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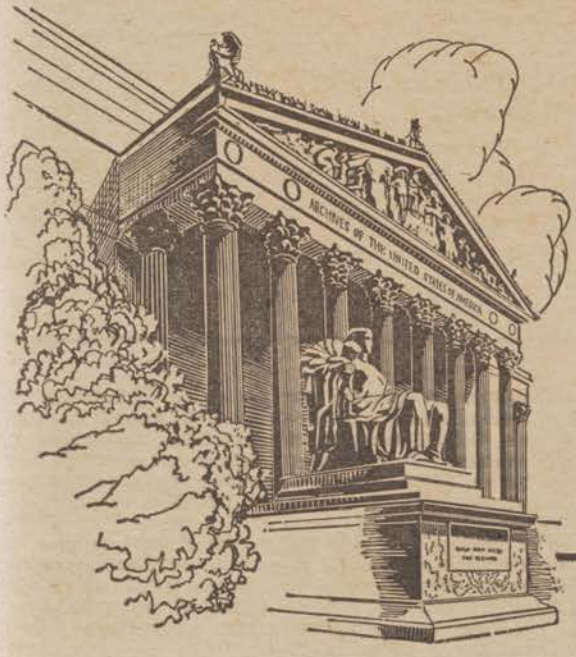

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Title 3—THE PRESIDENT

Proclamation 4002

GENERAL PULASKI'S MEMORIAL DAY, 1970

By the President of the United States of America

A Proclamation

On this the one hundred and ninety-first anniversary of the death of Casimir Pulaski, we recall with gratitude his gallant efforts and his sacrifice in helping this country to win its independence.

General Pulaski died on October 11, 1779, of a wound received two days earlier while leading a cavalry charge in the city of Savannah, Georgia. This anniversary reminds us of his great contribution and that of succeeding generations of American citizens of Polish origin to the freedom and progress of this Nation.

It is appropriate that we commemorate General Pulaski's belief in liberty for which he gave his life in the cause of American independence. In doing so, we dedicate ourselves anew to those fundamental ideals of freedom on which this Nation was founded and has prospered.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Sunday, October 11, 1970, as General Pulaski's Memorial Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe that day with appropriate ceremonies in honor of the memory of General Pulaski.

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

Richard Nixon

[F.R. Doc. 70-12468; Filed, Sept. 16, 1970; 8:52 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 331]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.631 Valencia Orange Regulation 331.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section, until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 15, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 18, 1970, through September 24, 1970, are hereby fixed as follows:

(i) District 1: 322,000 cartons;

(ii) District 2: 378,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: September 16, 1970.

AUTHOR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70–12486; Filed, Sept. 16, 1970; 11:49 a.m.]

[Lime Reg. 28, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes grown in Florida.

Order. In § 911.330 (Lime Reg. 28; 35 F.R. 6699, 10662) the introductory text of paragraph (b) and subparagraph (2) thereof are amended to read as follows:

§ 911.330 Lime Regulation 28.

* * * * *

(b) During the period September 14, 1970, through April 30, 1971, no handler shall handle:

* * * * *

(2) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply; or

* * * * *

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

Dated, September 11, 1970, to become effective September 14, 1970.

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

[F.R. Doc. 70–12409; Filed, Sept. 16, 1970; 8:51 a.m.]

[Grapefruit Reg. 11; Grapefruit Reg. 10 Terminated]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

§ 944.107 Grapefruit Regulation 11.

(a) On and after September 21, 1970, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than

such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, 506 South Nebraska St., San Juan, Tex. 78589 (Phone—512-787-4091), or	1 day.
	A. D. Mitchell, Room 516, U.S. Courthouse, El Paso, Tex. 79901 (Phone—915-533-9351, Ext. 5340).	Do.
All New York points.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7668 and 7669).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621 (Phone—602-287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone—305-371-2571), or	Do.
	Hubert S. Flynt, 775 Warner Lane, Orlando, Fla. 32812 (Phone—305-841-2141).	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., Room 294, Los Angeles, Calif. 90012 (Phone—213-622-8756).	3 days.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—202-388-5870).	Do.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this regulation, any importation of grapefruit which, in the aggregate does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this regulation shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade, diameter, standard pack, and standard box shall have the same meaning as when used in the U.S. Standards for Florida Grapefruit (7 CFR 51.750–51.783). Importation means release from custody of the U.S. Bureau of Customs.

§ 944.106 [Terminated]

Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895; 34 F.R. 7898, 11135, 14383; 35 F.R. 5462, 6747, 7504) is hereby terminated at the effective time hereof.

It is hereby 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 time of this regulation beyond that herein specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those being made applicable to domestic shipments of grapefruit under Grapefruit Regulation 69 (§ 905.525); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

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

Dated: September 14, 1970.

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

[F.R. Doc. 70-12410; Filed, Sept. 16, 1970; 8:51 a.m.]

[Lime Reg. 3, Amdt. 16]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(2) of § 944.202 (Lime Regulation 3, 35 F.R. 10740) are hereby amended to read as follows:

§ 944.202 Lime Regulation 3.

(a) * * *

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet requirements set forth in the U.S. Standards for Persian (Tahiti) Limes, shall apply;

* * * * *

It is hereby 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 time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under amended Lime Regulation 28 (§ 911.330) which becomes effective September 14, 1970; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time

hereof; and (d) this amendment relieves restrictions on the importation of limes.

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

Dated, September 11, 1970, to become effective September 14, 1970.

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

[F.R. Doc. 70–12408; Filed, Sept. 16, 1970; 8:51 a.m.]

[980.109 Amdt. 2]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Pursuant to the requirements of section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), Onion Import Regulation, § 980.109, is hereby amended to conform to a simultaneous amendment to the regulation in effect for domestic shipments of onions under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in the Idaho-Eastern Oregon production area, as set forth below. This regulation is subject to further amendment in accordance with domestic regulations.

Onion import regulation, as amended. In § 980.109 (35 F.R. 11225, 12530) paragraph (a) is hereby amended to change the minimum size for yellow varieties from 2 inches to 2¼ inches minimum diameter, so that said paragraph (a) will read as follows:

§ 980.109 **Onion import regulation.**

* * * * *

(a) *Minimum grade and size requirements*—(1) *Yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2¼ inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1 inch minimum diameter.

* * * * *

Findings. It is hereby found that it is impractical and unnecessary to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of section 608e–1 of the act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) notice hereof is hereby determined to be reasonable in accordance with the requirements of the act and it is in excess of the minimum period of 3 days specified in the act.

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

Dated: September 11, 1970, to become effective September 26, 1970.

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

[F.R. Doc. 70–12411; Filed, Sept. 16, 1970; 8:51 a.m.]

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

[Milk Order No. 33]

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ohio Valley marketing area.

It is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act: In § 1033.43(b), the provisions "If Class II or Class III utilization is requested by the operators of both plants, such classification shall be as Class II and Class III milk to the extent of such utilization at the transferee plant;".

Statement of consideration. The termination of these provisions will result in the Class I classification of all fluid milk products that are transferred from a pool plant to a producer-handler plant. Under the present order provisions, such transfers may be assigned a Class II or Class III classification, to the extent of such use, if the operators of both plants request such classification.

The provisions being terminated became effective on August 1, 1970, when the former Cincinnati, Miami Valley, Columbus, Northwestern Ohio, and Tri-State orders were merged under the present Ohio Valley order. Under each of the five separate orders, fluid milk products transferred from a pool plant to a producer-handler plant were classified as Class I milk. It was proposed at the hearing on which the merger of orders was based that this classification be continued. No other proposal on this particular issue was made, nor was it found in the decision proposing the merged order that marketing conditions warranted a change in such classification. In drafting the provisions of the Ohio Valley order, it was not intended that the Class I classification of such transfers to producer-handler plants that existed under the separate orders be changed.

It is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) This termination is necessary to correct an inadvertent change in the classification of fluid milk products that are transferred from a pool plant to a producer-handler plant; and

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

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

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 10, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70–12347; Filed, Sept. 16, 1970; 8:46 a.m.]

[Milk Order No. 36]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

It is hereby found and determined that the following provisions of the amended order issued on August 25, 1970 (35 F.R. 13774), which becomes effective October 1, 1970, will not tend to effectuate the declared policy of the Act: In § 1036.43 (b), the provisions "If Class II or Class III utilization is requested by the operators of both plants, such classification shall be as Class II or Class III milk to the extent of such utilization at the transferee plant;".

Statement of consideration. The termination of these provisions will continue under the said amended order the present Class I classification of fluid milk products that are transferred from a pool plant to a producer-handler plant. Without this termination action, any such transfers made on or after October 1, 1970, could be assigned a Class II or Class III classification, to the extent of such use, if the operators of both plants request such classification.

Hearings were held on September 9–15, 1969, and July 29, 1970, on proposed amendments to the Eastern Ohio-Western Pennsylvania order. The classification of fluid milk products that are transferred to a producer-handler plant was not an issue in these proceedings. In drafting the amendments to the order on the basis of such hearings, it was not intended that the present classification of such transfers be changed.

The amended order to which this termination action applies becomes effective on October 1, 1970. The correction of the amended order should be made by that date. Thus, it is hereby found and determined that notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

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

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 10, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70–12348; Filed, Sept. 16, 1970; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 Crop Corn Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 Crop Corn Loan and Purchase Program

Correction

In F.R. Doc. 70–11725 appearing at page 14121 in the issue for Saturday, September 5, 1970, the following changes should be made:

1. In § 1421.113(b)(2) the deduction rate for the dates of Aug. 16–Sept. 4, 1970, now reading "18" should read "17".

2. The word "country" appearing in the first and second lines of § 1421.116(a) should read "county" in both cases.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70–263]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2 in subparagraph (e)(6) relating to the State of Missouri, new subdivisions (vi) relating to Stoddard County and (vii) relating to Scott County are added to read:

(6) *Missouri.* * * *

(vi) That portion of Stoddard County bounded by a line beginning at the junction of State Highways J and WW; thence, following State Highway WW in a generally southerly direction to U.S. Highway 60; thence, following U.S. Highway 60 in a southwesterly direction to the Stoddard-Butler County line; thence, following the Stoddard-Butler County line in a generally northwesterly direction to the Stoddard-Wayne County line; thence, following the Stoddard-Wayne County line in an easterly direction to State Highway T; thence, following State Highway T in a generally easterly direction to State Highway J; thence, following State Highway J in a southerly and easterly direction to its junction with State Highway WW.

(vii) That portion of Scott County bounded by a line beginning at the junction of U.S. Highway 61 and the St. Louis South Western Railroad; thence, following U.S. Highway 61 in a generally southwesterly direction to the Oran-Benton gravel road; thence, following the Oran-Benton gravel road in a generally southwesterly direction to State Highway W; thence, following State Highway W in a southwesterly direction to the Missouri Pacific Railroad; thence, following the Missouri Pacific Railroad in a northwesterly direction to the Scott-Cape Girardeau County line; thence, following the Scott-Cape Girardeau County line in a northeasterly direction to Drainage Ditch No. 1; thence, following Drainage Ditch No. 1 in a northeasterly direction to the St. Louis South Western Railroad; thence, following the St. Louis South Western Railroad in a generally northeasterly direction to its junction with U.S. Highway 61.

2. In § 76.2, subparagraph (e)(7) relating to the State of Maryland, subsection (i) relating to Charles and Prince Georges Counties is deleted, and a new subsection (i) relating to Charles, St. Marys, Calvert, Prince Georges, and Anne Arundel Counties is added to read:

(7) *Maryland.* (i) That portion of the State of Maryland comprised of all of Charles, St. Marys, and Calvert Counties, and portions of Prince Georges and Anne Arundel Counties, and bounded by a line beginning at the junction of U.S. Highway 50 and the Prince Georges County-District of Columbia boundary line; thence, following U.S. Highway 50 in a generally northeasterly direction to the Chesapeake Bay Bridge; thence, following the west coast line of Chesapeake Bay in a generally southerly direction to Point Lookout at the south tip of St. Marys County; thence, following the Maryland-Potomac River bank in a generally northwesterly direction to the Prince Georges County-District of Columbia boundary line; thence, following the Prince Georges County-District of Columbia boundary line in a northeasterly and thence, northwesterly direction to its junction with U.S. Highway 50.

* * * * *

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

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Stoddard and Scott Counties in Missouri; all of Charles, St. Marys, and Calvert Counties and portions of Prince Georges and Anne Arundel Counties in Maryland because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their 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 amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of September 1970.

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

[F.R. Doc. 70–12345; Filed, Sept. 16, 1970; 8:46 a.m.]

[Docket No. 70–262]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in subparagraph (e)(10) relating to the State of North Carolina,

subdivision (iii) relating to Currituck, Camden, Pasquotank, Perquimans, Chowan, and Gates Counties is amended to read:

(10) *North Carolina.* * * *

(iii) That portion of the State of North Carolina comprised of all of Currituck, Camden, Pasquotank, Perquimans, Chowan, and Gates Counties and bounded by a line beginning at the junction of the Chowan River and the North Carolina-Virginia State line; thence, following the east bank of the Chowan River in a generally southeasterly direction to the Albermarle Sound; thence, following the north coast line of the Albermarle Sound in a generally northeasterly direction to Powells Point at the south tip of Currituck County; thence, following the west coast line of Currituck Sound in a generally northwesterly direction along Coinjack Bay, Tule Bay, and the west bank of the North Landing River to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in an easterly direction to the east bank of the North Landing River; thence, following the east bank of the North Landing River in a generally southeasterly direction and continuing along the east coast line of the Currituck Sound, to the Currituck-Dare County line; thence, following the Currituck-Dare County line in a northeasterly direction to the Atlantic Ocean; thence, following the Currituck County-Atlantic Ocean coast line in a northwesterly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with the Chowan River.

* * * * *

2. In § 76.2 subparagraph (e)(17) relating to the State of Virginia is amended to read:

(17) *Virginia.* (i) That portion of the State of Virginia comprised of all of city of Virginia Beach, city of Chesapeake, city of Norfolk, city of Portsmouth, and Nansemond, Isle of Wight, Southhampton, and Surry Counties, and a portion of Sussex County, and bounded by a line beginning at the junction of the Surry-Prince George County line and the James River; thence, following the south bank of the James River in a generally southeasterly direction along Cobham Bay, Batten Bay, the south coastline of Hampton Roads and Willoughby Bay to the city of Norfolk-Chesapeake Bay coastline; thence, following the city of Norfolk-Chesapeake Bay coastline in a southeasterly direction to the city of Virginia Beach-Chesapeake Bay coastline; thence following the city of Virginia Beach-Chesapeake Bay coastline in a generally southeasterly direction to the city of Virginia Beach-Atlantic Ocean coastline; thence following the city of Virginia Beach-Atlantic Ocean coastline in a southeasterly direction to the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to the Southhampton-Greensville County line, also the Meherrin River; thence, following the Southampton-Greensville County line in a generally northwesterly and thence in a northeasterly direction to the Sussex-Greensville County line; thence, following the Sussex-Greensville County line in a northwesterly and thence a northeasterly direction to Interstate Highway 95; thence, following Interstate Highway 95 in a northeasterly direction to the Sussex-Prince George County line; thence, following the Sussex-Prince George County line in a northeasterly direction to the Surry-Prince George County line; thence, following the Surry-Prince George County line in a northeasterly direction to its junction with the James River.

3. In § 76.2, subparagraph (e)(19) relating to the State of Illinois, subdivision (i) relating to Macoupin County is deleted.

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

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude portions of Greensville and Powhatan Counties in Virginia; a portion of Dare County, N.C.; and a portion of Macoupin County, Ill., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of September 1970.

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

[F.R. Doc. 70–12346; Filed, Sept. 16, 1970; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10578; Amdt. 39–1080]

PART 39—AIRWORTHINESS DIRECTIVES

Dornier Model Do–28D–1 Airplanes

It has been determined that the jumper wires (electrical bonding straps) in the right and left wing on Dornier Model Do–28D–1 airplanes may interfere with the aileron and flap control system. This could result in failure or blockage of the controls on these airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the installation of shorter jumper wires, covering the jumper wires with insulation tubing, and the rerouting of certain wires.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DORNIER AG. Applies to Model Do–28D–1 Airplanes.

To prevent interference between the jumper wires and the aileron and flap control systems, within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, rework the jumper wire installations located in the right and left wing by installing shorter jumper wires, covering the jumper wires with insulation tubing, and rerouting wires in accordance with Dornier Service Bulletin No. 1030–1408, dated July 6, 1970, or an FAA-approved equivalent.

This amendment becomes effective September 22, 1970.

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

Issued in Washington, D.C., on September 10, 1970.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70–12376; Filed, Sept. 16, 1970; 8:48 a.m.]

[Docket No. 10579; Amdt. 39-1081]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Model 205-22/R Airplanes

There has been a report of a malfunction of the flap position locking mechanism resulting in loss of a selected flap position on SIAI Marchetti Model 205-22/R airplanes. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the existing locking pawl and cup to improve the security of the flap control unlocking rod nut.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI MARCHETTI. Applies to Model 205-22/R airplanes.

To prevent malfunction of the flap position locking mechanism, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished, replace the flap system locking pawl (P/N 205-6-052-22) and cup (P/N 205-6-052-23) with a modified locking pawl (P/N 205-6-052-22/A) and modified cup (P/N 205-6-052-23/A) in accordance with SIAI Marchetti Technical Instruction No. 205 I-13, dated April 3, 1970, or an FAA-approved equivalent.

(SIAI Marchetti Service Bulletin No. 205B25 refers to this subject.)

This amendment becomes effective September 22, 1970.

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

Issued in Washington, D.C., on September 10, 1970.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-12377; Filed, Sept. 16, 1970; 8:48 a.m.]

[Airspace Docket No. 70-SW-51]

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

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the segment of VOR Federal airway No. 124 between Paris, Tex., and Hot Springs, Ark.

This segment of V-124 is presently designated from Paris via the Greeson Lake, Ark., VOR to Hot Springs. The Federal Aviation Administration has determined that the Greeson Lake VOR is no longer required in the air traffic control system thereby permitting its decommissioning and the realignment of V-124 from Paris direct to Hot Springs.

Accordingly, action is taken herein to redesignate V-124 segment from Paris direct to Hot Springs. Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 10, 1970, as hereinafter set forth.

In § 71.123 (35 F.R. 2009) V-124 text is amended by deleting "Greeson Lake, Ark.;".

(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 September 9, 1970.

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

[F.R. Doc. 70-12378; Filed, Sept. 16, 1970; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-645; Amdt. 3]

PART 205 — INAUGURATION AND TEMPORARY SUSPENSION OF SCHEDULED ROUTE SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Answers by Interested Persons and Replies Thereto

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of September 1970.

Section 205.4 of Part 205 of the economic regulations presently allows any interested person to file and serve an answer to an application for temporary suspension or delayed inauguration of service. Further pleadings are not entertained unless ordered by the Board. In most cases, however, applicants have moved for leave to file a reply to an answer, and the motion is usually unopposed and routinely granted.

Since the existing rule does not conform to practice and since it tends to hinder rather than facilitate the expeditious processing of applications for suspension or delayed inauguration of service, § 205.4 is being amended to permit applicants to file replies to answers 7 days after service of the latter.

Since the amended rule is one of agency procedure and practice, the Board finds that notice and public procedure thereon are not required, and the rule will be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 205 of the economic regulations (14 CFR Part 205) effective September 14, 1970, as follows:

1. Amend the table of contents to read, in part, as follows:

Sec.

* * * * *

205.4 Answers by interested persons and replies thereto.

* * * * *

2. Amend the title and content of § 205.4 to read as follows:

§ 205.4 Answers by interested persons and replies thereto.

(a) Any interested person may file with the Board and serve upon the applicant a written answer in opposition to or in support of an application made pursuant to § 205.3 within twenty (20) days of the filing thereof. Such answer shall set forth in detail the reasons why the postponement of inauguration of service or temporary suspension of service should be denied or authorized, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An executed original and 19 copies of such answer shall be filed with the Docket Section.

(b) Within seven (7) days from the date of service of an answer, the applicant may file a reply thereto and shall serve it upon any person who has filed an answer. An executed original and 19 copies of such reply shall be filed with the Docket Section.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Effective: September 14, 1970.

Adopted: September 14, 1970.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-12419; Filed, Sept. 16, 1970; 8:52 a.m.]

[Regulation ER-646; Amdt. 13]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS, AND MEMORANDA

Reduction in Retention Period of Authorizations, Records, Reports, Registers and Supporting Papers Incident to the Transportation of Persons or Property at Free or Reduced Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of September, 1970.

By Regulation ER-598, effective and adopted December 11, 1969, the Board reduced the retention period from 2 years to 1 year for flight and auditor's coupons by revising § 249.13(f) Schedule of Records categories 151(a) and 151(b) of Part 249 of the economic regulations. That action reduced to some extent a burdensome storage facilities expense to the carriers while making available such

records for a period sufficient to meet the Board's purposes.

Recently, a carrier reported to the Board that it attaches authorization for free and reduced-rate tickets to the auditor's coupons as support for issuance of these tickets. The carrier stated that since the Economic Regulations, categories 151(a) and 151(b), require that flight and auditor's coupons be retained for a minimum period of 1 year and that authorizations for free and reduced-rate tickets, category 153, be retained for a minimum of 3 years the advantage of destroying their records at the earliest possible date is lost. Therefore, the carrier requested that the Board review this regulation to determine the need for and intent of maintaining two separate retention periods for associated documents.

After reviewing § 249.13 of the economic regulations, the Board has concluded that retention of free and reduced-rate transportation records for 12 months would be adequate for regulatory purposes. Since the procedures outlined by the corresponding carrier, or procedures similar thereto, may be in use by others in the industry, the Board believes that relief should be, and is hereby, granted to all air carriers.

Because this amendment does not adversely affect any person and relieves a restriction heretofore imposed upon air carriers, the Board finds that notice and public procedure are unnecessary and the amendment shall be made effective immediately.

Accordingly, the Board hereby amends paragraph (f) of § 249.13 (14 CFR 249.13), effective September 14, 1970, by revising category 153 in the "Schedule of Records" table to read as follows:

§ 249.13 Period of preservation of records by certificated route air carriers.

* * * * *

(f) * * *

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
* * *	* * *	* * *
153. Authorizations, records, reports, registers, and supporting papers incident to the transportation of persons or property at free or reduced rates.	1 year	
* * *	* * *	* * *

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

Effective: September 14, 1970.

Adopted: September 14, 1970.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-12418; Filed, Sept. 16, 1970; 8:52 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 200—PROCEDURES AND FORMS

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

PART 250—REPORTS, INFORMATION, HEARINGS AND WITNESSES

PART 260—APPEALS WITHIN THE BOARD

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), §§ 200.1(a) and 200.2(a)(21) of Part 200 (20 CFR 200.1(a) and 200.2(a)(21)), § 210.8(a) of Part 210 (20 CFR 210.8(a)), §§ 250.8(a), 250.9, and 250.10(a) of Part 250 (20 CFR 250.8(a), 250.9, and 250.10(a)), and §§ 260.1(a), 260.2, and 260.3 of Part 260 (20 CFR 260.1(a), 260.2, and 260.3) of the regulations under such act are amended by Board Order 70-83, dated August 26, 1970, to read as follows:

§ 200.1 The general course and method by which the Board's functions are channeled and determined.

(a) *Retirement and death benefits.* Retirement and death benefits must be applied for by filing application therefor. (For details as to application, see Parts 210 and 237 of this chapter.) The Bureau of Retirement Claims considers the application and the evidence and information submitted with it. Wage and service records maintained by the Board are checked and if necessary, further evidence is obtained from the employee, the employer, fellow employees, public records and any other person or source available. The Bureau makes a decision on the application in the first instance. An applicant dissatisfied with the Bureau's decision may, upon filing notice within 1 year from the date the decision is mailed to the applicant, appeal to the Office of Hearings and Appeals. There he may have an oral hearing before a referee of which a stenographic record is made, submit additional evidence, be represented, and present written and oral argument. If dissatisfied with the decision of the referee, the applicant may appeal to the Board itself. This appeal must be made on a prescribed form within 4 months of the date a copy of the referee's decision was mailed to him. If new evidence is received, the Board may remand the case to the referee for investigation and recommendation on the new evidence. (For details on all appeals procedure, see Part 260 of this chapter.) An applicant, after he has unsuccessfully appealed to the Board itself and has thus exhausted all administrative remedies within the Board, may obtain a review of a final decision of the Board by filing a petition for review, within 1 year after the entry of the decision on the records of the Board and its communication to the applicant, in the U.S. court of appeals for the circuit in which the applicant resides, or in the U.S. Court of Appeals for the Seventh Circuit, or in the U.S. Court of Appeals for the District of Columbia Circuit.

§ 200.2 Designation of forms and instructions.

(a) * * *

(21) *Form AC-2, Appeal from Decision of the Referee.* This is the form prescribed for filing an appeal from a decision of the referee with respect to a determination made in connection with an application for annuity or death benefits in accordance with §§ 260.3 and 260.4 of this chapter.

§ 210.8 When an application is considered fully exhausted.

(a) An application for an annuity shall be considered fully exhausted on the date of notice of the initial decision denying the applicant's claim if the notice of decision was dated after September 7, 1961, and was not appealed as prescribed in Part 260 of this chapter. If a timely appeal is taken from such an initial decision, the annuity application shall be considered fully exhausted on the date of notice of the decision of the referee unless a timely appeal from that decision is filed with the Board. Where such an appeal is filed, the annuity application shall be considered fully exhausted on the date of notice of the decision of the Board.

§ 250.8 Witnesses.

(a) In any hearing before the Board, a member thereof, or a designated subordinate or subordinates, witnesses may be summoned to appear and give testimony.

§ 250.9 Application for witnesses.

The Board, a member thereof, or a designated subordinate or subordinates, conducting a hearing may upon its or their own motion or upon application of any party to such hearing issue a subpena for a witness or witnesses. The application shall be by affidavit filed with the body or person conducting the hearing within such period of time as will permit service and return of a subpena prior to the date set for the hearing at which the witness is to appear but in no case shall such application be filed later than 10 days prior to the date of hearing. The application shall set forth:

(a) The name of the witness.

(b) His address.

(c) The title of the matter to be heard, i.e., names of parties.

(d) The issue to which the testimony of the witness will be directed.

(e) The substance of the testimony which such witness is expected to give

or the facts to which such witness will testify.

(f) The books, papers or documents which are requested, if a subpena duces tecum is applied for.

In addition to the above the party filing such application shall, at the time of filing, deposit therewith a sum of money sufficient to cover the fees and mileage of the witness, or in lieu thereof, shall state in the application that satisfactory arrangements have been made with the witness for the direct payment of his fees and mileage and any other allowable expense.

§ 250.10 Petition for summoning recalcitrant witnesses.

(a) In connection with any hearing a party thereto may petition the Board, a member thereof, or a designated subordinate or subordinates, to subpena, upon its or their own motion, a witness or witnesses. The petition shall be in writing under oath and be filed with the body or person conducting the hearing within the time limit prescribed for an application for subpena, shall set forth the same information required in an application for subpena and in addition thereto shall show (1) that the person or persons named therein as witnesses will not appear voluntarily and (2) that a failure of such person or persons to appear and testify will operate to prejudice substantive rights of the petitioner.

§ 260.1 Initial decisions by the Bureau of Retirement Claims.

(a) Claims will be adjudicated and initial decisions made by the Bureau of Retirement Claims upon the basis of the application, the evidence submitted by the applicant, and evidence otherwise available. Adjudication and initial decision will be in accordance with instructions issued by the Director of the Bureau.

§ 260.2 Appeal from an initial decision of the Bureau of Retirement Claims.

(a) Every applicant shall have a right to appeal to the Office of Hearings and Appeals from any initial decision of the Bureau of Retirement Claims by which he claims to be aggrieved.

(b) Appeal from an initial decision of the Bureau of Retirement Claims shall be made by the execution and filing of the appeal form prescribed by the Board. Such appeal must be filed with the Office of Hearings and Appeals within 1 year from the date upon which notice of the initial decision is mailed to the applicant at the address furnished by him.

(c) The right to further review of an initial decision of the Bureau of Retirement Claims shall be forfeited unless formal appeal is filed in the manner and within the time prescribed in this part.

(d) Within a reasonable time after the applicant has filed a properly executed appeal, the Director of the Office of Hearings and Appeals shall appoint a referee to act in the appeal. Such referee shall not have any interest in the parties or in the outcome of the proceedings, shall not have directly participated in the initial decision from which the appeal is made, and shall not have any other interest in the matter which might prevent a fair and impartial decision.

(e) The appellant, or his representative, shall be afforded full opportunity to present further evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the referee, evidence not offered by the appellant is available and relevant and is material to the merits of the claim, the referee shall obtain such evidence upon his own initiative. The referee shall protect the record against scandal, impertinence and irrelevancies, but the technical rules of evidence shall not apply.

(f) In the development of appeals, the referee shall have power to hold hearings, require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations.

(g) All oral evidence presented at any hearings shall be reduced to writing. All evidence presented by the appellant and all evidence developed by the referee shall be preserved. Such evidence, together with a record of the arguments, oral or written, and the file previously made in the adjudication of the claim, shall constitute the record for decision of the appeal. After an appeal form is filed, the compilation of the record shall be initiated by the inclusion therein of the file made in the adjudication of the claim; the compilation of the record shall be kept up to date by the prompt addition thereto of all parts of the record subsequently developed. The entire record at any time during the pendency of an appeal shall be available for examination by the appellant or his representative.

(h) Upon completion of the record, the referee shall render a decision thereon as soon as practicable, and within 30 days after the making thereof, such decision shall be communicated to the appellant in writing.

(i) The Board may, on its own motion, review a decision of the referee on the basis of the evidence previously submitted in the case, and may designate any employee of the Board to take additional evidence and to report his findings to the Board.

§ 260.3 Final appeal from a decision of the referee.

(a) Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of the referee by which he claims to be aggrieved.

(b) Final appeal from a decision of the referee shall be made by the execution and filing of the final appeal form prescribed by the Board. Such appeal must be filed with the Board within 4 months from the date upon which notice of the decision by the referee is mailed to the appellant at the address furnished by him. As used in this part, a month shall be considered to have elapsed between any date and the date corresponding thereto in the next succeeding month.

(c) The right to further review of a decision of the referee shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in this part.

(d) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *And provided further,* That in the event that pursuant to the preceding proviso material evidence is developed which tends to show facts contrary to those found by the referee, or, in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the referree, the claim may be referred back to the referee. Thereupon the referee shall receive such new evidence as may be offered, develop new or better evidence if available, affording the appellant appropriate opportunity to submit rebuttal evidence and argument, include a transcript of all evidence in the record, and transmit the entire record to the Board together with his recommendation to the Board for final decision.

(e) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he has arguments to present which for valid reasons he was unable to present at an earlier stage, and in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

Dated: September 10, 1970.

By authority of the Board.

[SEAL] LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 70-12341; Filed, Sept. 16, 1970; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8813]

PART 13—PROHIBITED TRADE PRACTICES

Arlington Imports, Inc., et al.

Correction

In F.R. Doc. 70-11859 appearing at page 14201 in the issue for Wednesday,

September 9, 1970, the fifth line of paragraph number 7, now reading "respondents' agents, representatives, and", should read "respondents' Volkswagens and with such".

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19 — CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Blue Cheese and Gorgonzola Cheese Identity Standards; Sorbic Acid and Its Salts as Optional Ingredients

In the matter of amending the standards of identity for blue cheese (21 CFR 19.565) and gorgonzola cheese (21 CFR 19.567) to provide for the optional application to the food surface of sorbic acid, potassium sorbate, and sodium sorbate, singly or in combination, in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of May 15, 1970 (35 F.R. 7568), based on a petition filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606. The one comment received did not object to the proposed use of the sorbates but included questions on the technology of application of the antimycotic and the sampling procedure to determine compliance.

Having considered the comment received, the information submitted by the petitioner, and other relevant material, the Commissioner of Food and Drug concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standards for blue cheese and gorgonzola cheese as proposed. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 19 be amended as follows:

1. In § 19.565 by revising paragraph (d) and redesignating it as paragraph (e) and by adding a new paragraph (d), as follows:

§ 19.565 Blue cheese; identity; label statement of optional ingredients.

* * * * *

(d) The food may have applied to its surface an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

(e) (1) If the milk used is bleached, the label shall bear the statement "milk bleached with benzoyl peroxide."

(2) If the food contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this section, the label shall bear the statement "_____ added to retard surface mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this paragraph showing the optional ingredients used shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

2. In § 19.567 by revising paragraph (d) and redesignating it as paragraph (e) and by adding a new paragraph (d), as follows:

§ 19.567 Gorgonzola cheese; identity; label statement of optional ingredients.

* * * * *

(d) The food may have applied to its surface an optional mold-inhibiting ingredient consisting of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these in an amount not to exceed 0.3 percent by weight, calculated as sorbic acid.

(e) (1) If the milk used is bleached, the label shall bear the statement "milk bleached with benzoyl peroxide."

(2) If the food contains an optional mold-inhibiting ingredient as specified in paragraph (d) of this section, the label shall bear the statement "_____ added to retard surface mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this paragraph showing the optional ingredients used shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

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

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

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

Dated: September 8, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12368; Filed, Sept. 16, 1970; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

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The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 9H2401) filed by Glidden-Durkee Division, SMC Corp., 900 Union Commerce Building, Cleveland, Ohio 44115, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of dichlorodifluoromethane as a carrier gas and diluent of ethylene oxide when used as a fumigant for the control of micro-organisms and insect infestation in ground spices and other processed natural seasoning materials, except mixtures with added salt. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1232(a) is revised to read as follows:

§ 121.1232 Ethylene oxide.

* * * * *

(a) Ethylene oxide, either alone or admixed with carbon dioxide or dichlorodifluoromethane, shall be used in amounts not to exceed that required to accomplish the intended technical effects. If used with dichlorodifluoromethane, the dichlorodifluoromethane shall conform with the requirements prescribed by § 121.1209(a).

* * * * *

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

relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: September 8, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12369; Filed, Sept. 16, 1970; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7059]

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

PART 301—PROCEDURE AND ADMINISTRATION

Adjustment of Overpayment of Estimated Income Tax by Corporation

On June 17, 1970, notice of proposed rule making with respect to amendment of the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6425 and 6655 (relating to quick refunds of corporate estimated tax payments) to reflect the changes made by section 103 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 262) was published in the FEDERAL REGISTER. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

The notice of proposed rule making is amended by adding at the end thereof a new paragraph (8).

