initiating explosive.						
Dichlorodifluoromethane	Nonf. G	173.306, 173.304, 173.314, 173.315	Green	300 pounds	150 pounds	300 pounds.
δDichlorodifluoromethane-dichlorotetrafluoroethane mixture	Nonf. G	173.306, 173.304, 173.314, 173.315	do	do	do	Do.
δDichlorodifluoromethane-mono-chlorodifluoro-methane mixture	Nonf. G	173.306, 173.304, 173.314	do	do	do	Do.
δDichlorodifluoromethane-trichloromono-fluoro-methane-mono-chlorodifluoro-methane mixture	Nonf. G	173.306, 173.304, 173.314	do	do	do	Do.
δDichlorodifluoromethane-trichlorotrifluoro-methane mixture	Nonf. G	173.306, 173.304, 173.314	do	do	do	Do.
*Dichlorodifluoromethane-mono-fluoro-trichloro-methane mixture	Nonf. G	173.306, 173.314, 173.315	do	do	do	Do.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture)	Nonf. G	173.306, 173.304, 173.314, 173.315	do	do	do	Do.



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Dichloroethylene	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Dichloroisocyanuric acid, dry (containing more than 39% available chlorine)	Oxy. M.	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
Diacetyl peroxide, solid	Oxy. M.	173.153, 173.154	Peroxide	25 pounds	2 pounds	25 pounds.
Diacetyl peroxide, not exceeding 50% solution	Oxy. M.	173.153(b), 173.224	do.	1 quart	1 quart	1 quart.
Diethylamine	F.L.	173.118, 173.119	Red	do.	do.	Do.
Diethyl dichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	10 gallons	Not accepted	10 gallons.
Diethylene glycol dinitrate	Expl. A.	173.51(d)	Orange A.	Not accepted	do.	Not accepted.
Diffluoroethane	F.G.	173.306, 173.304, 173.314, 173.315	Red Gas	300 pounds	do.	300 pounds.
Diffuoromonochloroethane	F.G.	173.306, 173.304, 173.314	do.	do.	do.	Do.
Diffuorophosphoric acid, anhydrous	Cor. L.	No exemption, 173.275	Corrosive Liquid	1 gallon	do.	1 gallon.
*Di iso octyl acid phosphate	Cor. L.	173.244, 173.296	do.	1 quart	1 quart	1 quart.
Diisopropylbenzene hydroperoxide, not exceeding 60% solution	Oxy. M.	173.153(b), 173.224	Peroxide	do.	do.	Do.
Dimethylamine, anhydrous	F.G.	173.306, 173.304, 173.314, 173.315	Red Gas	300 pounds	Not accepted	300 pounds.
Dimethylamine, aqueous solution	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Dimethyldichlorosilane	F.L.	No exemption, 173.135	do.	do.	Not accepted	Do.
Dimethylhexane dihydroperoxide, dry	Oxy. M.	Forbidden				
Dimethylhexane dihydroperoxide, wet	Oxy. M.	No exemption, 173.157	Peroxide	25 pounds	Not accepted	25 pounds.
Dimethylhydrazine, unsymmetrical (UDMH)	F.L.	No exemption, 173.145	Red	5 pints	do.	5 pints.
Dimethyl ether	F.G.	173.306, 173.304, 173.314	Red Gas	300 pounds	do.	300 pounds.
Dimethyl sulfate	Cor. L.	No exemption, 173.255	Corrosive Liquid	1 quart	do.	1 quart.
Dimethyl sulfide	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Dinitrobenzene, solid (dinitrobenzol)	Pois. B.	173.364, 173.371	Poison B.	200 pounds	50 pounds	200 pounds.
Dinitrobenzene, solution	Pois. B.	173.345, 173.346	do.	55 gallons	1 quart	55 gallons.
Dinitrochlorobenzene, solid (dinitrochlorobenzol, chlorodinitrobenzol)	Pois. B.	173.364, 173.365	do.	200 pounds	50 pounds	200 pounds.
Dinitrophenol solutions	Pois. B.	173.345, 173.362a	do.	65 pounds	1 quart	65 pounds.
Diphenyl dichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	10 gallons	Not accepted	10 gallons.
Diphenylaminechloroarsine	Irr.	No exemption, 173.382	Irritant	75 pounds	do.	75 pounds.
Diphenylchloroarsine, solid	Irr.	No exemption, 173.382	do.	20 pounds	do.	20 pounds.
Diphosgene. See Phosgene.						
Dispersant gas		See 173.314(c) Table Note 13, 173.315(a) Table Note 9.				
*Distillate	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Dodecyltrichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	do.	Not accepted	Do.
*Dressing, leather	F.L.	173.118, 173.119	Red	do.	1 quart	Do.
*Driers. See *Paint driers, liquid.						
Drill cartridges		See 173.55				
*Drugs, chemicals, medicines or cosmetics, n.o.s.	F.L.	173.118, 173.119				
*Drugs, chemicals, medicines or cosmetics, n.o.s.	F.S.	173.153, 173.154	Red Stripped	100 pounds	25 pounds	100 pounds.
*Drugs, chemicals, medicines or cosmetics, n.o.s.	Oxy. M.	173.153, 173.154	Yellow	do.	do.	Do.
*Drugs, chemicals, medicines or cosmetics, n.o.s.	Cor. L.	173.244, 173.245	Corrosive Liquid	1 quart	1 quart	1 quart.
*Drugs, chemicals, medicines or cosmetics, n.o.s.	SCM	173.118, 173.119, 173.153, 173.154	Red Bottom	1 quart or 5 pounds	Not accepted	Not accepted.
*Drugs, chemicals, medicines or cosmetics, n.o.s.	WRM	173.118, 173.119, 173.153, 173.154	Blue	100 pounds	25 pounds	100 pounds.
*Drugs, chemicals, medicines or cosmetics, n.o.s.	Oxy. M.	173.153, 173.154	Peroxide	10 pounds	Not accepted	Not accepted.
*Drugs, chemicals, medicines or cosmetics, n.o.s., liquid	Pois. B.	173.345, 173.346	Poison B.	10 gallons	1 quart	55 gallons.
*Drugs, chemicals, medicines or cosmetics, n.o.s., solid	Pois. B.	173.364, 173.365	do.	100 pounds	50 pounds	200 pounds.
Dusts, byproduct, poisonous. See Arsenical dust.						
Dynamite. See High explosives.						
Electric blasting caps. See Blasting caps, electric.						
Electric squibs						
Electric storage batteries, wet. See Batteries, electric storage, wet.						
Electrolyte (acid), battery fluid	Cor. L.	173.244, 173.257	Corrosive liquid	5 gallons	1 quart	5 gallons.
Electrolyte (acid), or alkaline corrosive battery fluid packed with storage batteries	Cor. L.	No exemption, 173.258	do.	2 gallons	Not accepted	5 pints.
Electrolyte (acid), or alkaline corrosive battery fluid packed with battery charger, radio current supply device, or electronic equipment and actuating devices	Cor. L.	No exemption, 173.259	do.	6 quarts	do.	6 quarts.
Empty cartridge bags with black powder igniters	Expl. C.	No exemption, 173.106	Orange C.	150 pounds	50 pounds	150 pounds.
Empty cartridge cases, primed	Expl. C.	No exemption, 173.107	do.	do.	do.	Do.
*Enamel. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Engine starting fluid	F.G.	No exemption, 173.304	Red Gas	60 pounds	Not accepted	60 pounds.
Engines, internal combustion		See 173.20				
*Eradicators, paint or grease, liquid	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Etching acid liquid, n.o.s.	Cor. L.	No exemption, 173.299	Corrosive Liquid	10 pounds	Not accepted	10 pounds.
Ethane	F.G.	173.306, 173.304	Red Gas	300 pounds	do.	300 pounds.
Ether	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Ethyl acetate	F.L.	173.118, 173.119	do.	do.	do.	Do.
Ethyl alcohol. See Alcohol, n.o.s.						
Ethyl aldehyde. See Acetaldehyde.						
Ethyl chloride	F.L.	No exemption, 173.123	do.	300 pounds in cylinders 15 pounds in other containers.	Not accepted	300 pounds.
Ethyl chloroformate (chlorocarbonate)	Cor. L.	No exemption, 173.288	Corrosive Liquid	5 pints	do.	5 pints.
Ethyl dichloroarsine	Pois. A.	No exemption, 173.328	Poison A.	Not accepted	do.	Not accepted.
Ethyl dichlorosilane	F.L.	No exemption, 173.135	Red	10 gallons	do.	10 gallons.
†Ethylene	F.G.	173.306, 173.304	Red Gas	300 pounds	do.	300 pounds.
Ethylene dichloride	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Ethylene imine, inhibited	F.L.	No exemption, 173.139	do.	5 pints	Not accepted	5 pints.



## PROPOSED RULE MAKING

## COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Ethylene oxide	F.L.	No exemption, 173.124	do	300 pounds in cylinders, 15 pounds in other containers.	do	300 pounds.
<i>Ethyl ether. See Ether.</i>						
Ethyl formate	F.L.	173.118, 173.119	do	do	1 quart	10 gallons.
Ethyl mercaptan	F.L.	No exemption, 173.141	do	do	Not accepted	Do.
Ethyl methyl ether	F.L.	173.118, 173.119	do	do	1 quart	Do.
Ethyl methyl ketone	F.L.	173.118, 173.119	do	do	do	Do.
Ethyl nitrate ( <i>nitric ether</i> )	F.L.	173.118, 173.119	do	do	do	Do.
Ethyl nitrite ( <i>nitrous ether</i> )	F.L.	173.118, 173.119	do	do	do	Do.
Ethyl phenyl dichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
Ethyl trichlorosilane	F.L.	No exemption, 173.135	Red	do	do	Do.
Etiologic agents, n.o.s.	Etio.	No exemption, 173.388	Etiologic	1 gallon	do	Do.
Explosive auto alarms	Expl. C	No exemption, 173.111	Orange C	150 pounds	50 pounds	150 pounds.
Explosive bomb	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
Explosive cable cutters	Expl. C	No exemption, 173.102	Orange C	150 pounds	50 pounds	150 pounds.
<i>Explosives, class A</i>	Expl. A	See 173.53	Orange A			
<i>Explosives, class B</i>	Expl. B	See 173.88	Orange B			
<i>Explosives, class C</i>	Expl. C	See 173.100	Orange C			
Explosive mine	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
Explosive power device, class B	Expl. B	No exemption, 173.94	Orange B	150 pounds	do	150 pounds.
Explosive power device, class C	Expl. C	No exemption, 173.102	Orange C	do	50 pounds	Do.
Explosive projectile	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
Explosive release device	Expl. C	No exemption, 173.102	Orange C	150 pounds	50 pounds	150 pounds.
Explosive rivets	Expl. C	No exemption, 173.100(q)	do	do	do	Do.
<i>Explosives, samples for laboratory examination</i>		See 173.86				
Explosive torpedo	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
*Extracts, liquid, flavoring	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
<i>Fabrics with animal or vegetable oil. See Fibers of fabrics with animal or vegetable oil.</i>						
Felt waste, wet. <i>See Waste wool, wet.</i>						
Ferric arsenate, solid	Pois. B	173.364, 173.365	Poison B	do	50 pounds	200 pounds.
Ferric arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Ferrous arsenate ( <i>iron arsenate</i> ), solid	Pois. B	173.364, 173.365	do	do	do	Do.
*Fertilizer ammoniating solution containing free ammonia.	Nonf. G	173.306, 173.304, 173.314	Green	300 pounds	Not accepted	300 pounds.
Fertilizer, tankage. <i>See Garbage, tankage.</i>						
Fiber, burnt	F.S.	No exemption, 173.169	Red Striped	Not accepted	do	Not accepted.
Fibers or fabrics, with animal or vegetable oil	F.S.	No exemption, 173.170	do	do	do	Do.
ϕFilm ( <i>nitrocellulose</i> )	F.S.	No exemption, 173.177, 173.178, 173.180.	do	200 pounds	50 pounds	200 pounds.
ϕFilm ( <i>slow-burning</i> )	F.S.	173.181(a)(1)	do	No limit	No limit	No limit.
Film scrap ( <i>nitrocellulose</i> ), samples	F.S.	No exemption, 173.196	do	25 pounds	do	do
Film scrap ( <i>nitrocellulose</i> ), other than samples	F.S.	No exemption, 173.195	do	Not accepted	Not accepted	Not accepted.
Film scrap ( <i>slow-burning</i> )	F.S.	173.181(a)(2)	do	No limit	No limit	No limit.
ϕFilm, toy ( <i>nitrocellulose</i> )	F.S.	No exemption, 173.179	do	200 pounds	50 pounds	200 pounds.
ϕFilm, toy ( <i>slow-burning</i> )	F.S.	173.181(a)(1)	do	No limit	No limit	No limit.
ϕFilm, toy pieces ( <i>nitrocellulose</i> )	F.S.	173.181(a)(3)	do	Not accepted	Not accepted	Not accepted.
<i>Firecrackers. See Fireworks, common or special.</i>						
<i>Firecracker salutes. See Common fireworks or Special fireworks.</i>						
Fire extinguisher charges	Cor. L	173.261	Corrosive Liquid	1 gallon	1 quart	1 gallon.
<i>Fire extinguisher charges containing not more than 50 grains of propellant explosives per unit.</i>	Expl. B	173.88(f), Note 1	None	No limit	No limit	No limit.
Fire extinguishers	Nonf. G	173.306	Green	300 pounds	150 pounds	300 pounds.
Fireworks, common	Expl. C	No exemption, 173.100(r), 173.108.	Orange C	200 pounds	50 pounds	200 pounds.
<i>Fireworks, exhibition display pieces. See Fireworks, special.</i>						
Fireworks, special	Expl. B	No exemption, 173.88(d), 173.91.	Orange B	do	Not accepted	Do.
Fish meal or fish scrap containing less than 6% or more than 18% moisture.	SCM	No exemption, 173.171	Red Bottom	Not accepted	do	Not accepted.
Fissile radioactive materials	RAM	173.393, 173.396	Radioactive	No limit	No limit	No limit.
*Flame retardant compound, liquid	Cor. L	173.244, 173.291	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Flammable liquids, n.o.s.	F.L.	173.118, 173.119	Red	do	do	Do.
Flammable solids, n.o.s.	F.S.	173.153, 173.154	Red Striped	25 pounds	25 pounds	25 pounds.
<i>Flares. See Fireworks, common.</i>						
<i>Flares, aeroplane. See Fireworks, special.</i>						
<i>Flash cartridges. See Fireworks, special or low explosives.</i>						
<i>Flash crackers. See Fireworks, common or special.</i>						
<i>Flash powder. See Fireworks, special or low explosives.</i>						
<i>Flash sheets. See Fireworks, special or low explosives.</i>						
Flexible linear shaped charges, metal clad	Expl. C	No exemption, 173.104	Orange C	300 pounds	do	200 pounds.
Flue dust, poisonous	Pois. B	173.364, 173.368	Poison B	200 pounds	50 pounds	200 pounds.
Fluorine	F.G.	173.306, 173.302	Red Gas	6 pounds	Not accepted	Not accepted.
Fluosulfonic acid	Cor. L	No exemption, 173.274	Corrosive Liquid	10 pints	do	10 pints.
Formic acid	Cor. L	173.244, 173.245, 173.289	do	5 gallons	1 quart	5 gallons.
Formic acid, solution	Cor. L	173.244, 173.245, 173.289	do	do	do	Do.
Fulminate of mercury, dry	Expl. A	Forbidden				
<i>Fulminate of mercury, wet. See Initiating explosive.</i>						
*Fumigants		See 173.152(a), Note 1				
Fuse igniters	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
Fuse, instantaneous	Expl. C	173.100(m)	do	do	25 pounds	Do.
Fuse lighters	Expl. C	No exemption, 173.106	do	do	50 pounds	Do.
Fuse, mild detonating, metal clad	Expl. C	No exemption, 173.104	do	300 pounds	do	300 pounds.
Fuse, safety	Expl. C	173.100(o)	do	25 pounds	25 pounds	25 pounds.
Fusees	Expl. C	No exemption, 173.108	do	150 pounds	50 pounds	150 pounds.
Fuses, combination	Expl. C	No exemption, 173.105	do	do	do	Do.
Fuses, detonating, class A explosives	Expl. A	No exemption, 173.69	Orange A	Not accepted	Not accepted	Not accepted.
Fuses, detonating, class A explosives, radioactive	Expl. A	No exemption, 173.69	do	do	do	Do.
Fuses, detonating, class C explosives	Expl. C	No exemption, 173.113	Orange C	150 pounds	50 pounds	150 pounds.
Fuses, percussion, nondetonating	Expl. C	No exemption, 173.105	do	do	do	Do.
Fuses, time, nondetonating	Expl. C	No exemption, 173.105	do	do	do	Do.
Fuses, tracer, nondetonating	Expl. C	No exemption, 173.105	do	do	do	Do.



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Garbage tankage containing less than 8% of moisture.	SCM	No exemption, 173.209	Red Bottom	Not accepted	Not accepted	Not accepted
Gas cylinders, empty		See 173.29				
*Gas drips, hydrocarbon	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons
Gas identification sets	Pois. A or Irr	No exemption, 173.331	Poison A or Irritant	See 173.331		
Gas mine. See Explosive mine.						
Gasoline (including casing head and natural).						
Gelatine dynamite. See High explosives.						
Grenades, empty, primed	Expl. C	No exemption, 173.107	Orange C	150 pounds	50 pounds	150 pounds
Grenades, hand or rifle, explosive (with or without gas, smoke or incendiary material).	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted
Grenades, without bursting charges:						
With incendiary material	Expl. B	See 173.91	Orange B	50 pounds	do	50 pounds
With smoke charges	Expl. C	See 173.108	Orange C	200 pounds	do	200 pounds
With poison gas charges	Pois. A	See 173.330	Poison Gas	Not accepted	do	Not accepted
With toxic gas charges	Pois. B	See 173.350	Poison B	20 pounds	do	20 pounds
Grenades, police	Pois. A	No exemption, 173.335	Poison Gas	Not accepted	do	Not accepted
Grenades, tear gas	Irr	No exemption, 173.385	Irritant	75 pounds	do	75 pounds
Guanidine nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds
Guanyl nitrosamino guanylidene hydrazine. See Initiating explosive.						
Guanyl nitrosamino guanyl tetrazene. See Initiating explosive.						
Guided missiles, with warheads. See Rocket ammunition with explosive, illuminating, gas, incendiary, or smoke projectile.						
Guided missiles, without warheads. See Rocket motors, class A explosives or rocket motors, class B explosives.						
Gun cotton. See High explosives.						
Hafnium metal, dry, mechanically produced, finer than 270 mesh particle size.	F.S.	No exemption, 173.214	Red Striped	75 pounds	Not accepted	75 pounds
Hafnium metal, dry, chemically produced, finer than 20 mesh particle size.	SCM	No exemption, 173.214	Red Bottom	do	do	Do.
Hafnium metal, wet, mechanically produced, finer than 270 mesh particle size.	F.S.	No exemption, 173.214	Red Striped	150 pounds	do	150 pounds
Hafnium metal, wet, chemically produced, finer than 20 mesh particle size.	F.S.	No exemption, 173.214	do	do	do	Do.
Hair, wet	SCM	No exemption, 173.172	Red Bottom	Not accepted	do	Not accepted
Hand signal devices	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds
Heaters for refrigerator cars, liquid fuel type	F.L.	173.146	Red	No limit	No limit	No limit
Helium	Nonf. G	173.306, 173.302, 173.314	Green	300 pounds	150 pounds	300 pounds
Helium-oxygen mixture	Nonf. G	173.306, 173.302	do	do	do	Do.
Heptane	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons
Hexadecyltrichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
Hexaethyl tetraphosphate and compressed gas mixture	Pois. A	No exemption, 173.334	Poison Gas	No accepted	do	Not accepted
Hexaethyl tetraphosphate, liquid	Pois. B	No exemption, 173.358	Poison B	1 quart	do	1 quart
Hexaethyl tetraphosphate mixture, dry	Pois. B	173.377	do	200 pounds	50 pounds	200 pounds
Hexaethyl tetraphosphate mixture, liquid	Pois. B	173.359	do	1 quart	Not accepted	1 quart
Hexafluorophosphoric acid	Cor. L	No exemption, 173.275	Corrosive Liquid	1 gallon	do	1 gallon
Hexafluoropropylene	Nonf. G	173.306, 173.304, 173.314, 173.315	Green	300 pounds	150 pounds	300 pounds
Hexamethylene diamine solution	Cor. L	173.244, 173.249, 173.292	Corrosive Liquid	10 gallons	1 quart	10 gallons
Hexane	F.L.	173.118, 173.119	Red	do	do	Do.
Hexyl trichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
High explosives	Expl. A	No exemption, 173.61 to 173.87 inclusive.	Orange A	See 173.86	do	Not accepted
High explosives, liquid	Expl. A	No exemption, 173.62	do	Not accepted	do	Do.
High wines. See Alcohol, n.o.s.						
Hydraulic accumulators. See Accumulator, pressurized.						
Hydrazine, anhydrous	Cor. L	No exemption, 173.276	Corrosive Liquid	5 pints	do	5 pints
Hydrazine solution containing 60% or less of water	Cor. L	No exemption, 173.276	do	do	do	Do.
Hydroiodic acid	Cor. L	173.244, 173.245	do	1 gallon	1 quart	1 gallon
Hydrobromic acid, solution	Cor. L	173.244, 173.262	do	do	do	Do.
Hydrobromic acid, anhydrous. See Hydrogen bromide.						
Hydrocarbon gas, liquefied	F.G	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds
Hydrocarbon gas, nonliquefied	F.G	173.306, 173.302	do	do	do	Do.
Hydrochloric (muriatic) acid	Cor. L	173.244, 173.263	Corrosive Liquid	10 pints	1 quart	10 pints
Hydrochloric acid, anhydrous. See Hydrogen chloride.						
Hydrochloric acid mixtures	Cor. L	173.244, 173.263	do	do	do	Do.
Hydrochloric acid solution, inhibited	Cor. L	173.244, 173.263	do	do	do	Do.
Hydrocyanic acid, liquefied	Pois. A and F.L.	No exemption, 173.332	Poison A and Red	Not accepted	Not accepted	Not accepted
Hydrocyanic acid (prussic), liquid	Pois. A and F.L.	No exemption, 173.332	do	do	do	Do.
Hydrocyanic acid (prussic), unstabilized	Pois. A	Forbidden				
Hydrocyanic acid solution not more than 5%	Pois. B	No exemption, 173.351	Poison B	25 pounds	Not accepted	25 pounds
Hydrofluoric acid solution	Cor. L	173.244, 173.264(a)	Corrosive Liquid	10 pints	1 quart	10 pints
Hydrofluoric acid, anhydrous. See Hydrogen fluoride.						
Hydrofluoric and sulfuric acids, mixtures	Cor. L	No exemption, 173.290	do	do	Not accepted	Do.
Hydrofluosilicic acid	Cor. L	173.244, 173.265	do	do	1 quart	Do.
Hydrogen	F.G	173.306, 173.302, 173.314	Red Gas	300 pounds	Not accepted	300 pounds
Hydrogen bromide	Nonf. G	173.306, 173.304	Green	do	do	Do.
Hydrogen chloride	Nonf. G	173.306, 173.304	do	do	do	Do.
Hydrogen fluoride	Cor. L	No exemption, 173.264(b)	Corrosive Liquid	110 pounds	do	110 pounds
Hydrogen, liquefied	F.G	No exemption, 173.318	Red Gas	Not accepted	do	Not accepted
Hydrogen peroxide (hydrogen dioxide) solution in water containing over 8% hydrogen peroxide by weight.	Cor. L	173.244, 173.266	Corrosive Liquid	1 gallon	1 quart	1 gallon
Hydrogen sulfide	F.G	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds
Hypochlorite solutions containing more than 7% available chlorine by weight.	Cor. L	173.277	Corrosive Liquid	4 gallons	1 quart	4 gallons
Igniter cord	Expl. C	No exemption, 173.100(s)	Orange C	150 pounds	50 pounds	150 pounds
Igniter fuse-metal clad	Expl. C	No exemption, 173.106	do	do	do	Do.
Igniters	Expl. C	No exemption, 173.106	do	do	do	Do.



## COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Igniters, jet thrust ( <i>jato</i> ), class A explosives	Expl. A	No exemption, 173.79	Orange A	Not accepted	Not accepted	Not accepted.
Igniters, jet thrust ( <i>jato</i> ), class B explosives	Expl. B	No exemption, 173.92	Orange B	550 pounds	do	550 pounds.
Igniters, rocket motor, class A explosives	Expl. A	No exemption, 173.79	Orange A	do	do	Not accepted.
Igniters, rocket motor, class B explosives	Expl. B	No exemption, 173.92	Orange B	do	do	550 pounds.
<i>Illuminating projectiles. See Fireworks, special.</i>						
Initiating explosive	Expl. A	No exemption, 173.70 to 173.78 inclusive.	Orange A	Not accepted	do	Not accepted.
<i>Diazodinitrophenol.</i>		No exemption, 173.70				
<i>Fulminate of mercury.</i>		No exemption, 173.71				
<i>Guanyl nitrosamino guanylidene hydrazine.</i>		No exemption, 173.72				
<i>Lead azide, dextrinated type only.</i>		No exemption, 173.73				
<i>Lead mononitroresorcinate.</i>		No exemption, 173.70				
<i>Lead styphnate (lead trinitroresorcinate).</i>		No exemption, 173.74				
<i>Nitro mannite.</i>		No exemption, 173.75				
<i>Nitrosoguanidine.</i>		No exemption, 173.76				
<i>Pentaerythrite tetranitrate.</i>		No exemption, 173.77				
<i>Tetrazene (guanyl nitrosamino guanyl tetrazene)</i>		No exemption, 173.78				
*Ink	F.L.	173.118, 173.144	Red	10 gallons	1 quart	10 gallons.
*Insecticide, dry, n.o.s.	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
*Insecticide, liquid, n.o.s.	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Insecticide, liquefied gas, containing no poison (class A or B) material.	Nonf. G	173.306, 173.304	Green	300 pounds	150 pounds	300 pounds.
Insecticide, liquefied gas, containing poison (class A or B) material.	Pois. A	173.329, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted.
*Insecticide, liquid (vermin exterminator)	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Iodine monochloride	Cor. L	No exemption, 173.293	Corrosive Liquid	1 quart	Not accepted	1 quart.
Iron mass or sponge, spent	SCM	No exemption, 173.174	Red Bottom	Not accepted	do	Not accepted.
Iron mass or sponge, not properly oxidized	SCM	No exemption, 173.174	do	do	do	Do.
Irritating agents, n.o.s.	Irr	No exemption, 173.382	Irritant	75 pounds		
<i>Isobutane. See Liquefied petroleum gas.</i>						
<i>Isobutylene. See Liquefied petroleum gas.</i>						
Isocetane	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Isocetene	F.L.	173.118, 173.119	do	do	do	Do.
Isopentane	F.L.	173.118, 173.119	do	do	do	Do.
Isoprene	F.L.	173.118, 173.119	do	do	do	Do.
*Isopropanol	F.L.	173.118, 173.119	do	do	do	Do.
Isopropyl acetate	F.L.	173.118, 173.119	do	do	do	Do.
Isopropyl mercaptan	F.L.	No exemption, 173.141	do	do	No accepted	Do.
Isopropyl percarbonate, stabilized	Cor. L	No exemption, 173.282	Corrosive Liquid	Not accepted	do	Not accepted.
Isopropyl percarbonate, unstabilized	F.S.	No exemption, 173.218	Red Striped	do	do	Do.
<i>Jet thrust igniters. See Igniters, jet thrust.</i>						
Jet thrust unit ( <i>jato</i> ) class A explosives	Expl. A	No exemption, 173.79	Orange A	do	do	Do.
Jet thrust unit ( <i>jato</i> ), class B explosives	Expl. B	No exemption, 173.92	Orange B	550 pounds	do	550 pounds.
* <i>Lacquer. See Paint, enamel, lacquer, stain, shellac, varnish, etc.</i>						
* <i>Lacquer base, liquid. See Paint, enamel, lacquer, stain, shellac, varnish, etc.</i>						
*Lacquer base or lacquer chips, dry	F.S.	173.153, 173.175	Red striped	100 pounds	25 pounds	100 pounds.
*Lacquer base or lacquer chips, plastic (wet with alcohol or solvent).	F.L.	173.115, 173.127	Red	25 pounds	1 quart	25 pounds.
*Lacquer removing, reducing and thinning compounds. See Compounds, lacquer, paint, or varnish removing, reducing, or thinning liquids.						
Lauroyl peroxide	Oxy. M	173.153 (b)	Peroxide	do	2 pounds	Do.
		173.157, 173.158				
Lead arsenate, solid	Pois. B	173.364, 173.367	Poison B	200 pounds	50 pounds	200 pounds.
Lead arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
<i>Lead azide. See Initiating explosive.</i>						
Lead cyanide	Pois. B	173.370	do	do	25 pounds	No limit.
<i>Lead mononitroresorcinate. See Initiating explosive.</i>						
Lead nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	do	100 pounds.
<i>Lead styphnate (lead trinitroresorcinate). See Initiating explosive.</i>						
*Leather bleach	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Leather dressing	F.L.	173.118, 173.119	do	do	do	Do.
Lewisite	Pois. A	No exemption, 173.328	Poison A	Not accepted	Not accepted	Not accepted.
Lighter fluid	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Liquefied hydrocarbon gas	F.G.	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
Liquefied nonflammable gases charged with nitrogen, carbon dioxide or air.	Nonf. G	173.306, 173.304	Green	do	30 pounds	30 pounds.
☐Liquefied petroleum gas	F.G.	173.306, 173.304, 173.314, 173.315	Red Gas	do	Not accepted	300 pounds.
<i>Liquids other than those classified as flammable, corrosive, or poisonous charged with nitrogen, carbon dioxide or air. See Compressed gases, n.o.s.</i>						
Lithium aluminum hydride	WRM	No exemption, 173.206	Blue	25 pounds	do	25 pounds.
Lithium aluminum hydride, ethereal	F.L.	No exemption, 173.137	Red	1 quart	do	1 quart.
Lithium amide, powdered	WRM	173.153, 173.168	Blue	100 pounds	25 pounds	100 pounds.
Lithium ferro silicon	WRM	No exemption, 173.206	do	25 pounds	Not accepted	25 pounds.
Lithium hydride	WRM	No exemption, 173.206	do	do	do	Do.
Lithium hydride in solid forms	WRM	No exemption, 173.206	do	100 pounds	do	100 pounds.
Lithium hypochlorite compounds, dry (containing more than 39% available chlorine).	Oxy. M	173.153, 173.217	Yellow	do	50 pounds	Do.
Lithium metal	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Lithium metal, in cartridges	WRM	See 173.206	do	do	1 pound	Do.
Lithium peroxide	Oxy. M	173.153(a), 173.154	Yellow	100 pounds	25 pounds	100 pounds.
Lithium silicon	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
London purple, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Low explosives	Expl. A	No exemption, 173.60	Orange A	Not accepted	Not accepted	Not accepted.
<i>Low blasting explosives. See Low explosives.</i>						
Magnesium arsenate, solid	Pois. B	173.364, 173.367	Poison B	200 pounds	50 pounds	200 pounds.
Magnesium dross, wet or hot	SCM	Forbidden, 173.173				
*Magnesium, metallic (powdered, pellets, turnings or ribbon)	WRM	173.153, 173.220	Blue	100 pounds	25 pounds	100 pounds.
Magnesium nitrate	Oxy. M	173.153, 173.182	Yellow	do	do	Do.
Magnesium perchlorate	Oxy. M	173.153, 173.154	do	do	do	Do.
Magnesium peroxide, solid	Oxy. M	173.153, 173.154	do	do	do	Do.
Magnesium scrap (borings, clippings, shavings, sheets, turnings or scalplings)	WRM	173.153, 173.220	Blue	do	Not accepted	Not accepted.
<i>Matches, block. See Matches, strike anywhere.</i>						