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: September 14, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to section 103 (d) of the Revenue and Expenditure Control Act of 1968 (Public Law 90-364, 82 Stat. 262) such regulations are amended as follows:

PARAGRAPH 1. Section 1.1502-78 is amended by changing the title of such section and the title of paragraph (a) of such section and by adding a new paragraph (d). The amended provisions read as follows:

§ 1.1502-78 Tentative carryback adjustments and adjustments of overpayments of estimated income tax.

(a) *General rule for tentative carryback adjustments.* * * *

* * * * * *

(d) *Adjustments of overpayments of estimated income tax.* If a group paid its estimated income tax on a consolidated basis, then any application under section 6425 for an adjustment of overpayment of estimated income tax shall be made by the common parent corporation. If the members of a group paid estimated income taxes on a separate basis, then any application under section 6425 shall be made by the member of the group which claims an overpayment on a separate basis. Any refund allowable under an application under section 6425 shall be made directly to and in the name of the corporation filing the application.

PAR. 2. There are inserted immediately following § 1.6414-1, the following new sections:

§ 1.6425 Statutory provisions; adjustment of overpayment of estimated income tax by corporation.

SEC. 6425. *Adjustment of overpayment of estimated income tax by corporation*—(a) *Application for adjustment*—(1) *Time for filing.* A corporation may, after the close of the taxable year and on or before the 15th day of the third month thereafter, and before the day on which it files a return for such taxable year, file an application for an adjustment of an overpayment by it of estimated income tax for such taxable year. An application under this subsection shall not constitute a claim for credit or refund.

(2) *Form of application, etc.* An application under this subsection shall be verified in the manner prescribed by section 6065 in the case of a return of the taxpayer, and shall be filed in the manner and form required by regulations prescribed by the Secretary or his delegate. The application shall set forth—

(A) The estimated income tax paid by the corporation during the taxable year,

(B) The amount which, at the time of filing the application, the corporation estimates as its income tax liability for the taxable year,

(C) The amount of the adjustment, and

(D) Such other information for purposes of carrying out the provisions of this section as may be required by such regulations.

(b) *Allowance of adjustment*—(1) *Limited examination of application.* Within a period of 45 days from the date on which an application for an adjustment is filed under subsection (a), the Secretary or his delegate shall make, to the extent he deems practicable in such period, a limited examination of the application to discover omissions and errors therein, and shall determine the amount of the adjustment upon the basis of the application and the examination; except that the Secretary or his delegate may disallow, without further action, any application which he finds contains material omissions or errors which he deems cannot be corrected within such 45 days.

(2) *Adjustment credited or refunded.* The Secretary or his delegate, within the 45-day period referred to in paragraph (1), may credit the amount of the adjustment against any liability in respect of an internal revenue tax on the part of the corporation and shall refund the remainder to the corporation.

(3) *Limitation.* No application under this section shall be allowed unless the amount of the adjustment equals or exceeds (A) 10 percent of the amount estimated by the corporation on its application as its income tax liability for the taxable year, and (B) $500.

(4) *Effect of adjustment.* For purposes of this title (other than section 6655), any adjustment under this section shall be treated as a reduction, in the estimated income tax paid, made on the day the credit is allowed or the refund is paid.

(c) *Definitions.* For purposes of this section and section 6655(g) (relating to excessive adjustment)—

(1) The term "income tax liability" means the excess of—

(A) The tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

(B) The credits against tax provided by part IV of subchapter A of chapter 1.

(2) The amount of an adjustment under this section is equal to the excess of—

(A) The estimated income tax paid by the corporation during the taxable year, over

(B) The amount which, at the time of filing the application, the corporation estimates as its income tax liability for the taxable year.

(d) *Consolidated returns.* If the corporation seeking an adjustment under this section paid its estimated income tax on a consolidated basis or expects to make a consolidated return for the taxable year, this section shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Secretary or his delegate may by regulations prescribe.

[Sec. 6425 as added by sec. 103(d), Revenue and Expenditure Control Act 1968 (82 Stat. 262)]

§ 1.6425-1 Adjustment of overpayment of estimated income tax by corporation.

(a) *In general.* Any corporation which has made an overpayment of estimated income tax for a taxable year beginning after December 31, 1967, may file an application for an adjustment of such overpayment. The right to file an application for an adjustment of overpayment of estimated income tax is limited to corporations.

(b) *Contents of application.* (1) The application for an adjustment of overpayment of estimated income tax shall be filed on Form 4466. The application shall be filled out in accordance with the instructions accompanying the form, and all information required by the form and instructions must be furnished by the corporation. The application shall be verified in the manner prescribed by section 6065 as in the case of a return of the corporation.

(2) An application for an adjustment of overpayment of estimated income tax does not constitute a claim for credit or refund. If such application is disallowed by the district director, or director of a service center, in whole or in part, no suit may be maintained in any court for the recovery of any tax based on such application. The filing of an application for an adjustment of overpayment of estimated income tax will not constitute the filing of a claim for credit or refund within the meaning of section 6511 for the purpose of determining whether a claim for refund was filed prior to the

expiration of the applicable period of limitation. The corporation, however, may file a claim for credit or refund under section 6402 at any time prior to the expiration of the applicable period of limitation and may maintain a suit based on such claim if it is disallowed or if the district director, or director of a service center, does not act on the claim within 6 months from the date it is filed. Such claim may be filed before, simultaneously with, or after the filing of the application for the adjustment of overpayment of estimated tax. A claim for credit or refund under section 6402 filed after the filing of an application for an adjustment of overpayment of estimated income tax is not to be considered an amendment of such application. Such claim, however, in proper cases, may constitute an amendment to a prior claim filed under section 6402.

(c) *Time and place for filing application.* (1) The application for an adjustment of overpayment of estimated income tax shall be filed after the last day of the taxable year and on or before the 15th day of the third month thereafter, or before the date on which the corporation first files its income tax return for such taxable year (whether or not it subsequently amends the return), whichever is earlier.

(2) Except as provided in paragraph (b)(2) of § 301.6091–1 of this chapter (relating to hand-carried documents), the application on Form 4466 shall be filed with the internal revenue officer designated in instructions applicable to such form.

§ 1.6425–2 Computation of adjustment of overpayment of estimated tax.

(a) *Income tax liability defined.* For purposes of §§ 1.6425–1 through 1.6425–3 and § 1.6655–5, relating to excessive adjustment, the term "income tax liability" means the excess of—

(1) The tax imposed by section 11 or 1201(a), or subchapter L of chapter 1 of the Code, whichever is applicable, over

(2) The credits against tax provided by part IV of subchapter A of chapter 1 of the code.

(b) *Computation of adjustment.* The amount of an adjustment under section 6425 is an amount equal to the excess of the estimated income tax paid by the corporation during the taxable year over the amount which, at the time of filing Form 4466, the corporation estimates as its income tax liability for the taxable year.

§ 1.6425–3 Allowance of adjustments.

(a) *Limitation.* No application under section 6425 shall be allowed unless the amount of the adjustment is (1) at least 10 percent of the amount which, at the time of filing Form 4466 the corporation estimates as its income tax liability for the taxable year, and (2) at least $500.

(b) *Time prescribed.* The Internal Revenue Service shall act upon an application for an adjustment of overpayment of estimated income tax within a period of 45 days from the date on which such application is filed.

(c) *Examination.* Within the 45-day period described in paragraph (b) of this section, the Internal Revenue Service shall make, to the extent it deems practicable in such period, a limited examination of the application to discover omissions and errors therein. The Service shall calculate the adjustment, which calculation must be set forth in the application for such adjustment, in the manner provided in section 6425(c)(2) for the determination by the corporation of such adjustment. The Service, however, may correct any material error or omission that is discovered upon examination of the application. In determining the adjustment, the Service may correct any mathematical error appearing on the application, and it may likewise make any modification required by the law to correct the corporation's computation of the adjustment. If the required modification has not been made by the corporation and the Service has available the necessary information to make such modification within the 45-day period, it may make such modification. The examination of the application and the allowance of the adjustment shall not prejudice any right of the Service to claim later that the adjustment was improper.

(d) *Disallowance in whole or in part.* If the Internal Revenue Service finds that an application for an adjustment of overpayment of estimated tax contains material omissions or errors, the Service may disallow such application in whole or in part without further action. If, however, the Service deems that any omission or error can be corrected by it within the 45-day period, it may do so and allow the application in whole or in part. In the case of a disallowance or modification, the Service shall notify the corporation of such action. The Service's determination as to whether it can correct any omission or error shall be conclusive. Similarly, its action in disallowing, in whole or in part, any application for an adjustment of overpayment of estimated income tax shall be final and may not be challenged in any proceeding. The corporation in such case, however, may file a claim for credit or refund under section 6402, and may maintain a suit based on such claim if it is disallowed or if the Service does not act upon the claim within 6 months from the date it is filed.

(e) *Application of adjustment.* If the Internal Revenue Service allows the adjustment, it may first credit the amount of the adjustment against any liability in respect of an internal revenue tax on the part of the corporation which is due and payable on the date of the allowance of the adjustment before making payment of the balance to the corporation. In such a case, the Service shall notify the corporation of the credit, and refund the balance of the adjustment.

(f) *Effect of adjustment.* (1) For purposes of all sections of the Code except section 6655, relating to additions to tax for failure to pay estimated income tax, any adjustment under section 6425 is to be treated as a reduction of prior estimated tax payments as of the date the credit is allowed or the refund is paid. For the purpose of section 6655 (a) through (f) credit or refund of an adjustment is to be treated as if not made in determining whether there has been any underpayment of estimated income tax and, if there is an underpayment, the period during which the underpayment existed. However, an excessive adjustment under section 6425 shall be taken into account in applying the addition to tax under section 6655(g).

(2) *Excessive adjustment.* For the effect of an excessive adjustment under section 6425, see § 1.6655–5.

PAR. 3. Section 1.6655 is amended by revising section 6655(b)(1), by revising section 6655(d) (1) and (3)(A), by revising section 6655(e), and by adding a new subsection (g) to section 6655, and by revising the historical note. The revised and added provisions read as follows:

§ 1.6655 Statutory provisions; failure by corporation to pay estimated tax.

SEC. 6655. *Failure by corporation to pay estimated income tax.* * * *

(b) *Amount of underpayment.* * * *

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 80 percent of the tax shown on the return for the taxable year or, if no such return was filed, 80 percent of the tax for such year, over

* * * * *

(d) *Exception.* * * *

(1) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months.

* * * * *

(3) (A) An amount equal to 80 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

* * * * *

(e) *Definition of tax*—(1) *In general.* For purposes of subsections (b) and (d), the term "tax" means the excess of—

(A) The tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over

(B) The sum of—

(i) The credits against tax provided by part IV of subchapter A of chapter 1,

(ii) In the case of a taxable year beginning after December 31, 1967, and before January 1, 1977, the amount of the corporation's temporary estimated tax exemption for such year, and

(iii) In the case of a taxable year beginning after December 31, 1967, and before January 1, 1972, the amount of the corporation's transitional exemption for such year.

(2) *Temporary estimated tax exemption.* For purposes of clause (ii) of paragraph (1)(B), the amount of a corporation's temporary estimated tax exemption for a taxable year equals the applicable percentage (determined under section 6154(c)(2)(B)) multiplied by the lesser of—

(A) An amount equal to 22 percent of the corporation's surtax exemption (as defined in section 11(d)) for such year, or

(B) The excess determined under paragraph (1) without regard to clauses (ii) and (iii) of paragraph (1)(B).

(3) *Transitional exemption.* For purposes of clause (iii) of paragraph (1)(B), the amount of a corporation's transitional exemption for a taxable year equals the

exclusion percentage (determined under section 6154(c)(3)(B)) multiplied by the lesser of—

(A) $100,000, reduced by the amount of the corporation's temporary estimated tax exemption for such year, or

(B) The excess determined under paragraph (1) without regard to clause (iii) of paragraph (1)(B).

(4) *Special rule for subsection (d) (1) and (2).* In applying this subsection for purposes of subsection (d) (1) and (2), the applicable percentage and the exclusion percentage shall be the percentage for the taxable year for which the underpayment is being determined.

* * * * *

(g) *Excessive adjustment under section 6425*—(1) *Addition to tax.* If the amount of an adjustment under section 6425 made before the 15th day of the third month following the close of the taxable year is excessive, there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the excessive amount from the date on which the credit is allowed or the refund is paid to such 15th day.

(2) *Excessive amount.* For purposes of paragraph (1), the excessive amount is equal to the amount of the adjustment or (if smaller) the amount by which—

(A) The income tax liability (as defined in section 6425(c)) for the taxable year as shown on the return for the taxable year, exceeds

(B) The estimated income tax paid during the taxable year, reduced by the amount of the adjustment.

(Sec. 6655 as amended by sec. 122(c), Rev. Act 1964 (78 Stat. 28); sec. 103 (c), (d), (e), Revenue and Expenditure Control Act 1968 (82 Stat. 264))

PAR. 4. There is inserted immediately after § 1.6655–3 the following new sections:

§ 1.6655–4 [Reserved]

§ 1.6655–5 Addition to tax on account of excessive adjustment under section 6425.

(a) *In general.* (1) Section 6655(g) imposes an addition to the tax under chapter 1 of the Code in the case of any excessive amount (as defined in subparagraph (3) of this paragraph) of an adjustment under section 6425 which is made before the 15th day of the third month following the close of a taxable year beginning after December 31, 1967. This addition to tax is imposed whether or not there was reasonable cause for an excessive adjustment.

(2) If the amount of an adjustment under section 6425 is excessive, there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the excessive amount from the date on which the credit is allowed or the refund paid to the 15th day of the third month following the close of the taxable year. A refund is paid on the date it is allowed under section 6407.

(3) The excessive amount is equal to the lesser of the amount of the adjustment or the amount by which (i) the income tax liability (as defined in section 6425(c) of the Code) for the taxable year, as shown on the return for the taxable year, exceeds (ii) the estimated income tax paid during the taxable year, reduced by the amount of the adjustment.

(4) The computation of the addition to the tax imposed by section 6655 is made independently of, and does not affect the computation of, any addition to the tax which a corporation may otherwise owe for an underpayment of an installment of estimated tax.

(5) The provisions of section 6655 may be illustrated by the following example:

Example. Corporation A, a calendar year taxpayer, had an underpayment as defined in section 6655(b) for its fourth installment of estimated tax which was due on December 15, 1968, in the amount of $10,000. Nevertheless, on January 1, 1969, corporation A filed an application for adjustment of overpayment of estimated income tax for 1968 in the amount of $20,000. On February 15, 1969, the Internal Revenue Service in response to the application, refunded $20,000 to Corporation A. On March 15, 1969, corporation A filed its 1968 tax return and made a payment in settlement of its total tax liability. Under section 6655(a), corporation A is subject to an addition to tax in the amount of $150 ($10,000×6 percent×$\frac{3}{12}$) on account of corporation A's December 15, 1968 underpayment. Under section 6655(g) corporation A is subject to an addition to tax in the amount of $100 ($20,000×6 percent×$\frac{1}{12}$) on account of corporation A's excessive adjustment under section 6425. In determining the amount of the addition to tax under section 6655(a) for failure to pay estimated income tax, the excessive adjustment under section 6425 is not taken into account.

(6) An adjustment is generally to be treated as a reduction of estimated income tax paid as of the date of the adjustment. However, for purposes of § 1.6655–1 through § 1.6655–3, the adjustment is to be treated as if not made in determining whether there has been any underpayment of estimated income tax and, if there is an underpayment, the period during which the underpayment existed.

PAR. 5. There are inserted immediately following § 301.6423–1, the following new sections:

§ 301.6425 Statutory provisions; adjustment of overpayment of estimated income tax by corporation.

SEC. 6425. *Adjustment of overpayment of estimated income tax by corporation*—(a) *Application for adjustment*—(1) *Time for filing.* A corporation may, after the close of the taxable year and on or before the 15th day of the third month thereafter, and before the day on which it files a return for such taxable year, file an application for an adjustment of an overpayment by it of estimated income tax for such taxable year. An application under this subsection shall not constitute a claim for credit or refund.

(2) *Form of application, etc.* An application under this subsection shall be verified in the manner prescribed by section 6065 in the case of a return of the taxpayer, and shall be filed in the manner and form required by regulations prescribed by the Secretary or his delegate. The application shall set forth—

(A) The estimated income tax paid by the corporation during the taxable year,

(B) The amount which, at the time of filing the application, the corporation estimates as its income tax liability for the taxable year,

(C) The amount of the adjustment, and

(D) Such other information for purposes of carrying out the provisions of this section as may be required by such regulations.

(b) *Allowance of adjustment*—(1) *Limited examination of application.* Within a period of 45 days from the date on which an application for an adjustment is filed under subsection (a), the Secretary or his delegate shall make, to the extent he deems practicable in such period, a limited examination of the application to discover omissions and errors therein and shall determine the amount of the adjustment upon the basis of the application and the examination; except that the Secretary or his delegate may disallow, without further action, any application which he finds contains material omissions or errors which he deems cannot be corrected within such 45 days.

(2) *Adjustment credited or refunded.* The Secretary or his delegate, within the 45-day period referred to in paragraph (1), may credit the amount of the adjustment against any liability in respect of an internal revenue tax on the part of the corporation and shall refund the remainder to the corporation.

(3) *Limitation.* No application under this section shall be allowed unless the amount of the adjustment equals or exceeds (A) 10 percent of the amount estimated by the corporation on its application as its income tax liability for the taxable year, and (B) $500.

(4) *Effect on adjustment.* For purposes of this title (other than section 6655), any adjustment under this section shall be treated as a reduction, in the estimated income tax paid, made on the day the credit is allowed or the refund is paid.

(c) *Definitions.* For purposes of this section and section 6655(g) (relating to excessive adjustment)—

(1) The term "income tax liability" means the excess of—

(A) The tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, which ever is applicable, over

(B) The credits against tax provided by part IV or subchapter A of chapter 1.

(2) The amount of an adjustment under this section is equal to the excess of—

(A) The estimated income tax paid by the corporation during the taxable year, over

(B) The amount which, at the time of filing the applicaton, the corporation estimates as its income tax liability for the taxable year.

(d) *Consolidated returns.* If the corporation seeking an adjustment under this section paid its estimated income tax on a consolidated basis or expects to make a consolidated return for the taxable year, this section shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Secretary or his delegate may by regulations prescribe.

[Sec. 6425 as added by sec. 103(d), Revenue and Expenditure Control Act 1968 (82 Stat. 262)]

§ 301.6425–1 Adjustment of overpayment of estimated income tax by corporation.

For regulations under section 6425, see §§ 1.6425–1 to 1.6425–3, inclusive, of this chapter (Income Tax Regulations).

PAR. 6. Section 301.6655 is amended by revising section 6655(b)(1), by revising section 6655(d) (1) and (3)(A), by revising section 6655(e), and by adding a new subsection (g) to section 6655, and by revising the historical note. The revised and added provisions read as follows:

§ 301.6655 Statutory provisions; failure by corporation to pay estimated income tax.

SEC. 6655. *Failure by corporation to pay estimated income tax.* * * *

(b) *Amount of underpayment.* * * *

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 80 percent of the tax shown on the return for the taxable year or, if no such return was filed, 80 percent of the tax for such year, over * * *

(d) *Exception.* * * *

(1) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months.

* * * * *

(3) (A) An amount equal to 80 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

* * * * *

(e) *Definition of Tax*—(1) *In general.* For purposes of subsections (b) and (d), the term "tax" means the excess of—

(A) The tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over

(B) The sum of—

(i) The credits against tax provided by part IV of subchapter A of chapter 1,

(ii) In the case of a taxable year beginning after December 31, 1967, and before January 1, 1977, the amount of the corporation's temporary estimated tax exemption for such year, and

(iii) In the case of a taxable year beginning after December 31, 1967, and before January 1, 1972, the amount of the corporation's transitional exemption for such year.

(2) *Temporary estimated tax exemption.* For purposes of clause (ii) of paragraph (1)(B), the amount of a corporation's temporary estimated tax exemption for a taxable year equals the applicable percentage (determined under section 6154(c)(2)(B)) multiplied by the lesser of—

(A) An amount equal to 22 percent of the corporation's surtax exemption (as defined in section 11(d)) for such year, or

(B) The excess determined under paragraph (1) without regard to clauses (ii) and (iii) of paragraph (1)(B).

(3) *Transitional exemption.* For purposes of clause (iii) of paragraph (1)(B), the amount of a corporation's transitional exemption for a taxable year equals the exclusion percentage (determined under section 6154(c)(3)(B)) multiplied by the lesser of—

(A) $100,000, reduced by the amount of the corporation's temporary estimated tax exemption for such year, or

(B) The excess determined under paragraph (1) without regard to clause (iii) of paragraph (1)(B).

(4) *Special rule for subsection (d) (1) and (2).* In applying this subsection for purposes of subsection (d) (1) and (2), the applicable percentage and the exclusion percentage shall be the percentage for the taxable year for which the underpayment is being determined.

* * * * *

(g) *Excessive adjustment under section 6425*—(1) *Addition to tax.* If the amount of an adjustment under section 6425 made before the 15th day of the third month following the close of the taxable year is excessive, there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the excessive amount from the date on which the credit is allowed or the refund is paid to such 15th day.

(2) *Excessive amount.* For purposes of paragraph (1), the excessive amount is equal to the amount of the adjustment or (if smaller) the amount by which—

(A) The income tax liability (as defined in section 6425(c)) for the taxable year as shown on the return for the taxable year exceeds;

(B) The estimated income tax paid during the taxable year, reduced by the amount of the adjustment.

[Sec. 6655 as amended by sec. 122(c), Rev. Act 1964 (78 Stat. 28); sec. 103 (c), (d), (e), Revenue and Expenditure Control Act 1968 (82 Stat. 264)]

PAR. 7. Section 301.6655–1 is amended to read as follows:

§ 301.6655–1 Failure by corporation to pay estimated income tax.

For regulations under section 6655, see §§ 1.6655–1 to 1.6655–3, inclusive, and § 1.6655–5, of this chapter (Income Tax Regulations).

PAR 8. Section 1.1502–5 is amended by adding at the end thereof a new paragraph (d). Such added paragraph reads as follows:

§ 1.1502–5 Estimated tax.

* * * * *

(d) *Cross reference.* For provisions relating to quick refunds of corporate estimated tax payments, see § 1.1502–78, and §§ 1.6425–1 through 1.6425–3.

[F.R. Doc. 70–12393; Filed, Sept. 16, 1970; 8:50 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 7060]

PART 201—DISTILLED SPIRITS PLANTS

Miscellaneous Amendments

On March 27, 1970, a notice of proposed rule making to amend 26 CFR Part 201 was published in the FEDERAL REGISTER (35 F.R. 5179). On June 24, 1970, the notice of March 27, 1970, was withdrawn and a new notice of proposed rule making to amend 26 CFR Part 201 to conform the standard for vodka and the labeling requirements respecting distilled spirits shipped in intrastate traffic to similar provisions in 27 CFR Part 5, Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER (35 F.R. 10298). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 7805 of the Internal Revenue Code; (68A Stat. 917; 26 U.S.C. 7805))

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

Approved: September 14, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

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

PARAGRAPH 1. The definition of "Spirits or distilled spirits" in § 201.11 is amended by adding a sentence imposing certain limitations in applying the definition on and after July 1, 1972. As amended, the definition reads as follows:

§ 201.11 Meaning of terms.

* * * * *

Spirits or distilled spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine, including all dilutions and mixtures thereof, from whatever source or by whatever process produced, and shall include, whisky, brandy, rum, gin, and vodka, but not denatured spirits unless specifically stated. Effective July 1, 1972, for the purposes of the requirements of this part relating to liquor bottles, labels, and strip stamps, the term "spirits" or "distilled spirits" shall not include mixtures containing wine, bottled at 48° proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis.

* * * * *

PAR. 2. Section 201.442 is amended to revise the standard for vodka to conform with 27 CFR 5.22(a)(1). As amended, § 201.442 reads as follows:

§ 201.442 Vodka.

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

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

PAR. 3. Section 201.457 is amended by adding a proviso regarding the use of liquor bottles, effective July 1, 1972, for certain products made with wine. As amended, § 201.457 reads as follows:

§ 201.457 Liquor bottles.

Liquor bottles may not be used for wines containing 24 percent alcohol by volume or less or for products manufactured with such wines unless such products contain spirits other than wine spirits used in wine production: *Provided,* That, effective July 1, 1972, liquor bottles may not be used for such products, bottled at 48° proof or less, if the product contains more than 50 percent wine on a proof gallon basis. Liquor bottles may be used, but need not be used, in bottling spirits for export. (See Subpart Pa of this part for provisions respecting liquor bottles.)

(72 Stat. 1374; 26 U.S.C. 5301)

PAR. 4. Paragraph (a)(3) of § 201.517 is amended by adding a proviso to the subparagraph in order to avoid a conflict with the designation "Grain spirits" in 27 CFR 5.22(a)(2) which becomes effective July 1, 1972. As amended, paragraph (a)(3) reads as follows:

§ 201.517 Kind of spirits or wine.

(a) *Designation.* * * *

(3) Spirits distilled at less than 190° of proof which lack the taste, aroma, and other characteristics generally attributed to whisky, brandy, rum, or gin, may be designated "Spirits", preceded or followed by a word or phrase descriptive of the material from which produced: *Provided,* That, on and after July 1, 1972, spirits distilled as provided in this subparagraph may not be designated "Spirits grain" or "Grain spirits".

* * * * *

(72 Stat. 1360; 26 U.S.C. 5206)

§ 201.540a [Amended]

PAR. 5. Section 201.540a is amended by changing "201.540u", in the last sentence, to read "201.540v".

§ 201.540b [Amended]

PAR. 6. Section 201.540b is amended by changing "Subpart H", wherever such term appears, to read "Subpart E".

PAR. 7. Section 201.540n is amended by changing "201.540u", in the first sentence, to read "201.540v" and to provide for a statement of "age and percentage" on labels. As amended, § 201.540n reads as follows:

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

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

PAR. 8. Section 201.540o, and its heading, are amended to conform with 27 CFR Part 5 with respect to showing the State of distillation on labels for certain whiskies. As amended, § 201.540o reads as follows:

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

The brand name, class and type as set out in 27 CFR Part 5, and alcohol content of the distilled spirits, by proof, shall be shown on the label except that the alcohol content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, highballs, or other such specialties. Except in the case of "light whisky," "blended light whisky," "blended whisky," "a blend of straight whiskies," or "spirit whisky," the State of distillation shall be shown on the label of any whisky produced in the United States if the whisky is not distilled in the State given in the address on the brand label. The Director may, however, require the State of distillation to be shown on the label or he may permit such other labeling as may be necessary to negate any misleading or deceptive impression which might be created as to the actual State of distillation. In the case of "light whisky," as defined in 27 CFR 5.22(b)(3), the State of distillation shall not appear in any manner on any label when the Director finds such State is associated by consumers with an American type whisky (as provided in 27 CFR 5.22), except as part of a name and address as set forth in 27 CFR 5.36(a).

PAR. 9. Section 201.540q is amended to permit the use on labels, except on labels for spirits bottled in bond, of any trade name the distiller or rectifier has been authorized to use, at the time of bottling of the product; to permit the use on labels of the words "Packed by" and "Filled by" as well as the words "Bottled by"; and to delete the requirement with respect to showing the State of distillation on labels of whisky. As amended, § 201.540q reads as follows:

§ 201.540q Name and address of bottler.

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

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

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

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

For the purpose of this section, the term "bottler" shall include the proprietor of a distilled spirits plant qualified to bottle distilled spirits in bond.

PAR. 10. Section 201.540r, and its heading, are amended to conform with 27 CFR 5.40(a) respecting statements of age on labels. As amended, § 201.540r reads as follows:

§ 201.540r Age of whisky containing no neutral spirits.

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

PAR. 11. Section 201.540s, and its heading, are amended to conform to 27 CFR Part 5 respecting statements of age and percentage on labels. As amended, § 201.540s reads as follows:

§ 201.540s Age of whisky containing neutral spirits.

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

PAR. 12. Section 201.540u, and its heading, are amended to conform with 27 CFR 5.39 respecting stating on labels the presence of neutral spirits and coloring, flavoring, and blending materials. As amended, § 201.540u reads as follows:

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

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

PAR. 13. A new section, § 201.540v, is added immediately following § 201.540u to require, in conformity with 27 CFR 5.36(e), the country of origin to be stated on labels of imported distilled spirits. As added, § 201.540v reads as follows:

§ 201.540v Country of origin.

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

[F.R. Doc. 70-12407; Filed, Sept. 16, 1970; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-85a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pee Dee River, S.C.

1. The Seaboard Coastline Railroad Co. requested the Commander, Seventh Coast Guard District to establish special operation regulations for its bridge across the Pee Dee River at Pee Dee, S.C. A public notice dated June 18, 1970, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Seventh Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of July 15, 1970 (35 F.R. 11303).

2. Interested persons were afforded an opportunity to participate in this rule making procedure through the submission of comments. No comments were received. After consideration of all known factors in this case, the proposal is accepted. Accordingly, 33 CFR 117.245 (g)(12-a) is added to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(g) * * *

(12-a) Pee Dee River, S.C.; Seaboard Coastline Railroad bridge at Pee Dee, S.C. The draw need not be opened for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: September 10, 1970.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 70-12404; Filed, Sept. 16, 1970; 8:51 a.m.]

[CGFR 70-66a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hackensack River, Little Ferry, N.J.

1. The New Jersey Department of Transportation requested the Commander, Third Coast Guard District to revise the special operation regulations for its bridge across the Hackensack River at Little Ferry, N.J., to permit repair. This revision was published by the Commandant in the FEDERAL REGISTER of June 5, 1969 (34 F.R. 8967).

2. This repair has now been completed. The Commandant published the proposal to return to the original opening periods in the FEDERAL REGISTER of May 14, 1970 (35 F.R. 7513).

3. Interested persons were afforded an opportunity to participate in this rule making procedure through the submission of comments. No comments were received and the proposal is accepted. Accordingly, 33 CFR 117.225(f)(1-b) is revised to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(1-b) Hackensack River, New Jersey Department of Transportation bridge at Little Ferry. At least 6 hours' advance notice is required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: September 10, 1970.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 70-12403; Filed, Sept. 16, 1970; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4891]

[Oregon 06519]

OREGON

Partial Revocation of National Forest Roadside Zone Withdrawal

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. Public Land Order No. 2407 of June 21, 1961, withdrawing national forest lands to protect roadside zones, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

WINEMA NATIONAL FOREST

T. 27 S., R. 8 E.,
Sec. 20, E½SE¼.

The area described aggregates 80 acres in Klamath County.

2. At 10 a.m. on October 16, 1970, the land shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1970.

[F.R. Doc. 70-12358; Filed, Sept. 16, 1970; 8:47 a.m.]

[Public Land Order 4892]

[Nevada 2564]

NEVADA

Revocation of Public Land Order No. 4667

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. Public Land Order No. 4667 of May 29, 1969, withdrawing the following described land for use of the Department of the Navy, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,
Sec. 27, SE¼NE¼NE¼.

The area described contains 10 acres in Washoe County.

The land is located immediately north of Reno, Nev., east of Highway 395. The terrain is moderately sloping to the south. The elevation is approximately 5,000 feet.

2. At 10 a.m. on October 16, 1970, the public land shall be open to operation of the public land laws generally, including the mining laws, 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 October 16, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev. 89502.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1970.

[F.R. Doc. 70-12359; Filed, Sept. 16, 1970; 8:47 a.m.]

[Public Land Order 4893]

[Idaho 2214]

IDAHO

Withdrawal for Reclamation Project

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

Subject to valid existing rights, the following described public lands, which

are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Owyhee Project:

BOISE MERIDIAN

T. 2 N., R. 5 W.,
Sec. 6, lot 4.

The area described aggregates 36.56 acres in Owyhee County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1970.

[F.R. Doc. 70-12360; Filed, Sept. 16, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 70-962]

PART 87—AVIATION SERVICES

Extension of New York Decca Navigation Chain

Order. 1. The Commission has been requested by the Department of Transportation, Federal Aviation Administration (FAA), to amend Part 87 of its rules in order to recognize an extension of the coverage area of the New York City, New York Decca Chain. The New York Navigation Chain is a short range hyperbolic area coverage radio navigation system used primarily as an aid for aeronautical navigation and secondarily for marine navigation. The Chain presently operates on a master frequency of 85.005 kHz as specified in footnote U.S. 103 to the table of frequency allocations set forth in § 2.106, Part 2 of the Commission's rules, but is restricted by § 87.507(a) of the rules to a "* * * recognized coverage area not to exceed a radius of 50 nautical miles from Columbus Circle in New York City * * *". The FAA's proposed amendment to § 87.507(a) of the rules would substitute the location of the master station (Yorktown Heights, N.Y.) for Columbus Circle in New York City as the center of the coverage area, and would extend the recognized coverage area to a distance not to exceed a radius of 100 miles from the master station.

2. This expansion of the recognized coverage area has been requested so that helicopter operations can be extended to include the Groton/New London, Conn. area. This change is proposed in order to make the advertised coverage area more nearly coincide with the signal and error contours actually prevailing from this Decca facility. The FAA states that checks have confirmed the adequacy of the present signal strength in the area to be served. No changes will be made in the technical characteristics of the Decca Chain. It will not be necessary to amend footnote U.S. 103 to the table of frequency allocations in § 2.106 of the Commission's rules.

3. The rule change ordered herein is minor in nature since it will reflect the actual rather than the hypothetical coverage area prevailing from this facility and, therefore, we find that compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is not necessary.

4. *Accordingly, it is ordered,* Pursuant to sections 4(i) and 303 (d), (h), and (r) of the Communications Act of 1934, as amended, that § 87.507(a) of the Commission's rules and regulations is amended effective September 18, 1970, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: September 9, 1970.

Released: September 11, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 87, Subpart N, § 87.507, paragraph (a) is amended to read as follows:

§ 87.507 Low frequency hyperbolic system.

(a) Short range hyperbolic navigational systems by means of which suitable radio receivers provide a continuous indication of position with respect to geographical locations may be authorized in the New York City area, with a recognized coverage area not to exceed a radius of 100 nautical miles from the master station at Yorktown Heights, N.Y. (41°16'42" N./73°46'31" W.), on the following frequencies:

kHz	*kHz*
70.8375	113.340
84.945	116.1735
85.005	127.5075
85.065	

Such authorizations shall be limited to the specific sites, coverage area, and period of time in accordance with formal advice from the Federal Aviation Administration to the Federal Communications Commission that the service is required.