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Matches, book, card, or strike-on-box	F.S.	173.176(g)	Red Striped	No limit	50 pounds	50 pounds.
Matches, strike-anywhere	F.S.	No exemption, 173.176	do	60 pounds	Not accepted	Not accepted.
*Medicines, n.o.s. See *Drugs, chemicals, medicines, or cosmetics, n.o.s.						
Mentetrahydro phthalic anhydride	Cor. L.	No exemption, 173.298	Corrosive Liquid	1 quart	do	1 quart.
*Mercaptan mixtures, aliphatic	F.L.	No exemption, 173.141	Red	10 gallons	do	10 gallons.
*Mercurial liquid, n.o.s.	Pois. B.	173.364, 173.365	Poison B	55 gallons	1 quart	55 gallons.
Mercuric acetate	Pois. B.	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Mercuric-ammonium chloride, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric benzoate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric bromide, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric chloride	Pois. B.	173.364, 173.372, 173.370	do	do	do	Do.
Mercuric cyanide, solid	Pois. B.	173.370	do	do	do	Do.
Mercuric iodide, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric iodide solution	Pois. B.	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Mercuric oleate, solid	Pois. B.	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Mercuric oxide, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric oxycyanide, solid	Pois. B.	173.364, 173.365	do	do	25 pounds	Do.
Mercuric-potassium cyanide, solid	Pois. B.	173.364, 173.365, 173.370	do	do	do	Do.
Mercuric-potassium iodide, solid	Pois. B.	173.364, 173.365	do	do	50 pounds	Do.
Mercuric salicylate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric subsulfate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric sulfate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercuric sulfo cyanate, solid (mercuric thiocyanate)	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurof (mercury nucleate), solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurous acetate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurous bromide, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurous gluconate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurous iodide, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurous nitrate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurous oxide, black, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercurous sulfate, solid	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercury compounds, n.o.s. (solid)	Pois. B.	173.364, 173.365	do	do	do	Do.
Mercury fulminate. See Initiating explosive.						
Methanol. See Methyl alcohol.						
Methane	F.G.	173.306, 173.304	Red Gas	300 pounds	Not accepted	300 pounds.
Methyl acetate	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Methyl acetone	F.L.	173.118, 173.119	do	do	do	Do.
Methylacetylene-15% to 20% propadiene, mixture	F.G.	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
Methyl alcohol (methanol)	F.L.	173.118, 173.125	Red	10 gallons	1 quart	10 gallons.
Methyl bromide and chloroform mixture, liquid	Pois. B.	No exemption, 173.353	Poison B	55 gallons	Not accepted	55 gallons.
Methyl bromide and ethylene dibromide mixture, liquid	Pois. B.	No exemption, 173.353	do	do	do	Do.
Methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid	Pois. B.	No exemption, 173.353	do	300 pounds	do	300 pounds.
Methyl bromide, liquid (bromomethane)	Pois. B.	No exemption, 173.353	do	55 gallons	do	55 gallons.
†Methyl chloride	F.G.	173.306, 173.304, 173.314, 173.315	Red Gas	300 pounds	do	300 pounds.
Methyl chloride-methylene chloride mixture	F.G.	173.306, 173.304, 173.314	do	do	do	Do.
Methyl chloroformate	Cor. L.	No exemption, 173.288	Corrosive Liquid	5 pints	do	5 pints.
Methylchloromethyl ether, anhydrous	F.L.	No exemption, 173.143	Red	Not accepted	do	Not accepted.
Methyldichloroarsine	Pois. A.	No exemption, 173.328	Poison A	do	do	Do.
Methyl dichlorosilane	F.L.	No exemption, 173.136	Red	10 gallons	do	10 gallons.
Methyl ethyl ketone	F.L.	173.118, 173.119	do	do	1 quart	Do.
Methyl formate	F.L.	173.118, 173.119	do	do	do	Do.
Methyl hydrate. See Alcohol, n.o.s.						
Methylhydrazine	F.L.	No exemption, 173.145	do	5 pints	Not accepted	5 pints.
Methyl isopropyl ketone, inhibited	F.L.	173.118, 173.119	do	10 gallons	1 quart	10 gallons.
Methyl magnesium bromide in ethyl ether in concentrations not over 40%	F.L.	No exemption, 173.149	do	6 quarts	Not accepted	2 ounces.
Methyl mercaptan	F.G.	173.306, 173.304, 173.314, 173.315	Red Gas	300 pounds	do	300 pounds.
Methyl methacrylate monomer	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Methyl parathion, liquid	Pois. B.	No exemption, 173.358	Poison B	1 quart	Not accepted	1 quart.
Methyl parathion mixture, dry	Pois. B.	173.377	do	200 pounds	do	200 pounds.
Methyl parathion mixture, liquid	Pois. B.	173.359	do	1 quart	do	1 quart.
Methyl pentane	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Methyltrichlorosilane	F.L.	No exemption, 173.135	do	do	do	Do.
Methyl vinyl ketone, inhibited	F.L.	173.147	do	do	4 ounces	Do.
Mild detonating fuse, metal clad. See Fuse.						
Mine rescue equipment	Nonf. G.	173.306(a)(2), 176.703(d)	Green	300 pounds	150 pounds	300 pounds.
Mines, empty		See 173.55				
Mines, explosive, with gas material. See Explosive mine.						
Mixed acid. See Nitrating (mixed) acid.						
Mixtures of hydrofluoric and sulfuric acid. See Hydrofluoric and sulfuric acids, mixtures.						
Monobromotrifluoromethane	Nonf. G.	173.306, 173.304, 173.314	do	do	do	Do.
Monochloroacetic acid, solution	Cor. L.	173.244, 173.294	Corrosive Liquid	1 quart	1 quart	1 quart.
Monochloroacetone, stabilized	Irr.	No exemption, 173.384	Irritant	5 gallons	Not accepted	5 gallons.
Monochloroacetone, unstabilized	Irr.	Not accepted	do	do	do	Not accepted.
Monochlorodifluoromethane	Nonf. G.	173.306, 173.304, 173.314, 173.315	Green	300 pounds	150 pounds	300 pounds.
Monochloroethylene. See Vinyl chloride.						
Monochloropentafluoroethane	Nonf. G.	173.306, 173.304	do	do	do	Do.
Monochlorotetrafluoroethane	Nonf. G.	173.306, 173.304, 173.314	do	do	do	Do.
Monochlorotrifluoromethane	Nonf. G.	173.306, 173.304	do	do	do	Do.
Monomethylamine	F.L.	173.118, 173.148	Red	10 gallons	1 quart	10 gallons.
Monofluorophosphoric acid, anhydrous	Cor. L.	No exemption, 173.275	Corrosive liquid	1 gallon	Not accepted	1 gallon.
Monomethylamine, anhydrous	F.G.	173.306, 173.304, 173.314, 173.315	Red Gas	300 pounds	do	300 pounds.
Monomethylamine, aqueous solution	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Mortar stain, liquid	F.L.	173.118, 173.128	do	55 gallons	do	55 gallons.
Motion picture film. See Film.						
Motorcycles		173.120				
Motor fuel antiknock compound	Pois. B.	No exemption, 173.354	Poison B.	do	Not accepted	Do.
*Motor fuel, n.o.s.	F.L.	173.118, 173.119, 173.120	Red	10 gallons	1 quart	10 gallons.
Motors, internal combustion						
Muriatic acid. See Hydrochloric acid.						
Mustard gas (dichlorodithyl sulfide)	Pois. A.	No exemption, 173.328	Poison A	Not accepted	Not accepted	Not accepted.



## PROPOSED RULE MAKING

## COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
*Naphtha	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Naphtha, distillate	F.L.	173.118, 173.119	do	do	do	Do.
*Naphtha, petroleum. See *Petroleum naphtha.						
*Naphtha, solvent	F.L.	173.118, 173.119	do	do	do	Do.
Natural gasoline. See Gasoline.						
Neohexane	F.L.	173.118, 173.119	do	do	do	Do.
Neon gas	Nonf. G.	173.306, 173.302	Green	300 pounds	150 pounds	300 pounds.
New explosives or explosive devices		See 173.51(q), 173.86				
Nickel carbonyl	F.L.	No exemption, 173.126	Red	Not accepted	Not accepted	Not accepted.
*Nickel catalyst, finely divided, activated or spent	SCM	No exemption, 173.233	Red Bottom	100 pounds	do	Do.
Nickel cyanide, solid	Pois. B.	173.370	Poison B.	200 pounds	25 pounds	200 pounds.
Nicotine hydrochloride	Pois. B.	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Nicotine, liquid	Pois. B.	173.345, 173.346	do	do	do	Do.
Nicotine salicylate	Pois. B.	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Nicotine sulfate, liquid	Pois. B.	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Nicotine sulfate, solid	Pois. B.	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Nicotine tartrate	Pois. B.	173.364, 173.365	do	do	do	Do.
Nitrate of ammonia explosive. See High explosives.						
Nitrates, n.o.s.	Oxy. M.	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Nitrating (mixed) acid	Cor. L.	No exemption, 173.267	Corrosive Liquid	2½ pints	Not accepted	1 quart.
Nitrating (mixed) acid, spent	Cor. L.	No exemption, 173.248	do	1 quart	do	Do.
Nitric acid	Cor. L.	No exemption, 173.268	do	5 pints	do	5 pints.
Nitric ether. See Ethyl nitrate.						
Nitric oxide	Pois. A	No exemption, 173.337	Poison Gas	Not accepted	do	Not accepted.
Nitrobenzol, liquid (oil of mirbane, nitrobenzene)	Pois. B.	173.345, 173.346	Poison B.	55 gallons	1 quart	55 gallons.
Nitro carbo nitrate	Oxy. M.	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Nitrocellulose, colloided, granular or flake, wet with not less than 20% alcohol or solvent; or block—wet with not less than 25% alcohol.	F.L.	173.118, 173.127	Red	25 pounds	do	25 pounds.
Nitrocellulose, colloided, granular or flake, wet with not less than 20% water.	F.S.	173.153, 173.184	Red Striped	100 pounds	do	100 pounds.
Nitrocellulose, dry. See High explosives.						
Nitrocellulose, wet with not less than 20% water	F.S.	173.153, 173.184	do	do	do	Do.
Nitrocellulose, wet with not less than 30% alcohol or solvent.	F.L.	173.118, 173.127	Red	25 pounds	1 quart	25 pounds.
Nitrocellulose flakes, wet with not less than 20% alcohol or solvent.	F.L.	173.118, 173.127	do	do	do	Do.
Nitrochlorobenzene, ortho, liquid	Pois. B.	173.345, 173.346	Poison B.	55 gallons	do	55 gallons.
Nitrochlorobenzene, meta or para solid	Pois. B.	173.364, 173.374	do	200 pounds	50 pounds	200 pounds.
Nitrogen	Nonf. G.	173.306, 173.302, 173.314	Green	300 pounds	150 pounds	300 pounds.
Nitrogen dioxide, liquid	Pois. A and Oxy. M.	No exemption, 173.336	Poison A and Yellow.	Not accepted	Not accepted	Not accepted.
Nitrogen fertilizer solution	Nonf. G.	173.306, 173.304, 173.314	Green	300 pounds	150 pounds	300 pounds.
Nitrogen, liquefied	Nonf. G.	No exemption, 173.304	do	do	do	Do.
Nitrogen peroxide, liquid	Pois. A and Oxy. M.	No exemption, 173.336	Poison A and Yellow.	Not accepted	Not accepted	Not accepted.
Nitrogen tetroxide, liquid	Pois. A and Oxy. M.	No exemption, 173.336	do	do	do	Do.
Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2% weight nitric oxide.	Pois. A and Oxy. M.	No exemption, 173.338	do	do	do	Do.
Nitroglycerin, liquid, undensitized.	Expl. A	173.51(d)				
Nitroglycerin liquid, desensitized. See High explosive, liquid.						
Nitroglycerin, spirits of. See Spirits of nitroglycerin.						
Nitrohydrochloric acid	Cor. L.	No exemption, 173.278	Corrosive Liquid	5 pints	Not accepted	5 pints.
Nitrohydrochloric acid, diluted	Cor. L.	No exemption, 173.278	do	do	do	Do.
Nitro mannite. See Initiating explosive.						
Nitroguanidine, dry. See High explosives.						
Nitroguanidine, wet with not less than 20% water	F.S.	173.153, 173.184	Red Striped	100 pounds	25 pounds	100 pounds.
Nitroguanidine. See Initiating explosive.						
Nitrostarch, dry. See High explosives.						
Nitrostarch, wet with not less than 30% alcohol or solvent.	F.L.	173.118, 173.127	Red	25 pounds	1 quart	25 pounds.
Nitrostarch, wet with not less than 20% water	F.S.	173.153, 173.184	Red Striped	100 pounds	25 pounds	100 pounds.
Nitrosyl chloride	Nonf. G.	173.306, 173.304, 173.314	Green	300 pounds	Not accepted	300 pounds.
Nitrourea. See High explosives.						
*Nitrous oxide	Nonf. G.	173.306, 173.304, 173.315	do	do	150 pounds	Do.
Nitroxylol	Pois. B.	173.345, 173.346	Poison B.	55 gallons	1 quart	55 gallons.
Nonliquefied gases. See Compressed gases, n.o.s.						
Nonliquefied hydrocarbon gas	F.G.	173.306, 173.302	Red Gas	300 pounds	Not accepted	300 pounds.
Nonyl trichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	10 gallons	do	10 gallons.
Octadecyltrichlorosilane	Cor. L.	No exemption, 173.280	do	do	do	Do.
Octyl trichlorosilane	Cor. L.	No exemption, 173.280	do	do	do	Do.
*Oil, described as oil, oil, n.o.s., petroleum oil, or petroleum oil, n.o.s.	F.L.	173.118, 173.119	Red	do	1 quart	Do.
Oil of mirbane. See Nitrobenzl, liquid.						
Oil of nitrol. See Sulfuric acid.						
Oil well cartridges	Expl. C.	No exemption, 173.112	Orange C	150 pounds	50 pounds	150 pounds.
Oleum (sulfuric acid, fuming)	Cor. L.	173.244, 173.272	Corrosive Liquid	10 pints	Not accepted	5 pints.
Organic peroxides, liquid, n.o.s.	Oxy. M.	No exemption, 173.119(m), 173.221	Peroxide	5 pints	do	Not accepted.
Organic peroxides, solid n.o.s.	Oxy. M.	No exemption, 173.154, 173.158	do	25 pounds	2 pounds	25 pounds.
*Organic phosphate compound, liquid, n.o.s.	Pois. B.	No exemption, 173.358	Poison B.	1 quart	Not accepted	1 quart.
Organic phosphate compound, mixtures, dry, n.o.s.	Pois. B.	173.377	do	200 pounds	50 pounds	200 pounds.
*Organic phosphate compound, mixtures, liquid, n.o.s.	Pois. B.	173.359	do	1 quart	Not accepted	1 quart.
*Organic phosphates, n.o.s. mixed with compressed gas.	Pois. A	No exemption, 173.334	Poison Gas	Not accepted	do	Not accepted
Ortho-nitroaniline	Pois. B.	173.364, 173.373	Poison B.	200 pounds	50 pounds	200 pounds.
Oxide, spent	SCM	No exemption, 173.174	Red Bottom	Not accepted	Not accepted	Not accepted.
Oxidizing material, n.o.s.	Oxy. M.	173.153, 173.154	Yellow	25 pounds	25 pounds	25 pounds.
Oxidizing materials with other articles—fumigants		173.152(a), Note 1				
*Oxygen	Nonf. G.	173.306, 173.302, 173.314	Green	300 pounds	150 pounds	300 pounds.
Oxygen, liquefied	Nonf. G.	No exemption, 173.304	do	do	Not accepted	Do.



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
				*Paint driers, liquid.....	F.L.	173.118, 173.128
*Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood, filler, liquid, and lacquer base liquid.....	F.L.	173.118, 173.128	do.	do.	do.	Do.
*Paint, reducing or thinning compounds. See *Compounds, lacquer, paint or varnish, reducing or thinning liquid, etc.						
Paper caps. See Toy caps.....						
Paper stock, wet.....	SCM	No exemption, 173.185	Red Bottom	Not accepted	Not accepted	Not accepted.
Paper waste, wet. See Waste paper, wet.						
Para chlorobenzoyl peroxide. See Chlorobenzoyl peroxide (para).						
Paramenthane hydroperoxide.....	Oxy. M.	173.153(b), 173.224	Peroxide	1 quart	do.	Do.
Paranitraniline (paranitroaniline) solid.....	Pois. B.	173.364, 173.373	Poison B.	200 pounds	50 pounds	200 pounds.
Parathion and compressed gas mixture.....	Pois. A.	No exemption, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted.
Parathion, liquid.....	Pois. B.	No exemption, 173.358	Poison B.	1 quart	do.	1 quart.
Parathion mixture, dry, containing more than 2% parathion.....	Pois. B.	173.377	do.	200 pounds	do.	200 pounds.
Parathion mixture, dry containing not more than 2% parathion.....	Pois. B.	173.377	do.	do.	50 pounds	Do.
Parathion mixture, liquid, containing more than 25% parathion.....	Pois. B.	173.377	do.	1 quart	Not accepted	1 quart.
Parathion mixture, liquid, containing not more than 25% parathion.....	Pois. B.	173.359	do.	do.	1 quart	Do.
Paris green, solid.....	Pois. B.	173.364, 173.367	do.	200 pounds	50 pounds	200 pounds.
Pentaborane.....	SCM	No exemption, 173.138	Red Bottom	Not accepted	Not accepted	Not accepted.
Pentane.....	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Pentaerythrite tetranitrate. See Initiating explosive.						
Pentolite, dry. See High explosive.						
Peracetic acid.....	Oxy. M.	173.223	Peroxide	5 pints	do.	5 pints.
Perchlorates, n.o.s.....	Oxy. M.	173.153, 173.154	Yellow	100 pounds	25 pounds	100 pounds.
Perchloric acid, in excess of 72%.....	Oxy. M.	Forbidden				
Perchloric acid, not in excess of 72%.....	Cor. L.	173.244, 173.269	Corrosive Liquid	5 pints	Not accepted	5 pints.
Perchloro-methyl-mercaptan.....	Pois. B.	173.345, 173.360	Poison B.	10 pounds	do.	10 pounds.
Perussion caps.....	Expl. C.	No exemption, 173.107	Orange C	150 pounds	50 pounds	150 pounds.
Perussion fuses.....	Expl. C.	No exemption, 173.105	do.	do.	do.	Do.
Permanganate of potash. See Potassium permanganate.						
Permanganates, n.o.s.....	Oxy. M.	173.153, 173.154	Yellow	100 pounds	25 pounds	100 pounds.
Peroxide, organic. See Organic peroxides.						
Peroxide, organic, solution, liquid, n.o.s.....	Oxy. M.	173.153, 173.221	Peroxide	1 quart	1 quart	1 quart.
Petroleum, crude. See Crude oil.						
*Petroleum distillate.....	F.L.	173.118, 173.119	Red	10 gallons	do.	10 gallons.
Petroleum ether.....	F.L.	173.118, 173.119	do.	do.	do.	Do.
Petroleum gas, liquefied. See Liquefied petroleum gas.						
*Petroleum naphtha.....	F.L.	173.118, 173.119	do.	do.	do.	Do.
Phenol. See Carbolic acid.						
Phenylcarbylamine chloride.....	Pois. A.	No exemption, 173.328	Poison A.	Not accepted	Not accepted	Not accepted
Phenyldichloroarsine, liquid.....	Pois. B.	No exemption, 173.355	Poison B.	30 gallons	do.	30 gallons.*
Phenyl trichlorostilane.....	Cor. L.	No exemption, 173.280	Corrosive Liquid	10 gallons	do.	10 gallons.
Phosgene (diphosgene).....	Pois. A.	No exemption, 173.333	Poison Gas	Not accepted	do.	Not accepted
Phosphoric anhydride (phosphorus pentoxide).....	WRM	No exemption, 173.188	Blue	100 pounds	do.	100 pounds.
Phosphorus, amorphous, red.....	F.S.	No exemption, 173.189	Red Striped	11 pounds	do.	11 pounds.
Phosphorus oxybromide.....	Cor. L.	No exemption, 173.271	Corrosive Liquid	1 quart	do.	1 quart.
Phosphorus oxychloride.....	Cor. L.	No exemption, 173.271	do.	do.	do.	Do.
Phosphorus pentachloride.....	WRM	No exemption, 173.191	Blue	5 pounds	do.	5 pounds.
Phosphorus sesquisulfide.....	F.S.	No exemption, 173.225	Red Striped	11 pounds	do.	11 pounds.
Phosphorus tribromide.....	Cor. L.	No exemption, 173.270	Corrosive Liquid	1 quart	do.	1 quart.
Phosphorus trichloride.....	Cor. L.	No exemption, 173.271	do.	do.	do.	Not accepted.
Phosphorus, white or yellow, dry.....	SCM	No exemption, 173.190	Red Bottom	Not accepted	do.	Do.
Phosphorus, white or yellow, in water.....	SCM	No exemption, 173.190, 173.232	do.	25 pounds	do.	25 pounds.
Photographic film. See Film.						
Photographic flash powder. See Fireworks, special or Low explosives.						
Picrates, dry. See High explosives.						
Picrate of ammonia. See High explosives.						
Picric acid, dry. See High explosives.						
Picric acid, wet, not exceeding 16 ounces.....		See 173.102				
Picric acid, wet, with not less than 10% water, over 25 pounds. See High explosives.						
Picric acid, wet, with not less than 10% water, in excess of 16 ounces but not exceeding 25 pounds.	F.S.	No exemption, 173.193	Red Striped	25 pounds	1 pound	Do.
Pinnacels. See Fireworks, common.						
*Plastic solvent, n.o.s.....	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Poison gas, n.o.s.....	Pois. A.	No exemption, 173.328	Poison Gas	Not accepted	Not accepted	Not accepted.
Poison gas, flammable, n.o.s.....	Pois. A and F.G.	No exemption, 173.328	Poison Gas and Red Gas.	do.	do.	Do.
Poisonous liquids, n.o.s.....	Pois. A.	No exemption, 173.328	Poison A.	do.	do.	Do.
Poisonous liquids, n.o.s.....	Pois. B.	173.345, 173.346	Poison B.	55 gallons	1 quart	55 gallons.
Poisonous solids, n.o.s.....	Pois. B.	173.364, 173.365	do.	200 pounds	50 pounds	200 pounds.
Poison, class C. See Irritating agents, n.o.s.						
*Polishes, metal stove, furniture and wood, liquid.....	F.L.	173.118, 173.129	Red	55 gallons	1 quart	55 gallons.
*Polymerizable materials.....		See 173.21(b)				
Potassium arsenate, solid.....	Pois. B.	173.364, 173.365	Poison B.	200 pounds	50 pounds	200 pounds.
Potassium arsenite, solid.....	Pois. B.	173.364, 173.365	do.	do.	do.	Do.
Potassium bromate.....	Oxy. M.	173.153, 173.154	Yellow	100 pounds	25 pounds	100 pounds.
Potassium chlorate (potash chlorate).....	Oxy. M.	173.153, 173.163	do.	do.	do.	Do.
Potassium cyanide, solid.....	Pois. B.	173.370	Poison B.	200 pounds	do.	200 pounds.
Potassium cyanide, solutions.....	Pois. B.	173.345, 173.352	do.	55 gallons	1 quart	55 gallons.
Potassium dichloroisocyanurate, dry (containing more than 39% available chlorine).....	Oxy. M.	173.152, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
Potassium hydroxide solution.....	Cor. L.	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	5 gallons.
Potassium, metallic.....	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Potassium, metallic liquid alloy.....	WRM	No exemption, 173.202	do.	1 pound	do.	1 pound.