* * * * *

[F.R. Doc. 70-12389; Filed, Sept. 16, 1970; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-258 (Sub-No. 2)]

PART 1048—COMMERCIAL ZONES

Kansas City, Mo.-Kansas City, Kans., Commercial Zone

At a session of the Interstate Commission, Review Board No. 3, held at its office in Washington, D.C., on the 28th day of August 1970.

It appearing, that on February 4, 1970, Review Board No. 2, entered its decision and order, 111 M.C.C. 131, in this proceeding specifically defining the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans.;

It further appearing, that by petitions filed June 4, 1970, August 12, 1970, and August 14, 1970, the Olathe Chamber of Commerce and the Patrons State Bank & Trust Co.; the County Commission of Johnson County, Kans., and the Johnson County Airport Commission; and S. R. Brunn and Hugh W. Speer et al., respectively, seek redefinition and extension in certain respects of the Kansas City, Mo.-Kansas City, Kans., commercial zone limits;

And it further appearing, that investigation of the matters and things involved in said petition having been made, and said board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That § 1048.8 as prescribed in this proceeding on February 4, 1970 (49 CFR 1048.8), be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 1048.8 Kansas City, Mo.-Kansas City, Kans.

The zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points in the area bounded by a line as follows:

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to the Kansas City, Mo., corporation limits, thence along the western, northern, and eastern corporate limits of Kansas City, Mo., to its junction with U.S. Bypass 71 (near Liberty, Mo.), thence along U.S. Bypass 71 to Liberty, thence along the northern and eastern boundaries of Liberty to its junction with U.S. Bypass 71 south of Liberty, thence south along U.S. Bypass 71 to its junction with the Independence, Mo., corporate limits, thence along the eastern Independence, Mo., corporate limits to its junction with the Lee's Summit corporate limits, thence along the eastern Lee's Summit corporate limits to the Jackson-Cass County line, thence west along Jackson-Cass County line to the eastern corporate limits of Belton, Mo., thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said Air Force Base to Missouri Highway 150 thence west along Missouri Highway 150 to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line to 110th Street, thence west along 110th Street to its junction with U.S. Highway 69, thence north along U.S. Highway 69 to its junction with 103d Street, thence west along 103d Street to its junction with Quivera Road (the corporate boundary of Lenexa, Kans.), thence along the eastern and southern boundaries of Lenexa to Black Bob Road, thence south along Black Bob Road to 119th

[1] Commissioner H. Rex. Lee absent.

Street, thence east along 119th Street to the corporate limits of Olathe, Kans., thence south and east along the Olathe corporate limits to Schlagel Road, thence south along Schlagel Road to Olathe Morse Road, thence west along Olathe Morse Road to the northeast corner of Johnson County Airport, thence south, west, and north along the boundaries of said airport to Pflumm Road, thence north along Pflumm Road to its junction with Olathe Martin City Road, thence west along Olathe Martin City Road to its junction with Murden Road, thence south along Murden Road to its junction with Olathe Morse Road (the corporate boundary of Olathe, Kans.), thence west and north along said corporate boundary to its intersection with U.S. Highway 56, thence northeast along U.S. Highway 56 to its junction with Parker Road, thence north along Parker Road to the northern boundary of Olathe, thence east and north along the northern corporate limits of Olathe to Pickering Road, thence north along Pickering Road to 107th Street (the corporate boundary of Lenexa, Kans.), thence along the western and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to its junction with Kansas Highway 10, thence along Kansas Highway 10 to its junction with Kansas Highway 7, thence along an imaginary line due west across the Kansas River to the Wyandotte County-Leavenworth County line (142d Street) at Loring, Kans., thence westerly along County Route No. 32, a distance of three-fourths of a mile to the entrance of the facilities at Mid-Continent Underground Storage, Loring, thence from Loring in a northerly direction along Loring Lane and Linwood Avenue to the southern boundary of Bonner Springs, Kans., thence along the southern, western, and northern boundaries of Bonner Springs to its intersection with Kansas Highway 7, thence southeast along Kansas Highway 7 to its junction with Kansas Highway 32, thence east on Kansas Highway 32 to the corporate boundary of Kansas City, Kans., thence north, west, and east along the corporate boundaries of Kansas City, Kans., to its junction with Cernech Road and Pomeroy Drive, thence northwesterly along Pomeroy Drive to its junction with 79th Street, thence along 79th Street to its junction with Walcott Drive at Pomeroy, Kans., thence due west 1.3 miles to its junction with an unnamed road, thence north along such unnamed road to the entrance of Powell Port facility, thence due north to the southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to the point of beginning. (49 Stat. 543, as amended, 544, as amended, 546, as amended, 49 U.S.C. 302, 303, 304.)

It is further ordered, That this order shall become effective on October 16, 1970, and shall continue in effect until further order of the Commission.

It is further ordered, That the extension herein be published in the FEDERAL REGISTER, and that any person prejudiced by the extension of the zone beyond that proposed in the June 12, 1970, FEDERAL REGISTER publication may file an appropriate petition for reconsideration within 30 days of the date of such publication.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board No. 3.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-12396; Filed, Sept. 16, 1970; 8:50 a.m.]

[Ex Parte No. MC-37 (Sub-No. 2B)]

PART 1048—COMMERCIAL ZONES

Minneapolis-St. Paul, Minn., Commercial Zone

At a Session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 24th day of August 1970.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Joint petition of Southeast Metro Area Chamber of Commerce, St. Paul Area Chamber of Commerce, and Farmers Union Central Exchange, Inc., proponents, for reconsideration, filed June 22, 1970;

(2) Joint reply by Admiral-Merchants Motor Freight, Inc., Bruce Motor Freight, Inc., and Witte Transportation Co., opponents, filed July 20, 1970;

and good cause appearing therefor:

It is ordered, That the said petition be, and it is hereby, denied, for the reasons that the findings of Review Board No. 2, in its report and order of December 24, 1969 (35 F.R. 600), as modified by the order of Division 1, Acting as an Appellate Division, of April 28, 1970, are in accordance with the evidence and the applicable law, and no sufficient or proper cause appears for reopening the proceeding for reconsideration.

It is further ordered, That the effective date of the order of December 24, 1969, as modified by the order of April 28, 1970, be, and it is hereby, fixed as September 30, 1970.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-12395; Filed, Sept. 16, 1970; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Tamarac National Wildlife Refuge, Minn., is permitted from October 3, 1970, through November 16, 1970, but only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres, is delineated on a map available at the refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1970.

JOHN R. LANGENBACH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 10, 1970.

[F.R. Doc. 70-12337; Filed, Sept. 16, 1970; 8:45 a.m.]

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minn.

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

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

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse on the Rice Lake National Wildlife Refuge is permitted from sunrise to sunset September 26, through November 8, 1970, and November 18, through November 30, 1970, inclusive, only on the area designated by signs as open to hunting. This open area comprising 2,200 acres, is delineated on a map available at refuge headquarters, McGregor, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn.

SEPTEMBER 8, 1970.

[F.R. Doc. 70-12336; Filed, Sept. 16, 1970; 8:45 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

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

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This "ruffed grouse only" public hunting area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species as may be otherwise authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—(1st season) September 26, 1970, through November 8, 1970, inclusive with shooting hours from sunrise to sunset. Ruffed grouse—(2d season) November 18, 1970, through November 30, 1970, inclusive with shooting hours from sunrise to sunset. Gray and fox squirrels—September 26, 1970, through December 31, 1970, inclusive with shooting hours from sunrise to sunset. Cottontail, jack and snowshoe rabbits—September 26, 1970, through March 1, 1970, inclusive with shooting hours from sunrise to sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1970.

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

SEPTEMBER 4, 1970.

[F.R. Doc. 70-12339; Filed, Sept. 16, 1970; 8:45 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

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

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted over the entire refuge with the exception of those areas designated as "Area Beyond This Sign Closed." The open area, comprising 42,000 areas, is delineated on maps available at refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and black bear and subject to the following conditions.

(1) The open season for hunting deer and black bear, with legal firearms, is from sunrise to sunset, November 14, 1970, through November 15, 1970.

(2) The open season for hunting deer and black bear, with legal bow and arrow is permitted from sunrise to sunset, October 3, 1970, through October 31, 1970, and from sunrise to sunset, November 14, 1970, through November 15, 1970, on the 12,500 acre area designated by signs as open to hunting. This area is delineated on maps available at refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities 55111.

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

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

SEPTEMBER 4, 1970.

[F.R. Doc. 70-12338; Filed, Sept. 16, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 927]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1970–71 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1970, through June 30, 1971, will amount to $47,660.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.005 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That unexpended funds in excess of expenses incurred during the fiscal period ended June 30, 1970, be carried over as a reserve in accordance with § 927.42 and § 927.202 of said 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 112A, 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: September 14, 1970.

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

[F.R. Doc. 70–12415; Filed, Sept. 16, 1970; 8:52 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Permit Handlers To Receive Off-Grade Raisins for Reconditioning Under Limited Inspection

Notice is hereby given of a proposal to permit handlers to receive off-grade raisins for reconditioning under a limited inspection, pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee, established pursuant to said order.

In accordance with § 989.158, each lot of natural condition raisins, including a lot with obvious defects in excess of permitted tolerances, received by a handler for reconditioning is required to be inspected at the handler's inspection point during the unloading process and certified, reconditioned, and the reconditioned raisins inspected and certified, in accordance with the applicable requirements of § 989.158. In addition, any raisins received by a handler as off-grade for disposition in eligible non-normal outlets may be accepted under a limited inspection as to condition capable of establishing concurrence with the classification. Further, paragraph (c)(2) of § 989.158 requires a handler to request a full inspection if the category of such raisins is to be changed to category (iii)—received for reconditioning—as provided in § 989.58(e). The same paragraph also provides that where the tenderer has a financial interest in the raisins the handler shall, before making any change in category, submit to the Committee evidence of the tenderer's permission to make any such change.

The Committee has suggested that there may be some financial benefit accruing to producers if total inspection costs referable to off-grade raisins received by handlers could be reduced by the substitution of limited inspections for condition in lieu of full inspections when off-grade raisins are accepted by handlers for reconditioning. Such benefit could result irrespective of whether the acceptance of the raisins is for reconditioning, based on the initial acceptance for such purpose, or for reconditioning on the basis of a change in category from disposition in eligible nonnormal outlets after acceptance under a limited inspection for condition.

Under the proposal, full inspection of off-grade raisins in connection with such a change in category would no longer be required. Also, any lot of natural condition raisins with obvious defects in excess of permitted tolerances could be accepted for reconditioning by a handler under a similar limited inspection for condition. In connection with reconditioning off-grade raisins, § 989.158(c)(4)(ii) provides that lots with identical defects may be reconditioned simultaneously (commingled basis) but lots with differing defects shall be reconditioned as separate lots. It is manifest that unless a full inspection is made of an off-grade lot, all of the defects would not be known. Hence, it was also proposed that each lot of off-grade raisins that has only a limted inspection should be reconditioned separately from any other lot.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 8th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend subparagraph (3) of § 989.158(a) and subparagraph (2) of § 989.158(c) so as to read respectively, as follows:

§ 989.158 Natural condition raisins.

(a) * * *

(3) For each lot of natural condition raisins received by a handler for acquisition, reconditioning, storage, inspection, or for disposition in eligible non-normal outlets, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the

lot. For the purposes of identifying incoming lots of raisins, other than dehydrated raisins covered by paragraph (e) of this section, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the Committee. Any such raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall be, unless returned to the tenderer, either promptly acquired by the handler or received for storage on memorandum receipt: *Provided*, That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection service to the effect that inspection cannot be furnished within a reasonable time: *And provided further*, That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection, other than with respect to dehydrated raisins covered by paragraph (e) of this section, and furnish weight certificates promptly. Any raisins received by a handler as off-grade for disposition in eligible nonnormal outlets or for reconditioning may be accepted under a limited inspection as to condition capable of establishing concurrence with the classification of the off-grade raisins as to the particular category in which received. An application for such a limited inspection shall be submitted by the handler, on a form furnished by the Committee, to the inspection service prior to, or upon physical receipt of, such off-grade raisins. Such form shall provide for at least the name and address of the tenderer (equity holder), date, number and type of containers, net weight of the raisins, and the particular defect(s) the handler indicates would cause the raisins to be off-grade. The handler shall complete and sign the form. The application for the limited inspection shall not be acceptable unless signed by the tenderer. Each lot of raisins so accepted by a handler shall be reconditioned separately from any other lot.

* * * * *

(c) * * *

(2) *Change in off-grade categories.* After raisins have been classified as to the categories in § 989.58(e)(1), any lot of natural condition off-grade raisins held by a handler under subdivision (i) or (iii) of § 989.58(e)(1), may be changed to the other category, or to subdivision (ii). Prior to making such change the handler shall notify the inspection service in writing at least 1 business day in advance of the time he plans to begin such change. Any off-grade lot under subdivision (ii) of § 989.58(e)(1) which has not been removed from the handler premises and is identifiable with the original inspection, may be tendered to the handler for the purposes of subdivision (i) or (iii) of § 989.58(e)(1) and, if accepted, the handler shall so report to the Committee. It shall be the responsibility of the handler to establish and maintain the identity of raisins in the changed categories in accordance with the applicable provisions of subparagraph (1) of this paragraph. Where the tenderer has a financial interest in the raisins the handler shall, before making any change in category, submit to the Committee evidence of the tenderer's permission to make any such change, except for changes from subdivision (i) or subdivision (iii) to subdivision (ii) of § 989.58(e)(1).

* * * * *

Dated: September 11, 1970.

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

[F.R. Doc. 70-12412; Filed, Sept. 16, 1970; 8:51 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Change Desirable Free Tonnage for Natural Thompson Seedless Raisins

Notice is hereby given of a proposal to change the "desirable free tonnage" as set forth in § 989.54(a) for natural Thompson Seedless raisins from 140,000 tons to 122,750 tons. This action would be in accordance with § 989.54(a) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Raisin Administrative Committee, established under the said marketing agreement and order.

The tonnage of raisins of any varietal type which can be sold as free tonnage during a crop year is designated in § 989.54(a) as "desirable free tonnage" and, until changed, such tonnage for natural Thompson Seedless raisins is fixed at 140,000 tons. The Committee has reviewed, as provided in § 989.54(a), shipment data and other matters relating to the desirable free tonnage for 1970–71.

Shipments of free tonnage natural Thompson Seedless raisins for the 1969–70 crop year are reported by the Committee to be 130,657 tons, and for the 1968–69 crop year, 135,128 tons. The carryover of free tonnage on September 1, 1970, is reported to be about 28,750 tons. The proposed desirable free tonnage of 122,750 tons of 1970–71 crop natural Thompson Seedless raisins when added to the carryover would provide about 131,500 tons for shipment as free tonnage during the 1970–71 crop year and a carryout of 20,000 tons at the end of the crop year for free tonnage shipments early in the 1971–72 crop year until new crop raisins become available.

No desirable free tonnage is proposed for varietal types other than natural Thompson Seedless raisins because no volume regulation is contemplated for them in the 1970–71 crop year.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 7th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 11, 1970.

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

[F.R. Doc. 70-12413; Filed, Sept. 16, 1970; 8:52 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposals To Designate Preliminary Free Tonnage Percentage for Natural Thompson Seedless Raisins and To Designate Certain Countries for Export Sale by Handlers of Reserve Tonnage Raisins

Notice is hereby given of proposals to designate for natural Thompson Seedless raisins for the 1970–71 crop year: (1) A preliminary free tonnage percentage which would release not less than 65 percent of the proposed desirable free tonnage for such raisins of 122,750 tons, as set forth in the notice of proposed rule making with respect thereto which is also published in this issue of the FEDERAL REGISTER; and (2) certain countries for export sale by handlers of reserve tonnage raisins. The designations would be in accordance with §§ 989.54, 989.55, and 989.67 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposals were recommended by the Raisin Administrative Committee, established pursuant to said marketing agreement and order.

As to the first proposal, release of not less than 65 percent of the proposed desirable free tonnage of natural Thompson Seedless raisins of 122,750 tons would provide about 79,800 tons of such raisins for shipment as free tonnage during the September–February period of the 1970–71 crop year. During the same period of the 1969–70 crop year, actual shipment of free tonnage raisins amounted to about 74,500 tons. By February 15, 1971, at the

latest, a final free tonnage percentage is to be recommended to the Secretary by the Committee which would tend to release the full desirable free tonnage. As provided in § 989.54(b), the difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage.

As to the second proposal, the Committee has, pursuant to § 989.67(c), given consideration to the pertinent factors enumerated in § 989.54 of the amended marketing agreement and order and has recommended the countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers. The countries recommended are the same as those currently in § 989.221, which reads as follows:

The countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" means the area east of the international dateline and west of 30° W. longitude but excluding all of Greenland and Mexico. All of the countries covered by this section to which sale in export of such reserve tonnage may be made shall be deemed listed in this section for the purposes of § 989.67(c).

Consideration will be given to any written data, views, or arguments pertaining to the proposals which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 8, 1970. 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: September 11, 1970.

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

[F.R. Doc. 70-12414; Filed, Sept. 16, 1970; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUIT COCKTAIL IDENTITY STANDARD

Proposal To List Slightly Sweetened Water as Optional Packing Medium

Notice is given that a petition has been filed by the California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106, proposing that the standard of identity for canned fruit cocktail (21 CFR 27.40) be amended to permit the use of slightly sweetened water as an optional packing medium. The packing media presently permitted in this food are water, fruit juice, light sirup, heavy sirup, extra heavy sirup, light fruit juice sirup, heavy fruit juice sirup, and extra heavy fruit juice sirup.

Grounds given in support of the proposal are that: (1) Eight of the 12 canned fruits for which standards of identity have been promulgated provide for the use of slightly sweetened water as an optional packing medium; and (2) consumers will have a greater choice between totally unsweetened to very sweet packing media. A canned fruit cocktail which has less sweetener added than the sirup-sweetened product, but which is nevertheless sweeter than water pack, will be available.

Accordingly, it is proposed that § 27.40 be amended by revising paragraphs (c) (1) and (2) and (e)(1) to read as follows:

§ 27.40 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.

* * * * *

(c) (1) The optional packing media referred to in paragraph (a) of this section are as follows:

(i) Water.
(ii) Fruit juice.
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Light fruit juice sirup.
(viii) Heavy fruit juice sirup.
(ix) Extra heavy fruit juice sirup.

(2) Each of packing media in subparagraph (1) (iii), (iv), (v), and (vi) of this paragraph is prepared with water as its liquid ingredient, and each packing media in subparagraph (1) (vii), (viii), and (ix) of this paragraph is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d)(3) of this section, each of the packing media in subparagraph (1) (iii) to (ix) in this paragraph, inclusive, is prepared with any one of the following saccharine ingredients: Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which the weight of the solids of the dextrose used multiplied by two, added to the weight of the solids of the corn sirup or the glucose sirup used multiplied by three, is not more than the weight of the solids of the sugar or invert sugar sirup used. The respective densities of packing media in subparagraph (1) (iii) to (ix) of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1) (iii)	Less than 14°.
(1) (iv) and (vii)	14° or more but less than 18°.
(1) (v) and (viii)	18° or more but less than 22°.
(1) (vi) and (ix)	22° or more but not more than 35°.

* * * * *

(e) (1) The optional ingredients specified in paragraphs (b)(5) (ii) and (iii) and (c)(1) (i) to (ix) of this section, inclusive are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

* * * * *

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: September 8, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12365; Filed, Sept. 16, 1970; 8:47 a.m.]

Public Health Service

[30 CFR Part 70]

FORMULA FOR DETERMINING RESPIRABLE DUST STANDARD WHEN QUARTZ IS PRESENT

Notice of Proposed Rule Making

Section 205 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173) directs the Secretary of Health, Education, and Welfare to prescribe an appropriate formula for determining the applicable respirable dust standard under title II of the Act where the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 percent quartz, and directs the Secretary of the Interior to apply such formula in carrying out his duties under the title.

Notice is hereby given of a proposal to amend Part 70 as set forth below by prescribing such a formula. The formula is based upon studies by the Public Health Service involving the effects of free silica (quartz) on respiratory health.

Interested persons may submit comments, data or arguments concerning the proposed amendment in triplicate to the

Department of Health, Education, and Welfare, Attention: Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received within 30 days after publication of this notice will be considered.

The amendment to Part 70 would provide as follows:

§ 70.101 Respirable dust standard when quartz is present.

When the concentration of respirable dust in the mine atmosphere of any working place contains more than 5 percent quartz, the operator shall continuously maintain the average concentration of respirable dust in the mine atmosphere to which each miner in such working place is exposed at or below a concentration of respirable dust, expressed in milligrams per cubic meter of air, computed by dividing the percent of quartz into the number 10: *Provided*, That the application of this formula shall not result in a concentration in excess of any standard for respirable dust established pursuant to the Act.

EXAMPLE: Given the respirable dust in a particular working place in a mine contains quartz in the amount of 6.6 percent. The total respirable dust limit in the particular working place must, therefore, be maintained at or below 1.5 milligrams of respirable dust per cubic meter of air ($\frac{10}{6.6}=1.5$ mg/m³).

Approved: September 10, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-12351; Filed, Sept. 16, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-98]

HALIFAX RIVER (AIWW), FLA.

Proposed Drawbridge Operation Regulations

1. The Commandant, U.S. Coast Guard is considering a request by the city of Daytona Beach, Fla., to establish special operation regulations for the bridges across the Halifax River (Atlantic Intracoastal Waterway). Present regulations governing these bridges require that they be opened on signal. The proposed regulations would not require their openings for navigation from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m., on all days except Sundays and legal holidays. From 9 a.m. to 4:30 p.m. the draws need be opened only every 15 minutes after each closure for the passage of vessels. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2)) and 49 CFR 1.46(c)(5).

2. Accordingly, it is proposed to add 33 CFR 117.433 to read as follows:

§ 117.433 Halifax River (Atlantic Intracoastal Waterway), Daytona Beach, Fla.; Seabreeze, Main Street, Broadway and Memorial Bridges.

(a) The draws of these bridges need not be opened on all days except Sundays and holidays from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m., and from 9 a.m. to 4:30 p.m. on these days the draws shall remain closed for at least 15 minutes after each closure. At all other times the draws shall be opened promptly on signal.

(b) Public vessels of the United States, tows, or vessels in distress shall be passed at any time.

(c) When small craft warnings or warnings of winds of greater force are displayed the draw shall be opened promptly on signal.

(d) Time clocks, acceptable to the District Commander, shall be prominently displayed and shall indicate to approaching vessels the remaining time before the draw is required to open.

(e) The owners of or agencies controlling the drawbridges shall conspicuously post notices both upstream and downstream of the drawbridges, on the bridge or elsewhere, in such a manner that they can readily be read at all times under normal conditions from an approaching vessel. These notices shall set forth the salient features of the regulations in this section.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before October 19, 1970. All submissions should be made in writing to the Commander, Seventh Coast Guard District, 51 Southwest First Avenue, Miami, Fla. 33130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Seventh Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: September 9, 1970.

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

[F.R. Doc. 70-12405; Filed, Sept. 16, 1970; 8:51 a.m.]

[33 CFR Part 117]

[CGFR 70-108]

PETALUMA RIVER, CALIF.

Proposed Drawbridge Operation Regulations

1. The Commandant, U.S. Coast Guard is considering a request by the Northwestern Pacific Railroad Co. to revise the special operation regulations for its bridges across the Petaluma River (formally Petaluma Creek) at Blackpoint and Haystack Landing. Present regulations governing these bridges permit the draws to be unattended if left in the fully open position and provide that during foggy weather a bell shall be tolled continuously when the draws are open. The proposed regulations would continue to permit the draw of the Blackpoint bridge to be left unattended if left in the fully open position. During foggy weather, two long blasts shall be sounded every minute when the draw is closed; three long blasts when the draw is fully open again and no further signal thereafter indicating the draw is in the open position. The draw of the Haystack Landing bridge would require 2 hours advance notice at all times. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2) and 49 CFR 1.46(c)(5)).

2. Accordingly, it is proposed to revise 33 CFR 117.712(g)(1) to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(g) *Petaluma River*—(1) *Northwestern Pacific Railroad Drawbridges*—(i) *Blackpoint.* The owner of or agency controlling this bridge need not keep a drawtender in constant attendance except when the draw is in the closed position. During foggy weather when the draw is closed 2 long blasts shall be sounded every minute; when the draw is fully opened again, 3 blasts shall be sounded. Thereafter, no further signal shall be sounded, indicating the draw is in the fully open position.

(ii) *Haystack Landing.* At least 2 hours' advance notice is required.

* * * * *

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before October 19, 1970. All submissions should be made in writing to the Commander, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, Calif. 94126.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Twelfth Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: September 9, 1970.

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

[F.R. Doc. 70-12406; Filed, Sept. 16, 1970; 8:51 a.m.]

[46 CFR Part 11]

[CGFR 70-103]

TEMPORARY SERVICE

Cancellation of Endorsements

Notice is hereby given that the Commandant, U.S. Coast Guard, is considering certain proposed amendments to Part 11 of Title 46, Code of Federal Regulations. These amendments would terminate the present practice of endorsing regular licenses as Second and Third Mates and as Second and Third Assistant Engineers to permit the holder to serve temporarily, without examination, in the next higher grade. Also, the amendments would terminate the existing practice of endorsing regular licenses as an engineer of steam vessels to permit the holder to serve temporarily in the same or lower grade, up to First Assistant Engineer, on motor vessels. In addition, the proposed amendments provide that endorsements for temporary service on a current regular license shall not authorize the holder to sign articles of a vessel in the grade specified in the endorsement on and after the effective date of any regulations which are issued pursuant to this notice.

About 5 years ago a shortage of licensed officers was experienced due to the rapid increase in the number of vessels involved in the Viet Nam sealift. A study of the problem by the Coast Guard and by other agencies of the Government disclosed that there was a shortage in the total number of qualified officers, as well as a shortage of officers, holding licenses as Chief and Second Mate and First Assistant and Second Assistant Engineer. To meet the first problem, the Commandmant issued regulations published in the FEDERAL REGISTER of March 17, 1966 (31 F.R. 4517), providing for the issuance of licenses as Temporary Third Mate and Temporary Third Assistant Engineer, after examination, to applicants who had less sea service than that required for regular licenses in those grades. To cope with the second problem, other amendments issued at the same time provided for endorsing regular licenses as Second and Third Mates and Second and Third Assistant Engineer to permit the holder to serve temporarily without examination, in the next higher grade. Subsequent to the issuance of these regulations, a shortage of engineers licensed for service on motor vessels was experienced. This was due to the greater utilization of motor propulsion instead of the steam plants traditionally used. By a further document published in the FEDERAL REGISTER of November 28, 1968 (33 F.R. 17792), Part 11 was amended to establish the practice of endorsing regular licenses as an engineer of steam vessels to permit the holder to serve temporarily in the same or lower grades, up to First Assistant Engineer, on motor vessels.

The Coast Guard has recently reviewed the need to continue the temporary licensing provisions in the light of the decreased requirements of the Viet Nam operation. Members of the marine industry and regulatory agencies of the Government have submitted their views on the subject. A considerable disparity exists in the opinions received. However, it reasonably appears that the shortage of Chief and Second Mates, of First and Second Assistant Engineers and of engineers of motor vessels does not exist at this time to the degree which warrants the continuation of these temporary provisions. The problem of the need for continuance of the temporary licenses as Third Mate and Third Assistant Engineer is still under consideration. If it is determined that the need for these provisions is no longer required a further notice of rule making will be issued.

Accordingly, it is proposed to amend Part 11 as follows:

PART 11—LICENSES IN TEMPORARY GRADES OR SPECIAL ENDORSEMENTS ON LICENSES TO PERMIT TEMPORARY SERVICE

Subpart 11.01—General

1. Section 11.01–1 is revised to read as follows:

§ 11.01–1 Application.

(a) The regulations in this part apply to all applicants for licenses to serve as "Temporary Third Mate" or "Temporary Third Assistant Engineer".

(b) The applicable regulations in Part 10 of this subchapter apply in all cases except to the extent that certain requirements in §§ 10.05–1 to 10.10–29 of this chapter, inclusive, are modified to permit issuance of licenses as "Temporary Third Mate" or "Temporary Third Assistant Engineer".

2. Section 11.01–3 is revised to read as follows:

§ 11.01–3 Purpose.

The regulations in this part provide reduced requirements of sea service by which an applicant becomes eligible to take an examination for "Temporary Third Mate" or "Temporary Third Assistant Engineer".

3. Section 11.01–10 is revised to read as follows:

§ 11.01–10 Duration of license in temporary grade and cancellation of special endorsements.

(a) *License in temporary grade.* (1) A license in temporary grade as defined in § 11.05–15, which is issued under the provisions of this part shall be valid for a period of 5 years from the date of issuance unless it is suspended or revoked as provided by R.S. 4450, as amended (46 U.S.C. 239) and section 2 of the Act of July 15, 1954 (46 U.S.C., 239(b)), or the provisions of this subpart are canceled or suspended.

(2) Licenses in temporary grades shall not be renewed.

(b) *Endorsements for temporary service.* Under regulations previously in effect, regular licenses have been endorsed to permit the holder to serve temporarily in the grade next higher than the grade of the regular license and regular licenses as an engineer of steam vessels have been endorsed to permit the holder to serve temporarily on motor vessels. These endorsements for temporary service do not authorize the holder to sign articles of a vessel in the grade specified in the endorsement on or after (date to be inserted will be effective date of any regulations issued pursuant to this notice).

Subpart 11.05—Definitions

§ 11.05–5 [Revoked]

4. Section 11.05–5 is revoked.

Subpart 11.15—Endorsements on Licenses To Permit Temporary Services

§§ 11.15–1—11.15–5 [Revoked]

5. Subpart 11.15 is revoked.

Interested persons are invited to submit written data, views, arguments or comments concerning these proposals to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591. Communications received on or before October 30, 1970, will be considered before final action is taken on these proposals.

It is requested that each submission state the section to which it is directed, the specific wording recommended, the reason for the recommended change and the name and address and the firm or organization, if any, of the person making the submission.

In addition to publication in the FEDERAL REGISTER, copies of this document will be mailed to persons and organizations who have requested that they be furnished copies of proposed changes in

the regulations. Copies will also be furnished upon request to the Commandant (CMC). In addition, copies of this document will be available for examination at the Office of the Commandant (CMC), U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, D.C., as well as at the offices of the Coast Guard District Commanders. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposals in this document. Copies of all written communications received will be available for examination by interested persons at U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for the receipt of comments. Communications received will not be acknowledged. The proposals contained in this document may be changed in the light of the communications received.

This proposal is made under the authority contained in R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Section 6(b)(1) of the Department of Transportation Act (49 U.S.C. 1655(b)(1)) and 49 CFR 1.46(b).

Dated: September 9, 1970.

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

[F.R. Doc. 70-12402; Filed, Sept. 16, 1970; 8:51 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-CE-81]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the Minneapolis, Minn., and St. Paul, Minn., control zones and the Minneapolis, Minn., 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 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 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Minneapolis and St. Paul, Minn., amended instrument approach procedures have been developed for the St. Paul Downtown Airport, Anoka County Airport, Lake Elmo Airport and Crystal Airport. In addition, the criteria for designating controlled airspace have been changed since controlled airspace was designated for protection of IFR traffic at these airports and the Minneapolis-St. Paul International, Flying Cloud, South St. Paul, and the Airlake Industrial Airpark Airports. Accordingly, it is necessary to alter the control zones at Minneapolis, Minn., Minneapolis, Minn. (Crystal Airport), Minneapolis, Minn. (Flying Cloud), and St. Paul, and the Minneapolis transition area to adequately protect aircraft executing the amended approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MINNEAPOLIS, MINN.

Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile-radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile-radius zone to one-half mile southwest of AP-OM.

MINNEAPOLIS, MINN. (CRYSTAL AIRPORT)

Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

MINNEAPOLIS, MINN. (FLYING CLOUD)

Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airman's Information Manual.

ST. PAUL, MINN.

Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93°03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93°01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. To effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

MINNEAPOLIS, MINN.

That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile-radius area to 18½ miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile-radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile-radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile-radius area west of Minneapolis southwest along the northwest edge of V-148; thence clockwise along a 70-mile-radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; thence southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile-radius area thence counterclockwise along the 36-mile-radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 98°06'00" W.; on the north by latitude 46°13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile-radius arc.

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

Issued in Kansas City, Mo., on August 27, 1970.

DANIEL E. BARROW,
Director, Central Region.

[F.R. Doc. 70-12379; Filed, Sept. 16, 1970; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-83]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Burwell, Nebr.

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 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 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Burwell, Nebr., Municipal Airport utilizing a State-owned nondirectional radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Burwell, Nebr. The new will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Denver Air Route Traffic Control Center.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

BURWELL, NEBR.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Burwell Municipal Airport (latitude 41°46' 30'' N., longitude 99°09'00'' W.); and within 3 miles each side of the 330° bearing from the Burwell Municipal Airport, extending from the 7½-mile-radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 330° bearing from the Burwell Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

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

Issued in Kansas City, Mo., on August 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-12380; Filed, Sept. 16, 1970; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-86]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Nevada, Mo.

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 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 45 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, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Nevada, Mo., Municipal Airport, utilizing a city-owned nondirectional radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Nevada, Mo. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Kansas City Air Route Traffic Control Center.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

NEVADA, MO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nevada Municipal Airport (latitude 37°51'00'' N., longitude 94°18'00'' W.); and within 3 miles each side of the 037° bearing from the Nevada Municipal Airport extending from the 7-mile-radius area to 8 miles Northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles Southeast and 9½ miles Northwest of the 037° and 217° bearings from Nevada Municipal Airport, extending from 3 miles Southwest to 18½ miles Northeast of the airport, excluding the portion which overlies the Grandview, Mo., 1,200-foot floor transition area.

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

Issued in Kansas City, Mo., on August 27, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-12381; Filed, Sept. 16, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19000; FCC 70-930]

FM BROADCAST STATION TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. Notice of proposed rule making is hereby given concerning proposed changes in § 73.202(b) of the Commission's rules, the FM Table of Assignments, sought in two pending petitions for rule making and involving the communities listed above.

2. The two cases present somewhat similar situations. In both, a party interested in an existing FM station—the licensee of Station KFAD, Cleburne, Tex., and the proposed assignee of the license of Station WAGY-FM, Forest City, N.C.—[1] seeks to change the station's city of license to a different community, and this requires a change in the table of assignments since the communities are farther from the present cities of assignment and license than the distances specified in § 73.203(b), the "10-mile" and "15-mile" rule. No engineering changes are involved, since the parties seek to continue the present facilities at the present locations, from which they put a principal-city signal (3.16 mv/m) over the cities proposed for assignment. The latter are Gaffney, S.C., in the Forest City case, and Arlington, Tex., in the Cleburne case. Gaffney is about 2 miles from Forest City and Arlington is some 25 miles from Cleburne: in both cases the city proposed for assignment is in a different county, and in the first case in a different State. In both cases the FM assignment and station would be the first in the new community.