PROPOSED RULE MAKING

COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Potassium nitrate	Oxy. M.	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Potassium nitrate mixed (fused) with sodium nitrite	Oxy. M.	173.153, 173.183	do.	do.	do.	Do.
Potassium nitrite	Oxy. M.	173.153, 173.154	do.	do.	do.	Do.
Potassium perchlorate	Oxy. M.	173.153, 173.219	do.	do.	do.	Do.
Potassium permanganate	Oxy. M.	173.153, 173.154, 173.194	do.	do.	do.	Do.
Potassium peroxide	Oxy. M.	No exemption, 173.154	do.	do.	Not accepted	Do.
Potassium sulfide	F.S.	173.153, 173.207	Red Striped	300 pounds	25 pounds	300 pounds.
<i>Pressurized products. See Compressed gases, n.o.s.</i>						
<i>Primers. See Cannon primers, combination primers, or small-arm primers.</i>						
<i>Primers, detonating. See Detonating primers.</i>						
<i>Projectiles, explosive. See Explosive projectile.</i>						
<i>Projectiles, gas, nonexplosive. See Chemical ammunition, class A, B, or C.</i>						
<i>Projectiles, gas, smoke, or incendiary, with burster or booster with or without detonating fuze. See Explosive projectile.</i>						
<i>Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge. See Fireworks, special.</i>						
<i>Projectiles, sand-loaded, empty, or solid.</i>		See 173.55				
<i>Propane. See Liquefied petroleum gas.</i>						
Propellant explosive, class A	Exp. A	No exemption, 173.64(d)	Orange A	See 173.86	Not accepted	Not accepted.
Propellant explosives (liquid), class B	Expl. B	No exemption, 173.93	Orange B	10 pounds	do.	10 pounds.
Propellant explosives (solid), class B	Expl. B	No exemption, 173.93	do.	do.	do.	Do.
<i>Propellant explosives (solid), class B, and small-arm primers. See Propellant explosives, class B.</i>						
Propellant explosives in water (smokeless powder)	Expl. B	No exemption, 173.93	do.	Not accepted	do.	Not accepted.
Propellant explosives in water, unstable, condemned or deteriorated (smokeless powder)	Expl. B	No exemption, 173.93	do.	do.	do.	Do.
*Propyl alcohol, <i>See Alcohol, n.o.s.</i>						
Propylene imine, inhibited	F.L.	No exemption, 173.139	Red	5 pints	do.	5 pints.
Propylene oxide	F.L.	173.118, 173.119	do.	10 gallons	1 quart	10 gallons.
Propyl mercaptan	F.L.	No exemption, 173.141	do.	do.	do.	Do.
Propyl trichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	do.	do.	Do.
Propylene, <i>See Liquefied petroleum gas.</i>						
<i>Prussic acid. See Hydrocyanic acid.</i>						
*Pyridine	F.L.	173.118, 173.119	Red	do.	do.	Do.
<i>Pyrophoric materials, n.o.s. See Spontaneously combustible liquids or solids.</i>						
Pyro sulfuryl chloride	Cor. L.	173.244, 173.247	Corrosive Liquid	1 quart	do.	1 quart.
Pyroxylin plastic scrap	F.S.	No exemption, 173.195, 173.196	Red Striped	See 173.196	Not accepted	Not accepted.
Pyroxylin plastics, rods, sheets, rolls, tubes	F.S.	173.197	do.	350 pounds	50 pounds	350 pounds.
*Pyroxylin solution	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Pyroxylin solvent, n.o.s.	F.L.	173.118, 173.119	do.	do.	do.	Do.
Radioactive devices	RAM	173.391(b)	None	No limit	200 curies	No limit.
Radioactive materials, low specific activity (LSA)	RAM	173.392	Radioactive	do.	No limit	No limit.
Radioactive materials, n.o.s.	RAM	173.393, 173.395	do.	See 173.393, 173.395	do.	Do.
Radioactive materials, small quantities	RAM	173.391(a)	None	25 curies	25 curies	25 curies.
Radioactive materials, special form	RAM	173.393, 173.394	Radioactive	See 173.393, 173.394	No limit	No limit.
Rags, oily	SCM	No exemption, 173.199	Red Bottom	Not accepted	Not accepted	Not accepted.
Rags, wet	SCM	No exemption, 173.200	do.	do.	do.	Do.
<i>Railway fuses. See Fuses.</i>						
<i>Railway torpedoes. See Torpedoes, railway.</i>						
<i>*Reducing compounds, paint, varnish, lacquer, etc. See *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.</i>						
Refrigerant gas		See 173.314(c), Table Note 13; 173.315(a), Table Note 9.				
Refrigerating machines	Nonf. G.	173.306(e)	Green	No limit	No limit	No limit.
Do	F.G.	173.306(e)	Red Gas	do.	do.	Do.
Do	F.L.	173.130, 173.306(e)	Red	do.	15 pounds	Do.
<i>*Removing compounds, paint, varnish, lacquer, etc. See *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.</i>						
*Resin solution (resin compound, liquid)	F.L.	173.118, 173.119	do.	55 gallons	1 quart	55 gallons.
<i>Rifle grenades. See Grenades.</i>						
<i>Rifle powder. See Propellant explosives, class A, Propellant explosives, class B, or Black powder.</i>						
<i>Rocket fireworks. See Fireworks, common.</i>						
Rocket ammunition with empty projectiles	Expl. B	No exemption, 173.90	Orange B	Not accepted	Not accepted	Not accepted.
Rocket ammunition with explosive projectiles	Expl. A	No exemption, 173.57	Orange A	do.	do.	Do.
Rocket ammunition with illuminating projectiles	Expl. A	No exemption, 173.57	do.	do.	do.	Do.
Rocket ammunition with gas projectiles	Expl. A	No exemption, 173.57	do.	do.	do.	Do.
Rocket ammunition with incendiary projectiles	Expl. A	No exemption, 173.57	do.	do.	do.	Do.
Rocket ammunition with inert loaded projectiles	Expl. B	No exemption, 173.90	Orange B	do.	do.	Do.
Rocket ammunition with smoke projectiles	Expl. A	No exemption, 173.57	Orange A	do.	do.	Do.
Rocket ammunition with solid projectiles	Expl. B	No exemption, 173.90	Orange B	do.	do.	Do.
<i>Rocket bodies, with electric primers or electric squibs.</i>		See 173.55				
Rocket engines (liquid), class B explosives	Expl. B	No exemption, 173.95	Orange B	do.	do.	Do.
Rocket heads, <i>See Explosive projectiles.</i>						
Rocket motors, class A explosives	Expl. A	No exemption, 173.79	Orange A	do.	do.	Do.
Rocket motors, class B explosive	Expl. B	No exemption, 173.92	Orange B	550 pounds	do.	550 pounds.
<i>Roman candles. See Fireworks, common.</i>						
*Rough ammoniate tankages	SCM	No exemption, 173.210	Red Bottom	Not accepted	do.	Not accepted.
Rubber scrap or rubber buffings	SCM	173.153, 173.201	do.	10 pounds	10 pounds	10 pounds.
*Rubber shoddy, regenerated rubber, or reclaimed rubber	SCM	173.153, 173.201	do.	do.	do.	Do.
*Rum, denatured	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
<i>Safety fuse. See Fuse, safety.</i>						
Safety squibs	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
<i>Salutes. See Fireworks, common or special.</i>						
<i>Samples of explosives.</i>		See 173.86				
Self-lighting cigarettes	F.S.	173.21(d)	Red striped	Not accepted	Not accepted	Not accepted.
Self-propelled vehicles		See 173.120, 173.257, 173.306				



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
<i>Shaped charges, commercial. See High explosives</i>		See 173.65(h)				
<i>*Shellac. See Paint, enamel, lacquer, stain, shellac, varnish, etc.</i>						
<i>Shells, fireworks. See Fireworks, common or special.</i>						
<i>Ship distress signals. See Fireworks, special.</i>						
Signal flares	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds.
Silicon chloride (tetrachloride)	Cor. L	173.244, 173.247	Corrosive Liquid	1 gallon	1 quart	1 gallon.
Silicon tetrafluoride	Nonf. G	173.306, 173.302	Green	300 pounds	Not accepted	300 pounds.
Silver cyanide	Pois. B	173.370	Poison B	No limit	25 pounds	No limit.
Silver nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	do	100 pounds.
<i>*Sludge acid. See Acid, sludge.</i>						
Small-arms ammunition	Expl. C	No exemption, 173.101	Orange C	150 pounds	50 pounds	150 pounds.
Small-arms ammunition, irritating (tear gas) cartridges.	Expl. C	No exemption, 173.101	Irritant	do	Not accepted	Do.
Small-arms primers	Expl. C	No exemption, 173.107	Orange C	do	50 pounds	Do.
<i>Smoke generators. See Chemical ammunition Class B or C.</i>						
Smoke candles	Expl. C	No exemption, 173.108	do	200 pounds	do	200 pounds.
Smoke grenades	Expl. C	No exemption, 173.108	do	do	do	Do.
<i>Smokeless powder for cannon or small arms. See Propellant explosives, class A or B.</i>						
Smokeless powder for small arms (100 pounds or less)	F.S.	173.88(f), 173.197a	Red Striped	8 pounds	Not accepted	Not accepted.
Smoke pots	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds.
<i>Smoke projectiles with bursting charges. See Explosive projectile.</i>						
<i>Smoke projectiles with expelling charge but without bursting charge. See Fireworks, special.</i>						
Smoke signals	Expl. C	No exemption, 173.108	do	do	do	Do.
<i>Soda amato. See High explosives.</i>						
Sodium aluminate solutions	Cor. L	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Sodium aluminum hydride	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Sodium amide	WRM	No exemption, 173.206	do	do	do	Do.
Sodium arsenate, solid	Pois. B	173.364, 173.365, 173.368	Poison B	200 pounds	do	200 pounds.
Sodium arsenite (solution), liquid	Pois. B	173.345, 173.346	do	do	do	Do.
Sodium azide	Pois. B	173.364, 173.375	do	55 gallons	1 quart	55 gallons.
Sodium bromate	Oxy. M	173.153, 173.154	Yellow	100 pounds	50 pounds	100 pounds.
Sodium cacodylate, solid (sodium dimethyl arsenate)	Pois. B	173.364, 173.365	Poison B	do	25 pounds	Do.
Sodium chlorate (soda chlorate)	Oxy. M	173.153, 173.163	Yellow	200 pounds	50 pounds	200 pounds.
Sodium chlorite	Oxy. M	No exemption, 173.160	do	100 pounds	25 pounds	100 pounds.
Sodium chlorite solution (not exceeding 42% sodium chlorite)	Cor. L	173.244, 173.263	Corrosive Liquid	4 gallons	1 quart	4 gallons.
Sodium cyanide, solid	Pois. B	173.370	Poison B	200 pounds	25 pounds	200 pounds.
Sodium cyanide, solution	Pois. B	173.345, 173.352	do	55 gallons	1 quart	55 gallons.
Sodium dichloroisocyanurate, dry (containing more than 39% available chlorine)	Oxy. M	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
Sodium hydride	WRM	No exemption, 173.198	Blue	25 pounds	Not accepted	25 pounds.
Sodium hydrosulfite (sodium dithionite)	F.S.	173.153, 173.204	Red Striped	100 pounds	25 pounds	100 pounds.
Sodium hydroxide solution	Cor. L	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	5 gallons.
Sodium, metallic	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Sodium, metallic, dispersion in organic solvent	WRM	No exemption, 173.230	do	10 pounds	do	10 pounds.
Sodium, metallic liquid alloy	WRM	No exemption, 173.202	do	1 pound	do	1 pound.
Sodium methylate, dry	WRM	173.153, 173.154	do	100 pounds	do	100 pounds.
*Sodium methylate, alcohol mixture	F.L.	173.118, 173.119	Red	10 gallons	25 pounds	100 pounds.
Sodium nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	1 quart	10 gallons.
<i>Sodium nitrate bags. See Bags, sodium nitrate.</i>						
Sodium nitrate	Oxy. M	173.153, 173.154, 173.234	do	do	do	Do.
Sodium nitrite mixed (fused) with potassium nitrate	Oxy. M	173.153, 173.183	do	do	do	Do.
Sodium nitrite mixtures (sodium nitrate, sodium nitrite, and potassium nitrate)	Oxy. M	173.153, 173.234	do	do	do	Do.
Sodium permanganate	Oxy. M	173.153, 173.154	do	do	do	Do.
Sodium peroxide	Oxy. M	No exemption, 173.187	do	do	Not accepted	Do.
Sodium picramate, wet with at least 20% of water	F.S.	No exemption, 173.206	Red Striped	25 pounds	do	25 pounds.
Sodium potassium alloys	WRM	No exemption, 173.206	Blue	do	do	Do.
*Sodium sulfide, anhydrous	F.S.	173.153, 173.207	Red Striped	300 pounds	25 pounds	300 pounds.
*Solvents, n.o.s.	F.L.	173.118, 173.119	Red	15 gallons	1 quart	10 gallons.
<i>*Sparklers. See Fireworks, common.</i>						
<i>Spent iron mass. See Iron mass, spent.</i>						
<i>Spent iron sponge. See Iron sponge, spent.</i>						
<i>Spent mixed acid. See Nitrating acid.</i>						
<i>Spent oxide. See Oxide, spent.</i>						
<i>Spent sulfuric acid. See Sulfuric acid, spent.</i>						
Spirits of nitroglycerin, 1 to 10%	F.L.	No exemption, 173.133	do	6 quarts	Not accepted	6 quarts.
Spirits of nitroglycerin, not exceeding 1% nitroglycerin by weight	F.L.	173.118, 173.133	do	do	1 quart	Do.
Spontaneously combustible liquids, n.o.s.	SCM	No exemption, 173.134	Red Bottom	70 pounds	Not accepted	Not accepted.
Spontaneously combustible solids, n.o.s.	SCM	No exemption, 173.154	do	do	do	Do.
<i>Sporting powder. See Black powder or Propellant explosive, class B explosives.</i>						
<i>Spray starting fluid. See Engine starting fluid.</i>						
<i>Spreader cartridges. See Fireworks, special.</i>						
<i>Squibs, electric or safety. See Electric squibs or Safety squibs.</i>						
<i>*Stain. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.</i>						
Starter cartridges, jet engine, class B explosives	Expl. B	No exemption, 173.92	Orange B	200 pounds	do	200 pounds.
Starter cartridges, jet engine, class C explosives	Expl. C	No exemption, 173.102	Orange C	150 pounds	50 pounds	150 pounds.
<i>Storage batteries, wet. See Batteries, electric storage, wet.</i>						
Strontium arsenite, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	do	200 pounds.
Strontium chlorate	Oxy. M	173.153, 173.163	Yellow	100 pounds	25 pounds	25 pounds.
Strontium chlorate, wet	Oxy. M	173.153, 173.163(a)(6)	do	200 pounds	do	200 pounds.
Strontium nitrate	Oxy. M	173.153, 173.182	do	100 pounds	do	100 pounds.
Strontium peroxide	Oxy. M	173.153(a), 173.154	do	do	do	Do.
Strychnine and salts thereof, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
<i>Styphnate of lead. See Initiating explosive.</i>						
Succinic acid peroxide	Oxy. M	173.153(b), 173.157, 173.158	Peroxide	25 pounds	2 pounds	25 pounds.