3. The petition concerning Cleburne specifically seeks, and it is implicit in the

[1] The assignment is proposed in BALH-1291, tendered Dec. 3, 1969; the proposed assignee is Gaffney Broadcasting, Inc., the licensee of daytime AM Station WEAC, Gaffney. The associated Forest City AM station WAGY, is not included in the assignment application.

In the Texas case, the licensee of Station KFAD(FM), Cleburne, is Jim Gordon, Inc. Cleburne has a daytime AM station, KCLE, formerly but not now associated in ownership with the FM station.

Gaffney petition although not specifically mentioned, the modification of the license of the existing station to specify the new city (on the same channel). As to this point, see paragraph 12, below.

4. Forest City-Gaffney. In support of its request, to reassign Channel 287(C) from Forest City to Gaffney, Gaffney Broadcasting, Inc., urges the need for local nighttime service in that city and its county, now having no local nighttime broadcasting outlet. The 1960 Census populations of Gaffney and Cherokee County (of which it is the county seat) are respectively 10,435 and 35,205; a current Chamber of Commerce estimate is 19,377 and 36,725 respectively. The only broadcast outlets in the county are the two daytime-only AM stations at Gaffney, WEAC and WFGN. As petitioner points out, an earlier effort to find an FM channel for Gaffney had to be denied, simply because it would have been too costly in terms of the required deletion of channel assignments elsewhere.[2] Forest City is smaller (1960 Census population 6,556); it is the largest town but not the county seat of Rutherford County, N.C., population 45,091. The broadcast outlets and FM channels in this county consist of two daytime-only AM stations at Forest City and one at Rutherfordton (the county seat), and two Class C FM stations at Forest City (WAGY–FM on Channel 287 and WBBO–FM on Channel 227).[3] Gaffney is somewhat closer to a larger population center, about 18 miles from Spartanburg, S.C.

5. Petitioner made a substantial survey of community needs in and around Gaffney in connection with the assignment application, and in its petition cites various programing needs based on the survey, which it proposes to meet with its FM service, particularly at night when AM is not available. These include local elections which must be presented on election night, local nighttime events (civic dinner meetings, etc.), school closings, etc.,[4] events at the local college, live coverage of sports events such as local basketball games held at night, weather and farm information, emergency defense information (the AM station holds a National Defense Emergency Authorization), and other nighttime entertainment and information. It is stated that only about 6 hours a day of AM programing would be duplicated on FM. Petitioner points out that Forest City will continue to have one full-time broadcast outlet and local FM signal, from WBBO–FM, as well as continued service from the station if reassigned to Gaffney, and urges that the reassignment would mean a fairer and more equitable distribution of broadcast facilities.[5]

6. Under these circumstances, reassignment of Channel 287 from Forest City, N.C., to Gaffney, S.C., appears to be in the public interest, and it is proposed herein.

7. Cleburne-Arlington, Tex. Both Cleburne and Arlington, the present and proposed cities of license of Station KFAD, are in the Fort Worth Standard Metropolitan Statistical Area (1960 Census). Cleburne, 1960 population 15,381, is the county seat of Johnson County; the city and county now have only one other broadcast outlet, daytime-only (Class II) Station KCLE, Cleburne. Cleburne is some 25 miles south of Fort Worth, with its multiple AM and FM stations. Arlington lies east of Forth Worth, adjoining that city at some places and about 12 miles distant center to center; it is in the same county (Tarrant) and urbanized area. Arlington now has no local station; of the communities located between Dallas and Fort Worth, four of them over 10,000, 1960 Census population, only one (Grand Prairie) has a local station (daytime-only AM) and none has an FM channel. The 1960 Census population of Arlington was 44,775, an increase of some 37,000 since 1950; petitioner asserts that the estimated 1970 population is 102,000, whereas that of Cleburne is 17,709 (both Chamber of Commerce figures).

8. Station KFAD, which has been owned separately from the Cleburne AM station since 1960, is located about midway between Cleburne and Arlington, with studios in both cities and permission to identify itself as Cleburne-Arlington. It states that it now renders substantial service of a local nature to the latter city, including programs pertaining to the University of Texas at Arlington (UTA), a 14,000-student 4-year university located there. UTA basketball games have been carried. The move is requested as a matter of economic necessity, since Cleburne generates very little business (none since termination of the high school football broadcasts and season in November 1969), and Arlington merchants are reluctant to advertise on the station as long as it is primarily identified with Cleburne and only secondarily with Arlington. The station has been losing money. It is recognized that the change would leave Cleburne without a full-time local outlet or FM channel, but it is stated that the station will continue to make substantial efforts to meet the needs of Cleburne and Johnson County. The petitioner states that if the Commission believes it appropriate it may condition the reassignment and license modification on the station's identifying itself as Arlington-Cleburne, and maintaining studios in both cities as it does now. The licensee would accept those conditions.

9. Attached to the petition are 11 letters from Arlington city officials (including the Mayor), civic and religious organizations, and UTA, urging the importance of the city's having a local broadcast outlet, praising the past efforts of KFAD to meet local needs, and (some of them) expressing the lack of truly locally oriented service from Dallas and Fort Worth stations, with their need to cover many communities and a large area.

10. Under the circumstances described, we believe the matter of reassigning Channel 235 from Cleburne to Arlington, Tex., warrants comments.

11. The Commission's proposals: In view of the foregoing, comments are invited on the following proposed changes in section 73.202(b) of the rules, the table of FM assignments:

City	Channel No.	
	Present	Proposed
Forest City, N.C.	227, 287	227
Gaffney, S.C.		287
Arlington, Tex.		235
Cleburne, Tex.	235	

12. As noted earlier, the Cleburne petition requests, and the Gaffney petition asks by implication even though not explicitly requesting, that the existing station license be modified to specify the new city, Gaffney, S.C., and Arlington, Tex., respectively. If no comments are filed in this proceeding by other parties expressing interest in using the channel, and if it is concluded that reassignment of the channel is warranted, it is proposed to modify the license of Station WAGY–FM, Channel 287, to specify Gaffney, S.C., and the license of Station KFAD, Channel 235, to specify Arlington, Tex.[6]

13. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

[2] In the Matter of Amendment of § 73.202, etc., Gaffney, S.C., etc., 4 R.R. 2d 1517, FCC 65–61, January 1965.

[3] Both of these stations were operating at the time the present FM allocation rules and table of assignments were adopted in the early 1960's. Otherwise, it is highly unlikely that two Class C channels would have been assigned to Forest City.

[4] With respect to "presunrise" operation, important in this connection, AM Station WEAC is limited in this respect, since (a Class II station) it is confined to 17 watts power and hours after sunrise at Washington, D.C., when that is earlier than sunrise at Gaffney. WAGY, Forest City, has full presunrise authority (500 watts beginning at 6 a.m.). The other Gaffney and Forest City stations, both Class II, do not operate presunrise.

[5] The Gaffney Broadcasting, Inc., application to acquire WAGY–FM is not conditioned on the assignment and it is stated that it is prepared to operate a Forest City station, even though it urges that the channel should be reassigned to Gaffney. The application appears to present no problems, and could be granted by staff action, except that the community survey was done on the basis of Gaffney and surrounding area in South Carolina, rather than Forest City, and therefore grant is not appropriate until the channel is reassigned.

[6] Both of the existing stations involve short separations to stations in other cities: Forest City-Gaffney to Charlotte, N.C., and Cleburne-Arlington to Gainesville, McKinney, and Wichita Falls, Tex. If other uses of these channels are contemplated, potential applicants should be aware that no location will be permitted which creates separations less than those involved in the present operations.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before October 20, 1970, and reply comments on or before November 3, 1970. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

15. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: September 9, 1970.

Released: September 11, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12387; Filed, Sept. 16, 1970; 8:49 a.m.]

[1] Commissioner H. Rex Lee absent.

[47 CFR Part 73]

[Docket No. 18928]

LICENSEE CONTROL OF MATTER BROADCAST DURING TELEPHONE INTERVIEW PROGRAMS

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by notice of proposed rule making (FCC 70-816) adopted July 22, 1970, released July 24, 1970, and published in the FEDERAL REGISTER July 29, 1970, 35 F.R. 12132. The dates for filing comments and reply comments are presently September 15, 1970 and October 1, 1970, respectively.

2. On September 9, 1970, Counsel for Greater Indianapolis Broadcasting Co., Inc., Hudson-Westchester Radio, Inc., OK Broadcasting Corp., and Texas Star Broadcasting Co., filed a request to extend the time for filing comments to October 15, 1970. Counsel for above listed parties states that due to pressure of other rule making and adjudicative proceedings, coupled with the impact of summer vacation schedules, it is impossible to complete work on the comments.

3. It appears that the requested additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request filed by Counsel for Greater Indianapolis Broadcasting Co., Inc., Hudson-Westchester Radio, Inc., OK Broadcasting Corp., and Texas Star Broadcasting Co., for extension of time is granted to and including October 15, 1970, for filing comments and October 30, 1970, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: September 11, 1970.

Released: September 14, 1970.

GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-12388; Filed, Sept. 16, 1970; 8:49 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Order Extending Provisional Operating License Expiration Date

General Electric Co. and Southwest Atomic Energy Associates having filed a request dated August 24, 1970, for an extension of the expiration date of Provisional Operating License No. DR-15 which authorizes the possession and operation of the Southwest Experimental Fast Oxide Reactor (SEFOR), a sodium-cooled experimental reactor, at thermal power levels not to exceed 20 megawatts located in Coves Creek Township, Washington County, Ark., and good cause having been shown in the application for this extension pursuant to 10 CFR, § 50.57 (d) of the Commission's regulations: *It is hereby ordered*, That the expiration date of provisional Operating License No. DR-15 is extended from September 4, 1970, to March 4, 1972.

Dated at Bethesda, Md., this 28th day of August 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-12352; Filed, Sept. 16, 1970; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 9491]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

SEPTEMBER 9, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating all the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands in Group I shall remain open to all other applicable forms of appropriation, including the general mining and mineral leasing laws. The lands described in Group II below are further segregated from all other forms of appropriation except for public uses and development under the Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869), and the mineral leasing laws. The lands described in Group III below are further segregated from all other forms of appropriation, including the general mining laws, but not the mineral leasing or material sales laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 8696-8697), or at the public hearing held in Santa Fe, N. Mex., June 23, 1970. The record showing the comments received and other information is on file and can be examined in the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107, and in the Land Office, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. The public lands affected by this classification are located within the following described areas and are shown on maps designated 1-11, La Cienega Planning Unit, on file in the Albuquerque District Office and in the New Mexico Land Office in Santa Fe, N. Mex.

NEW MEXICO PRINCIPAL MERIDIAN

GROUP 1—LA CIENEGA PLANNING UNIT

Jemez Dam Block

T. 13 N., R. 3 E.,
Sec. 1, SW¼NW¼, W½SW¼, SE¼SW¼, and SE¼;
Sec. 3, lots 9, 10, 11, 12, S½N½, and S½;
Sec. 4, lots 9, 10, 11, 12, S½N½, and S½;
Sec. 9, E½ and E½W½;
Secs. 10 to 14, inclusive;
Sec. 15, NE¼, N½NW¼, NE¼SW¼NW¼, N½NW¼SW¼NW¼, SE¼NW¼SW¼NW¼, NE¼SE¼SW¼NW¼, N½NW¼SE¼SW¼NW¼, SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, N½NE¼NW¼NE¼SW¼, NE¼SE¼, N½NW¼SE¼, NE¼SW¼NW¼SE¼, N½NW¼SW¼NW¼SE¼, N½SE¼SW¼NW¼SE¼, SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, NE¼SE¼SE¼, N½NW¼SE¼SE¼, N½SW¼NW¼SE¼SE¼, SE¼NW¼SE¼SE¼, N½NE¼SW¼SE¼SE¼, N½SE¼SE¼SE¼, and N½SE¼SE¼SE¼SE¼;
Sec. 23, N½NE¼NW¼, N½SW¼NE¼NW¼, SE¼SW¼NE¼NW¼, SE¼NE¼NW¼, NE¼NW¼NW¼, NE¼NW¼NW¼NW¼, N½NW¼NW¼NW¼NW¼, N½NE¼SE¼NW¼NW¼, NE¼NE¼SE¼NW¼, and N½NW¼NE¼SE¼NW¼.

T. 13 N., R. 4 E.,
Sec. 3, lots 4, 5, 6, W½NE¼, and NW¼;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, NE¼, E½NW¼, N½SE¼, and SW¼SE¼;
Sec. 5, lot 5 and E½SE¼;
Sec. 6, lot 4, SE¼SW¼, and SW¼SE¼;
Sec. 7;
Sec. 8, E½NE¼ and S½SW¼;
Sec. 9, lots 5, 6, 7, and 8;
Sec. 17, lot 13 and NW¼;
Sec. 18, lots 2, 3, NE¼, and E½NW¼.

T. 14 N., R. 4 E.,
Sec. 3, lots 1 to 8, inclusive, and S½S½;
Sec. 4, lots 1 to 7, inclusive, S½NW¼, SW¼, and S½SE¼;
Sec. 5;
Sec. 6, lots 1, 2, S½NE¼, and SE¼;
Sec. 7, E½;
Secs. 8, 9 and 10;
Sec. 11, W½W½;
Sec. 17;
Sec. 18, E½E½;
Sec. 19, E½E½;
Sec. 20;
Sec. 21, W½;
Sec. 27, SW¼SW¼;
Sec. 28, NW¼ and S½;
Sec. 29;
Sec. 30, E½E½;
Sec. 31, E½NE¼;
Sec. 33;
Sec. 34, S½NE¼, W½, and SE¼;
Sec. 35, lot 9 and W½SW¼.

T. 15 N., R. 4 E.,
Sec. 7, lots 1, 4, and SE¼SE¼;
Sec. 8, lots 2, 3, 4, E½NE¼, and S½;
Sec. 9, lots 1, 2, S½NE¼, NW¼, and S½;
Sec. 10, lots 1 to 5, inclusive, NW¼SW¼, and S½SW¼;
Sec. 11, lot 1;
Sec. 15, W½E½ and W½;
Sec. 17;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 and 21;
Sec. 22, W½;
Sec. 27, W½E½ and W½;
Sec. 28;
Sec. 29, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 30, E½;
Sec. 31, E½;
Secs. 33 and 34.

Tejon Block

T. 13 N., R. 6 E.,
Sec. 1, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, W½SW¼, and E½SE¼;
Sec. 4;
Sec. 5, lots 1, 2, S½NE¼, W½SW¼, and SE¼;
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, SE¼SW¼;
Sec. 8, E½;
Secs. 9 and 10;
Sec. 14, N½ and SW¼;
Sec. 15;
Sec. 16, S½NW¼;
Sec. 17, S½NE¼;
Sec. 21, lots 10, 11, 12, 13, NE¼NE¼, and NE¼SE¼;
Sec. 22, N½ and N½S½;
Sec. 23, W½W½;
Sec. 25, NW¼ and W½SW¼;
Sec. 26, S½;
Sec. 27, S½NE¼, NW¼SW¼, NE¼SE¼, and S½S½;
Sec. 28, lots 1 to 9, inclusive, and E½;
Sec. 34, E½;
Sec. 35, N½ and W½SW¼;
Sec. 36, SW¼NW¼ and W½SW¼.

T. 14 N., R. 6 E.,
Sec. 9, lots 9, 10, and S½;
Sec. 10, lots 10, 11, 12, 13, and S½S½;
Sec. 11, lots 9, 10, and 11;
Sec. 13, lots 5, 6, 7, 8, SW¼NE¼, S½NW¼, and S½;

Sec. 14, lot 2, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 15;
Secs. 19 to 26, inclusive;
Sec. 27, N½, NE¼SW¼, N½NW¼SW¼, W½SW¼NW¼SW¼, SE¼SW¼NW¼SW¼, NE¼SE¼NW¼SW¼, S½SE¼NW¼SW¼, S½SW¼, and SE¼;
Sec. 28, NE¼ and S½;
Sec. 29, E½E½;
Sec. 30;
Sec. 31, NE¼ and E½SE¼;
Sec. 32, NE¼NE¼, S½NE¼, NW¼, N½SW¼, and SE¼;
Sec. 33;
Sec. 34, N½;
Sec. 35.

T. 13 N., R. 7 E.,
Sec. 6, lots 1, 2, 3, 4, and W½W½;
Sec. 7, lots 1, 2, 3, 4, and W½W½;
Sec. 18, lots 1, 2, 3, W½NW¼, and NW¼SW¼;
Sec. 31, lots 1, 2, 3, 4, and W½W½.

T. 14 N., R. 7 E.,
Sec. 17, lots 10 and 11;
Sec. 18, lots 5, 6, 7, 8, SW¼, and S½SE¼;
Sec. 19;
Sec. 20, lots 1, 2, 3, and 4;
Sec. 29, lots 1 and 2;
Sec. 30, lots 1, 2, 3, 4, 5, N½N½, SW¼NW¼, and W½SW¼;
Sec. 31, lots 1, 2, 3, 4, and W½W½.

Tent Rocks Block

T. 16 N., R. 4 E.,
Secs. 1 and 3;
Sec. 10, lots 5, 6, 7, 8, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 11, lots 2, 3, E½, NW¼, and N½SW¼;
Sec. 12;
Sec. 13, lots 6 to 12, inclusive, W½NE¼, N½NW¼, and SE¼NW¼;
Sec. 14, lots 4 and 5.

T. 16 N., R. 5 E.,
Sec. 3, lots 1 to 6, inclusive, S½NW¼, and SW¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 7, E½;
Sec. 18, lot 1, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 19, lots 1, 2, 3, and NE¼NE¼.

T. 17 N., R. 5 E.,
Sec. 27, lots 3, 4, and N½SW¼;
Sec. 28, lots 1, 2, 3, 4, and N½S½;
Sec. 29, lots 1, 2, 3, 4, W½SW¼, and SE¼SW¼;
Sec. 30, lot 1, NE¼SE¼, and S½S½;
Sec. 31, N½;
Sec. 33, lots 1, 2, 3, 4, N½SW¼, and NW¼SE¼;
Sec. 34, lots 2, 3, 4, 5, NE¼, and N½SE¼.

Cieneguilla Block

T. 15 N., R. 7 E.,
Sec. 1, lots 7, 8, 9, 10, and N½N½;
Sec. 2;
Sec. 3, lots 1 to 7, inclusive, NE¼ and N½SE¼;
Sec. 10, lots 1, 2, 3, 5, 6, and 7;
Sec. 11, lots 1 and 2.

T. 16 N., R. 7 E.,
Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, SE¼NW¼, SW¼, and E½SE¼;
Sec. 10, lots 1, 2, 3, 4, 5, and SE¼;
Sec. 11, lot 1, E½, NE¼NW¼, S½NW¼, and SW¼;
Secs. 12, 13, and 14;
Sec. 15, lots 1, 2, 3, 4, and E½;
Sec. 22, lots 1, 2, 3, 4, and E½;
Secs. 23, 24, 25, and 26;
Sec. 27, lots 1, 2, 3, 4, and E½;
Sec. 34, lots 1, 2, 3, 4, and E½;
Secs. 35 and 36.

T. 17 N., R. 7 E.,
Sec. 36, lot 1.

T. 18 N., R. 7 E.,
Sec. 1, lots 1, 2, 3, 4, and E½E½;
Sec. 12, lots 1, 2, and NE¼NE¼.

T. 15 N., R. 8 E.,
Sec. 6, lot 4.

T. 16 N., R. 8 E.,
Sec. 7;
Sec. 8, lots 2, 3, 4, NW¼, and W½SW¼;
Sec. 17, lots 1 and 4;
Sec. 19, lots 1, 2, 3, 4, 5, N½NE¼, SE¼NE¼, and E½NW¼;
Sec. 20, lots 1 and 2;
Sec. 30, lots 2, 3, 6, and S½SE¼;
Sec. 31, lots 2 to 8, inclusive, NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.

T. 17 N., R. 8 E.,
Sec. 3, lots 1, 2, 3, 4, S½N½, N½S½, and S½SW¼;
Sec. 4, lots 1 to 6, inclusive, S½NE¼, and E½SE¼;
Sec. 9, lots 1, 2, 3, 4, and E½NE¼;
Sec. 10, W½;
Sec. 15, lots 1, 2, E½W½; NW¼NW¼, SW¼SW¼, and S½SE¼;
Sec. 21, lot 1;
Sec. 22;
Sec. 23, W½NE¼ and W½;
Sec. 24, E½, E½W½, and W½SW¼;
Sec. 26;
Sec. 27, N½;
Sec. 30, lot 1;
Sec. 31, lots 1, 2, 3, 5, and NE¼SW¼;
Sec. 35, lots 1 to 8, inclusive, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.

T. 18 N., R. 8 E.,
Sec. 1, lots 1, 2, and 3;
Secs. 3, 4, 5, and 6;
Sec. 7, lots 1, 2, 3, 4, 5, NE¼, E½NW¼, and NE¼SE¼;
Secs. 8, 9 and 11;
Sec. 12, lots 1, 2, 3, 4, W½, and W½SE¼;
Sec. 13, S½;
Sec. 14;
Sec. 17, lots 1, 2, E½NE¼, W½NW¼, E½SW¼, and SE¼;
Sec. 20, lots 1, 2, 3, 4, NE¼ and E½SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, lots 1, 2, and 3;
Sec. 33, lots 1, 2, 3, 4, 5, E½, E½NW¼, and NE¼SW¼;
Secs. 34 and 35.

T. 19 N., R. 8 E.,
Sec. 22, lots 9, 10, 11, and 12;
Sec. 23, lots 1, 2, 3, and 4;
Sec. 26, lots 1, 2, 3, 4, SW¼NW¼, and W½SW¼;
Sec. 27, lots 5, 6, 7, 8, S½N½, and S½;
Sec. 28, lots 5, 6, 7, 8, S½N½, and S½;
Sec. 29, lots 15, 18, 19, 20, 21, 25 to 39, inclusive, 42 to 46, inclusive, 49 to 55, inclusive, 58 to 87, inclusive, 90 to 110, inclusive, 112, 113, 114, 117 to 134, inclusive, 136 to 198, inclusive, 201 to 211, inclusive, 214, 215, 216, 219, to 230, inclusive, 233, 234, 235, and 238 to 240, inclusive;
Sec. 30, lots 14, 15, 16, 17, 19 to 47, inclusive, 49 to 53, inclusive, 56 to 60, inclusive, 62 to 67, inclusive, 72 to 99, inclusive, and SE¼SW¼;
Sec. 31, lots 5 to 10, inclusive, 14 to 27, inclusive, 30 to 45, inclusive, 47, 48, 49, 50, 55 to 74, inclusive, 76, 77, 79 to 82, inclusive, 85 to 93, inclusive, 95 to 111, inclusive, 113, 114, 115, 116, 117, 119 to 144, inclusive, 146, 148, 152, 154 to 174, inclusive, 177, 178, 179, 183, 186 to 206, inclusive, 208, 211, 213, 218, 221 to 235, inclusive, and 254 to 260, inclusive;
Secs. 33 and 34;
Sec. 35, lots 1, 2, 3, 4, W½NW¼, and NW¼SW¼.

The areas described above aggregate approximately 94,529.06 acres.

GROUP II

T. 13 N., R. 3 E.,
Sec. 23, N½NE¼, N½SW¼NE¼, N½NE¼SW¼SW¼NE¼, N½SE¼SW¼NE¼, N½SW¼SE¼SW¼NE¼, SE¼SE¼SW¼NE¼, SE¼NE¼, NE¼NE¼SE¼, NE¼NW¼NE¼SE¼, N½NW¼NW¼NE¼SE¼, N½SE¼NW¼NE¼SE¼, and N½NE¼SE¼NE¼SE¼;
Sec. 24, N½, NE¼SW¼, N½NW¼SW¼, N½SW¼NW¼SW¼, N½SW¼SW¼NW¼SW¼, SE¼SW¼NW¼SW¼, SE¼NW¼SW¼, N½NE¼SW¼SW¼, N½SE¼NE¼SW¼SW¼, N½SE¼SW¼, NE¼SW¼SE¼SW¼, SE¼SE¼SW¼, and SE¼;
Sec. 25, NE¼NE¼, NE¼NW¼NE¼, N½NW¼NW¼NE¼, N½SW¼NW¼NW¼NE¼, SE¼NW¼NW¼NE¼, N½NE¼SW¼NW¼NE¼, N½SE¼NW¼NE¼, SE¼SE¼NW¼NE¼, and N½NE¼NE¼NW¼.

The area described above agregates 832.50 acres.

GROUP III

T. 17 N., R. 5 E.,
Sec. 27, lots 1, 2, S½SW¼, and SE¼;
Sec. 28, SE¼SE¼;
Sec. 30, lots 2, 3, 4, N½SW¼, and NW¼SE¼;
Sec. 33, NE¼SE¼;
Sec. 34, NW¼ and N½SW¼.

The area described above aggregates 707.58 acres.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-12306; Filed, Sept. 16, 1970; 8:45 a.m.]

[R-3342]

CALIFORNIA

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

SEPTEMBER 11, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR parts 2410 and 2460, it is proposed to classify the public lands described below for multiple-use management.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation. As used in this order, the term "public

lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The following described lands located within San Diego County are proposed for classification for multiple-use management.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 17 S., R. 1 E.,
Sec. 8, N½NE¼;
Sec. 29, W½SE¼.
T. 18 S., R. 1 E.,
Sec. 18, SE¼NW¼.
T. 17 S., R. 2 E.,
Sec. 2, lots 1 and 2;
Sec. 9, SE¼SW¼, S½SE¼;
Sec. 10, SW¼SW¼.
T. 18 S., R. 2 E.,
Sec. 1, SE¼NE¼;
Sec. 2, S½NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 3, S½NE¼;
Sec. 7, lots 5 and 6, S½E½W½SW¼NW¼, SE¼SW¼NW¼;
Sec. 8, S½NE¼, SW¼, W½SE¼;
Sec. 9, NW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 11, W½NE¼, NE¼NW¼;
Sec. 12, N½;
Sec. 13, S½SW¼;
Sec. 15, E½SW¼, S½SE¼;
Sec. 22, N½NE¼;
Sec. 23, S½NE¼;
Sec. 24, NE¼NW¼, S½NW¼.
T. 17 S., R. 3 E.,
Sec. 19, N½NE¼;
Sec. 25, N½, N½SW¼, SW¼SW¼, NE¼SE¼, N½NW¼SE¼, SE¼SE¼;
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 27, N½, SW¼, N½SE¼;
Sec. 28, SE¼NE¼, NW¼, W½SW¼, E½SE¼;
Sec. 29, NE¼, E½SE¼;
Sec. 30, SW¼NE¼, W½SE¼;
Sec. 31, lots 2 and 3, NW¼NE¼, SE¼;
Sec. 32, E½NE¼, NE¼SE¼;
Sec. 33, E½SE¼, E½SW¼SE¼;
Sec. 34, SE¼NE¼, S½;
Sec. 35, N½N½, SW¼NE¼;
Sec. 36, NW¼NE¼, N½NW¼, SE¼NW¼, N½NE¼SW¼, SE¼.
T. 18 S., R. 3 E.,
Sec. 1, lot 1;
Sec. 3, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, NE½SW¼, S½SW¼, W½SE¼;
Sec. 4 lots 1, 5, 6, and 7;
Sec. 5, SW¼NE¼, S½NW¼;
Sec. 6, lots 1, 2, and 4, S½NE¼, E½SE¼;
Sec. 7, lot 1, NW¼NE¼;
Sec. 9, NE¼NE¼, S½NE¼, SE¼NW¼, N½S½;
Sec. 10, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 11, NE¼SE¼;
Sec. 12, NW¼NE¼, S½NE¼, SE¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼;
Sec. 15, SW¼;
Sec. 16, SE¼SE¼;
Sec. 17, S½SE¼;
Sec. 20, NW¼NE¼, E½NW¼;
Sec. 21, SW¼;
Sec. 22, NE¼NE¼, SE¼SW¼, S½SE¼;
Sec. 23, N½NW¼, SW¼NW¼, N½SE¼NW¼, SW¼, S½SE¼;
Sec. 24, N½NW¼SW¼SW¼, S½SW¼SW¼;
Sec. 26, lot 1, N½NE¼, N½NW¼;
Sec. 27, N½NE¼;
Sec. 28, lots 5, 6, 7, and 8, NE¼NW¼, S½N½.
T. 17 S., R. 4 E.,
Sec. 30, lots 1, 2, and 3, E½E½;
Sec. 31, lots 3 and 4, NE¼SW¼;
Sec. 32, N½NE¼, SE¼NE¼, NW¼NW¼, SE¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 33, E½NE¼SE¼, SW¼NE¼SE¼, S½NW¼SE¼;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, NE¼, NE¼NW¼, N½SE¼;
Sec. 35, lots 1 and 2, 5, 6, 7, and 8, NE¼, NW¼, NW¼SW¼;
Sec. 36, lots 2, 3, and 4, SW¼NE¼, S½NW¼, S½SW¼, W½SE¼.
T. 18 S., R. 4 E.,
Sec. 1, lots 1, 2, and 3, SE¼NE¼, SE¼NW¼, SW¼SW¼, SE¼;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lot 1;
Sec. 10, lot 8, SE¼SE¼;
Secs. 11, 12, and 13;
Sec. 14, lot 1, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 15, lots 1, 2, 4, 6, 13, and 14, E½NE¼, SW¼SW¼, NE¼SE¼;
Sec. 21, S½S½;
Sec. 22, lots 1, 6, 7, and 12;
Sec. 23, NE¼NE¼;
Sec. 24, lots 11 and 13, N½NW¼, SW¼SW¼, SE¼SE¼;
Sec. 25, lots 1, 2, 3, and 4,;
Sec. 28, lots 1, 2, 3, and 4, N½N½;
Sec. 29, NE¼NE¼.
T. 14 S., R. 5 E.,
Sec. 1, lots 1, 2, 3, and 4, S½NW¼;
Sec. 2, lots 1 and 2, W½SW¼;
Sec. 3, SW¼NW¼, S½;
Sec. 4, lots 3 and 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1 and 8, SE¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, NE¼, E½SE¼;
Sec. 8 and 9;
Sec. 10, NW¼NE¼, W½;
Sec. 11, SW¼SW¼, NW¼SE¼, S½SE¼;
Sec. 12, N½NE¼, E½NW¼, N½SW¼SW¼SW¼, SW¼SE¼;
Sec. 13 and 14;
Sec. 15, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 17, NW¼;
Sec. 20, SE¼SE¼;
Sec. 22;
Sec. 23, N½, N½SW¼;
Sec. 24;
Sec. 25, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 26, SE¼NE¼, NW¼, SW¼, E½SE¼;
Sec. 35, E½NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, SE¼.
T. 17 S., R. 5 E.,
Sec. 13, lots 5, 8, 9, and 14, NE¼, W½SE¼, SE¼SE¼;
Sec. 14, W½;
Sec. 15, SE¼NE¼, N½SW¼NW¼, S½SW¼SW¼NW¼, SE¼SW¼NW¼, S½SE¼;
Sec. 20, S½SW¼NE¼SE¼;
Sec. 21, NE¼SW¼, N½NW¼SW¼, S½SE¼NW¼SW¼, NW¼SE¼, SE¼SE¼,
Sec. 22, lots 1 and 2, NE¼, E½NW¼, SW¼, W½SE¼;
Sec. 23, lot 1, N½;
Sec. 24, lots 1, 10, 14, 24, and 26, N½NE¼;
Sec. 25, E½;
Sec. 26, lots 4, 5, and 8;
Sec. 27, lots 1, 9, and 10, W½W½;
Sec. 28, E½NE¼SE¼;
Sec. 29, lots 37 and 48;
Sec. 31, lots 6, 7, 11, and 12;
Sec. 33, NE¼NE¼;
Sec. 34, N½NW¼, NE¼SE¼;
Sec. 35, lots 2, 3, and 4, NE¼, S½NW¼, N½SW¼, N½SE¼.
T. 18 S., R. 5 E.,
Sec. 2, NE¼NE¼;
Sec. 5, NW¼SW¼;
Sec. 6, NW¼NE¼, E½SW¼, SE¼;
Sec. 7, lot 1 of NW¼, S½ lot 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 12, SW¼SE¼;
Sec. 13;
Sec. 17, S½NE¼, SW¼NW¼, N½SE¼, SW¼SE¼;
Sec. 18, lots 1 and 2 of the NW¼, lots 1 and 2 of SW¼, NE¼, W½SE¼;
Sec. 19, N½ lots 1 and 2 of NW¼, lot 6;
Sec. 20, lots 1, 2, 3, and 4, N½S½, SE¼NE¼;
Sec. 21, N½NE¼;
Sec. 22, lot 7;
Sec. 23, lots 2, 3, 4, 5, 6, and 7, E½NW¼, NE¼;
Sec. 24, lots 1 through 8, fraction N½.
T. 14 S., R. 6 E.,
Sec. 10, E½SW¼, SE¼;
Sec. 11, SW¼NW¼, SW¼;
Secs. 14 and 15;
Sec. 17, S½;
Sec. 18, lots 3 and 4, E½SW¼, SE¼;
Sec. 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.
T. 15 S., R. 6 E.,
Secs. 1, 2, 3, 4, and 5;
Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, NW¼SE¼, S½SE¼;
Sec. 7, E½, E½W½;
Secs. 8, 9, 10, 11, and 12;
Sec. 17, N½;
Sec. 18, NE¼, E½NW¼;
Sec. 21;
Sec. 31, NE¼, N½SE¼, SE¼SE¼;
Sec. 32, NW¼SE¼, N½SW¼, SW¼SW¼.
T. 16 S., R. 6 E.,
Sec. 1, lots 1 and 2, SW¼NE¼, NW¼SW¼, N½SE¼;
Sec. 28, lot 4, W½NW¼, S½SE¼.
T. 17 S., R. 6 E.,
Sec. 4, lots 8, 10, and 12;
Sec. 6, lots 6, 7, and 8, SW¼NW¼;
Sec. 7, SE¼NE¼, E½SE¼;
Sec. 8, NE¼NW¼, W½NW¼, NW¼SW¼;
Sec. 9, N½NW¼, SE¼NW¼;
Sec. 17, S½NE¼, SE¼;
Sec. 18, W½NE¼, NW¼, E½SW¼, NW¼SE¼;
Sec. 31, W½NW¼, SE¼NW¼, SW¼.
T. 18 S., R. 6 E.,
Sec. 5, E½SW¼;
Sec. 6, lots 4 and 5;
Sec. 7, lot 6, E½NE¼, SE¼;
Sec. 8, W½;
Sec. 17, W½;
Secs. 18 and 19.
T. 14 S., R. 7 E.,
Secs. 31, 32, and 33;
Sec. 34, NW¼NW¼NE¼, NW¼, NE¼NE¼SW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼SW¼, W½NW¼SE¼SW¼.
T. 15 S., R. 7 E.,
Sec. 3, lots 12, 13, 14, 15, 19, 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, NE¼SW¼, S½SW¼;
Sec. 4, lots 1, 2, 3, and 4, SW¼NE¼, S½NW¼, NW¼SW¼, S½SE¼;
Secs. 5, 6, 7, and 8;
Sec. 9, NW¼;
Sec. 17, NW¼;
Sec. 18.
T. 16 S., R. 7 E.,
Sec. 7, E½SW¼, NW¼SE¼.
T. 17 S., R. 7 E.,
Sec. 5, SW¼NW¼;
Sec. 33, NE¼SE¼;
Sec. 34, NW¼SW¼.
T. 18 S., R. 7 E.,
Sec. 2, lot 3, N½NW¼SW¼NE¼, SW¼SW¼NE¼, S½SE¼SW¼NE¼, SE¼NW¼, N½SW¼, SE¼SW¼;
Sec. 3, SW¼SE¼;
Sec. 5, SW¼NW¼, NW¼SW¼;
Sec. 6, S½NE¼, E½SE¼;
Sec. 7, N½NE¼, SE¼NE¼, E½NW¼, NE¼SE¼, S½SE¼;
Sec. 8, W½SE¼;
Sec. 10, NW¼NE¼;
Sec. 15, lots 5 and 6;

Sec. 17, lots 5, 6, 7, 8, fraction N½;
Sec. 18, NE¼.
T. 15 S., R. 8 E.,
Sec. 19, lots 37–50, 52–69, and 71–80;
Sec. 20, N½NE¼, NE¼SW¼, S½SW¼, SE¼.
T. 16 S., R. 8 E.,
Sec. 27, SW¼NE¼, E½NW¼, N½SE¼.
T. 17 E., R. 8 E.,
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 19, N½NE¼, SW¼NE¼;
Sec. 30, lot 3, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 32, SE¼SW¼.
T. 18 S., R. 8 E.,
Sec. 4, lot 1;
Sec. 5, lots 3 and 4;
Sec. 10, lot 9, N½NE¼, SE¼NE¼;
Sec. 11, lot 12, SW¼NW¼.

The lands described above aggregate approximately 69,834 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with this proposed classification, may present their views in writing to the Manager, Riverside District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

5. A public hearing on the proposed classification will be held at 3 p.m. on Thursday, October 15, 1970, in the Monte Vista High School auditorium, 3230 Sweetwater Springs Boulevard, Spring Valley, Calif.

For the State Director.

CHARLENE E. LYNCH,
Acting Manager,
Riverside District and Land Office.

[F.R. Doc. 70-12333; Filed, Sept. 16, 1970; 8:45 a.m.]

[R-3344]

CALIFORNIA

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

SEPTEMBER 11, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–13) and to the regulations in 43 CFR parts 2410 and 2460, it is proposed to classify the public lands described below for multiple-use management.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The following described lands located within San Diego County are proposed for classification for multiple-use management.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 10 S., R. 1 W.,
Sec. 24, lots 1 and 2.
T. 11 S., R. 1 W.,
Sec. 1, lots 3 and 4, S½;
Sec. 11, lots 2, 3, 7, 10, 15, and 16;
Sec. 12, N½, NE¼SW¼, SE¼;
Sec. 13, NW¼SE¼;
Sec. 14, lots 11, 12, 13, and 14;
Sec. 29, lot 14;
Sec. 31, lot 6;
Sec. 32, lots 8, 9, 11, 12, and 13.
T. 12 S., R. 1 W.,
Sec. 2, lot 7;
Sec. 6, lot 7;
Sec. 14, SW¼NE¼, W½SE¼;
Sec. 23, N½NE¼, E½SE¼;
Sec. 24, E½NW¼, SW¼;
Sec. 25, lots 1, 2, 3, 4, 5, 6, and 8, S½NE¼, SE¼.
T. 13 S., R. 1 W.,
Sec. 17, S½SE¼;
Sec. 20, S½NE¼, SW¼SE¼;
Sec. 21, lots 9, 10, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, and 32;
Sec. 22, W½W½NW¼SE¼, W½NW¼SW¼SE¼, S½SW¼SE¼;
Sec. 27, N½SW¼;
Sec. 28, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 33, NE¼, NE¼NW¼, S½NW¼;
Sec. 34, SW¼NE¼SE¼, S½SE¼NE¼SE¼, NW¼SE¼, S½SE¼.
T. 14 S., R. 1 W.,
Sec. 1, W½SW¼;
Sec. 2, lot 4, S½NE¼, SE¼SW¼, SE¼;
Sec. 3, lots 3 and 4;
Sec. 11, N½, N½SW¼, SE¼SW¼;
Sec. 12, W½NW¼.
T. 9 S., R. 2 W.,
Sec. 4, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 6, lots 2, 3, 5, and 6;
Sec. 13, SW¼SW¼ (except patented mineral survey 6452);
Sec. 14, W½NW¼, NW¼SW¼, SW¼SW¼ (except patented mineral survey 6458), SE¼SE¼ (except patented mineral surveys 4886, 4926 and 6458);
Sec. 15, NE¼NE¼, S½NE¼, E½W½, SE¼ (except patented mineral surveys 4886, 4926 and 6458).
T. 10 S., R. 2 W.,
Sec. 19, NW¼NE¼.
T. 11 S., R. 2 W.,
Sec. 19, lots 4, 5, and 8.
T. 12 S., R. 2 W.,
Sec. 31, lot 8.
T. 13 S., R. 2 W.,
Sec. 6, SE¼NW¼, NE¼SW¼.
T. 9 S., R. 3 W.,
Sec. 3, lot 4;
Sec. 10, SW¼SE¼.
T. 10 S., R. 3 W.,
Sec. 33, NW¼NW¼.
T. 11 S., R. 3 W.,
Sec. 9, lots 9 and 16.
T. 13 S., R. 3 W.,
Sec. 1, lots 1, 2, 3, and 4, S½NE¼, S½NW¼, NW¼SE¼;
Sec. 23, SW¼SW¼NE¼, NW¼NW¼SE¼, S½NW¼SE¼.
T. 9 S., R. 1 E.,
Sec. 2, W½NW¼, N½SW¼, SE¼SW¼;
Sec. 11, NE¼;
Sec. 12, W½NW¼.
T. 11 S., R. 1 E.,
Sec. 2, lots 1, 2, 3, and 4, S½NW¼;
Sec. 3, lots 1, 2, and 3;
Sec. 4, lots 2, 3, 4, 5, and 9, S½NW¼;
Sec. 5, SE¼NE¼, SW¼NW¼, S½;
Sec. 6, lots 4, 5, 6, and 7, SE¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, W½SE¼;
Sec. 8, lots 1, 2, 3, and 4, W½NE¼, N½NW¼;
Sec. 9, lot 1;
Sec. 17, lots 1, 2, and 3, NW¼NW¼;
Sec. 18, lot 4, NE¼, SE¼SW¼, N½SE¼, SW¼SE¼.
T. 12 S., R. 1 E.,
Sec. 29, NW¼NW¼, S½NW¼, SW¼;
Sec. 30, lots 2, 3, and 4, SE¼NE¼, E½SW¼, SE¼;
Sec. 31, lot 1, N½NE¼, NE¼NW¼, SE¼SE¼;
Sec. 32, N½NW¼, SW¼SW¼.
T. 13 S., R. 1 E.,
Sec. 1, NE¼SE¼, S½SE¼;
Sec. 5, lots 6 and 7;
Sec. 6, lots 1, 2, 3, and 4, SW¼NE¼, N½SE¼;
Sec. 12, NE¼;
Sec. 35, lots 3, 5, and 6, SE¼NW¼.
T. 14 S., R. 1 E.,
Sec. 8, NE¼SW¼;
Sec. 13, lots 1, 2, 3, and 4, NE¼SE¼;
Sec. 25, lots 5, 6, 7, 8, 9, 10, and 11, SW¼NE¼, S½SW¼, W½SE¼;
Sec. 33, SE¼NE¼, E½SE¼;
Sec. 34, lots 2, 3, 4, 5, 6, 7, 8, 9, and 10, NW¼NE¼, S½NE¼; NE¼SW¼, N½SE¼;
Sec. 35, lots 1, 2, 3, 4, 5, and 6, Tract 54;
Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, and 8.
T. 15 S., R. 1 E.,
Sec. 1, lot 1, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 2, lot 1, N½NE¼, SE¼NE¼;
Sec. 3, lots 2, 3, and 4, SW¼NE¼, NW¼NW½, S½NW¼, N½SW¼;
Sec. 4, lot 1, NE¼, N½SE¼;
Sec. 35, SE¼NE¼ (except patented mineral survey 6358).
T. 16 S., R. 1 E.,
Sec. 26, W½NE¼, SW¼, W½SE¼;
Sec. 27, lots 8, 10, 15, and 16;
Sec. 34, lots 11, 17, 18, and 19;
Sec. 35, NE¼NW¼.
T. 9 S., R. 2 E.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12;
Sec. 2, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14;
Sec. 4, lots 1, 2, 3, 4, 8, 9, 15, and 16;
Sec. 5, lots 1, 2, 7, 8, and 9;
Sec. 8, lots 2, 3, 4, 6, 7, 9, 10, and 11;
Sec. 9, lots 8 and 12;
Sec. 10, lots 1, 2, 3, 4, 5, and E½ lot 16;
Sec. 11, lots 1, 4, 7, 8, 12, 13, and 14;
Sec. 12, lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16;
Sec. 13;
Sec. 14, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, and 16;
Sec. 15, lot 8;
Sec. 16, lot 15;
Sec. 21, lot 13;
Sec. 23, lots 1, 2, 3, 6, 7, and 8;
Sec. 24, lots 1, 2, 4, 6, 7, and 8;
Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12;
Sec. 26, lots 9, 15, and 16;
Sec. 28, lot 2.
T. 10 S., R. 2 E.,
Sec. 1, SW¼, NE¼SE¼, S½SE¼, lot 1;
Sec. 12, N½.
T. 11 S., R. 2 E.,
Sec. 17, S½SE¼SW¼;
Sec. 32, SE¼SE¼.
T. 12 S., R. 2 E.,
Sec. 4, NW¼SE¼;
Sec. 9, SW¼NE¼;
Sec. 23, NE¼, E½NW¼, N½SE¼;
Sec. 24, NW¼NW¼, S½NW¼, NW¼SW¼, S½SW¼;
Sec. 25, W½NE¼, E½NW¼, W½SE¼;
Sec. 26, NW¼NW¼.
T. 13 S., R. 2 E.,
Sec. 7, lots 1 and 2;
Sec. 15, NE¼SW¼, W½SW¼;
Sec. 19, lots 6, 7, and 8, E½NE¼;

Sec. 20, lots 1, 2, 3, 4, and 5, S½NE¼, NW¼NW¼, S½NW¼, E½SE¼;
Sec. 21, N½NE¼, SW¼NE¼, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 28, lots 2, 3, and 4, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 29, lot 1, N½NE¼.

T. 14 S., R. 2 E.,
Sec. 6, NW¼SE¼;
Sec. 7, lots 5, 6, 10, 11, 12, 15, 17, 18, 21, and 22, NE¼NE¼, SW¼NE¼, NE¼SW¼, SE¼;
Sec. 8, SW¼;
Sec. 18, W½NE¼, N½NW¼;
Sec. 19, S½S½NE¼NE¼, SE¼SW¼, NE¼SE¼, S½SE¼.

T. 16 S., R. 2 E.,
Sec. 17, SE¼SE¼;
Sec. 35, S½SE¼.

T. 9 S., R. 3 E.,
Sec. 3, S½NW¼, SW¼;
Sec. 4, lots 7, 8, 9, 10, 11, and 12, S½NE¼, N½SW¼;
Sec. 5;
Sec. 6, lots 8, 9, and 13;
Sec. 7, lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17;
Sec. 9, N½NW¼;
Sec. 10, N½N½, SW¼NE¼, NW¼SE¼;
Sec. 11, lots 3, 4, 5, 6, 7, 8, 9, and 10;
Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, E½SE¼;
Sec. 13, lots 1, 2, 3, 4, 5, 6, and 7, E½NE¼;
Sec. 14, NE¼;
Sec. 18, lots 5, 6, 7, and 8, NW¼NE¼;
Sec. 19, lots 5, 7, 8, 9, 10, 11, 12, 13, 14, and 15;
Sec. 20, lots 1, 2, 3, 4, 5, 6, and 7, NE¼, E½NW¼;
Sec. 21;
Sec. 22, W½W½, SE¼SE¼;
Sec. 23, SW¼SW¼;
Sec. 24, lot 1;
Sec. 26, SW¼NE¼, W½, NW¼SE¼, S½SE¼.

T. 11 S., R. 4 E.,
Secs. 1 and 2;
Sec. 10, lots 1, 2, 3, and 4, NE¼, NE¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, SE¼;
Sec. 11, lots 1, 2, 3, 4, 5, and 6, E½NE¼, NW¼NW¼, N½S½, SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 21;
Sec. 22, W½NW¼, SW¼, W½SE¼;
Sec. 26, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 27, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 28, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 33, N½NE¼, NW¼SW¼;
Sec. 34, N½, E½SE¼;
Sec. 35, N½NE¼, W½, W½SE¼;
Sec. 36, W½NW¼.

T. 12 S., R. 4 E.,
Sec. 1, lots 3 and 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, and 6, S½NE¼, SE¼NW¼, SE¼;
Sec. 11, lots 2 and 3, N½NE¼, SE¼NE¼;
Sec. 12;
Sec. 27, S½NE¼, SW¼NW¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 28, E½NE¼, NE¼SE¼, S½SE¼;
Sec. 29, NE¼SE¼;
Sec. 32, portion unpatented mineral survey 6089 in SE¼SE¼;
Sec. 33, N½NE¼; SE¼NE¼, NE¼NW¼, SW¼ (except patented mineral surveys 6089 and 6563);
Sec. 34, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 35, lot 4, W½W½.

T. 13 S., R. 4 E.,
Sec. 1, lots 6 and 9;
Sec. 2, lots 3 and 4, lot 5 of NW¼, W½ lot 6 of NW¼, lot 8, unpatented Sulfur Spring mining claim in SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 3, lots 1 and 2, E½ lots 3 and 4 of NE¼, lot 10, S½NW¼ (except patented mineral survey 6142–A), SW¼ (except patented mineral survey 6142–A);
Sec. 4, lot 1 (except patented mineral surveys 1780, 6100 and 6583), lot 2, lot 4 (except patented mineral surveys 1780, 6100 and 6563), lot 5 (except patented mineral survey 6563), lot 6, lot 7 (except patented mineral surveys 6100, 6142–A and 6563), lot 8 (except patented mineral survey 6142–A), lots 10, 11, and 12;
Sec. 9, E½NE¼;
Sec. 10;
Sec. 11, lots 1 and 2, SW¼NE¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 12, lots 3 and 4, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, S½SW¼, SE¼;
Sec. 13;
Sec. 14 (except patented mineral surveys 242 and 5737);
Sec. 15, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, portions of unpatented Copper Butte and Red Hill mining claims in NW¼, E½NE¼;
Sec. 23, E½;
Sec. 24.

T. 14 S., R. 4 E.,
Sec. 1, lot 9, SE¼SE¼.

T. 11 S., R. 5 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, NE¼SE¼.

T. 13 S., R. 5 E.,
Sec. 18, lots 1 and 2, SE¼NW¼, NE¼SW¼.

The lands described above aggregate approximately 45,645 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with this proposed classification, may present their views in writing to the Manager, Riverside District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

5. A public hearing on the proposed classification will be held at 4 p.m. on Wednesday, October 14, 1970, in the Escondido Union High School Library, 1535 North Broadway, Escondido, Calif. 92025.

For the State Director.

CHARLENE E. LYNCH,
Acting Manager,
Riverside District and Land Office.

[F.R. Doc. 70-12334; Filed, Sept. 16, 1970; 8:45 a.m.]

[S-2701A]

CALIFORNIA

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

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2460, it is proposed to classify for multiple use management the public lands in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934 (43 Stat. 1269), as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all the public lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C., section 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the land described in paragraph 4 from appropriation under the mining laws (30 U.S.C. Chapter 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within the following described areas of Humboldt and Trinity Counties. For the purpose of this proposed classification, the area has been separated into blocks, each of which has been analyzed in detail and described in documents and maps available for inspection at the Ukiah District Office, 168 Washington Avenue, Ukiah, Calif. 95482, and on the records in the Sacramento Land Office, 2800 Cottage Way, Sacramento, Calif. 95825. The overall description of the areas is as follows:

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Block A

All public lands in:

T. 1 N., R. 3 E.,
Sec. 15.

T. 1 N., R. 4 E.,
Secs. 1, 12, 23, and 27.

T. 2 N., R. 4 E.,
Secs. 1, 2, 18, 25, and 26.

T. 2 N., R. 5 E.,
Secs. 5, 7, 17, and 18.

T. 1 N., R. 1 W.,
Sec. 34.

T. 1 S., R. 1 W.,
Secs. 2, 5, 6, 8, 10, 13, 14, and 24.

T. 2 S., R. 1 W.,
Secs. 4, 10, 11, 13, 14, 21, 22, and 24.

T. 3 S., R. 1 W.,
Secs. 10 to 12 inclusive.

T. 2 S., R. 2 W.,
Secs. 14, 23, and 31.

T. 1 S., R. 1 E.,
Secs. 5 to 7 inclusive; secs. 19, 21, 22, 32, and 33.

T. 2 S., R. 1 E.,
Secs. 15 and 33.

T. 3 S., R. 1 E.,
Secs. 20, 27, 34, and 35.

T. 4 S., R. 1 E.,
Sec. 25.

T. 3 S., R. 2 E.,
Secs. 20, 22, 28, and 35.

T. 4 S., R. 2 E.,
Secs. 27, 30, and 35.

T. 5 S., R. 2 E.,
Sec. 4.

T. 1 S., R. 3 E.,
Secs. 4 and 26.

T. 3 S., R. 3 E.,
Secs. 21 and 22.

T. 5 S., R. 3 E.,
Secs. 10 and 11.

T. 1 S., R. 4 E.,
Sec. 30.

T. 2 S., R. 4 E.,
Secs. 10, 11, 15, 26, and 35.

T. 4 S., R. 4 E.,
Secs. 21 and 25.

T. 1 S., R. 5 E.,
Secs. 10 and 15.

T. 2 S., R. 5 E.,
Secs. 3, 22, and 25.

T. 4 S., R 5 E.,
Secs. 15, 22, 27, 33, and 34.

T. 5 S., R. 5 E.,
Secs. 2 to 14 inclusive; secs. 6 to 8 inclusive;
Secs. 17 to 20 inclusive.

TRINITY COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

T. 3 S., R. 6 E.,
Secs. 6 and 33.
T. 4 S., R. 6 E.,
Secs. 7 and 33.
T. 5 S., R. 6 E.,
Secs. 3, 9, and 27.
T. 4 S., R. 7 E.,
Secs. 4, 20, and 21.

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Except the following public lands:
T. 1 N., R. 4 E.,
Sec. 27, NW¼NW¼.
T. 1 S., R. 1 W.,
Sec. 5, lots 3 and 4.
T. 4 S., R. 1 E.,
Sec. 25, lot 5 and SW¼NW¼, S½SW¼.

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Block B

All public lands in:
T. 3 N., R. 3 E.,
Sec. 10.
T. 4 N., R. 3 E.,
Sec. 7.
T. 7 N., R. 3 E.,
Secs. 5 and 10.
T. 8 N., R. 3 E.,
Sec. 33.
T. 5 N., R. 4 E.,
Sec. 25.
T. 6 N., R. 4 E.,
Secs. 19 and 30.
T. 7 N., R. 4 E.,
Sec. 18.
T. 9 N., R. 4 E.,
Sec. 1.
T. 10 N., R. 4 E.,
Sec. 29.

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Except the following public lands:
T. 3 N., R. 3 E.,
Sec. 10, SW¼NW¼.
T. 9 N., R. 4 E.,
Sec. 1, lots 1, 8, 13, 14, and 16, W½SW¼NE¼, SE¼NE¼.

The public lands proposed to be classified aggregate approximately 8401.36 acres.

4. As provided in paragraph 2, the following lands are segregated from appropriation under the mining laws (totaling approximately 43.40 acres):

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Block A

T. 2 S., R. 2 W.,
Sec. 31, N½ lot 2 of SW¼.

5. For the period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views in writing to the Ukiah District Manager, Bureau of Land Management, 168 Washington Avenue, Ukiah, Calif. 95482.

6. A hearing will be held if sufficient public interest is shown.

For the State Director.

LEON R. KABAT,
Acting District Manager.

[F.R. Doc. 70-12361; Filed, Sept. 16, 1970; 8:47 a.m.]

[Montana 16450]

MONTANA

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

SEPTEMBER 9, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR, Parts 2400 and 2460, it is proposed to classify for multiple-use management the public lands described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed for multiple-use management are located in Lewis and Clark, Teton, Pondera, Cascade, and Meagher Counties as described below and are shown on maps on file in the Missoula District Office, Missoula, Mont., and on plats in the Land Office, Bureau of Land Management, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

T. 13 N., R. 1 E.,
Secs. 4 and 6.
T. 14 N., R. 1 E.,
Sec. 32.
T. 15 N., R. 1 E.,
Sec. 6.
T. 16 N., R. 1 E.,
Secs. 6, 18, and 28.
T. 21 N., R. 1 E.,
Secs. 8 and 9.
T. 19 N., R. 2 E.,
Sec. 20.
T. 21 N., R. 5 E.,
Sec. 2.
T. 10 N., R. 1 W.,
Secs. 2, 6, 12, 15, 20, 21, 25, 26, 27, 28, 32, 33, 34, and 35.
T. 11 N., R. 1 W.,
Secs. 30, 31, and 32.
T. 13 N., R. 1 W.,
Secs. 2, 12, and 14.
T. 14 N., R. 1 W.,
Secs. 4, 8, and 10.
T. 15 N., R. 1 W.,
Secs. 2, 4, 6, 8, 10, 12, 14, 20, 22, 30, and 32.
T. 16 N., R. 1 W.,
Secs. 2, 12, 14, 18, 20, 22, 24, 26 28, 30, 32, and 34.
T. 17 N., R. 1 W.,
Secs. 6 and 7.
T. 20 N., R. 1 W.,
Secs. 6, 16, and 24.
T. 23 N., R. 1 W.,
Secs 19, 31, and 33.
T. 10 N., R. 2 W.,
Sec. 1.
T. 11 N., R. 2 W.,
Secs. 6, 7, 8, 12, 13, 14, 15, 17, 18, 22, and 24.
T. 12 N., R. 2 W.,
Secs. 19, 30, and 31.
T. 14 N., R. 2 W.,
Secs. 2 and 12.
T. 15 N., R. 2 W.,
Secs. 2, 12, 13, and 28.
T. 16 N., R. 2 W.,
Secs. 6, 10, 20, 22, and 24.
T. 17 N., R. 2 W.,
Secs. 2, 12, 14, 18, 19, 24, 26, and 32.
T. 20 N., R. 2 W.,
Sec. 5.
T. 10 N., R. 3 W.,
Secs. 31 and 32.
T. 11 N., R. 3 W.,
Secs. 3, 8, and 12
T. 12 N., R. 3 W.,
Sec. 15;
Secs. 22 to 29, inclusive;
Secs. 32, 34, and 35.
T. 13 N., R. 3 W.,
Secs. 4, 6, 8, 10, 18, and 32.
T. 14 N., R. 3 W.,
Secs. 6, 8, 14, 22, 28, 30, 32, and 33.
T. 16 N., R. 3 W.,
Sec. 12.
T. 17 N., R. 3 W.,
Secs. 18, 20, and 30.
T. 18 N., R. 3 W.,
Sec. 30.
T. 20 N., R. 3 W.,
Secs. 2, 3, 4, 18, and 20.
T. 21 N., R. 3 W.,
Sec. 15.
T. 9 N., R. 4 W.,
Secs. 6, 7, and 18.
T. 10 N., R. 4 W.,
Secs. 1 to 8, inclusive;
Secs. 11, 17, 18, 20, 29, 30, 31, 32, and 36.
T. 11 N., R. 4 W.,
Secs. 19 to 23, inclusive;
Secs. 25 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 12 N., R. 4 W.,
Sec. 8.
T. 13 N., R. 4 W.,
Secs. 2, 4, 5, 10, 11, 12, and 18.
T. 14 N., R. 4 W.,
Secs. 4, 8, 9, 10, 22, 24, 26, and 34.
T. 15 N., R. 4 W.,
Sec. 31.
T. 16 N., R. 4 W.,
Sec. 32.
T. 21 N., R. 4 W.,
Sec. 20.
T. 22 N., R. 4 W.,
Secs. 3, 14, 23, and 24.
T. 31 N., R. 4 W.,
Secs. 4, 6, and 9.
T. 9 N., R. 5 W.,
Secs. 1, 4, 12, and 13.
T. 10 N., R. 5 W.,
Secs. 1, 2, 3, 4, 5, 9, 10, 11, 13, 14, 24, and 25.
T. 11 N., R. 5 W.,
Secs. 2, 4, 5, 6, 8, 9, 14, 15, 16, 23, and 24;
Secs. 27 to 36, inclusive.
T. 12 N., R. 5 W.,
Secs. 4, 5, 12, 19, and 20;
Secs. 27 to 33, inclusive.
T. 13 N., R. 5 W.,
Secs. 2, 4, 6, 10, 20, 26, 28, 32, 33, and 34.
T. 15 N., R. 5 W.,
Sec. 5.
T. 16 N., R. 5 W.,
Sec. 30.
T. 19 N., R. 5 W.,
Sec. 18.
T. 20 N., R. 5 W.,
Sec. 32.
T. 29 N., R. 5 W.,
Sec. 4.
T. 31 N., R. 5 W.,
Secs. 1, 2, and 3.
T. 11 N., R. 6 W.,
Secs. 1, 2, 3, 4, 10, and 11.
T. 12 N., R. 6 W.,
Secs. 5, 6, 14, and 15;
Secs. 18 to 22, inclusive;
Secs. 25 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 13 N., R. 6 W.,
Secs. 4, 7, 8, 9, 10, 11, 16, 17, 18, and 22.
T. 16 N., R. 6 W.,
Secs. 4, 20, 22, 32, 33, and 34.

T. 17 N., R. 6 W.,
Sec. 2.
T. 22 N., R. 6 W.,
Secs. 6, 8, and 15.
T. 25 N., R. 6 W.,
Secs. 5, 6, 7, 8, 14, and 17.
T. 26 N., R. 6 W.,
Secs. 31 and 32.
T. 12 N., R. 7 W.,
Secs. 1, 12, 13, 24, and 25.
T. 18 N., R. 7 W.,
Secs. 8, 20, 22, 28, 30, and 32.
T. 21 N., R. 7 W.,
Secs. 8, 11, 14, 17, 20, and 22.
T. 22 N., R. 7 W.,
Secs. 3, 20, and 21.
T. 23 N., R. 7 W.,
Sec. 34.
T. 25 N., R. 7 W.,
Secs. 1 and 12.
T. 19 N., R. 8 W.,
Secs. 30 and 32.
T. 20 N., R. 8 W.,
Secs. 5, 6, 7, and 8.
T. 21 N., R. 8 W.,
Sec. 34.
T. 22 N., R. 8 W.,
Secs. 6, 7, 14, 18, and 19;
Secs. 23 to 35, inclusive.
T. 23 N., R. 8 W.,
Secs. 5, 6, 7, 8, 17, 18, 19, 20, 30, 31, and 32.
T. 24 N., R. 8 W.,
Sec. 18, 19, 30, 31, and 32.
T. 25 N., R. 8 W.,
Secs. 4, 5, 6, 7, 8, 17, 18, 19, 20, 30, and 31.
T. 26 N., R. 8 W.,
Secs. 18, 29, 30, 31, and 32.
T. 28 N., R. 9 W.,
Secs. 3, 8, 9, and 27.
T. 29 N., R. 9 W.,
Secs. 34, 35, and 36.
T. 28 N., R. 10 W.,
Secs. 13, 22, 23, 24, and 27.

The public lands described above aggregate approximately 96,269 acres.

3. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 1227, Missoula, Mont. 59801.

4. A public hearing on the proposed classification will be held on November 2, 1970, at 7 p.m., in Courtroom No. 1 of the Lewis and Clark Courthouse, Helena, Mont.

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-12362; Filed, Sept. 16, 1970; 8:47 a.m.]

[Serial No. N-2710]

NEVADA

Notice of Continuation of Segregation of Public Lands Classified for Transfer Out of Federal Ownership

SEPTEMBER 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and the regulations in 43 CFR 2462.4, the segregation of lands afforded by the notice of proposed classification published in the FEDERAL REGISTER on October 23, 1968, F.R. Doc. 68-12838, Vol. 33, No. 207, pages 15673-74, as modified in the subsequent notice of classification published in the FEDERAL REGISTER on July 25, 1969, F.R. Doc. 69-8714, Vol. 34, No. 141, pages 12293-94, is hereby continued for a period of 2 years from the date of this notice.

2. The Winnemucca District Office of the Bureau of Land Management has been contacted by two parties, each interested in acquiring portions of the classified land. Segregation against forms of disposal other than that for which the lands have been classified is necessary to complete the disposal negotiations. There has been no opposition to the segregation for disposal during the 2-year period it has been in effect. The total acreage involved in the classification is 23,451.97.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 70-12363; Filed, Sept. 16, 1970; 8:47 a.m.]

[OR 4732]

OREGON

Notice of Classification of Public Lands for Multiple Use Management

SEPTEMBER 11, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for multiple use management. Publication of the notice has the effect of segregating the public lands described below from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands classified in this notice are shown on a map designated "OR 4732, 2411.2: 36-010, April 1969," on file and available for inspection in the Lakeview District Office, Bureau of Land Management, 37 North L Street, Lakeview, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The notice of proposed classification was published in 35 F.R. 6082-6084 of April 14, 1970. No comments were received on the proposed classification.

3. The lands involved are located in Klamath County and are described as follows:

WILLAMETTE MERIDIAN

T. 23 S., R. 9 E.,
Sec. 1, SE¼;
Sec. 2, lot 4, SE¼NW¼, and SW¼SW¼;
Sec. 3, SW¼SW¼;
Sec. 4, SW¼SW¼;
Sec. 5, E½SW¼ and SE¼;
Sec. 8;
Sec. 9, N½NW¼ and SW¼NW¼;
Sec. 10, W½NW¼ and NW¼SW¼;
Sec. 11, N½NW¼;
Sec. 12, NE¼SW¼ and SE¼;
Sec. 14, NW¼SW¼;
Sec. 15, E½SE¼;
Sec. 16;
Sec. 17, N½ and N½S½;
Sec. 20, NW¼SW¼, E½SW¼, and W½SE¼;
Sec. 21, S½N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 22, E½NE¼ and S½SW¼;
Sec. 23, S½NW¼, N½SW¼, and SE¼SW¼;
Sec. 27, N½, N½S½, and S½SW¼;
Sec. 28, E½;
Sec. 32, E½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 33, NE¼ (exclusive of E½SE¼SE¼NE¼), SE¼NW¼, N½SW¼, and N½NW¼NE¼SE¼;
Sec. 34, N½NW¼.

T. 23 S., R. 10 E.,
Sec. 2, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 3, E½ and W½W½;
Sec. 4, lots 1, 2, 3, S½NE¼, SE¼NW¼, and S½;
Sec. 5, lots 2, 3, 4, S½NW¼, and S½;
Sec. 6, W½ and SE¼;
Sec. 7;
Sec. 8;
Sec. 9;
Sec. 10, E½, W½NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 11, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 12, SW¼, W½SE¼, and SE¼SE¼;
Sec. 13, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 14;
Sec. 15, E½, E½NW¼, and SW¼SW¼;
Sec. 17, N½, S½SW¼, and SE¼;
Sec. 18, N½ and S½SE¼;
Sec. 20, NW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 21;
Sec. 22, E½, NW¼NW¼, and E½SW¼;
Sec. 23;
Sec. 24, E½NE¼, W½, and NW¼SE¼;
Sec. 25, NE¼NE¼, NW¼NW¼, S½N½, and S½;
Sec. 26;
Sec. 27, NE¼, E½NW¼, S½SW¼, and E½SE¼;
Sec. 28, W½NE¼ and N½NW¼;
Sec. 29, N½NE¼;
Sec. 33, NW¼NE¼, N½NW¼, and SE¼NW¼;
Sec. 34;
Sec. 35, N½NE¼, SE¼NE¼, SW¼NW¼, and S½.

T. 24 S., R. 9 E.,
Sec. 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 5, lots 1 and 2, S½NE¼, and SE¼SE¼;
Sec. 13, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 24, S½NE¼.