## PROPOSED RULE MAKING

## COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Sulfur chloride (mono and di)	Cor. L	No exemption, 173.247	Corrosive Liquid	1 gallon	Not accepted	1 gallon.
ϕSulfur dioxide	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	300 pounds	do	300 pounds.
Sulfur hexafluoride	Nonf. G	173.306, 173.304	do	do	150 pounds	Do.
Sulfur trioxide, stabilized	Cor. L	173.244, 173.273	Corrosive Liquid	1 gallon	Not accepted	Not accepted.
Sulfuric acid (oil of vitriol)	Cor. L	173.244, 173.272	do	10 pints	1 quart	1 gallon.
Sulfuric acid, spent	Cor. L	No exemption, 173.248.	do	1 quart	Not accepted	1 quart.
Sulfuryl chloride	Cor. L	173.244, 173.247	do	do	1 quart	Do.
Sulfuryl fluoride	Nonf. G	173.306, 173.304, 173.314	Green	300 pounds	150 pounds	300 pounds.
Supplementary charges (explosive)	Expl. A	No exemption, 173.59	Orange A	Not accepted	Not accepted	Not accepted.
Tankage. See Garbage tankage.						
*Tankage fertilizers	F.S.	No exemption, 173.209	Red Striped	do	do	Do.
*Tankages, rough ammoniate	SCM	No exemption, 173.210.	Red Bottom	do	do	Do.
Tank car, containing residual phosphorus and filled with water or inert gas.		See 173.232				
Tank cars, empty (last contents poisons, class A)		See 174.562 (d) and (e).				
Tank cars, gas (must not contain gases that combine chemically).		See 173.301(a).				
Tank truck, empty		See 173.29				
*Tar, liquid	F.L.	173.118, 173.131	Red	10 gallons	1 quart	10 gallons.
Tear gas ammunition. See Chemical ammunition.						
Tear gas candles	Irr	No exemption, 173.385	Irritant	75 pounds	Not accepted	75 pounds.
Tear gas cartridges. See Small-arms ammunition tear gas cartridges.						
Tear gas grenades. See Grenades, tear gas.						
Tear gas material, liquid or solid, n.o.s.	Irr	No exemption, 173.382	do	do	do	Do.
Tertiary alcohol. See Alcohol, n.o.s.						
Titanium tetrachloride	Cor. L	173.244, 173.247	do	10 gallons	1 quart	10 gallons.
Toluene (toluol)	F.L.	173.118, 173.119	Red	do	do	Do.
Torches. See Fireworks, common.						
Torpedoes, cap. See Fireworks, special.						
Torpedoes, explosive. See Explosive torpedoes.						
Torpedoes, railway	Expl. B	No exemption, 173.91	Orange B	200 pounds	Not accepted	200 pounds.
Toy caps	Expl. C	No exemption, 173.100(p), 173.109.	Orange C	150 pounds	50 pounds	150 pounds.
Toy propellant devices	Expl. C	No exemption, 173.111	do	do	do	Do.
Toy smoke devices	Expl. C	No exemption, 173.111	do	do	do	Do.
Toy torpedoes. See Fireworks, special.						
Tracers	Expl. C	No exemption, 173.105	do	do	do	Do.
Tracer fuzes	Expl. C	No exemption, 173.105	do	do	do	Do.
Tractors		See 173.120				
Trailer or truck body with refrigerating or heating equipment on flat cars.		See 173.120(c), 173.306				
Trick matches	Expl. C	No exemption, 173.111	Orange C	150 pounds	Not accepted	Not accepted.
Textile waste, wet	SCM	No exemption, 173.211	Red Bottom	Not accepted	do	Do.
*Thallium salts, solid, n.o.s.	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Thallium sulfate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Thinning compounds, paint, varnish, lacquer, etc. See *Paint, enamel, lacquer stain, shellac, varnish, etc.						
Thiocarbonyl-chloride. See Thiophosgene.						
Thionyl chloride	Cor. L	No exemption, 173.247	Corrosive Liquid	1 gallon	Not accepted	1 gallon.
Thiophosgene (thiocarbonyl-chloride)	Pois. B	No exemption, 173.356	Poison B	do	do	Do.
Thiophosphoryl chloride	Cor. L	No exemption, 173.271	Corrosive Liquid	1 quart	do	1 quart.
Thorium metal, powdered	F.S.	173.226	Red Striped	25 pounds	do	25 pounds.
Thorium nitrate, solid	RAM and Oxy. M.	173.392, 173.393	Radioactive and Yellow.	100 pounds	25 pounds	100 pounds.
Time fuzes. See Fuzes, time.						
Tin tetrachloride, anhydrous	Cor. L	173.244, 173.247	Corrosive Liquid	1 quart	1 quart	1 quart.
Titanium metal powder, dry	SCM	No exemption, 173.208	Red Bottom	75 pounds	Not accepted	75 pounds.
Titanium metal powder, wet with not less than 20% water.	SCM	No exemption, 173.208	do	150 pounds	do	150 pounds.
Titanium sulfate solution containing not more than 45% sulfuric acid.	Cor. L	173.244, 173.297	Corrosive Liquid	1 gallon	1 quart	1 gallon.
Tertiary butylisopropyl benzene, hydroperoxide	Oxy. M	173.163(b), 173.224	Peroxide	1 quart	1 quart	1 quart.
Tetraethyl dithio pyrophosphate and compressed gas mixture.	Pois. A	No exemption, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted.
Tetraethyl dithio pyrophosphate, liquid	Pois. B	No exemption, 173.385	Poison B	1 quart	do	1 quart.
Tetraethyl dithio pyrophosphate, mixture, dry	Pois. B	173.377	do	200 pounds	50 pounds	200 pounds.
Tetraethyl dithio pyrophosphate, mixture, liquid	Pois. B	173.359	do	1 quart	Not accepted	1 quart.
Tetraethyl lead, liquid	Pois. B	No exemption, 173.354	do	55 gallons	do	55 gallons.
Tetraethyl pyrophosphate, liquid	Pois. B	No exemption, 173.358	do	1 quart	do	1 quart.
Tetraethyl pyrophosphate, mixture, dry	Pois. B	173.377	do	200 pounds	do	200 pounds.
Tetraethyl pyrophosphate, mixture, liquid	Pois. B	173.359	do	1 quart	do	1 quart.
Tetraethyl pyrophosphate and compressed gas mixture.	Pois. A	No exemption, 173.334	Poison Gas	Not accepted	do	Not accepted.
Tetrafluoroethylene, inhibited	F.G	173.306, 173.304	Red Gas	300 pounds	do	300 pounds.
Tetramitromethane	Oxy. M	No exemption, 173.203	Yellow	25 pounds	do	Not accepted.
Tetrazene (guanyl nitrosamino guanyl tetrazene). See Initiating explosive.						
Tetryl. See High explosives.						



PROPOSED RULE MAKING

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COMMODITY LIST OF HAZARDOUS MATERIALS—Continued

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see sec.)	(4) Label required (if not exempt)	(5) Maximum quantity in one package		
				(a)	(b)	(c)
				Rail express	Passenger carrying aircraft	Cargo only aircraft
Trick noise makers, explosive	Expl. C	No exemption, 173.111	do	do	50 pounds	150 pounds.
Trichloroisocyanuric acid, dry (containing more than 30% available chlorine)	Oxy. M	173.153, 173.217	Yellow	100 pounds	do	100 pounds.
Trichlorosilane	F.L.	No exemption, 173.136	Red	10 gallons	Not accepted	10 gallons.
Trifluorochloroethylene	F.G.	173.306, 173.304, 173.314	Red Gas	300 pounds	do	300 pounds.
Trimethylamine, anhydrous	F.G.	173.306, 173.304, 173.314, 173.315	do	do	do	Do.
Trimethylamine, aqueous solution	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Trimethylchlorosilane	F.L.	No exemption, 173.135	do	do	Not accepted	Do.
Trinitrobenzene, dry. See High explosives.						
Trinitrobenzene, wet containing at least 30% water	F.S.	173.212	Red Striped	16 ounces	16 ounces	16 ounces.
Trinitrobenzoic acid, dry. See High explosives.						
Trinitrobenzoic acid, wet with not less than 10% water.	F.S.	No exemption, 173.192, 173.193	do	25 pounds	1 pound	25 pounds.
Trinitrobenzoic acid wet with not less than 10% water, over 25 pounds. See High explosives.						
Trinitroresorcinol. See High explosives.						
Trinitrotoluene, dry. See High explosives.						
Trinitrotoluene, wet with not less than 30% water	F.S.	173.212	do	16 ounces	16 ounces	16 ounces.
Tris-(1-aziridinyl) phosphine oxide	Cor. L	173.244, 173.290a	Corrosive Liquid	1 gallon	1 quart	1 gallon.
*Turpentine substitutes.	F.L.	173.118, 173.119	Red	10 gallons	do	10 gallons.
Uranyl nitrate, solid	RAM and Oxy. M.	173.392, 173.306	Radioactive and Yellow.	100 pounds	25 pounds	100 pounds.
Urea nitrate dry. See High explosives.						
Urea nitrate wet with not less than 10% of water	F.S.	No exemption, 173.192, 173.193	Red Striped	25 pounds	1 pound	25 pounds.
Urea nitrate wet with not less than 10% of water, over 25 pounds. See High explosives.						
*Urea peroxide	Oxy. M	173.153(b), 173.227	Peroxide	do	2 pounds	Do.
Vanadium oxytrichloride	Cor. L	173.244, 173.247a	Corrosive Liquid	do	Not accepted	1 quart.
Vanadium tetrachloride	Cor. L	173.244, 173.247a	do	do	do	Do.
Varnish. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Varnish driers. See *Paint driers, liquid.						
Varnish remover or reducer. See *Compounds, lacquer, paint or varnish removing, reducing, or thinning, liquid.						
Varnish thinning compounds. See *Compounds, lacquer, paint, or varnish removing, reducing, or thinning, liquid.						
Very signal cartridges	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds.
Vinyl acetate	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Vinyl chloride	F.G.	173.306, 173.304, 173.314, 173.315	Red Gas	300 pounds	Not accepted	300 pounds.
Vinyl fluoride, inhibited	F.G.	173.306, 173.304	do	do	do	Do.
Vinylidene chloride, inhibited	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Vinyl methyl ether, inhibited	F.G.	173.306, 173.304, 173.314	Red Gas	20 pounds	Not accepted	20 pounds.
Vinyl trichlorosilane	F.L.	No exemption, 173.135	Red	10 gallons	do	10 gallons.
War heads. See Explosive projectiles.						
Waste paper, wet	SCM	No exemption, 173.186	Red Bottom	Not accepted	do	Not accepted.
Waste textile, wet	SCM	No exemption, 173.211	do	do	do	Do.
Waste wool, wet	SCM	No exemption, 173.213	do	do	do	Do.
Water reactive solids, n.o.s.	WRM	173.153, 173.154	Blue	25 pounds	do	25 pounds.
*Water treatment compound, liquid.	Cor. L	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Wet hair. See Hair, wet.						
Wet textile waste. See Waste textile, wet.						
Wood filler. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Wool waste, wet. See Waste wool, wet.						
X-ray film. See Film.						
Xylene (xytol)	F.L.	173.118, 173.119	Red	do	do	Do.
Xylyl bromide	Irr.	No exemption, 173.382	Irritant	75 pounds	Not accepted	75 pounds.
Zinc ammonium nitrite	Oxy. M	No exemption, 173.228	Yellow	100 pounds	25 pounds	100 pounds.
Zinc arsenate	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Zinc arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Zinc chlorate	Oxy. M	173.153, 173.163	Yellow	100 pounds	25 pounds	100 pounds.
Zinc cyanide	Pois. B	173.370	Poison B	No limit	do	No limit.
Zinc ethyl. See Spontaneously combustible liquids, n.o.s.						
Zinc nitrate. See Nitrates, n.o.s.						
Zinc permanganate	Oxy. M	173.153, 173.154	Yellow	100 pounds	do	100 pounds.
Zinc peroxide	Oxy. M	173.153, 173.154	do	do	do	Do.
Zirconium metal, dry, mechanically produced, finer than 270 mesh particle size.	SCM	No exemption, 173.214	Red Bottom	75 pounds	Not accepted	75 pounds.
Zirconium metal, dry, chemically produced, finer than 20 mesh particle size.	SCM	No exemption, 173.214	do	do	do	Do.
Zirconium metal, wet, mechanically produced, finer than 270 mesh particle size.	F.S.	No exemption, 173.214	Red Striped	150 pounds	do	150 pounds.
Zirconium metal, wet, chemically produced, finer than 20 mesh particle size.	F.S.	No exemption, 173.214	do	do	do	Do.
Zirconium, metallic, liquid, suspensions	F.L.	No exemption, 173.140	Red	5 pounds	do	5 pounds.
Zirconium piermate, wet with at least 20% of water	Oxy. M	No exemption, 173.216	Yellow	25 pounds	do	25 pounds.
Zirconium scrap (borings, clippings, shavings, sheets or turnings).	F.S.	173.153, 173.220	Red Striped	100 pounds	do	Not accepted.



II. Part 173 would be amended as follows:

(A) In Part 173 Table of Contents Subparts C, D, G would be amended; Subpart H would be amended and redesignated Subpart I; Subpart I would be redesignated Subpart J, a new Subpart H would be added; §§ 173.115, 173.134, 173.150, 173.152, 173.153, 173.326, 173.381, 173.382, 173.402, 173.405, 173.406, 173.407, 173.408, 173.409, 173.410, 173.412 would be amended; § 173.414 would be amended and redesignated 173.411; §§ 173.387, 173.388, 173.414, 173.415 would be added as follows:

**Subpart C—Flammable Liquids, and Spontaneously Combustible Materials (Liquid)**

Sec.  
173.115 Flammable liquids, and spontaneously combustible materials (liquid); definitions.  
173.134 Spontaneously combustible materials (liquid) not specifically provided for.

**Subpart D—Flammable Solids, Spontaneously Combustible Materials (Solid), Water-Reactive Materials (Solid), and Oxidizing Materials**

173.150 Flammable solids, spontaneously combustible materials (solid) and water-reactive materials (solid), definitions.  
173.152 Packaging.  
173.153 Exemptions for flammable solids, spontaneously combustible materials (solid), water-reactive materials (solid), and oxidizing materials.

**Subpart G—Poisonous Materials**

173.326 Extremely dangerous poisons, gases or liquids, class A, definition.  
173.381 Irritating agents; definition and general packaging requirements.  
173.382 Irritating agents, not specifically provided for.  
173.387 Etiologic agents; definition.  
173.388 Etiologic agents; general packaging requirements.

**Subpart H—Radioactive Materials**

**Subpart I—Marking and Labeling Hazardous Materials**

173.402 Labeling hazardous materials.  
173.405 Explosives labels.  
173.406 Gas labels.  
173.407 Flammable materials labels.  
173.408 Spontaneously combustible materials and water-reactive materials labels.  
173.409 Oxidizing materials labels.  
173.410 Poisonous materials labels.  
173.411 Radioactive materials label.  
173.412 Corrosive liquid label.  
173.414 Magnetized materials labels for shipment by air.  
173.415 Cargo aircraft only label.

**Subpart J—Shipping Instructions**

(B) In § 173.86 paragraph (c) and (d) (6) would be amended to read as follows:

§ 173.86 Samples of explosives and explosive articles.

(c) Shipments of samples of explosives, fireworks, and explosive devices must be packaged, marked, labeled, and described as required by this part for the explosive contained therein.

(d) \* \* \*

(6) Each package containing samples of explosives for laboratory examination must be clearly marked on the outside of the package with the words "SAMPLE FOR LABORATORY EXAMINATION", and labeled in accordance with § 173.402 of this chapter, for the explosive classification tentatively assigned by the shipper.

(C) In § 173.91 paragraph (j) would be canceled as follows:

§ 173.91 Special fireworks.

\* \* \* \* \*

(j) [Canceled]

(D) In § 173.92 paragraph (e) would be canceled as follows:

§ 173.92 Jet thrust units (jato), class B explosives; rocket motors, class B explosives; igniters, jet thrust (jato), class B explosives; igniters, rocket motors, class B explosives; and starter cartridges, jet engine, class B explosives.

\* \* \* \* \*

(e) [Canceled]

(E) In § 173.93 paragraph (g) (2) would be canceled as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

\* \* \* \* \*

(g) \* \* \*

(2) [Canceled]

(F) In § 173.94 paragraph (d) would be canceled as follows:

§ 173.94 Explosive power devices, class B.

\* \* \* \* \*

(d) [Canceled]

(G) In § 173.101 paragraphs (c) and (d) would be amended to read as follows:

§ 173.101 Small-arms ammunition.

\* \* \* \* \*

(c) Packages of small-arms ammunition are exempt from the labeling requirements of § 173.402, but the outside of each package must be plainly marked "SMALL-ARMS AMMUNITION".

(d) Each package of cartridges containing irritating agents must, in addition to marking prescribed herein, be marked "IRRITATING AGENTS." Additionally, each package must be labeled with an "Irritant" label.

(H) Subpart C heading would be amended to read as follows:

**Subpart C—Flammable Liquids, and Spontaneously Combustible Materials (Liquid)**

(I) In § 173.115 the heading and paragraph (c) would be amended; Note 1 following paragraph (c) would be canceled as follows:

§ 173.115 Flammable liquids, and spontaneously combustible materials (liquid); definitions.

\* \* \* \* \*

(c) A spontaneously combustible liquid is any liquid which may undergo spontaneous heating or self-ignition under conditions normally incident to trans-

portation, or which may heat up in contact with air and then be likely to ignite.

NOTE 1: [Canceled]

(J) In § 173.134 the heading and the introductory text of paragraph (a) would be amended to read as follows:

§ 173.134 Spontaneously combustible materials (liquid) not specifically provided for.

(a) Spontaneously combustible liquids, other than those for which special requirements are prescribed in this part, must be packaged in specification containers as follows:

\* \* \* \* \*

(K) Subpart D heading would be amended to read as follows:

**Subpart D—Flammable Solids, Spontaneously Combustible Materials (Solid), Water-Reactive Materials (Solid), and Oxidizing Materials**

(L) Section 173.150 would be amended to read as follows:

§ 173.150 Flammable solids, spontaneously combustible materials (solid), and water-reactive materials (solid), definitions.

For the purpose of Parts 170-189 of this chapter:

(a) "Flammable solid" means any solid material, other than one classified as an explosive, which, under conditions normally incident to transportation is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard.

(b) "Spontaneously combustible material (solid)" means any solid substance (including sludges and pastes) which may undergo spontaneous heating or self-ignition under conditions normally incident to transportation, or which may heat up in contact with air and then be likely to ignite.

(c) "Water-reactive material (solid)" means any solid substance (including sludges and pastes) which, by interaction with water, is likely to become spontaneously flammable or to give off flammable or toxic gases in dangerous quantities.

(M) Section 173.152 would be amended to read as follows:

§ 173.152 Packaging.

(a) Flammable solids, spontaneously combustible solids, water-reactive solids, and oxidizing materials must not be packaged in the same package with corrosive liquids unless the corrosive liquids are in bottles, cushioned by non-combustible absorbent material, in tightly closed metal cans.

(1) Materials in quantity not exceeding four ounces, in securely closed metal cans, packaged in the same inner receptacle with other securely packaged materials which are necessary for a complete fumigant, are acceptable for transportation.



(b) Water-reactive solids must, in addition to the specified packaging, be packaged in water-proof packagings.

(c) All packages must be tightly and securely closed. Inside receptacles must be cushioned as prescribed or in any case as necessary to prevent breakage or leakage.

(N) In § 173.153 the heading and paragraph (a) would be amended to read as follows:

**§ 173.153 Exemptions for flammable solids, spontaneously combustible materials (solid), water-reactive materials (solid), and oxidizing materials.**

(a) Flammable solids, spontaneously combustible solids, water-reactive solids, and oxidizing materials (other than organic peroxides), except those for which no exemptions are provided as indicated by the "No exemption" statement in § 172.5 of this chapter, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each are, unless otherwise provided, exempt from specification packaging, marking and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817, and Part 397 of this title. (See § 173.182 for exemptions for nitrates, and paragraph (b) of this section for exemptions for organic peroxides.)

(O) Subpart G heading would be amended to read as follows:

**Subpart G—Poisonous Materials**

(P) In § 173.325 paragraph (a) (3) would be amended to read as follows:

**§ 173.325 Classes of poisonous materials.**

(a) \* \* \*  
(3) Irritating agents solids, liquids, or gases (including tear gas and other lachrymatory substances).

(i) Where the regulations refer to poisons, class C, or tear gas, these terms mean irritating agents.

(Q) In § 173.326 the heading would be amended to read as follows:

**§ 173.326 Extremely dangerous poisons, gases or liquids, class A, definition.**

(R) Section 173.381 would be amended to read as follows:

**§ 173.381 Irritating agents; definition and general packaging requirements.**

(a) For the purpose of Parts 170-189 of this chapter, irritating agents are those materials which, when exposed to air, or upon contact with fire, give off dangerous or intensely irritating fumes. The term includes riot control agents, tear gases, and other lachrymatory materials, and is often listed in these regulations by the former generic name "tear gas".

(b) All packagings and receptacles must be tightly and securely closed. In-

ner receptacles must be cushioned, as necessary, to prevent breakage or leakage under conditions normally incident to transportation.

(c) Irritating agents may not be offered for transportation if there are interconnecting means of any type between packages.

(S) In § 173.382 the Heading would be amended to read as follows:

**§ 173.382 Irritating agents, not specifically provided for.**

(T) Section 173.387 would be added to read as follows:

**§ 173.387 Etiologic agents; definition.**

Etiologic agents are extremely dangerous substances that contain disease-producing micro-organisms and that are defined as etiologic agents in § 72.25 of the regulations of the Department of Health, Education, and Welfare (Title 42, Code of Federal Regulations Part 72).

(U) Section 173.388 would be added to read as follows:

**§ 173.388 Etiologic agents; general packaging requirements.**

(a) Packages of etiologic agents having 1 gallon or less capacity must be prepared for shipment in accordance with the requirements prescribed in § 72.25 of the regulations of the Department of Health, Education, and Welfare (Title 42, CFR, Part 72), or as otherwise approved by the Department of Transportation.

(b) Packages of etiologic agents having a capacity of more than 1 gallon to be shipped by, for, or to the Department of Defense, must be prepared for shipment in accordance with the requirements prescribed in the appropriate regulations of that Department. All other shipments of more than 1 gallon must be approved by the Department of Transportation.

(V) Subpart H heading would be amended and redesignated Subpart I; a new Subpart H would be added to read as follows:

**Subpart H—Radioactive Materials**

**Subpart I—Marking and Labeling Hazardous Materials**

(W) In § 173.402 the heading and paragraphs (a), (b) would be amended to read as follows:

**§ 173.402 Labeling hazardous materials.**

(a) Except as otherwise provided in this part, no person may offer a package containing hazardous materials for transportation unless that package is conspicuously labeled in accordance with the following:

(1) For explosives, an "Orange A", "Orange B", or "Orange C" label as appropriate and as described in § 173.405.

(2) For nonflammable compressed gases, a "Green" label as described in § 173.406.

(3) For flammable compressed gases, a "Red Gas" label as described in § 173.406.

(4) For flammable liquids, a "Red" label as described in § 173.407.

(5) For flammable solids, a "Red Striped" label as described in § 173.407.

(6) For spontaneously combustible materials, a "Red Bottom" label as described in § 173.408.

(7) For water-reactive materials, a "Blue" label as described in § 173.408.

(8) For oxidizing materials other than organic peroxides, a "Yellow" label as described in § 173.409(b). For organic peroxides, a "Peroxide" label as described in § 173.409(c).

(9) For poisonous materials, a "Poison Gas", "Poison A", "Poison B", "Irritant", or "Etiologic" label as appropriate and as described in § 173.410.

(10) For radioactive materials, the "Radioactive White-I", "Radioactive Yellow-II", or "Radioactive Yellow-III" as appropriate and as described in § 173.411.

(11) For corrosive liquids, the "Corrosive Liquid" label as described in § 173.412.

(12) For a metal barrel or drum containing a flammable liquid having a vapor pressure exceeding 16 p.s.i.a., a "Bung Label" as described in § 173.119 (i).

(13) The "Empty Label" as described in § 173.413 must be applied to a packaging which has been emptied and on which the old label has not been removed, obliterated or destroyed. It must be placed on the packaging so that the old label will be completely covered.

(14) For shipments by air, and when appropriate, the following labels must be used:

(i) For magnetized materials, the "Magnetized material" label as described in § 173.414.

(ii) For packages of hazardous materials which are not acceptable on passenger-carrying aircraft, a "Cargo Aircraft Only" label as described in § 173.415.

(b) If the material in a package has more than one hazardous characteristic, one of which is explosives, class A; poison, class A, or radioactive materials, the package must be labeled for each hazard.

(X) Section 173.403 would be amended to read as follows:

**§ 173.403 Labels for mixed packing.**

(a) When different commodities having different hazard classifications are packaged in separate receptacles within the same packaging or in separate packages within the same outer enclosure as authorized in § 173.25, the package must be labeled to indicate the classification of each material involved.

(Y) In § 173.404 paragraphs (d), (e), (f), (g), and (h) would be amended to read as follows:

**§ 173.404 Labels.**

(d) Except as otherwise provided in §§ 173.414 and 173.415, labels for packages of hazardous materials must be diamond shape with each side at least 4 inches long. Printing must be in the prescribed colors, and inside a border measuring at least 3.5 inches on each side and as shown in this subpart.



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(e) Form identification information may be printed on the labels, in type not larger than 10 point, if placed outside of the black line border of the label.

(f) For important shipments only, foreign labels having the same size, symbols, and color coding as prescribed in these regulations are authorized in place of the labels prescribed in these regulations even though the inscriptions on the labels may be in a foreign language.

(g) For export shipments, each label should be over stamped or overprinted with the appropriate hazard class numeral as listed in § 172.3 of this chapter. The number must be in black, at least 0.25 inch in height, and located in the bottom corner of the label.

(h) Labels remaining on hand and which were authorized by regulations prior to effective date of this order may be used until present stocks are exhausted, but not after 1 year from effective date of order. This provision does not apply to the required use of labels for explosives, radioactive materials, or etiologic agents.

(Z) Section 173.405 would be amended to read as follows:

§ 173.405 Explosives labels.

(a) Labels for packages of explosives must be burnt orange in color. Printing must be in black inside a black line border.

(b) "Orange A" label for packages of explosives, class A.



(c) "Orange B" label for packages of explosives, class B.



(d) "Orange C" label for packages of explosives, class C.



(AA) Section 173.406 would be amended to read as follows:

§ 173.406 Gas labels.

(a) Labels for packages of compressed gases must be in the colors specified in this section. Printing must be in black inside a black line border.

(b) Nonflammable compressed gas label. Label must be bright green in color.



(c) "Red Gas" label for packages of flammable gases. Label must be bright red in color.



(BB) Section 173.407 would be amended to read as follows:

§ 173.407 Flammable materials labels.

(a) Labels for packages of flammable materials (except gases) must be in colors specified in this section. Printing must be in black inside a black line border.

(b) "Red" label for packages of flammable liquids. Label must be bright red in color.



(c) "Red Striped" label for packages of flammable solids. Label must consist of alternate bright red and white vertical stripes, each stripe 0.375 inch wide, equally spaced, with seven red stripes (one in the center and three on each side).



(CC) Section 173.408 would be amended to read as follows:

§ 173.408 Spontaneously combustible materials and water-reactive materials labels.

(a) Labels for packages of spontaneously combustible materials must be in colors specified in this section. Printing must be black inside a black line border.



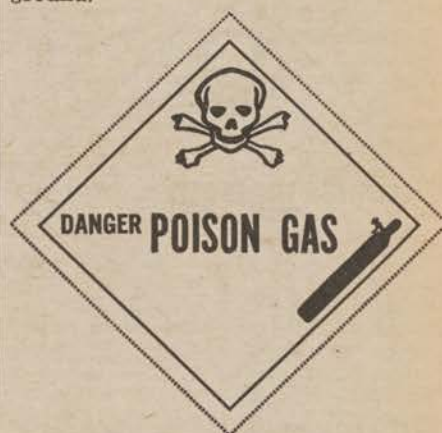
(b) "Red Bottom" label for packages of spontaneously combustible materials. The upper half of the label must be white in color and the lower half bright red in color.



(b) "Yellow" label for packages of oxidizing materials, other than organic peroxides.



(b) "Poison Gas" label for packages of extremely dangerous poisons, class A, gases. Label must have a white background.



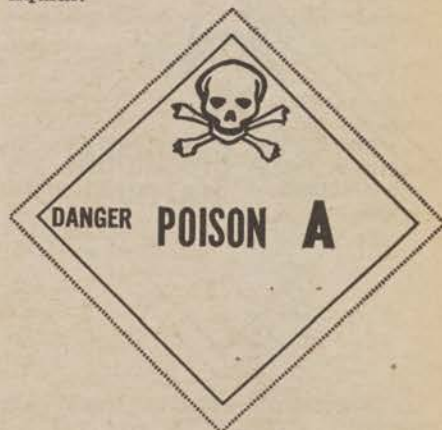
(c) "Blue" label for packages of water-reactive materials. Label must be bright blue in color.



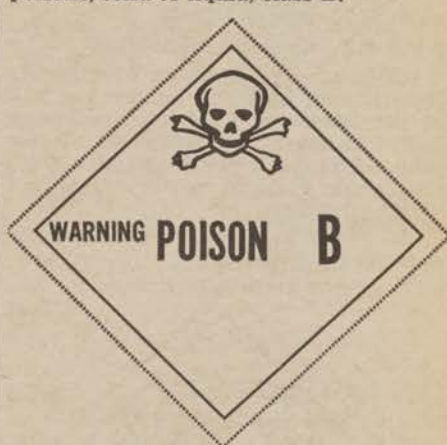
(c) "Peroxide" label for packages of organic peroxides.



(c) "Poison A" label for packages of extremely dangerous poisons, class A, liquids.



(d) "Poison B" label for packages of poisons, solid or liquid, class B.



(EE) Section 173.410 would be amended to read as follows:

§ 173.410 Poisonous materials labels.

(a) Labels for packages of poisonous materials must be white. Except for the "etiologic" label, printing must be in bright red inside a black line border, and the skull-and-crossbones must be in black. For the "etiologic" label, printing must be black inside a black line border, and the bio-hazard symbol must be in bright orange.

(DD) Section 173.409 would be amended to read as follows:

§ 173.409 Oxidizing materials labels.

(a) Labels for packages of oxidizing materials must be bright yellow in color. Printing must be in black inside a black line border.