T. 24 S., R. 10 E.,
Sec. 1;
Sec. 2;
Sec. 3, E½ and E½W½;
Sec. 4, SE¼SE¼NW¼NE¼, NE¼NE¼SW¼NE¼, S½NE¼SW¼NE¼, NE¼SW¼SW¼NE¼, S½SW¼SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼, E½SW¼ (exclusive of N½NW¼NE¼SW¼), and SE¼;
Sec. 7, S½SE¼;
Sec. 8, S½S½;
Sec. 9, NE¼, E½NW¼, E½NW¼NW¼, and S½;
Sec. 10, NE¼ and S½;
Sec. 11, N½ and SW¼;
Sec. 12, N½;
Sec. 15, NW¼;
Sec. 17, E½NE¼, W½NW¼, N½S½, and S½SW¼;
Sec. 18;

Sec. 19, lot 2, N½NE¼, SW¼NE¼, and SE¼NW¼;
Sec. 21;
Sec. 28, NW¼.
T. 36 S., R. 14 E.,
Sec. 36, E½NW¼.
T. 36 S., R. 15 E.,
Sec. 28;
Sec. 30;
Sec. 32.
T. 37 S., R. 7 E.,
Sec. 30, lots 3, 4, 5, 6, 7, SE¼NW¼, and E½SW¼.
T. 37 S., R. 10 E.,
Sec. 3, W½SW¼, W½SE¼, SE¼SE¼;
Sec. 4, lots 3 and 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 5, lots 1, 2, 3, and 5;
Sec. 6, lot 8;
Sec. 9, NE¼ and SE¼SE¼;
Sec. 10, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 11, SW¼NW¼, E½SW¼, and SW¼SE¼;
Sec. 12, S½SE¼;
Sec. 13, NE¼NW¼, W½SW¼, SE¼SW¼;
Sec. 14, NW¼NE¼, S½NE¼, NW¼, E½SW¼, and SE¼;
Sec. 15, N½NE¼, NE¼NW¼;
Sec. 23, NE¼NE¼;
Sec. 24, W½NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 25, N½NE¼, SE¼NE¼, and E½SE¼.
T. 37 S., R. 11 E.,
Sec. 16, NW¼NW¼;
Sec. 23, NW¼NW¼ and SW¼SW¼;
Sec. 26, SW¼;
Sec. 27, E½SW¼ and SE¼;
Sec. 29, N½SW¼ and SE¼SW¼;
Sec. 30, N½SE¼;
Sec. 33, SE¼NW¼ and W½SE¼;
Sec. 34, E½, NE¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 35, S½NE¼, NW¼, and S½.
T. 37 S., R. 11½ E.,
Sec. 11, NE¼ and N½SE¼;
Sec. 13, E½NW¼;
Sec. 14, SE¼NE¼;
Sec. 17, SE¼SW¼;
Sec. 20, NE¼SE¼;
Sec. 21, NW¼NE¼, S½NE¼, N½NW¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 22, W½SW¼;
Sec. 27, NW¼SW¼;
Sec. 28, SW¼NE¼, W½NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 29, SE¼NE¼, E½SW¼, and E½SE¼;
Sec. 31;
Sec. 32, NE¼, W½.
T. 37 S., R. 12 E.,
Sec. 26, SW¼ and W½SE¼;
Sec. 27, N½NW¼, SE¼NW¼, and SE¼;
Sec. 28, N½NE¼ and SW¼NE¼;
Sec. 34, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 35, lots 2 and 3, NW¼NE¼, NW¼, N½SW¼, and NW¼SE¼.
T. 37 S., R. 14 E.,
Sec. 4;
Sec. 5, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 9, N½, NE¼SW¼, and SE¼;
Sec. 10, W½NE¼, W½, and SE¼.
T. 37 S., R. 15 E.,
Sec. 4.
T. 38 S., R. 8 E.,
Sec. 19, lots 12, 13, and 14;
Sec. 30, lots 6 to 16, inclusive;
Sec. 31, lots 4 and 6.
T. 38 S., R. 10 E.,
Sec. 27, S½SW¼ and NW¼SE¼;
Sec. 28, W½E½ and SE¼SE¼;
Sec. 30, lots 2, 3, and 4;
Sec. 31, E½E½, SW¼NE¼, SE¼NW¼, E½SW¼, and lots 1, 2, and 3;
Sec. 32, N½NE¼, SW¼NE¼, SW¼NW¼, NW¼SW¼, S½SW¼, and SE¼;
Sec. 33, W½E½, N½SW¼, and SE¼SW¼;
Sec. 34, N½NW¼.
T. 38 S., R. 11 E.,
Sec. 1, N½SW¼ and SW¼SW¼;
Sec. 2, lot 4, S½NW¼, and SW¼;
Sec. 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and SE¼;
Sec. 10, E½, E½NW¼, and NE¼SW¼;
Sec. 11, SW¼SW¼;
Sec. 12, SW¼NE¼, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 13, W½E½, E½W½, and W½NW¼;
Sec. 14, W½E½, N½NW¼, SE¼NW¼, and SE¼SE¼;
Sec. 17, NW¼NE¼ and E½SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, S½SW¼ and SW¼SE¼;
Sec. 21, E½NE¼, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 22, S½N½, NW¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 23, E½ and S½SW¼;
Sec. 26, E½E½, NW¼NE¼, and NW¼;
Sec. 27, SW¼NW¼ and SW¼;
Sec. 28, N½N½, SE¼NE¼, and NE¼SE¼;
Sec. 29, E½ and N½NW¼;
Sec. 30, E½E½;
Sec. 32, NE¼SW¼ and NW¼SE¼;
Sec. 34, S½NE¼, NE¼NW¼, and NW¼SE¼;
Sec. 35, NE¼NE¼, S½NE¼, W½, and NE¼SE¼.
T. 38 S., R. 11½ E.,
Sec. 5, lots 3 and 4, S½NW¼, and S½;
Sec. 6, lots 1, 2, and 3, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 8, E½, E½W½, and W½NW¼;
Sec. 9, W½W½, SE¼NW¼, E½SW¼, NW¼SE¼, and S½SE¼;
Sec. 16;
Sec. 17, E½;
Sec. 20, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 21, N½, N½S½, and SE¼SE¼;
Sec. 22, SW¼NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 27, N½N½, S½NW¼, and NE¼SW¼.
T. 38 S., R. 12 E.,
Sec. 5, W½SW¼;
Sec. 6, NE¼SE¼.
T. 38 S., R. 13 E.,
Sec. 25, E½E½, SW¼NE¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 26, NE¼, E½NW¼, E½SW¼, SW¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 27, NW¼NE¼ and W½;
Sec. 28, W½W½, SE¼NW¼, and E½SW¼;
Sec. 33, W½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 34, NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, NE¼SE¼;
Sec. 35, N½, E½SW¼, NW¼SE¼;
Sec. 36, NW¼.
T. 38 S., R. 14 E.,
Sec. 30, lots 1, 2, 3, and 4, SE¼NW¼, and E½SW¼;
Sec. 31, lots 1, 2, 3, and 4, SW¼NE¼, E½NW¼, and E½SW¼;
Sec. 32, NW¼ and E½SW¼.
T. 39 S., R. 5 E.,
Sec. 12, N½NE¼ and N½SW¼.
T. 39 S., R. 6 E.,
Sec. 18, lot 4, SE¼SW¼, and E½SE¼;
Sec. 20, lots 4, 5, and 12.
T. 39 S., R. 10 E.,
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, and NE¼SE¼;
Sec. 5, lots 2, 3, and 4, S½NE¼, and SE¼NW¼;
Sec. 23, W½E½, E½W½, and SW¼SW¼;
Sec. 24, S½NE¼;
Sec. 25, S½NE¼, NW¼, and SE¼;
Sec. 26, N½;
Sec. 32, NE¼SW¼ and SW¼SE¼;
Sec. 33, SE¼NE¼;
Sec. 34, S½.
T. 39 S., R. 11 E.,
Sec. 2, lots 1, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4, SW¼NE¼, E½NW¼, and SE¼SW¼;
Sec. 21, W½ and SE¼;
Sec. 22, W½SW¼;
Sec. 27, NW¼NE¼, NW¼, E½SW¼, and NW¼SE¼;
Sec 28, N½;
Sec. 29, E½NE¼, SW¼NW¼, W½SW¼, and NE¼SE¼;
Sec. 30, E½E½;
Sec. 31, lots 1, 2, and 3;
Sec. 32, lots 1, 2, 3, and 4, and SW¼NE¼;
Sec. 33, E½NE¼;
Sec. 34, SW¼NW¼ and W½SW¼;
Sec. 35, lots 1, 2, 7, and 8, and S½NE¼.
T. 39 S., R. 11½ S.,
Sec. 1, SE¼NW¼ and SW¼SE¼;
Sec. 2, NW¼NE¼;
Sec. 3, lots 3 and 4;
Sec. 4, lots 1 and 4, S½N½, N½S½, and S½SW¼;
Sec. 5, lot 1;
Sec. 6, lots 6 and 7;
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 8, NW¼NW¼, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 9, S½NE¼ and W½;
Sec. 10, SW¼NW¼;
Sec. 11, NE¼SE¼;
Sec. 12, NW¼NE¼ and SE¼SW¼;
Sec. 13, NW¼NW¼;
Sec. 14, W½SW¼;
Sec. 15, NW¼NE¼, N½NW¼, S½N½, N½S½, and S½SE¼;
Sec. 17, E½ and S½SW¼;
Sec. 21, NE¼NE¼;
Sec. 22, N½NE¼ and NE¼NW¼;
Sec. 23, N½N½;
Sec. 24, N½, NE¼SW¼, and SE¼;
Sec. 25, E½NE¼;
Sec. 30, lots 1 and 2, E½NW¼, NE¼SW¼, and S½SE¼;
Sec. 31, lot 4, NW¼NE¼, SE¼SW¼, and S½SE¼;
Sec. 32, SW¼SW¼.
T. 39 S., R. 12 E.,
Sec. 9, E½NE¼ and NE¼SE¼;
Sec. 11, N½, N½S½, and SE¼SE¼;
Sec. 13, N½ and SW¼;
Sec. 14, S½S½ and NE¼SE¼;
Sec. 15, W½W½;
Sec. 21, NE¼NE¼;
Sec. 22, E½ and SW¼;
Sec. 23, W½W½;
Sec. 26, NW¼NW¼;
Sec. 27, E½E½, W½NE¼, and NE¼NW¼;
Sec. 34, NE¼NE¼.
T. 39 S., R. 13 E.,
Sec. 1, lots 1 and 2;
Sec. 2, S½N½ and S½;
Sec. 3, lots 1, 2, 3, and 4, S½N½, and N½S½;
Sec. 4, lots 1 and 2, and S½NE¼;
Sec. 9, NE¼NE¼ and E½SE¼;
Sec. 10, S½NE¼, W½SW¼, SE¼SW¼, and E½SE¼;
Sec. 11, NE¼NE¼, W½E½, W½, and SE¼SE¼;
Sec. 13, S½NE¼, E½SW¼, and SE¼;
Sec. 14, N½ and SW¼;
Sec. 15, S½NE¼, N½NW¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 18, lots 1, 2, and 3, E½, and E½W½;
Sec. 19, N½NE¼ and SE¼NE¼;
Sec. 22, E½, E½W½, and SW¼NW¼;
Sec. 23, W½;
Sec. 24;
Sec. 25;
Sec. 26, S½;
Sec. 27, N½NE¼, SW¼NE¼, NW¼, and W½SW;
Sec. 28, E½SW¼, SW¼SW¼, and SE¼SE¼;
Sec. 33, N½NE¼ and NE¼NW¼;
Sec. 34, E½ and E½SW¼;
Sec. 35;
Sec. 36.
T. 39 S., R. 14 E.,
Sec. 3, SE¼NE¼, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 4, lots 2, 3, and 4, S½N½, N½S½, and SW¼SW¼;
Sec. 5, lots 1 and 2, S½NE¼, and SE¼;
Sec. 8, NE¼ and NE¼SE¼;
Sec. 9, W½NE¼, W½, and SW¼SE¼;

Sec. 10, N½, SW¼, and N½SE¼;
Sec. 11, NW¼NW¼, S½NW¼, and S½;
Sec. 12, W½NE¼, SE¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 13, E½NE¼, SW¼NE¼, W½NW¼, and S½;
Sec. 14;
Sec. 15, NE¼NE¼, NW¼NW¼, S½N½, and S½;
Sec. 18, lots 3 and 4;
Sec. 19, lots 1, 2, 3, and 4, and E½SW¼;
Sec. 20, S½NE¼, SE¼SW¼, and SE¼;
Sec. 21, SE¼NE¼, W½NW¼, and S½;
Sec. 22, E½ and SW¼;
Sec. 23;
Sec. 24;
Sec. 25;
Sec. 26, E½ and SW¼;
Secs. 27 through 36, inclusive.

T. 39 S., R. 15 E.,
Sec. 29, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 30, lots 1, 2, and 3, E½, and E½W½;
Sec. 31;
Sec. 32, NW¼NW¼ and SW¼SW¼.

T. 40 S., R. 6 E.,
Sec. 12, lots 2, 3, 4, 5, 6, 8, and 9, and W½SW¼;
Sec. 14, lots 1 to 6, inclusive, NE¼NE¼, and W½E½;
Sec. 26, lots 1 to 8, inclusive, and SE¼SW¼;
Sec. 34, lots 1 to 7, inclusive, W½NE¼, SE¼SW¼, and NW¼SE¼.

T. 40 S., R. 7 E.,
Sec. 6, lot 7;
Sec. 22, lots 1 and 2, SE¼NE¼, and NE¼SE¼.

T. 40 S., R. 8 E.,
Sec. 17, NE¼SE¼ and SW¼SE¼;
Sec. 21, SW¼SE¼;
Sec. 22, lot 4;
Sec. 28, W½NE¼, SE¼NE¼, and NW¼SE¼;
Sec. 32, S½NE¼;
Sec. 33, NE¼SW¼.

T. 40 S., R. 9 E.,
Sec. 22, W½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 23, SW¼SW¼;
Sec. 26, E½NW¼;
Sec. 27, NW¼NW¼ and a portion of SW¼NW¼.

T. 40 S., R. 10 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, NE¼SW¼, and NW¼SE¼;
Sec. 2, lots 2 and 3, S½NE¼, and SE¼NW¼;
Sec. 3, lots 1, 2, 3, and 4, SW¼NE¼, S½NW¼, N½S½, and SE¼SE¼;
Sec. 4, lots 1, 2, 3, and 4, S½N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 5, NE¼ and NE¼SE¼;
Sec. 9, E½ and E½W½;
Sec. 10, E½E½ and W½SW¼;
Sec. 11, W½NE¼, NW¼, NE¼SW¼, W½SW¼, and SW¼SE¼;
Sec. 12, SE¼ and W½SW¼;
Sec. 13, NE¼, NW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 14, NW¼NW¼, S½NW¼, and S½;
Sec. 15;
Sec. 22, W½NE¼, NE¼NW¼, and E½SE¼;
Sec. 23, SE¼NE¼, W½W½, and NE¼SE¼;
Sec. 24, E½NW¼, N½SW¼, and NW¼SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, NE¼NE¼.

T. 40 S., R. 11 E.,
Sec. 5, lots 3, 4, 5, 6, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, and SW¼SE¼;
Sec. 6;
Sec. 7, lots 1 through 10, inclusive;
Sec. 8, NW¼NE¼ and N½NW¼;
Sec. 18, lots 1, 2, and 3, W½NE¼, NE¼SE¼, and SE¼SE¼;
Sec. 19, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 29, NE¼NW¼;
Sec. 30, N½NE¼, and SE¼NE¼.

T. 40 S., R. 12 E.,
Sec. 1, lots 3 and 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 2, lots 3 through 8, inclusive, lots 13 and 14, and SE¼NW¼;
Sec. 3, E½SE¼;
Sec. 5, lots 1 and 2, S½NE¼, E½SW¼, and SE¼;
Sec. 8, E½ and SE¼SW¼;
Sec. 9, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 10, NE¼NE¼, SE¼NW¼, and W½SE¼;
Sec. 11, lots 1, 2, 3, 4, 5, 7, 8, and 10;
Sec. 12;
Sec. 13, lots 1, 3, 6, and 13;
Sec. 14, SE¼NW¼, NE¼SW¼, W½SW¼, and NW¼SE¼;
Sec. 15, N½NE¼, N½SW¼, and SE¼SW¼;
Sec. 17, N½NE¼, SE¼NE¼, and E½NW¼;
Sec. 19, N½NE¼ and SE¼NE¼;
Sec. 20, N½N½, SE¼NE¼, and NE¼SE¼;
Sec. 21, SW¼NE¼, W½, and NE¼SE¼;
Sec. 22, SW¼NE¼, SE¼NW¼, and SW¼SW¼;
Sec. 24, N½, W½SW¼, and SE¼;
Sec. 25, E½ and SE¼SW¼;
Sec. 26, W½SE¼ and SE¼SE¼;
Sec. 27, W½NE¼, SE¼NE¼, N½NW¼, and SE¼SW¼;
Sec. 28, E½NW¼;
Sec. 35, NE¼NE¼.

T. 40 S., R. 13 E.,
Sec. 7, lots 2, 3, and 4, S½NE¼, E½SW¼, and SE¼;
Sec. 8, SW¼NE¼, NW¼, W½SW¼, and NW¼SE¼;
Sec. 17, NW¼NW¼, S½NW¼, and N½S½;
Sec. 18, lots 1 and 2, W½NE¼, SE¼NE¼, and E½NW¼;
Sec. 19, lots 1, 2, 3, and 4, SE¼NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 20, SW¼NW¼ and NE¼SW¼;
Sec. 30, lots 1, 2, and 3, SE¼NE¼, SE¼NW¼, and SW¼SE¼;
Sec. 31, lots 2 through 7, inclusive, N½NE¼, SE¼NE¼, and NE¼SW¼;
Sec. 32, SW¼NW¼ and SW¼.

T. 40 S., R. 14 E.,
Secs. 1 through 4, inclusive;
Sec. 6, SE¼SE¼;
Secs. 10 through 15, inclusive;
Sec. 16, SE¼;
Secs. 21 through 27, inclusive;
Sec. 28, NE¼, N½SE¼, and SE¼SE¼;
Sec. 33, E½NE¼;
Sec. 34, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 35;
Sec. 36, W½.

T. 40 S., R. 14½ E.,
Sec. 1;
Sec. 2;
Sec. 3;
Sec. 4, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 5, NW¼NE¼, S½NE¼, NW¼, and S½;
Secs. 6 through 11, inclusive;
Sec. 12, N½, S½SW¼, and E½SE¼;
Secs. 13 through 19, inclusive;
Sec. 20, NE¼, W½, E½SE¼, and SW¼SE¼;
Secs. 21 through 24, inclusive;
Sec. 25, E½, E½W½;
Sec. 26;
Sec. 27, E½, NW¼, and E½SW¼;
Sec. 28, N½;
Sec. 29, NE¼, W½, N½SE¼, and SW¼SE¼;
Sec. 30;
Sec. 31;
Sec. 32, W½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 33, SW¼SW¼;
Sec. 34, E½ and E½W½;
Sec. 35, N½ and SW¼.

T. 40 S., R. 15 E.,
Sec. 5, S½SW¼;
Sec. 6, lots 2 through 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, W½;
Sec. 17, N½ and SW¼;
Sec. 18, E½ and E½W½;
Sec. 19, lots 2, and 3, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 20, W½NW¼;
Sec. 21, NE¼NE¼, SE¼NW¼, and SW¼SW¼;
Sec. 28, S½SW¼;
Sec. 29, E½E½, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 30, S½NE¼ and SE¼;
Sec. 31, lots 1, 2, 3, and 4, E½, E½NW¼, and NE¼SW¼;
Sec. 32, SW¼NE¼, W½, and W½SE¼;
Sec. 33, SE¼SW¼.

T. 41 S., R. 5 E.,
Sec. 6, lot 7;
Sec. 8, SW¼;
Sec. 12, lot 3, S½NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 13, lot 4;
Sec. 14, lots 1 and 2;
Sec. 18, lots 1, 2, 3, and 4.

T. 41 S., R. 6 E.,
Sec. 2, N½NW¼ (unnumbered lots);
Sec. 4, S½N½ and S½;
Sec. 6, lots 4, 6, 7, 8, and 9, SW¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 7, lot 5;
Sec. 8, E½NE¼, NW¼, N½SW¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 10, W½NE¼, SW¼NW¼, NW¼SW¼, and SW¼SE¼;
Sec. 18, lots 2, 3, 4, and 5.

T. 41 S., R. 7 E.,
Sec. 10, NW¼SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 13, lot 4 and NE¼NE¼.

T. 41 S., R. 8 E.,
Sec. 8, S½NE¼, NW¼NW¼, S½NW¼, E½SW¼, and SE¼;
Sec. 17, NE¼NE¼.

T. 41 S., R. 12 E.,
Sec. 1, N½NE¼ and NE¼NW¼.

T. 41 S., R. 13 E.,
Sec. 5, lot 4, SW¼NW¼, SW¼, and S½SE¼;
Sec. 6;
Sec. 7, E½, E½NW¼, and NE¼SW¼;
Sec. 8, W½E½, W½, and E½SE¼;
Sec. 9, W½SW¼;
Sec. 17, E½E½, W½NE¼, W½W½, and SE¼SW¼;
Sec. 18, E½;
Sec. 19, lots 5, 6, and NE¼;
Sec. 20, lots 1, 2, 3, and 4, E½NE¼, N½NW¼, and SW¼NW¼;
Sec. 21, SW¼NW¼;
Sec. 24, lot 1 and SE¼NE¼.

T. 41 S., R. 14 E.,
Sec. 1;
Sec. 2;
Sec. 8, SE¼NE¼ and E½SE¼;
Sec. 9, S½N½ and S½;
Sec. 10, NE¼, SW¼NW¼, and S½;
Sec. 11, N½ and SE¼;
Sec. 12;
Sec. 13;
Sec. 14;
Sec. 15, N½, N½SW¼, and SE¼;
Sec. 16;
Sec. 17, NE¼NE¼, S½N½, and S½;
Sec. 18, E½SE¼;
Sec. 19, lots 3 and 4, and NE¼NE¼;
Sec. 20, NE¼NE¼ and NW¼NW¼;
Sec. 21, NW¼NE¼ and NW¼NW¼;
Sec. 22, NE¼NE¼;
Sec. 23, lots 1 and 2, S½NE¼, N½N½, and SE¼NW¼;
Sec. 24.

T. 41 S., R. 14½ E.,
Secs. 1 through 9, inclusive;
Sec. 10, NE¼, W½, NE¼SE¼, and W½ SE¼;
T. 41 S., R. 14½ E., (Continued)
Sec. 11, N½, N½S½, and SE¼SE¼;
Sec. 12;
Sec. 13, NE¼NE¼;
Sec. 14, E½NW¼, SW¼NW¼, SW¼, and W½SE¼;
Sec. 15, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 17;
Sec. 18, lots 1 and 2, E½, and E½NW¼;
Secs. 19 through 23, inclusive;
Sec. 24, lots 1, 2, 3, and 4, and NW¼.
T. 41 S., R. 15 E.,
Sec. 3, SW¼NE¼, SW¼NW¼, and W½ SW¼;
Sec. 4, lots 2 and 3, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 5, lots 1, 2, 3, and 4, S½N½, SW¼, and NW¼SE¼;
Sec. 6;
Sec. 7, lots 1, 2, and 4, E½E½, NW¼NE¼, and NE¼NW¼;
Sec. 8, SE¼NE¼, SW¼NW¼, W½SW¼, and SE¼SE¼;
Sec. 9, E½, E½W½, SW¼NW¼, and W½ SW¼;
Sec. 11, E½NE¼ and NE¼SE¼;
Sec. 17, N½; N½SW¼, SW¼SW¼, and SE¼;
Sec. 18, lot 1 and E½;
Sec. 19, lots 3, 4, 5, and 6, and NE¼;
Sec. 21, lots 1 and 2, and S½NW¼.

The lands described aggregate approximately 186,290 acres.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

ARTHUR W. ZIMMERMAN,
Assistant State Director.

[F.R. Doc. 70-12335; Filed, Sept. 16, 1970; 8:45 a.m.]

[U 4342]

UTAH

Notice of Proposed Modification of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR, Group 2400, it is proposed to modify paragraph 3 of the existing classification for multiple-use management for Juab County (F.R. Doc. 68-3707, filed Mar. 27, 1968) by adding thereto the pubic lands described below.

The publication of this notice has the effect of segregating these public lands from entry or location under the general mining laws (30 U.S.C. Ch. 2), but not the mineral leasing laws. It does not otherwise affect the existing classification, and it will not affect valid existing rights.

SALT LAKE MERIDIAN, UTAH

T. 11 S., R. 11 W.,
Sec. 6, all;
Sec. 7, N½.
T. 11 S., R. 12 W.,
Sec. 1, all;
Sec. 12, N½.
T. 13 S., R. 11 W.,
Sec. 8, E½;
Sec. 9, all;
Sec. 15, W½;
Sec. 17, E½.

The areas described contain 3,674 acres.

2. The purpose of this modification is to protect for general public use and enjoyment popular "rockhounding" areas.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with this proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 1750 South Redwood Road, Salt Lake City, Utah 84104; or to the State Director, Bureau of Land Management, Post Office Box 11505, Federal Building, Salt Lake City, Utah 84111. The record and maps depicting these lands are on file and may be viewed at these offices.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-12364; Filed, Sept. 16, 1970; 8:47 a.m.]

Office of the Secretary

[Order No. 2508, Amdt. 88]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority With Respect to Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30 *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) in this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(47) Section 5 of the Act of May 21, 1970 (Public Law 91-259, 84 Stat. 253): The Confederated Tribes of the Umatilla Reservation.

WALTER J. HICKEL,
Secretary of the Interior.

SEPTEMBER 8, 1970.

[F.R. Doc. 70-12357; Filed, Sept. 16, 1970; 8:47 a.m.]

PRESERVATION, USE AND MANAGEMENT OF FISH AND WILDLIFE RESOURCES

On July 17, 1970, notice of a proposed regulation was published in the FEDERAL REGISTER (35 F.R. 11526). The proposed regulation was issued by the Secretary of the Interior. Its purpose was to strengthen and support the missions of the various States and the Department of the Interior in the cooperative preservation, use and management of the Nation's Fish and Wildlife Resources.

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 30 days following its publication in the FEDERAL REGISTER.

Views received have been considered in the final regulation which is published below:

Regulation of the Secretary of the Interior Relating to Certain Responsibilities of Interior Agencies and the States in the Preservation, Use and Management of the Nation's Fish and Wildlife Resources.

The Secretary of the Interior recognizes that fish and wildlife resources must be maintained for their aesthetic, scientific, recreation and economic importance to the people of the United States, and that because fish and wildlife populations are totally dependent upon their habitat, the several States and the Federal Government must work in harmony for the common objective of developing and utilizing these resources. It is the policy of the Secretary of the Interior further to strengthen and support, to the maximum extent possible, the missions of the States and the Department of the Interior in the attainment of this objective.

The effective husbandry of such resources requires the cooperation of State and Federal Government because:

(a) The several States have the authority to control and regulate the capturing, taking and possession of fish and resident wildlife by the public within State boundaries;

(b) The Congress, through the Secretary of the Interior, has authorized and directed to various Interior agencies certain responsibilities for the conservation and development of fish and wildlife resources and their habitat.

Accordingly, the following procedures will apply to all areas administered by the Secretary of the Interior through the National Park Service, Bureau of Sport Fisheries and Wildlife, Bureau of Land Management and Bureau of Reclamation (hereinafter referred to as the Federal agencies). These Federal agencies will:

1. Within their statutory authority, institute fish and wildlife habitat management practices in cooperation with the States which will assist the States in accomplishing their respective, comprehensive, statewide resource plans;

2. Permit public hunting, fishing and trapping within statutory limitations and in a manner compatible with the primary objectives for which the lands are administered. Such hunting, fishing, and trapping and the possession and disposition of fish, game and fur animals shall be conducted in all other respects within the framework of applicable State laws, including requirements for the possession of appropriate State licenses or permits. The Federal agencies may, after consultation with the States, close all

or any portion of land under their jurisdiction to public hunting, fishing, or trapping in order to protect the public safety or to prevent damage to Federal lands or resources thereon, and may impose such other restrictions as are necessary to comply with management objectives;

3. Consult with the States and comply with State permit requirements in connection with the activities listed below, except in instances where the Secretary of the Interior determines that such compliance would prevent him from carrying out his statutory responsibilities:

(a) In carrying out research programs involving the capturing, taking or possession of fish and wildlife or programs involving introduction of fish and wildlife;

(b) For the planned and orderly removal of surplus or harmful populations of fish and wildlife except where emergency situations requiring immediate action make such consultation and compliance with State permit requirements infeasible;

(c) In the disposition of fish and wildlife taken under (a) or (b) as provided above.

4. Exempted from this regulation are the following:

(a) The control and regulation by the United States, in the area in which an international convention or treaty applies, of the taking of those species and families of fish and wildlife expressly named or otherwise covered under any international treaty or convention to which the United States is a party;

(b) Any species of fish and wildlife control over which has been ceded or granted to the United States by any State;

(c) Areas over which the States have ceded exclusive jurisdiction to the United States.

5. Nothing contained herein shall be construed as permitting public hunting, fishing, or trapping on National Parks, Monuments, or Historic areas of the National Parks System, except where Congress or the Secretary of the Interior has otherwise declared that hunting, fishing, or trapping is permissible.

6. The Federal agencies and States will enter into written cooperative agreements containing the plans, terms, and conditions of each party in carrying out the intent of this regulation when such agreements are desired by the States. Such agreements will be reviewed periodically by both parties and, when appropriate, adjusted to reflect changed conditions.

Dated: September 10, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-12340; Filed, Sept. 16, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH CAROLINA

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 South Carolina, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Colleton. Jasper.

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 11th day of September 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-12350; Filed, Sept. 16, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-171; NADA No. 12-400V, 12-401V]

ABBOTT LABORATORIES

Dioleen Suspension and Dioleen Cream; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing on the matter of withdrawing approval of the new animal drug applications for Dioleen Suspension and Dioleen Cream was published in the FEDERAL REGISTER of June 16, 1970 (35 F.R. 9867).

Abbott Laboratories, North Chicago, Ill. 60064, holder of new animal drug application No. 12-400V for Dioleen Suspension and new animal drug application No. 12-401V for Dioleen Cream did not file a written appearance of election regarding whether they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for in said notice, nor did any other interested person. This is construed as an election by Abbott Laboratories and any other possibly interested person not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of new animal drug application No. 12-400V and new animal drug application No. 12-401V should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 12-400V and new animal drug application No. 12-401V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: September 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12366; Filed, Sept. 16, 1970; 8:48 a.m.]

[Docket No. FDC-D-176; NADA No. 12-055V]

DIAMOND LABORATORIES, INC.

Iron-Dextrin Complex; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing on the withdrawal of approval of the new animal drug application for Iron-Dextrin Complex was published in the FEDERAL REGISTER of June 30, 1970 (35 F.R. 10608).

Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50404, holder of new animal drug application No. 12-055V, covering said drug, did not file a written appearance of election regarding whether they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for in the notice. This is construed as an election by the firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in and the response to the notice, the Commissioner of Food and Drugs concludes that approval of new animal drug application No. 12-055V should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug application No. 12-055V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: September 4, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-12367; Filed, Sept. 16, 1970; 8:48 a.m.]

[DESI 2811; Docket No. FDC-D-230; NDA 2-811, etc.]

CHORIONIC GONADOTROPIN

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the

National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Riogon, chorionic gonadotropin, 10,000 I.U. per cc. vial; marketed by Tilden-Yates Laboratories, Inc., 328 Shrewsbury Street, Worcester, Mass. 01604 (NDA 2-811).

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

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

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

1. Effective in the treatment of cryptorchidism not due to anatomical obstruction, and in selected cases of male hypogonadism secondary to pituitary failure.

2. Possibly effective in the treatment of sterility due to defective luteal function.

3. Lacks substantial evidence of effectiveness in the treatment of adiposogenital dystrophy, menstrual disorders (function uterine bleeding, menorrhagia) due to defective luteal function, female hypogenitalism, and disturbances of early pregnancy (threatened and habitual abortion).

B. *Form of drug.* Preparations of chorionic gonadotropin are in sterile lyophilized form suitable for parenteral administration after reconstitution.

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

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

INDICATIONS

Cryptorchidism not due to anatomical obstruction.

Selected cases of male hypogonadism secondary to pituitary failure.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A2 above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

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

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

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

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

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

b. 60 days for updating information.

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

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A1 above, should submit a new-drug application containing full information required by the new-drug application form FD-356H (21 CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

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

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

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

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

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

G. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of the new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A3 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

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

named, and he shall issue a written notice of the time and place at which the hearing will commence.

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 2811, directed to the attention of the appropriate office listed below, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD–100), Bureau of Drugs.
Request for Hearing (Identify with Docket number) Hearing Clerk, Office of General Counsel (GS–1), Room 6–62, Parklawn.
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 Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

Dated: August 25, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12370; Filed, Sept. 16, 1970; 8:48 a.m.]

[DESI 4203; Docket No. FDC–D–231; NDA 4–203, etc.]

BENZYL BENZOATE; BENZYL BENZOATE, BENZOCAINE, AND CHLOROPHENOTHANE; CROTAMITON; AND GAMMA BENZENE HEXACHLORIDE—TOPICAL PREPARATIONS

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 scabicide and pediculocide drugs for topical use:

1. Topocide Liquid, containing benzyl benzoate, benzocaine, and chlorophenothane, marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6–087).

2. Zylate Solution, containing benzyl benzoate, marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 4–203).

3a. Eurax Lotion, containing crotamiton (NDA 9–112), and

b. Eurax Cream, containing crotamiton (NDA 6–927), both marketed by Geigy Chemical Corp., Saw Mill River Road, Ardsley, N.Y. 10502.

4a. Kwell Shampoo, containing gamma benzene hexachloride (NDA 10–718), and

b. Kwell Cream, containing gamma benzene hexachloride (NDA 6–309), both marketed by Reed and Carnrick, 30 Boright Avenue, Kenilworth, N.J. 07033.

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

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

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

1. Benzyl benzoate and benzyl benzoate with benzocaine and chlorophenothane are effective for the treatment of infestations of *Pediculus capitis, Pediculus publis,* or *Sarcoptes scabiei.*

2a. Crotamiton is effective for the eradication of *Sarcoptes scabiei* and for symptomatic treatment of pruritic skin.

b. This drug lacks substantial evidence of effectiveness as an adjuvant bacteriostatic agent.

3a. Gamma benzene hexachloride shampoo is effective for the treatment of *Pediculus capitis* and *Pediculus pubis* infestations.

b. This drug is probably effective for the treatment of *Sarcoptes scabiei* infestations (scabies).

4a. Gamma Benzene hexachloride cream is effective for the treatment of *Pediculus capitis, Pediculus pubis,* and *Sarcoptes scabiei* infestations.

b. This drug is possibly effective for its claimed indications: Treatment of chiggers and all forms of pediculosis.

B. *Form of drug.* These drug preparations are in cream, lotion, or liquid form suitable for topical administration.

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

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

a. *Benzyl Benzoate or Benzyl Benzoate with Benzocaine and Chlorophenothane.*

INDICATIONS

For infestations with *Phthirus pubis* (crab louse), *Sarcoptes scabiei* (scabies), and *Pediculus capitis* (head louse).

b. *Crotamiton.*

INDICATIONS

For the eradication of scabies (*Sarcoptes scabiei*) and for symptomatic treatment of pruritic skin.

c. *Gamma Benzene Hexachloride Shampoo.*

INDICATIONS

For the treatment of pediculosis such as: Pediculosis capitis (head louse) and pediculosis pubis (crab louse). The drug may also be effective for the treatment of *Sarcoptes scabiei* infestations (scabies).

d. *Gamma Benzene Hexachloride Cream.*

INDICATIONS

For the treatment of pediculosis, such as: Pediculosis capitis (head louse) and pediculosis pubis (crab louse). It is also effective in the treatment of scabies (*Sarcoptes scabiei*).