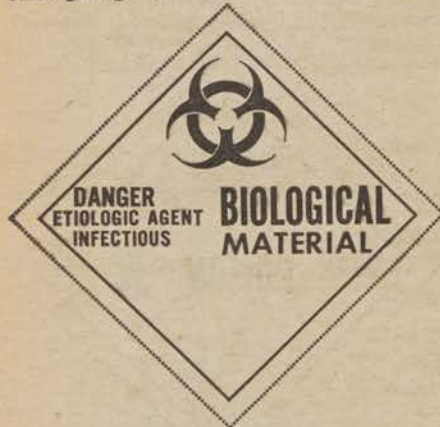


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(e) "Irritant" label for packages of irritating agents.



(f) "Etiologic" label for packages of etiologic agents.



(FF) Section 173.411 would be canceled:

(GG) Section 173.414 would be redesignated as § 173.411.

(HH) Section 173.412 would be amended to read as follows:

§ 173.412 Corrosive liquid label.

(a) Labels for packages of corrosive liquids must be white on the top half of the label, and black on the bottom half. Printing of the symbol on the top half must be in black inside of a black line border. Printing on the bottom half must be in white.

(b) "Corrosive Liquid" label for packages of corrosive liquids.



(II) Section 173.414 would be added, former § 173.414 has been redesignated § 173.411, to read as follows:

§ 173.414 Magnetized materials label for shipment by air.

Labels for packages of magnetized materials must be bright blue on the top half of the label and white on the bottom half. Printing of the symbol on the top half must be in white. Printing on the bottom half must be in bright blue, inside a blue line border.



(JJ) Section 173.415 would be added to read as follows:

§ 173.415 Cargo aircraft only label.

Labels for packages of hazardous materials which are not acceptable on passenger-carrying aircraft must be rectangular in shape measuring at least 5 inches horizontally and 4.5 inches vertically. Labels must be printed in bright orange and black.



(KK) Subpart I would be redesignated as Subpart J to read as follows:

Subpart J—Shipping Instructions

III. Part 174 would be amended as follows:

(A) In Part 174 table of contents §§ 174.532, 174.538, 174.541 would be amended to read as follows:

- Sec.  
174.532 Loading other hazardous materials.  
174.538 Loading and storage chart of hazardous materials.  
174.541 "Dangerous", "Dangerous—Radioactive Material", or "Caution—Residual Phosphorus" placards.

(B) In § 174.507 the sentence within parenthesis preceding paragraph (a), and paragraph (b) would be canceled; paragraph (c) would be amended and redesignated as paragraph (b) as follows:

§ 174.507 Labels.

(b) Labels as described in §§ 173.404 through 173.414 must be applied to packages as required by §§ 173.402 and 173.403.

(c) [Canceled.]

(C) In § 174.527 paragraph (a) would be amended to read as follows:

§ 174.527 Forbidden mixed loading and storage.

(a) Explosives, class A, and initiating or priming explosives must not be transported together in the same car. Additionally, explosives, class A, must not be transported, loaded, or stored on carrier property with charged electric storage batteries, nor with any other hazardous materials for which labels are prescribed in these regulations except as provided in § 174.538.

(D) In § 174.532 the heading, paragraphs (b) and (c) would be amended to read as follows:

§ 174.532 Loading other hazardous materials.

(b) Flammable liquids ("red" label), spontaneously combustible liquids ("red bottom" label), and flammable compressed gases ("red gas" label) must not be loaded, transported, or stored in cars equipped with any type of lighted heater or open-flame device, or in cars equipped with any apparatus or mechanism utilizing an internal combustion engine in its operation.

(1) Flammable liquid ("red" label) spontaneously combustible liquids ("red bottom" label), and flammable compressed gases ("red gas" label) must not be loaded in truck bodies or trailers equipped with lighted heaters or any automatic heating or refrigerating apparatus, when such truck bodies or trailers are loaded on flat cars.

(2) This prohibition does not apply and heating or refrigeration apparatus may be operated on motor vehicles loaded on flat cars when such motor vehicles are loaded with flammable liquids, spontaneously combustible liquids, and flammable gases, when the lading space is equipped with no electrical apparatus other than nonsparking or explosion-proof types, no combustion apparatus in the lading space, and no connection for return of air from the lading space to any combustion apparatus. The heating system must be such that no part of the lading is heated over 130° F., and conforms to section 393.77 of this title.

(3) Cylinders containing spontaneously combustible liquids, unless packed in strong wooden boxes and secured therein to protect valves, must be loaded with all valves and safety relief devices in the vapor space, and must be secured so that no shifting will occur in transit.

(c) Packages that are required to be



labeled must be loaded so that they cannot fall, and so that other packages cannot fall onto or slide against them. This does not preclude the use of loading methods that are designed to permit movement of the load provided, however, that such methods are previously approved by the Bureau of Explosives.)

(1) Packages bearing the marking "THIS SIDE UP" or "THIS END UP", must be so loaded and handled.

(2) Except as provided in § 174.538 hazardous materials for which labels are prescribed must not be loaded in the same car with explosives, class A.

(3) Packages with "yellow", "peroxide", or "red striped" labels must not be loaded in the same end of a car containing packages with "corrosive liquid" labels. However, shippers who have obtained prior approval of the Bureau of Explosives may load carload shipments of such articles together when it is known that the mixture of contents would not cause a dangerous evolution of heat or gas.

(E) In § 174.538 the heading would be amended; in the loading and storage chart the classification headings for the three classes of explosives would be amended; items 10 through 14 in both vertical and horizontal columns and footnote b would be amended to read as follows:

§ 174.538 Loading and storage chart of hazardous materials.

(a) \* \* \*

- CLASS A EXPLOSIVES ("ORANGE A" LABEL)
- CLASS B EXPLOSIVES ("ORANGE B" LABEL)
- CLASS C EXPLOSIVES ("ORANGE C" LABEL)

- 10—Flammable liquids ("red" label); spontaneously combustible liquids ("red bottom" label), or flammable compressed gases ("red gas" label).
- 11—Flammable solids ("red striped" label); spontaneously combustible solids ("red bottom" label); water-reactive solids ("blue" label), or oxidizing materials ("yellow" or "peroxide" labels).
- 12—Corrosive liquids ("corrosive liquid" label).
- 13—Nonflammable compressed gases ("green" label).
- 14—Poisons, class A ("poison gas" or "poison A" labels), or etiologic agents ("etiologic" label).

<sup>b</sup> Unless loaded in opposite ends of the car, corrosive liquids ("corrosive liquid" label) must not be loaded in the same car with packages bearing "yellow", "peroxide", "red striped", or "red bottom" labels.

(F) In § 174.541 the heading and paragraph (a) (1) would be amended to read as follows:

§ 174.541 "Dangerous", "Dangerous—Radioactive material", or "Caution—Residual phosphorus" placards.

(a) \* \* \*

(1) Cars containing one or more packages bearing "red", "red gas", "red striped", "red bottom", "blue", "yellow", "peroxide", "etiologic", "poison B", or "corrosive liquid" labels, as required by §§ 173.402 and 173.403 of this chapter.

(G) Section 174.543 would be amended to read as follows:

§ 174.543 Placarding cars; passenger trains.

When a car containing one or more packages of any hazardous material, labeled in accordance with Part 173, is hauled in a passenger train, and such car is not occupied by an employee of the carrier, placards must be applied as required by the regulations in this part. However, if any package bears a "poison gas", or "poison A" label, the appropriate placard must be applied to the car regardless of occupancy.

(H) In § 174.544 paragraph (a) (3) would be amended to read as follows:

§ 174.544 Placards not required.

(a) \* \* \*

(3) Cars containing irritating agents, "irritant" label.

(I) In § 174.576 paragraph (b) would be amended to read as follows:

§ 174.576 Intermediate shippers and carriers.

(b) Each carrier offering or delivering for rail transportation any loaded motor vehicle, trailer, semi-trailer, or container containing hazardous materials must show on the shipping paper the information required by § 174.510, the description of the vehicle or container, and the kind of placards applied.

(J) In § 174.584 paragraph (a), including table, would be amended; paragraph (c) would be canceled as follows:

§ 174.584 Waybills, switching orders, or other billing.

(a) The revenue waybill, astray waybill, switching order, or any other billing issued in place thereof, prepared from the shipping order or other shipping paper, or shipping orders used as waybills, must contain the information required by § 174.510. The proper placard notation (for carload shipment) must follow the name of the article and the classification on the billing. The placard endorsement must be at least 3/8-inch high, and must appear on the billing near the space provided for the car number. Notations and endorsements must be as prescribed in the following table:

TABLE

Article	Placard notation	Placard endorsement
Explosives, class A (except blasting caps, 1,000 or less).	"Explosives placard"	"Explosives".
Explosives, class B	"Dangerous placard"	"Dangerous".
Explosive chemical ammunition containing poisons, class A.	"Explosives and Poison Gas placard"	"Explosives" and "Poison Gas".
Explosives, class C	None	None.
Nonflammable compressed gases in containers other than tank cars.	do	Do.
Nonflammable compressed gases in tank cars.	"Dangerous placard"	"Dangerous".
Flammable compressed gases.	do	Do.
Flammable liquids	do	Do.
Flammable solids	do	Do.
Spontaneously combustible materials.	do	Do.
Water-reactive materials	do	Do.
Poisons, class A.	"Poison Gas placard"	"Poison Gas".
Flammable poisons, class A.	"Flammable poison gas placard"	"Flammable poison gas".
Poisons, class B	"Dangerous placard"	"Dangerous".
Irritating agents	None	None.
Etiologic agents	"Dangerous placard"	"Dangerous".
Radioactive materials with "Radioactive-white I" or "radioactive-yellow II" label.	None	None.
Radioactive materials with "radioactive-yellow III" label.	"Dangerous-radioactive material placard"	"Radioactive".
Corrosive liquids	"Dangerous placard"	"Dangerous".
Tank cars filled with water or inert gas, and last containing phosphorus.	"Caution—This car contains residual phosphorus and must be kept filled with (water) or (inert gas)."	"Caution-residual phosphorus".
Empty tank cars that last contained flammable poisons, class A.	"Dangerous-flammable poison gas-empty placard"	"Dangerous-flammable poison gas-empty".
Empty tank cars that last contained nonflammable poisons, class A.	"Dangerous-poison gas-empty placard"	"Dangerous-poison gas-empty".

(c) [Canceled]

IV. Part 175 would be amended as follows:

(A) In § 175.655 paragraphs (a), (b), and (h) would be amended to read as follows:

§ 175.655 Protection of packages.

(a) Packages that are required to be labeled must be so handled and loaded so that they cannot fall, and so that other packages cannot fall onto or slide against them.



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(b) Packages bearing the marking "THIS SIDE UP" or "THIS END UP" must be so loaded and handled.

(h) Carriers shall prevent contact of contents of packages bearing "yellow," "peroxide," "corrosive liquid," or "red bottom" labels with combustible substances, such as sawdust, shavings, or sweepings, that may be present in express cars. The space should be swept or cleaned.

V. Part 176 would be amended as follows:

(A) In § 176.703 paragraph (f) would be amended to read as follows:

§ 176.703 Acceptable articles.

(f) When slow-burning (nonflammable) motion-picture films are packed in the same outside containers with flammable motion-picture films, the outside packages must bear the red striped label, and the total contents of the outside container must not exceed the quantity or gross weight permitted for flammable films. (See paragraph (e) of this section.)

VI. Part 177 would be amended as follows:

(A) In Part 177 Table of Contents §§ 177.823, 177.837, 177.838, 177.848 would be amended to read as follows:

- 177.823 Exterior placarding of motor vehicles and combinations.
- 177.837 Flammable liquids, and spontaneously combustible liquids.
- 177.838 Flammable solids, spontaneously combustible solids, water-reactive solids, and oxidizing materials.
- 177.848 Loading and storage chart of hazardous materials.

(B) In § 177.815 paragraphs (a), (g), and (h) would be amended; paragraph (f) would be canceled as follows:

§ 177.815 Labels.

(a) Except as otherwise provided for, carriers shall not accept packages of hazardous materials for transportation unless the packages are labeled as required by §§ 173.402 and 173.403 of this chapter.

(f) [Canceled].

(g) Labels must be as described in §§ 173.404 through 173.415 of this chapter.

(h) No person may mark or label any package of hazardous materials with any marking or label of such a size, color, or character which would render inconspicuous or be readily confused with the required markings or labels. This paragraph does not preclude the use of additional hazard information or warnings.

(C) In § 177.823 the heading and the

third and fourth items in paragraph (a) (1) Table are amended to read as follows:

§ 177.823 Exterior marking and placarding of motor vehicles and combinations.

- (a) \* \* \*
- (1) \* \* \*

Commodity	Type of placard
Poison, class A, any quantity; etiologic agents, any quantity; Poison, class B, 1,000 pounds or more gross weight.	POISON (Blue letters on white background).
Flammable liquids or solids; spontaneously combustible materials; or water-reactive materials, 1,000 pounds or more gross weight.	FLAMMABLE (Red letters on white background).

(D) In § 177.837 the heading and paragraph (d) would be amended to read as follows:

§ 177.837 Flammable liquids, and spontaneously combustible liquids.

(d) Cylinders containing spontaneously combustible liquids, unless they are packed in strong wooden boxes (see § 173.25 of this chapter) and secured therein to protect the valves, must be loaded with all valves and safety relief devices in the vapor space, and must be secured so that no shifting will occur in transit.

(E) In § 177.838 the heading and paragraph (e) (2) would be amended to read as follows:

§ 177.838 Flammable solids, spontaneously combustible solids, water-reactive solids, and oxidizing materials.

(e) \* \* \*

(2) Matches of whatever character must not be loaded next to packages labeled with a "red", "red gas" or "red bottom" label.

(F) In § 177.848 the heading would be amended; in the Loading and Storage Chart the classification headings for the three classes of explosives would be amended; items 10 through 14 in both vertical and horizontal columns and footnote b would be amended to read as follows:

§ 177.848 Loading and storage chart of hazardous materials.

(a) \* \* \*

CLASS A EXPLOSIVES ("ORANGE A" LABEL)

- CLASS B EXPLOSIVES ("ORANGE B" LABEL)
- CLASS C EXPLOSIVES ("ORANGE C" LABEL)
- 10—Flammable liquids ("red" label); spontaneously combustible liquids ("red bottom" label), or flammable compressed gases ("red gas" label).
- 11—Flammable solids ("red striped" label); spontaneously combustible solids ("red bottom" label); water-reactive solids ("blue" label), or oxidizing materials ("yellow" or "peroxide" labels).
- 12—Corrosive liquids ("corrosive liquid" label).
- 13—Nonflammable compressed gases ("green" label).
- 14—Poisons, class A ("poison gas" or "poison A" labels), or etiologic agents ("etiologic" label).

<sup>b</sup> Unless loaded in opposite ends of the vehicle, corrosive liquids ("corrosive liquid" label) must not be loaded in the same vehicle with packages bearing "yellow", "peroxide", "red striped", or "red bottom" labels.

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