D. *Claims permitted during extended period for obtaining substantial evidence.* 1. The claim described in paragraph A3b above as probably effective is included in the labeling conditions in paragraph C2c and may continue to be used for 12 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration, data to provide substantial evidence of effectiveness.

2. The claims described in paragraph A4b above as possibly effective (not included in the labeling conditions in paragraph C2d) may continue to be used for 6 months following the date of this publication to allow additional time within which the holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration, data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

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

F. *Previously approved applications.* 1. Each holder of a "deemed approved"

new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

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

b. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD–356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

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

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

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

G. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in the § 130.4(f) (1) and (2), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

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

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

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

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

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

H. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for these drugs solely for the conditions of use for which the drugs are regarded as effective as described herein.

I. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A2b of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any drug for human use containing the same components and offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

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

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 4203, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (BD–200), Bureau of Drugs.

Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn.

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 Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

Dated: August 26, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12371; Filed, Sept. 16, 1970; 8:48 a.m.]

[DESI 6762]

CERTAIN TOPICAL PREPARATIONS FOR OPHTHALMIC, OTIC, OR NASAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs for topical use in the eye, ear, or nose:

1. Metreton Ophthalmic Suspension containing prednisolone acetate and chlorpheniramine gluconate, marketed by Schering Corp., 60 Orange Street, Bloomfield, N.J. (NDA 10–695).

2. Metreton Nasal Spray, containing prednisolone acetate and chlorpheniramine gluconate, marketed by Schering Corp. (NDA 10–500).

3. Prednefrin 0.12 Percent Ophthalmic Suspension containing prednisolone acetate, phenylephrine hydrochloride, and antipyrine, marketed by Allergan Pharmaceuticals, 1000 South Grand Avenue, Santa Ana, Calif. 92705 (NDA 10–696).

4. Prednefrin Forte 1 Percent Ophthalmic Suspension containing prednisolone acetate, phenylephrine hydrochloride, and antipyrine, marketed by Allergan Pharmaceuticals (NDA 12–107).

5. Prednefrin-*S* 0.2 Percent Ophthalmic Solution containing prednisolone and phenylephrine hydrochloride, marketed by Allergan Pharmaceuticals (NDA 11–693).

6. Op-Predrin Ophthalmic Solution containing prednisolone and phenylephrine hydrochloride, marketed by Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 11–530).

7. Corticloron Sterile Suspension containing cortisone acetate and chlorpheniramine maleate, marketed by Schering Corp. (NDA 8–894).

8. Op-Hydrin Ophthalmic Suspension containing hydrocortisone acetate and phenylephrine hydrochloride, marketed by Broemmel Pharmaceuticals (NDA 10–231).

9. Propion Ophthalmic Solution containing sodium propionate, marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. (NDA 6–762).

10. Otodyne Otic Solution containing zolamine hydrochloride and euprocin hydrochloride, marketed by White Laboratories, Inc., Kenilworth, N.J. 07033 (NDA 7–696).

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

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that these drugs are possibly effective for their labeled indications for use in the eye, ear, or nose.

B. *Marketing status.* 1. The holders of previously approved new-drug applications for any drug described in this announcement and any person marketing such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which the drug is regarded as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

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

The above named holders of the new-drug applications for these drugs have been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6762, directed to the attention of the appropriate office listed below, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.
Requests for NAS–NRC Reports: Press Relations Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

Dated: August 21, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12372; Filed, Sept. 16, 1970; 8:48 a.m.]

[DESI 8461; Docket No. FDC–D–200; NDA 8–461, etc.]

CERTAIN ANTINEOPLASTIC AGENTS

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 antineoplastic drugs:

1. Chlorambucil, marketed as Leukeran Tablets by Burroughs Wellcome Co., Inc., 1 Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 10–669).

2. Triethylene melamine tablets, marketed by Lederle Laboratories Division, American Cyanamid Co., Post Office Box 500, Pearl River, N.Y. 10965 (NDA 8–461).

3. Uracil Mustard Capsules, marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 12–892).

4. Dromostanolone propionate, marketed as Drolban Ampoules, by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 12–936).

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

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

I. *Chlorambucil*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the Academy, as well as other available evidence, and concludes that chlorambucil is effective for the indications described in the labeling conditions which follow.

B. *Form of drug.* Chlorambucil preparations are in a form suitable for oral administration.

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

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

INDICATIONS

(1) Chronic lymphocytic leukemia: Chlorambucil is usually effective in the palliative treatment of symptomatic chronic lymphocytic leukemia.

(2) Lymphomas: Chlorambucil is effective for the palliative treatment of lymphomas of the follicular or lymphocytic type and for some forms of Hodgkin's disease. It may also be effective in the palliative treatment of patients with reticulum cell sarcoma and lymphoblastic lymphoma.

WARNINGS

Chlorambucil is a potent drug. Complete blood counts should be taken once or twice weekly. Treatment should be discontinued or dosage reduced upon evidence of abnormal depression of the bone marrow.

Usage in Pregnancy: Alkylating agents are known to produce fetal malformations in certain experimental animals when given in sufficient dosage. Fetal death, congenital malformations, intrauterine growth retardation, and bone marrow depression have been

reported in human beings. Chlorambucil should not be used during pregnancy unless in the opinion of the physician the potential benefits outweigh the possible hazards.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in paragraphs V and VI of this announcement.

II. *Triethylene melamine*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the Academy, as well as other available evidence, and concludes that:

1. Triethylene melamine is effective for the indications described in the labeling conditions which follow.

2. Triethylene melamine lacks substantial evidence of effectiveness for use in mycosis fungoides, polycythemia vera, and carcinoma of the lung.

B. *Form of drug.* Triethylene melamine preparations are in a form suitable for oral administration.

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

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

INDICATIONS

(1) Chronic lymphocytic leukemia and lymphomas: Triethylene melamine may be effective for the palliative treatment of symptomatic patients with chronic lymphocytic leukemia and lymphomas, particularly Hodgkin's disease and lymphosarcoma.

(2) Chronic myelogenous leukemia (palliative treatment).

WARNINGS

Usage in pregnancy: Alkylating agents are known to produce fetal malformations in certain experimental animals when given in sufficient dosage. Fetal death, congenital malformations, intrauterine growth retardation, and bone marrow depression have been reported in human beings. Triethylene melamine should not be used during pregnancy unless in the opinion of the physician the potential benefits outweigh the possible hazards.

Triethylene melamine is a potent drug with high cumulative toxicity against the hematopoietic system.

In cases of preexisting hepatic, renal, or bone marrow damage, therapy with other medications should be considered first. If triethylene melamine must be used under these circumstances, dosage should be decreased and therapy should be accompanied by hepatic and renal function tests.

Complete blood counts including platelet counts should be done once or twice weekly.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in paragraphs V and VI of this announcement.

III. *Uracil mustard*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the Academy, as well as other available evidence, and concludes that:

1. Uracil mustard is effective for the indications described in the labeling conditions which follow.

2. Uracil mustard lacks substantial evidence of effectiveness for use in the treatment of thrombocytosis.

B. *Form of drug.* Uracil mustard preparations are in a form suitable for oral administration.

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

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

INDICATIONS

Chronic lymphocytic leukemia: Uracil mustard is usually effective in the palliative treatment of symptomatic chronic lymphocytic leukemia.

Lymphomas and mycosis fungoides: Uracil mustard is effective for palliative treatment of lymphomas of the follicular or lymphocytic type and for some forms of Hodgkin's disease. It may also be effective in the palliative treatment of patients with reticulum cell sarcoma, lymphoblastic lymphoma, and mycosis fungoides.

Chronic myelogenous leukemia: Uracil mustard may be effective in the palliative treatment of patients with chronic myelogenous leukemia. It is not effective in the acute blastic crisis or in patients with acute leukemia.

Other conditions: Uracil mustard may be effective in the palliative treatment of early stages of polycythemia vera before the development of leukemia or myelofibrosis. It may also be beneficial in the adjunctive treatment of patients with carcinoma of the ovary or carcinoma of the lung.

WARNINGS

Usage in pregnancy: Drugs of the nitrogen mustard group have been shown to produce fetal abnormalities in experimental animals when given during pregnancy. Uracil mustard should not be used during pregnancy unless in the opinion of the physician the potential benefits outweigh the possible hazards.

Uracil mustard has a cumulative toxic effect against the hematopoietic system. Blood counts including platelet counts should be done once or twice weekly.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in paragraphs V and VI of this announcement.

IV. *Dromostanolone propionate*—A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the Academy, as well as other available evidence, and concludes that dromostanolone propionate is effective for the indications described in the labeling conditions which follow.

B. *Form of drug.* Dromostanolone propionate preparations are in a form suitable for intramuscular administration.

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

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

INDICATIONS

Dromostanolone propionate is recommended for use only in the palliative treatment of advanced or metastatic carcinoma of the breast in women who are inoperable and are 1 to 5 years postmenopausal at the time of diagnosis.

CONTRAINDICATIONS

Androgens are contraindicated in carcinoma of the male breast and in premenopausal women.

D. *Marketing status.* Marketing of the drug may continue under the conditions described in items V and VI of this announcement.

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

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

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

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

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

1. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

2. 180 days for biologic availability data.

3. 60 days for updating information.

C. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs A and B are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

VI. *New Applications.* A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under I, II, III, and IV above, should submit a new-drug application containing full information required by the new-drug application form FD-356H (21

CFR 130.4(c)). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

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

1. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

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

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

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

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

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 8461, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.

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

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

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 Staff (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

Dated: August 25, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12373; Filed, Sept. 16, 1970; 8:48 a.m.]

[DESI 8928]

NICOTINYL ALCOHOL WITH AMINOPHYLLINE FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Roniacol with Aminophylline Tablets, each tablet containing nicotinyl alcohol and aminophylline; marketed by Roche Laboratories, Division of Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110 (NDA 8–928).

The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

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

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug, and any interested person who might be adversely affected by its removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

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

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8928 and directed to the attention of the following office:

Food and Drug Administration, Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

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

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

Dated: August 21, 1970.

SAM D. FINE.
Associate Commissioner for Compliance.

[F.R. Doc. 70–12374; Filed, Sept. 16, 1970; 8:48 a.m.]

[DESI 12665]

VINBLASTINE SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Velban, containing 10 mg. vinblastine sulfate per ampul, marketed by Eli Lilly & Co., Box 618, Indianapolis, Ind. 46206 (NDA 12–665).

The drug is regarded as a new drug. Supplemental new-drug applications are required to revise the labeling in and to update approved applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

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

A. *Effectiveness classification.* The Food and Drug Administration has considered the report of the Academy, as well as other available evidence, and concludes that vinblastine sulfate is effective in certain malignant diseases which are unsuitable for surgery or radiotherapy or which have failed to respond to or have become refractory to such measures. These are described in the labeling conditions in paragraph C.

B. *Form of drug.* Vinblastine sulfate preparations are in sterile, solid form suitable for reconstitution and intravenous administration.

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

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER February 6, 1970. The "Indications" section of the labeling is as follows: (Labeling guidelines are available from the Administration upon request).

INDICATIONS

Vinblastine sulfate is indicated in the palliative treatment of the following:

I. Frequently responsive malignancies:

Lymphomas
Generalized Hodgkin's disease (Stages III and IV, Peter's Staging System).
Lymphosarcoma.
Reticulum-cell Sarcoma.
Mycosis fungoides (advanced stages).
Neuroblastoma.
Letterer-Siwe disease (Histocytosis X).

II. Less frequently responsive malignancies:

Choriocarcinoma resistant to other chemotherapeutic agents.
Carcinoma of the breast, unresponsive to appropriate endocrine surgery and hormonal therapy.
Embryonal carcinoma of the testis.

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

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

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

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

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

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of this preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

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

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

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparations shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

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

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

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

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein.

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 12665, directed to the attention of the following appropriate office, and (unless otherwise specified) addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.
Requests for NAS–NRC Reports: Press Relations Office, Food and Drug Administration (CE–200), 200 C Street SW., Washington, D.C. 20204.

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

Dated: August 25, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–12375; Filed, Sept. 16, 1970; 8:48 a.m.]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS

Statement of Organization, Functions, and Delegations of Authority

Section 2–110.20K of the Statement of Organization, Functions, and Delegations of Authority of the Department of

Health, Education, and Welfare is amended to read as follows:

K. The Office of International Health serves as the principal focal point in the Department for policy guidance and program coordination relating to international health. It provides assistance and guidance to the international activities of the health agencies, prepares analyses and evaluations of selected international health policies and programs as a resource for the Department and the Department of State, and maintains liaison with international institutions and organizations and other departments and agencies on professional international health matters.

The Office arranges for technical support and other international health expert assistance to the Department of State, Agency for International Development and other Federal departments and agencies.

Dated: September 11, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-12423; Filed, Sept. 16, 1970; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22193]

DEAN VAN LINES, INC., ET AL.

Notice of Proposed Approval

Application of Dean Van Lines, Inc., Dean Van and Storage, Inc., and Dean International, Ltd., for authority to merge certain corporate properties and for exemption from section 408 of the Federal Aviation Act of 1958, as amended, Docket 22193.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., September 11, 1970.

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

ORDER APPROVING MERGER

Application of Dean Van Lines, Inc., Dean Van and Storage, Inc., Dean International, Ltd., for authority to merge certain corporate properties and for exemption from section 408 of the Federal Aviation Act of 1958, as amended, Docket 22193.

By Order E-22370, dated June 28, 1965, the Board approved pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the common control by A. E. Dean of Dean Export International, Inc., now known as Dean International, Inc. (DI), and Dean Van and Storage, Inc. (DVS) and, through DVS, of Dean Van Lines, Inc. (DVL).

DVL is the holder of Air Freight Forwarder Operating Authorization No. 226 and International Air Freight Forwarder Operating Authorization No. 318, authorizing the interstate and international air freight forwarding of used household goods; DVS operates warehouses and performs allied services in connection with transportation performed by DVL, and, to this extent, could be considered a common carrier; and DI is a surface forwarder of used household goods, unaccompanied baggage and used automobiles pursuant to section 402(b)(2) of the Interstate Commerce Act.

By application filed May 13, 1970, DVL, DVS, and DI request approval pursuant to section 408 of the Act of the consolidation and merger of corporate properties of the three companies.

The applicants state that for a number of years the three companies have been operated as a single enterprise in an economic sense, and have engaged in intercompany transactions to the extent that their business, assets, liabilities, and economic and credit affairs have been commingled and, in economic effect, have been pooled together; and that financial reorganization and recapitalization which applicant is currently undergoing contemplates the merger of those companies, with DVL as the surviving corporate entity.

No objection or request for a hearing have been filed.

Notice of intent to dispose of the application has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication, both in accordance with section 408 of the Act.

Upon consideration of the application, it is found that the merger of DI, DVS, and DVL, with DVL as the surviving corporation entity, is subject to section 408 of the Act.[1] However, it is further concluded that such transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in the creation of a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. Under all of the circumstances it is not found that the transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled. We note, however, that additional control relationships involving DVL are in issue in Docket 20812[2] and, therefore, will limit the approval herein to a period terminating 6 months after final decision in the Household Goods Air Freight Forwarder Investigation in the event that the additional control relationships involving DVL are not approved therein.

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

Accordingly, it is ordered, That:

1. The merger of Dean International, Inc., Dean Van and Storage, Inc., and Dean Van Lines, Inc., be and it hereby is approved; and

2. The approval granted herein shall terminate 6 months after final decision in the Household Goods Air Freight Forwarder Investigation, Docket 20812, in the event approval of additional control relationships involving Dean Van Lines, Inc., at issue therein is not granted.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-12417; Filed, Sept. 16, 1970; 8:52 a.m.]

[1] It appears that the merger of the three companies has already been accomplished. Nevertheless it has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952), to consider the application on its merits.

[2] In a related application filed in Docket 22197, DVL, Madison Merchandise Corp. and Winthrop Lawrence Corp. have requested approval of certain additional control relationships involving DVL. By Order 70-8-104, adopted Aug. 26, 1970, this application was consolidated into the Household Goods Air Freight Forwarder Investigation, Docket 20812.

[Docket No. 22390; Order 70-9-55]

PUERTO RICO INTERNATIONAL AIRLINES, INC.

Order To Show Cause Regarding Puerto Rico International Airlines, Inc.

Issued under delegated authority September 10, 1970.

Puerto Rico International Airlines, Inc. (Prinair), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed July 23, 1970, Prinair requested the Board to establish final mail rates for the transportation of priority and nonpriority mail by aircraft between San Juan, P.R., on the one hand, and St. Thomas and St. Croix, V.I., on the other.

By Order 70-9-21, September 3, 1970, in this docket, the Board granted Prinair exemption authority to engage in the carriage of mail by aircraft in these markets.

No service mail rates are currently in effect for this transportation by Prinair. The petitioner requests that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Case, and for nonpriority mail by Order 70-4-9, April 2, 1970, in Nonpriority Mail Rates[1] be made applicable to this carriage of mail.

On August 3, 1970, the Postmaster General filed a reply supporting the petition provided that Prinair will be subject to all of the provisions of Orders E-25610 and 70-4-9, as amended. We propose to establish service rates for the transportation of mail by aircraft in these markets

[1] Present service rates provide for terminal charges per pound of 2.34 cents at both San Juan and St. Thomas and 4.68 cents at St. Croix, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

by Prinair at the levels established in Orders E-25610 and 70-4-9, as amended.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Prinair for the transportation of mail by aircraft between San Juan, P.R., and both St. Croix and St. Thomas, V.I. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. On and after September 3, 1970, the fair and reasonable final service mail rates to be paid to Puerto Rico International Airlines, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Juan, P.R., on the one hand, and St. Croix, V.I., and St. Thomas, V.I., on the other, shall be:

(a) For priority mail, the multielement rate established by the Board in Order E-25610, August 28, 1967;

(b) For nonpriority mail, the multielement rate established by the Board in Order 70-4-9, April 2, 1970.

2. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302 and 14 CFR 385.16(f),

It is ordered, That:

1. Puerto Rico International Airlines, Inc., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., Air Indies Corp., Airspur Caribbean, Inc., and all interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above, as the fair and reasonable rates of compensation to be paid to Puerto Rico International Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

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

3. This order shall be served upon Puerto Rico International Airlines, Inc., the Postmaster General, Caribbean-Atlantic Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., Air Indies Corp., and Airspur Caribbean, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

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

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

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

[F.R. Doc. 70-12420; Filed, Sept. 16, 1970; 8:52 a.m.]

[Docket No. 22387]

RAILWAY EXPRESS AGENCY, INC. ET AL.

Notice of Prehearing Conference

Railway Express Agency, Inc., and participating air carriers' proposed revisions in air express rates and charges.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 5, 1970, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Milton H. Shapiro.

Requests for information and evidence, proposed issues, and proposed procedural dates should be filed with the Examiner, Bureau Counsel, and the parties listed in order 70-7-109, on or before September 25, 1970.

Dated at Washington, D.C., September 11, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-12416; Filed, Sept. 16, 1970; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18981, 18982; FCC 70-946]

ALBERT L. CRAIN AND RAYMOND I. KANDEL

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Albert L. Crain, Oxnard, Calif., Docket No. 18981, File No. BPH-6980, requests: 98.3 mcs., No. 252; 3 kw.; —53 feet; and Raymond I. Kandel, Oxnard, Calif., Docket No. 18982, File No. BPH-7109, requests: 98.3 mcs., No. 252; 3 kw.; 107 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to his application Raymond Kandel would require $101,434 to construct and operate his proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on cash on hand and in banks of $48,000 and a bank loan for $80,000. Although the bank appears ready to loan this amount, its letter fails to set forth the applicable terms and conditions. Accordingly, a financial issue will be specified.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. A full comparison of the programing proposals is warranted when one applicant proposes predominantly specialized programing and the other, general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). In this case Albert Crain proposes a large amount of religious programing and Raymond Kandel, general market programing. Therefore, the programing proposals of the applicants may be compared under the standard comparative issue.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Raymond Kandel has available from a bank loan or otherwise the additional $53,434 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate his financial qualifications.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221

(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 2, 1970.

Released: September 9, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12385; Filed, Sept. 16, 1970; 8:49 a.m.]

[Docket No. 18983; FCC 70-947]

INDIANA BROADCASTING CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Indiana Broadcasting Corp. (WISH-TV), Indianapolis, Ind., Docket No. 18983, File No. BPCT-4067, for construction permit and waiver of § 73.636(a)(1) of the Commission's rules.

1. The Commission has before it for consideration: (a) the above-captioned application of Indiana Broadcasting Corp. (Indiana), licensee of television broadcast stations WISH-TV (CBS), channel 8, Indianapolis, and WANE-TV (CBS), channel 15, Fort Wayne, filed January 2, 1968, as amended; (b) a Petition to Dismiss or Deny, filed February 19, 1968, by RJN Broadcasting, Inc. (RJN), licensee of television broadcast station WLFI-TV (CBS), channel 18, Lafayette, Ind.; (c) a Petition to Dismiss or Deny, filed February 19, 1968, by Sarkes-Tarzian, Inc. (Tarzian), licensee of television broadcast station WTTV, channel 4, Bloomington, Ind.; (d) an Opposition to Relocation of WISH-TV transmitter site, filed February 5, 1969, by Geneco Broadcasting Inc., former licensee of television broadcast station WTAF-TV, channel 31, Marion, Ind.[1]; and (e) related pleadings.[2]

2. Indiana is currently authorized to operate station WISH-TV from a transmitter site approximately 8 miles east of the center of Indianapolis, with effective radiated visual power of 316 kw. and an antenna height above average terrain of 990 feet. By its application, Indiana Broadcasting seeks authority to change the site of its transmitter to a point approximately 15 miles northwest of its present location. No change in visual power or antenna height is requested, but the proposed move would shift its Grade B contour some 12 miles to the northwest and increase the amount of overlap between the Grade B contours of commonly owned stations WISH-TV and WANE-TV. By letter dated January 17, 1968, the Commission notified Indiana that it was considering its application to be a major change under § 1.572(a)(1) of the Commission's rules, and Indiana subsequently requested a waiver of § 73.636(a)(1) of the rules. We find that RJN, Tarzian, and Geneco all have standing as "parties in interest" under section 309(d) of the Communications Act of 1934, as amended, because a grant of Indiana's application could cause them economic injury by diverting advertising revenues from their stations. FCC v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. Indiana's proposal would increase the Grade B overlap of stations WISH-TV and WANE-TV from 4,756 persons in an area of 83 square miles to 8,860 persons in an area of 161 square miles, and Indiana has requested a waiver of § 73.636(a)(1) of the Commission's rules on the following grounds: The increase in Grade B overlap is de minimis; if the contour prediction method proposed in Docket No. 16004 were to be adopted, there would be no overlap; dismantling its present antenna would promote the public interest by allowing the Indianapolis Airport Authority to construct a second airport; the proposal would group all three operating Indianapolis television stations in an informal antenna farm, thus promoting air safety and simplifying home antenna orientation; it would contribute to the development of a new educational television broadcast station on channel *20, Indianapolis;[3] and, it would provide 26,000 people with their first Grade B CBS network signal.

4. The function of a waiver of the Commission's rules is to justify an ad hoc exception on the ground that an application of the rules would work against the public interest in a specific case and not to change the validity of the general standard. Oregon Radio, Inc., 14 RR 742, 748 (1956). Petitioners allege that Indiana has not demonstrated the existance of any significant public need which would warrant a waiver of § 73.636(a)(1), and that its application should be dismissed without hearing, but that if a waiver were to be granted, the application must be designated for hearing on questions of UHF impact; whether service gains outweigh service losses; and whether adequate efforts were made to ascertain the programing needs of the gain area. We find that Indiana's public interest allegations are sufficient to warrant a hearing on its waiver request.

5. Indiana's amendment of October 17, 1968, contained an adequate showing as to its ascertainment of community problems in the proposed gain area, but a grant of its application would extend station WISH-TV's Grade B signal over Lafayette, Ind., for the first time and would affect the CATV priorities of station WFLI-TV, Lafayette. Additional VHF competition is also likely to affect station WSFD-TV, Marion, in its struggle to resume operation and achieve a viable economic position. Station WISH-TV has a strong competitive position in the Indianapolis market and its proposal would result in the further encroachment of its signal into the service areas of five UHF stations located to the north of Indianapolis. The disadvantages of increased VHF competition in this all UHF area has previously been recognized by the Commission in Sarkes-Tarzian, Inc., 10 RR 2d 573 (1967), where Indiana itself argued the cause of the UHF stations. This time, Indiana argues that because its proposed move will decrease its Grade B overlap with eight UHF facilities and only increase its overlap with six, there would be a net decrease in UHF impact.[4] However, the number of stations experiencing overlap does not necessarily determine the question of UHF impact. Additional factors must be examined as well, and in this case, only five of the eight stations experiencing a reduction in overlap are operating stations, and only one of these is in the State of Indiana. Station WISH-TV began operation in 1954, and all of the stations which would benefit from Indiana's proposal were built subsequent to 1954 and, presumably, in contemplation of a certain amount of competition from WISH-TV and other VHF stations in Cincinnati, Dayton, and elsewhere. On the other hand, the area to the north of Indianapolis is an all UHF area, where increased and unexpected competition from a major VHF

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[2] Commissioner H. Rex Lee absent.

[1] Subsequently, Geneco has assigned its license to R. David Boyer, Trustee in Bankruptcy, and station WTAF-TV has gone silent and been assigned new call letters (WSFD-TV).

[2] An Opposition to petition to dismiss or deny, filed Apr. 19, 1968, by Indiana; a joint reply to opposition, filed July 3, 1968, by Tarzian and RJN; comments of RJN filed Jan. 15, 1969; an addendum to petition by Tarzian, filed Jan. 15, 1969; a statement of Indiana Broadcasting Corp., filed Feb. 14, 1969; and a reply to statement of Indiana Broadcasting Corp., filed Feb. 28, 1969.

[3] Indiana has offered the use of its proposed antenna tower to station WFYI, channel *20, Indianapolis.

[4] *Reduced overlap*: (a) Operating stations: WLBC, Channel 49, Muncie, Ind.; WKEF, Channel 22, Dayton, Ohio; WKTR-TV, Channel 16, Dayton, Ohio; WLKY-TV, Channel 32, Louisville, Ky.; and WXIX-TV, Channel 19, Newport, Ky. (b) Authorized stations: WACH-TV, Channel 43, Richmond, Ind.; WEZI, Channel 21, Louisville, Ky.; and WDRB-TV, Channel 41, Louisville, Ky.

Increased overlap: (a) Operating stations: WFLI-TV, Channel 18, Lafayette, Ind.; WANE-TV, Channel 15, Fort Wayne, Ind.; WPTA, Channel 21, Fort Wayne, Ind.; WKJG-TV, Channel 33, Fort Wayne, Ind.; and WICD, Channel 15, Champaign, Ill. (b) Authorized stations: WSFD-TV, Channel 31, Marion, is in bankruptcy and has been granted authority to remain silent.

station could easily disrupt the competitive balance.[5] There being substantial and material questions of fact concerning the effect of Indiana's proposal on UHF broadcasting, an UHF impact issue will be specified, and because a waiver of the duopoly rules is involved, both the burden of proceeding with the introduction of evidence and the burden of proof in respect to the UHF impact issue will be on the applicant.[6]

6. Indiana's proposal would increase the population that resides within the predicted Grade B contour of station WISH–TV, but would decrease the area encompassed by that contour,[7] and the gains and losses of population involved here raise a question as to whether the persons residing in the primary loss area, to the southeast of Indianapolis, would receive adequate television stations if station WISH–TV were allowed to withdraw its signal. Indiana's primary public interest argument in support of its application is the fact that it would provide some 26,000 people in the vicinity of Peru, Ind. (70 miles to the northwest of Indianapolis) with their first predicted Grade B CBS network signal. However, 3,000 people living near Redkey, Ind. (70 miles to the northeast of Indianapolis) would lose their only predicted Grade B CBS network signal. Accordingly, an issue will be specified to determine whether proposed service gains outweigh proposed service losses and whether the Peru area could better obtain CBS programing from an UHF station in Lafayette or Marion than from WISH–TV in light of the Commission's policies of fostering UHF broadcasting and discouraging regional concentrations of control.

7. Indiana's intention to establish an informal antenna farm may prove to be a benefit to air navigation and safety and the Commission has recognized that simplification of receiving antenna orientation can be a public interest factor. Notice of Proposed Rulemaking in Docket No. 16030, FCC 65–458, 30 F.R. 7446. These public interest considerations will be examined in hearing, but we note that the Marion County Supervisors have purchased land and begun to develop a second airport for the city of Indianapolis at a site near Mount Comfort, Ind., in northwest Hancock County. This site is some distance from station WISH–TV's present antenna tower so that the need to remove the tower in order to facilitate the development of a second city airport is no longer an issue in this proceeding.

[5] The only television channels assigned to Anderson and Kokomo, Ind., are UHF channels which are currently vacant. Commercial Channel 55, Fort Wayne is also vacant.

[6] WLVA, Inc., 17 FCC 2d 896 (1969); Daily Telegraph Printing Company (WBTW–TV), 20 FCC 2d 976 (1969).

[7] On the basis of the 1960 Census, Indiana's proposal involves a gain of 174,441 persons offset by a loss of 145,395 persons for a net population gain of 29,046 persons. The proposed gain of 1,546 square miles in area would fail to offset the loss of 1,649 square miles, so that there would be a net loss of 113 square miles within station WISH–TV's predicted Grade B contour.

We also note that MITA, Inc., permittee of educational broadcast station WFYI, Channel *20, Indianapolis is now authorized to utilize an auxiliary antenna structure belonging to commercial station WFBM–TV, Channel 6, Indianapolis, so that the future of educational television in that city is no way dependent upon a grant of Indiana's application.

8. The contour prediction standards proposed in Docket No. 16004 are not yet rules of the Commission, but in our Second Report and Order in Docket No. 14711, 3 RR 2d 1584, 1588 (1964), we stated that:

> * * * we adhere to our original decision to use Figure 9 in calculating UHF Grade B contours for the purposes of the overlap rules pending the adoption of new curves * * * However, as a matter of policy, in the meantime individual cases in which the applicant can show that it is in the public interest to use different criteria will be dealt with on an ad hoc basis.

In this instance, Indiana has made no separate showing as to why it is in the public interest to use special contour prediction methods, but presumably its justification for invoking Docket No. 16004 is based on the same considerations as its request for a waiver of § 73.636(a)(1). This is not a case where waiver is obviously appropriate, and the matter cannot be decided solely on the basis of Docket No. 16004, but instead requires a hearing to carefully balance the alleged benefits to the public against the possibility of adverse impact on UHF broadcasting and loss of service to persons residing to the southeast of Indianapolis.

9. Except as indicated by the issues set forth below, the applicant is legally, technically and otherwise qualified to construct as proposed.

10. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area immediately to the north of Indianapolis to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF service.

(b) To determine the extent to which the proposed operation would result in gains and losses in area and population and whether the proposed gains outweigh the potential losses of television service.

(c) To determine the extent, if any, that the applicant's proposal to establish an informal antenna farm to the northwest of Indianapolis would advance the public interest.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a waiver of § 73.636(a)(1) and grant of the application would serve the public interest, convenience and necessity.

11. *It is further ordered,* That the petitions to dismiss or deny filed by RJN Broadcasting, Inc., and Sarkes-Tarzian, Inc., and Geneco Broadcasting Co., are denied to the extent indicated above, and in all other respects are granted.

12. *It is further ordered,* That RJN Broadcasting, Inc., and Sarkes-Tarzian, Inc., are made parties to this proceeding.

13. *It is further ordered,* That, with respect to issues (a), (b), and (c) above, the burden of proceeding with the introduction of the evidence and the burden of proof shall be on Indiana Broadcasting Corp.

14. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant and the petitioners herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

15. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 2, 1970.

Released: September 9, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70–12386; Filed, Sept. 16, 1970; 8:49 a.m.]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on October 20, 1970, the following standard broadcast application will be considered as ready and available for processing:

BP–18670 KEYS, Corpus Christi, Tex.
Radio Corpus Christi, Inc.
Has: 1440 kc., 500 w., 1 kw.–LS, DA–N, U.
Req: 1440 kc., 1 kw., DA–N, U.

Pursuant to § 1.227(b)(1), § 1.591(b), and note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete, and tendered for filing at the offices of the Commission by the close of business on October 19, 1970.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to section 309(d)

[8] Commissioner H. Rex Lee absent.

[1] See report and order released July 18, 1968, FCC 68–739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: September 10, 1970.

Released: September 11, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-12384; Filed, Sept. 16, 1970; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

8900 LINES

Notice of Petition for Amendment

Notice is hereby given that the following petition has been filed with the Commission for approval.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the petition at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such petition, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed petition 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 is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation.

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

Notice of petition filed for approval by:

Mr. Stanley O. Sher, Counsel for Agreement No. 8900, 919 18th Street NW., Washington, D.C. 20006.

The member lines of Federal Maritime Commission Agreement No. 8900 (8900 Lines) have petitioned the Commission to amend § 541.1(a)2 of its General Order 26 by adding cargoes moving in the trade served by the 8900 Lines (i.e., the Persian Gulf trade) to the category permitted 15 days free time on export cargo at the ports of New York and Philadelphia.

The 8900 Lines have six active members serving the trade: Barber Lines A/S, Concordia Line, Hansa Line, Hellenic Lines, Koninklijke Nedlloyd, n.v., and States Marine Lines. Four of the members offer sailings about every 3 weeks from New York, while two member lines offer monthly sailings from New York. Sailings from Philadelphia are even less frequent.

Because of the infrequent sailings and the fact that not all of the vessels call at all ports in the Persian Gulf; the length of the voyage from the U.S. east coast to the Persian Gulf; and the limited number of lines serving that trade; the 8900 Lines believe that they fulfill all of the requirements laid down by the Commission in Docket 68-9, Free Time and Demurrage Charges on Export Cargo, and therefore should be granted an exception to the normal 10 days free time on export cargo.

Dated: September 14, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-12392; Filed, Sept. 16, 1970; 8:50 a.m.]

FARRELL LINES, INC., ET AL.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Seymour H. Kligler, Esquire, Herman Goldman, Attorneys and Counselors at Law, 120 Broadway, New York, N.Y. 10005.

Agreement No. 9896, among Farrell Lines, Inc., Moore-McCormack Lines, Inc., South African Marine Corp., Ltd., Springbok Lines, Ltd., and Springbok Shipping Co., Ltd., provides for the establishment of a sailing arrangement covering the scheduling of sailings by the parties from U.S. Atlantic coast ports (specifically New York, Philadelphia, and Baltimore) to ports in Southwest, South, Southeast, and East Africa and to ports in the islands of Madagascar, Reunion, Mauritius, the Comores, and Seychelles and in the islands of Ascension and St. Helena. The scheduling of sailings shall cover the period from September 25, 1970, to and including September 29, 1971, and shall be planned for successive 12-month periods subsequent to September 29, 1971. In the event a party is unable to sail a vessel on any dates that it has been scheduled for, it shall give notice to the other parties and any such other party or parties shall be free to advertise and/or sail a vessel on such dates.

Dated: September 14, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-12391; Filed, Sept. 16, 1970; 8:50 a.m.]

[Docket No. 70-35]

PORT OF SEATTLE, WASH., AND PACIFIC MOLASSES CO.

Order of Investigation and Hearing

On May 29, 1970, the Port of Seattle, Wash. (Port), and the Pacific Molasses Co. filed Agreement No. T-2423 for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814). The agreement provides for the lease of a bulk tank farm and use of certain terminal facilities for loading, unloading, handling and storage of bulk liquids.

The Commission has received a protest against approval of Agreement No. T-2423 from Fore Terminal, Inc. (Fore), urging that the agreement should not be approved because (1) it is detrimental to the commerce of the United States and contrary to the public interest and (2) the rental is not compensatory and will enable Pacific Molasses to control, regulate, prevent or destroy competition, in violation of section 15 of the Shipping Act, 1916.

The Port urges that (1) the agreement is not between two "other persons" subject to the Shipping Act and therefore does not require section 15 approval; and (2) the agreement is reasonable in view of the economic condition of the Port and the condition of the leased premises.

The Commission has considered Fore's protest and the comments of the Port and is of the opinion the agreement should be made the subject of a formal investigation to determine (1) whether the agreement is subject to section 15, Shipping Act, 1916, and (2) if so, whether the rental under the agreement is noncompensatory resulting in prejudice to other ports or terminals or in activities which control, regulate, prevent, or destroy competition, or which are otherwise in violation of the Act.

Now therefore, it is ordered, That the Commission, on its own motion, enter upon an investigation and hearing pursuant to section 22 of the Shipping Act,

1916, to determine whether (1) Agreement No. T–2423 is subject to section 15 of said Act and (2) if so, whether it should be approved, modified, or disapproved, pursuant thereto;

It is further ordered, That in the event any modification of this agreement is filed with the Commission, such agreement shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916.

It is further ordered, That the Port of Seattle and Pacific Molasses Co. are hereby made respondents in this proceeding; and Fore Terminal Inc., is hereby designated as petitioner;

It is further ordered, That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and copy of such order and notice of hearing be served upon respondents and petitioner;

It is further ordered, That persons other than respondents, petitioner, and Hearing Counsel who desire to become parties in this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, promptly with copy to all parties; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–12390; Filed, Sept. 16, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP71–47]

COLORADO INTERSTATE GAS CO.

Notice of Application

SEPTEMBER 9, 1970.

Take notice that on August 28, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP71–47 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing a short-term sale of gas to Rocky Mountain Natural Gas Co. Inc. (Rocky Mountain), and a related short-term exchange of gas between applicant, Cascade Natural Gas Co. (Cascade) and Mountain Fuel Supply Co. (Mountain Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authority to sell up to 10,256 Mcf per day to Rocky Mountain during the period from October 1, 1970, through March 31, 1971. Cascade will make deliveries to Rocky Mountain for applicant's account from the Divide Creek Field in Mesa County, Colo. These deliveries will be deducted from Cascade's sale to Mountain Fuel near Bonanza, Utah. Applicant will deliver equal volumes, on a daily basis, to Mountain Fuel in Sweetwater County, Wyo. for Cascade's account.

Applicant states that starting October 1, 1970, Rocky Mountain faces a critical shortage of gas and Rocky Mountain will not be able to meet its firm requirements in the 1970–71 heating season with only its existing gas supply.

Applicant's deliveries to Mountain Fuel will be made through an existing interconnection and no new facilities will be required.

Applicant will realize 25.5 cents per Mcf for all gas delivered to Rocky Mountain by Cascade. Cascade will receive 4.8752 cents per Mcf at 14.65 p.s.i.a. for all gas delivered to Rocky Mountain, and a minimum total of $45,000 over the term of the exchange, as compensation for services rendered.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–12353; Filed, Sept. 16, 1970; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

GIRARD TRUST BANK

Order Approving Assumption of Bank Liabilities

In the matter of the application of Girard Trust Bank for approval of assumption of liabilities of City Bank of Philadelphia.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Girard Trust Bank, Philadelphia, Pa. (Girard Trust), a member State bank of the Federal Reserve System, for the Board's prior approval of that bank's acquisition of assets and assumption of deposit liabilities of City Bank of Philadelphia, Philadelphia, Pa. (City Bank), which is under the receivership of the Secretary of Banking of the State of Pennsylvania. As an incident to the transaction, the sole office of City Bank would become an office of Girard Trust.

Published notice of the proposed acquisition of assets and assumption of liabilities and requests for reports on the competitive factors involved therein have been dispensed with as authorized by the Bank Merger Act.

Girard Trust ($1.7 billion deposits) and City Bank ($9.7 million deposits) are both located in Philadelphia, Pa. City Bank's only banking office was closed for insolvency by Pennsylvania State banking authorities and, as noted above, is under receivership of the Secretary of Banking of the State of Pennsylvania. On the basis of information before it, including communications with the Secretary of Banking and the Federal Deposit Insurance Corporation, the Board finds that an emergency situation exists, which the present application is intended to remedy, in order to safeguard depositors of City Bank.

The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, and concludes that such anticompetitive effects as may be attributable to consummation of the transaction would be clearly outweighed in the public interest by the considerations supporting and requiring the aforementioned finding. Any disposition of the application other than its approval on a basis that will not delay its consummation would be inconsistent with the best interests of depositors of City Bank.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved, and that the proposal shall be consummated immediately, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors, September 11, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70–12355; Filed, Sept. 16, 1970; 8:47 a.m.]

MIDWEST BANCORPORATION, 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)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Midwest Bancorporation, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of over 80 percent of the voting shares of Community State Bank, Kansas City, 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 to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

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

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

By order of the Board of Governors, September 10, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-12356; Filed, Sept. 16, 1970; 8:47 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

INTERIM MANDATORY DUST STANDARD

Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (3.0 mg/m³) have been filed as follows:

(1) ICP Docket No. 10027, Cannelton, Coal Co., Mine No. 4, USBM ID No. 46-01402-0, Superior, McDowell County, W. Va., section ID No. 001 (4 mine); and section ID No. 002 (2d Diagonal).

(2) ICP Docket No. 10028, Cannelton Coal Co., Mine No. 3, USBM ID No. 46-01403-0, Superior, McDowell County, W. Va., section ID No. 001, (Howdy House); section ID No. 002, (5th Left); and section ID No. 003 (1st Right Panel).

(3) ICP Docket No. 10217, Old Ben Coal Corp., Mine No. 24, USBM ID No. 11-00589-0, Benton, Franklin County, Ill., section ID No. 001, (7th, 8th, 9th, North Panel off 9th East South.).

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

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 14, 1970.

[F.R. Doc. 70-12383; Filed, Sept. 16, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 86]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 11, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's General Rules of Practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contained a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 200 (Sub-No. 241), filed August 26, 1970. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh, Suite 1200, Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* (except hides and commodities in tank vehicles), from Rock Port, Mo., to points in Florida, Georgia, Alabama, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

[1] Copies of Special Rule 247 (as amended can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 200 (Sub-No. 240) (Correction), filed August 24, 1970, published in the FEDERAL REGISTER issue of September 10, 1970, corrected and republished in part, as corrected this issue. Applicant: RISS INTERNATIONAL CORPORATION, 100 West 10th Street, also Post Office Box 2809, Wilmington, Del. Mailing address: 903 Grand Avenue, Kansas City, Mo. 64106. NOTE: The purpose of this partial republication is to include Louisville, Ky., as an origin point, which was inadvertently omitted from previous publication.

No. MC 1367 (Sub-No. 4), filed August 17, 1970. Applicant: OWL TRANSFER & STORAGE COMPANY, INC., 3623 Sixth Avenue South, Seattle Wash. 98136. Applicant's representative: George R. LaBissoniere, 15625 Maple Wild SW., Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives; commodities in bulk; commodities because of size or weight require the use of special equipment; and household goods as defined by the Commission), from Seattle, Wash., to points in Latcomb, Skagit, Snohomish, King, Pierce, Thurston, Grays Harbor, Mason, Lewis, Cowlitz, Clark, Skamania, Pacific, Kitsap and Island Counties, Wash., restricted to traffic having a prior or subsequent movement by rail, water, or air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 103647, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 3094 (Sub-No. 17), filed August 28, 1970. Applicant: SERVICE MOTOR FREIGHT, INC., Post Office Box 36, Barrington, N.J. 08007. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, and paper products, and commodities* used in the manufacture thereof, between Tallman, N.Y., and points in Pennsylvania, Vermont, Massachusetts, Connecticut, New Jersey, Rhode Island, Maryland, and Delaware, under a continuing contract or contracts with International Paper Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 480), filed August 24, 1970. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution control equipment, including but not limited to dust collecting machinery and parts thereof, scrubbers, and pneumatic conveying systems and related parts*, from Essex, Mass., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 28060 (Sub-No. 19), filed August 21, 1970. Applicant: WILLERS, INC., a corporation, doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), (a) from the plantsite and storage facilities of John Morrell & Co. at or near Sioux Falls, S. Dak., Worthington, Minn., and Estherville, Iowa, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin; and (b) between plantsites and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., and Worthington, Minn., on the one hand, and, on the other, plantsites and storage facilities of John Morrell & Co. at or near Estherville and Ottumwa, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 29886 (Sub-No. 264), filed August 23, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 400 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* in initial movements in driveaway service, from Warren, Mich., to points in Wyoming, Maine, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 29910 (Sub-No. 91), filed August 28, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, classes A and B explosives, currency, bullion, articles of virture, commodities which exceed ordinary equipment and loading facilities, and those injurious or contaminating to other lading), serving the plantsite of Mobay Chemical Co. near Baytown, Tex., as an off route point in connection with carrier's regular-route operations to and from Houston, Tex. NOTE: Applicant states that the requested authority will be combined with all of its authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 51018 (Sub-No. 8) (Correction), filed August 5, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished in part as corrected this issue. Applicant: THE BESL TRANSFER COMPANY, a corporation, 5550 Easte Avenue, Cincinnati, Ohio 45232. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004, and Timothy A. Garry, 18th Floor, Provident Tower, Cincinnati, Ohio 45202. The purpose of this partial republication is to show Item (1)(a) between the junction of Interstate Highway 75 and 70, on the one hand, and, on the other, those points in Ohio on or south of "U.S. Highway 36, and on the west" of U.S. Highway 21, serving the junction of Interstate Highway 75 and 70 for purpose of joinder only with the authority described in (b) below. The quoted part was inadvertently omitted. The rest of the application remains the same.

No. MC 51146 (Sub-No. 172), filed August 20, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602, D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, having a prior movement by water carriage, from Chicago, Ill., and its commercial zone, to points in Indiana, Illinois, Iowa, Minnesota, Nebraska, and Wisconsin. NOTE: Applicant states the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 174), filed August 20, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602, D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in McMinn County, Tenn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, Indiana north of U.S. Highway 40, and Louisville, Ky.; St. Louis, Mo., Indianapolis and Columbus, Ind.; and their commercial zones, and the District of Columbia, and (2) *materials and supplies*, used in the manufacture and distribution of paper and paper products, from the destination points in (1) above to McMinn County,

Tenn. NOTE: Applicant states the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65224 (Sub-No. 3), filed August 27, 1970. Applicant: HENNIS FREIGHT LINES OF CANADA, LIMITED, doing business as FLORIDA REFRIGERATED SERVICE, U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report of Motor Carrier Certificates, 61 M.C.C. 209 and 766, and dairy products substitutes, from Springfield and Stanford, Ky., to points in California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 288) (Correction), filed August 3, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished in part, as corrected, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. NOTE: The purpose of this partial republication is to reflect the correct name of the applicant as C & H TRANSPORTATION CO., INC., inadvertently shown as C & H *Manufacturing* Co., Inc., in the previous publication. The rest of the application remains as previously published.

No. MC 83539 (Sub-No. 296), filed August 25, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal processing machinery and parts therefor*, from the plantsite of L & F Machine Co. at Huntington Park, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC–83539 (Sub-No. 297), filed August 25, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feedwater heaters, condensers, process equipment, heat exchangers, and parts* therefor, from the plantsite of Southwestern Engineering Co. at City Of Commerce, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC–83539 (Sub-No. 298), filed August 25, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filters and filter parts*, from Whittier, Calif., to points in the United States (except Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 92633 (Sub-No. 16), filed August 31, 1970. Applicant: ZIRBEL TRANSPORT, INC., 420–28th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles and parts; and used automobile parts*, from points in Idaho to points in Multnomah and Washington Counties, Oreg., and Pierce, King, and Spokane Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, Portland, Oreg., Spokane or Seattle, Wash.

No. MC 95084 (Sub-No. 79), filed August 31, 1970. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, agricultural implements, farm machinery, and industrial and construction machinery, and equipment and parts, and attachments* of tractors, agricultural implements, farm machinery and industrial and construction machinery and equipment, from Coldwater, Ohio, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plantsites and warehouses of AVCO New Idea Farm Equipment Division, AVCO Distributing Corp., and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic in foreign commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 95540 (Sub-No. 788), filed August 31, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicle), from Louisville, Ky., and Evansville, Indianapolis, and Washington, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 97260 (Sub-No. 5), filed August 5, 1970. Applicant: NORTH ALABAMA EXPRESS, INC., Post Office Box 610, Alexander City, Ala. 35010. Applicant's representatives: J. Douglas Harris and James D. Harris, Jr., 410 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those requiring special equipment, commodities in bulk and commodities injurious to other lading, from, to and between points on and along the following regular routes, subject to restrictions noted: (1) Between Roanoke, Ala., and Atlanta, Ga., including the commercial zone of Atlanta, Ga.: From Roanoke over Alabama Highway 22 to the Alabama-Georgia State line; thence over Georgia Highway 34 to Newnan, Ga.; thence over Federal Highway Interstate 85 to Atlanta, Ga.; (2) Between Lanett, Ala., and West Point, Ga., over U.S. Highway 29; (3) Between Anniston and Sylacauga over Alabama Highway 21, serving all intermediate points; (4) Between Birmingham and Sylacauga over Alabama Highway 38, also U.S. Highway 280; (5) Between Sylacauga and Opelika over U.S. Highway 280, also Alabama Highway 38, serving all intermediate points; (6) Between Anniston and Goodwater: (a) From Anniston to Heflin over U.S. Highway 78, (b) from junction U.S. Highway 78 and Alabama Highway 21 over Alabama Highway 21 to Sylacauga thence over Alabama Highway 38, also U.S. Highway 280 to Opelika, and return over the same route, serving all intermediate points;

(8) Between Lafayette and Opelika: (a) From Lafayette to Lanett over Alabama Highway 50; (b) From Lanett to Opelika over U.S. Highway 29, with service at Rock Mills and Pepperell as off-route points and serving all intermediate points; and (c) Between Lanett and

Opelika over Interstate Federal Highway 85 for operating convenience only. (9) Between Whitney and Harpersville: (a) From Whitney to Ashville over Alabama Highway 53, also U.S. Highway 231; and (b) From Ashville to Harpersville over Alabama Highway 25, serving all intermediate points; (10) Between Lincoln and Wedowee: (a) From Lincoln to Talladega over Alabama Highway 77; (b) From Talladega to Wedowee over Alabama Highway 77, 9 and Alabama Highway 48, and return over the same route, serving all intermediate points; (11) Between Easonville, Ala., and Alabama Highway 77 as follows: Commencing at Easonville thence northerly over Alabama Highway 53 to Cropwell, Ala., thence easterly over Alabama Highway 34 to its junction with Alabama Highway 77, and return, serving all intermediate points; (12) Between Talladega and Harpersville: (a) From Talladega to junction unnumbered county road and Alabama Highway 25 over unnumbered county highway; and (b) from junction of Alabama Highway 25, with unnumbered county road to Harpersville over Alabama Highway 25; (13) Between Alexander City and Roanoke over Alabama Highway 22, serving all intermediate points; (14) Between Camp Hill and Lafayette over Alabama Highway 50, serving no intermediate points; (15) Between Wetumpka and Sylacauga over Alabama Highway 21 and U.S. Highway 231, and return over the same route, serving all intermediate points; (16) Between Childersburg and Winterboro over Alabama Highway 76, for operating convenience only, with no service whatsoever at any intermediate points; (17) Between Lafayette and Wadley over Alabama Highway 77, serving all intermediate points; (18) Between Birmingham and Hefln, Ala. over U.S. Highway 78 and/or Federal Interstate Highway 20, serving only the points now authorized to be served under certificate 1264, for Convenience of the carrier only; (19) Between Wetumpka and Montgomery, Ala., over U.S. Highway 231, serving all intermediate points. Restriction: No service between Montgomery, on the one hand and Birmingham, on the other hand; (20) Between Opelika and Phenix City, Ala. over U.S. Highway 280, serving all intermediate points; (21) Between Alexander City and Wetumpka, Ala.: (a) Commencing at Alexander City, thence in a southwesterly direction over Alabama Highway 22 to its intersection with Alabama Highway 9, thence in a southerly direction over Alabama Highway to Wetumpka, and return over the same route, serving all intermediate points, and (b) over Alabama Highway 63, serving all intermediate points and off-route point of Tallassee, Ala. NOTE: Applicant states that it will tack all separate paragraphs with any other paragraph where possible. The purpose of this application is to convert its certificate of registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Birmingham and Montgomery, Ala., or Atlanta, Ga.

No. MC 103993 (Sub-No. 561), filed August 30, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, prom points in Wood County, W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, Vermont, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Utah, Idaho, Nevada, California, Oregon, and Washington, and (2) *building sections, building parts, building materials* (except in bulk) and *equipment and accessories* used in the erection and completion of the commodities in (1) and (2), from points in Wood County, W. Va., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Parkersburg, W. Va.

No. MC 104724 (Sub-No. 13), filed August 31, 1970. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30301. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, canned or bottled, and *concentrate or syrup* (not frozen), in containers, from the plant and warehouse sites of Custom Canners, Inc., in Gwinnett and De Kalb Counties, Ga., to points in Florida, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Maryland, District of Columbia, and (2) *materials, supplies, and equipment*, from the above-named destination territory to the plant and warehouse sites of Custom Canners, Inc., in Gwinnett and De Kalb Counties, Ga., under contract with Custom Canners, Inc. NOTE: Applicant holds common carrier authority under Docket No. 106644 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106644 (Sub-No. 109), filed August 26, 1970. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment and handling by reason of size or weight, and *machinery and self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Arkansas, and Texas, on the one hand, and on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the purpose of this application is to eliminate the Georgia gateway presently existing in its lead certificate, Sub 30, 41, and 106 authorities. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Atlanta, Ga.

No. MC 107295 (Sub-No. 427), filed August 20, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trays, channels, nuts, bolts, washers, fittings, and accessories*, from Highland, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 108449 (Sub-No. 318), filed August 26, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Adoph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53702, W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall and insulating*, from Kalamazoo, Mich., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108676 (Sub-No. 38), filed August 17, 1970. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles; machinery, equipment, and supplies* used in the manufacture and distribution of *paper and paper articles; parts, attachments and accessories* for machinery used in the manufacture and distribution of paper and paper articles, between points in Knox County, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 110683 (Sub-No. 77), filed August 24, 1970. Applicant: SMITH'S

TRANSFER CORPORATION, Post Office Box No. 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Gentner Packing Co., at South Bend, Ind., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111687 (Sub-No. 34), filed August 20, 1970. Applicant: BENJAMIN H. RUEGSEGGER, Route No. 1, Kawkawlin, Mich. 48631. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, ale, beer, beer tonics, beverage compounds* or other such incidental facilities used in transporting malt beverages, from La Crosse and Sheboygan, Wis., to points in the Lower Peninsula of Michigan (except Bay City and Saginaw, Mich.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Madison, La Crosse or Milwaukee, Wis.

No. MC–114273 (Sub-No. 72), filed August 27, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and/or storage facilities utilized by Ocean Spray Cranberries, Inc., at or near Kenosha, Wis., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114569 (Sub-No. 91), filed August 21, 1970. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk and except frozen foods) from Plymouth, Ind., Allegan County, Mich., and Somers, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114647 (Sub-No. 23), filed August 20, 1970. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, Post Office Box 206, Highway 69 South, Forest City, Iowa 50436. Applicant's representative: William L. Fairbanks, 610 Hubbell Building, Des Moines, Iowa 50300. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pontoon-type boats*, assembled or knocked down and *boat parts, boat trailers, boat accessories, blocking and shoring materials, and advertising matter*, related to, and when moving in mixed shipments with pontoon-type boats, from points in Hancock and Winnebago Counties, Iowa, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, Oklahoma, Oregon, Rhode Island, points in New York east of U.S. Highway 81, and points in Pennsylvania south and east of U.S. Highway 62, (2) *pontoon-type boats*, assembled or knocked down, weighing in excess of 5,100 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 Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, Oklahoma, Oregon, Rhode Island, points in New York east of U.S. Highway 81, and points in Pennsylvania south and east of U.S. Highway 62,

(3) *Pontoon-type boats and hull-type boats* assembled or knocked down, 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 Warren County, Iowa, to points in the United States (except Alaska, Hawaii and Iowa), (4) *pickup camper coaches and camper trailers*, from Forest City, Iowa, to points in Alabama, Arizona, California, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Mississippi, Nevada, North Carolina, South Carolina, Tennessee, Utah, Virginia, West Virginia, and Oregon, (5) *truck fertilizer spreader bodies, tractor trailer spreaders, and truck commercial feed bodies*, from Quimby, Iowa, to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Vermont, Virginia, Washington, West Virginia, Oregon, and Rhode Island, (6) *used nurse tanks and used fertilizer spreaders*, between points in Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Oklahoma, and (7) *pickup camper coaches, camper trailers, and motor homes*, in drive-away service, from Forest City, Iowa, to points in the United States (except Alaska, Hawaii and Iowa). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 114897 (Sub-No. 88), filed August 20, 1970. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnesium chloride brine*, in bulk, in tank vehicles, from Duval Mine, located approximately 15 miles east of Carlsbad, N. Mex., to points in Pima, Santa Cruz, Cochise, Yuma, Pinal, Graham, Greenlee, Maricopa, Gila, Mohave, and Yavapai Counties, Ariz. NOTE: Common Control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 115162 (Sub-No. 204), filed August 31, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rods, nuts, bolts, and washers*, between ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115669 (Sub-No. 111) (Amendment), filed May 18, 1970, published in the FEDERAL REGISTER issue of June 18, 1970, and republished in part, as amended this issue. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68933. The purpose of this partial republication is to reflect Colorado and Oklahoma as destination points in lieu of Colorado and Kansas in part

(2) of the previous publication. The rest of the application remains as previously published.

No. MC 115793 (Sub-No. 11), filed August 20, 1970. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, N.C. 28645. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packing or packaging material* from the plantsites of Cellu-Products Co. and subsidiary plants located at or near Patterson, Caldwell County, N.C., to points in Missouri and (2) *new furniture and furniture parts* from Hickory, Conover, Newton, and Lincolnton, N.C. (except the plantsites of Broyhill Furniture Industries located at Newton and Conover, N.C.), to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 119192 (Sub-No. 5) (Amendment), filed July 23, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished as amended this issue. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, Conn. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Home furnishings and furniture, from carrier's terminal in Bridgeport, Conn., to points in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey, and (2) *general commodities* (except those of unusual value, dangerous explosives, and household goods as defined by the Commission), restricted to shipments not exceeding 50 pounds each from one shipper to one consignee on 1 day, from carrier's terminal in Bridgeport, Conn., to points in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey, restricted to shipments having an immediately prior movement to carrier's terminal by motor vehicle in interstate commerce, under contract with Popular Services, Inc. NOTE: The purpose of this republication is to add part (2) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119777 (Sub-No. 189), filed August 24, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representatives: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42401, and William G. Thomas (same addres as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood fiberboard, wood fiberboard* faced or finished with decorative or protective materials, (2) *accessories, materials, and supplies* used in the manufacture of the commodities described in (1) above from points in the United States (except Alaska and Hawaii) to Laurel, Miss., and (3) *byproducts of hardboard manufacturing*, including but not limited to *bark hemicellulose extract, cellulose, and wood fibers*, from Laurel, Miss., to points in the United States (except Alaska and Hawaii) to Laurel, Miss., and (3) *byproducts of hardboard manufacturing*, including but not limited to *bark hemicellulose extract, cellulose, and wood fibers*, from Laurel, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract authority under MC 126970, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 119789 (Sub-No. 33) (Amendment), filed July 29, 1970, published FEDERAL REGISTER issue of August 20, 1970, amended September 2, 1970, and republished as amended this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged foodstuffs*, from Hoopeston, Princeville, and Streator, Ill., Maysville, Durand, and Mondovi, Wis., and Fowlerton, Ind., to points in Arkansas, Mississippi, Alabama, Georgia, Florida, Louisiana, Texas, Oklahoma, New Mexico, Colorado, Utah, Arizona, Nevada, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add the origin points of Durand and Mondovi, Wis. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Dallas, Tex., or Washington, D.C.

No. MC 123157 (Sub-No. 16), filed August 28, 1970. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Crestmore and Oro Grande, Calif., to points in Arizona (except points in Yuma and Mohave Counties). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 124078 (Sub-No. 454), filed August 31, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Medusa Portland Cement Co. at Wampum, Pa., to points in Indiana, Michigan, New York, Ohio, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 157), filed September 2, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers and boiler sections, cast iron, heaters, radiators, pipe or tubing, building sheet metal work, plumbing fixtures, motors, housings or enclosures, and attachments, fittings, parts and accessories, materials, equipment, and supplies*, used or useful in the distribution, sale, and installation of the aforementioned commodities, from points in Erie and Niagara Counties, N.Y., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 158), filed September 2, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick and shapes, furnaces, air conditioners, cleaners, humidifiers and washers, motors, blowers or fans, and machinery parts, steel elements, burners and attachments, heating apparatus and controls, cabinets and housing units, and attachments, fittings, parts, and, accessories, materials, equipment, and supplies* used or useful in the distribution, sale, and installation of the aforementioned commodities, from points in Lorain County, Ohio, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126738 (Sub-No. 4), filed August 24, 1970. Applicant: CENTER DISTRIBUTING COMPANY, a corporation, 78th and Serum, Ralston, Nebr. 68127. Applicant's representative: Clayton H. Shrout, 1004 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled and canned beverages* (except alcoholic and malt beverages), from Mahaska Bottling Co., Oskaloosa, Iowa, to sites and plants of Pepsi Cola Bottling Co. in Illinois, Wisconsin,

Minnesota, South Dakota, and Oklahoma, under contract with Mahaska Bottling Co.; and *carbonated beverages* in containers, *and empty containers, pallets, vending machines, syrups, advertising material, and equipment* used in the manufacture and sale of carbonated beverages (except alcoholic or malt beverages), for the account of Pepsi Cola Bottling Co., under contract with Mahaska Bottling Co., on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 128021 (Sub-No. 4), filed August 20, 1970. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk in tank vehicles and hides), from points in Iowa, Kansas, Missouri, Nebraska, and Texas to the plantsite and warehouse facilities of the Frosty Morn Meats, Inc., at Montgomery, Ala., under contract with Frosty Morn Meats, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 128293 (Sub-No. 3), filed August 21, 1970. Applicant: ACTRON CORPORATION, 52 Northern Avenue, Boston, Mass. 02210. Applicant's representative: Neal Holland, % Sherburne, Powers & Needham, 225 Franklin Street, Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sudbury, Mass., to points in Maine, Massachusetts, Rhode Island, Connecticut and to points in New Hampshire on and south of U.S. Highway 4 (including Portsmouth, N.H., and on and east of U.S. Highway 3). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 128313 (Sub-No. 3), filed August 26, 1970. Applicant: TEMPO TRUCKING, INC., 2101 Kenskill Avenue, Washington Court House, Ohio 43160. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* (except commodities in bulk), from points in Franklin County, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Kansas, Virginia, and West Virginia, restricted to service performed under a continuing contract or contracts with Coil, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129150 (Sub-No. 4), filed August 31, 1970. Applicant: CIACCIA TRUCKING COMPANY, INC., 106 Industrial Street, Rochester, N.Y. 14608. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles*, in secondary movements, in truckaway service, from the city of Rochester, Monroe County, N.Y., to Bordentown, county of Burlington, N.J. and *refused, returned, and rejected vehicles* in the reverse direction from Bordentown, N.J., and Manheim, Pa., to Rochester, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 129923 (Sub-No. 4), filed August 27, 1970. Applicant: SHIPPERS TRANSPORTS, INC., 2000 Wheeler Street, West Memphis, Ark. 72301. Applicant's representative: Edward G. Grogan, 2020 First National Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, liquid*, in glass packages, tin or containers; *tea* in packages, *wheat products, sugar, salt*, in barrels, drums, packages or containers (but not in bulk or tank vehicles), from points in Massachusetts, New Jersey, and Pennsylvania, to Tulsa, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Memphis, Tenn.

No. MC 133814 (Sub-No. 8), filed July 6, 1970. Applicant: E. E. CARROLL, doing business as CARROLL TRUCKING, 3533 Audubon Road, Montgomery, Ala. 36111. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel and components thereof, prefabricated steel buildings and components thereof, building materials and related articles thereto, and scrap metals*, between points in Alabama, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and the points of Taylorville and Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 134323 (Sub-No. 6) (Amendment), filed July 27, 1970, published in the FEDERAL REGISTER issue August 20, 1970, amended August 27, 1970, and republished as amended this issue. Applicant: JAY LINES, INC., Post Office Box 1644, 6210 River Road, Amarillo, Tex. 79109. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 63501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, and periodicals*, from Kokomo, Ind., to points in New Mexico, Texas, Colorado, Louisiana, and Oklahoma under continuing contract with Hearst Magazines, Division of Hearst Corp. NOTE: The purpose of this republication is to show from Kokomo, Ind., in lieu of from the plantsite and storage facilities used by Hearst Publications at or near Kokomo, Ind. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Lincoln, Nebr.

No. MC 134454 (Sub-No. 1), filed August 24, 1970. Applicant PRICE DELIVERY SERVICE, INC., 367 West Second Street, Dayton, Ohio 45402. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Concrete products*, (b) *pipe fittings*, and (c) *materials and supplies* incidental to the manufacture of concrete products, between the plantsites of Price Brothers Co. in Montgomery, Wyandot, Franklin, Muskingum, Lorain, Stark, and Portage Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Pennsylvania, New York, West Virginia, Michigan, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134571 (Sub-No. 1), filed August 18, 1970. Applicant: RUSSELL L. REISERER AND RUTH H. REISERER, a partnership, doing business as RIEDER'S MOVING & STORAGE, 930 East California Street, Sunnyvale, Calif. 94086. Applicant's representative: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in Santa Cruz, Santa Clara, San Mateo, Alameda, Contra Costa, San Francisco, and Marin Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134574 (Sub-No. 2), filed August 20, 1970. Applicant: FIGOL DISTRIBUTORS LIMITED, 9727 110th Street, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* in vehicles equipped with mechanical refrigeration, from points on the international boundary line between the United States and Canada located in Idaho and Montana, to points in California, restricted to shipments having an origin in Canada. NOTE: Applicant holds contract carrier authority under Docket No. 124972 Sub 2, therefore, dual operations may be involved. Applicant states that the requested authority cannot be

tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134722 (Sub-No. 1), filed August 23, 1970. Applicant: WAYNE C. BUGBEE, doing business as BUGBEE TRUCKING, 834 Sixth Street, Erie, Ill. 61250. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry milk solids*, from Erie, Ill., to points in Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, and Ohio and (2) *Whey*, from points in Wisconsin and Minnesota to Erie, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134884 (Sub-No. 1), filed August 27, 1970. Applicant: FARWEST FURNITURE TRANSPORT, INC., 6840 112th Avenue SE., Renton, Wash. 98055. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, between points in Washington, Oregon, California, Arizona, Nevada, Utah, and Idaho, NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134888, filed August 24, 1970. Applicant: MOROSA BROS. TRANSPORTATION CO., a corporation, 3831 Pierce Road, Bakersfield, Calif. 93308. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, dry, in bulk, and in demountable containers or bins, from points in Imperial, Riverside, Kern, Los Angeles, Inyo, Merced, Madera, and Kings Counties, Calif., to Stockton, Calif., and points in the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, and *empty containers or bins*, on return. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134890, filed August 24, 1970. Applicant: DELBERT N. DEYOUNG, doing business as CUPERY & DEYOUNG TRANSIT, Friesland, Wis. 53935. Applicant's representative: Edward Solie, Executive Building, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Suede and patent leather and suede and patent leather products*, from Milwaukee, Wis., to points in the United States east of the eastern boundaries of Montana, Wyoming, Colorado, and New Mexico, and (2) *returned shipments and materials, supplies and equipment* used or useful in the manufacture or distribution of the commodities described in the paragraph above (except commodities in bulk), from points in the above described destination territory to Milwaukee, Wis., under a continuing contract or contracts with General Split Corp., Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 134891, filed August 27, 1970. Applicant: ED GUZZO ON TIME DELIVERY SERVICE, INC., 60 Pennsylvania Avenue, Montvale, N.J. 07645. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Interoffice communications, office records, proofs, advertising and publication items*, between Westwood, N.J., on the one hand, and, on the other, New York, N.Y., and Stamford, Norwalk, and Bridgeport, Conn., (2) *proofs, galleys, printed bulk literature, bulk addressed envelopes, and unprinted material therefor*, between Saddle River, N.J., on the one hand, and, on the other, New York, N.Y., White Plains, Orangeburg, and Pleasantville, N.Y., (3) *leather goods, hand made suitcases, and leather and wool materials and supplies* used in the manufacture thereof, between Hackensack, N.J., and New York, N.Y., and (4) *typewriters and parts thereof, paper, key punch, and component parts thereof*, from Paramus, N.Y., to New York, N.Y., and points in Connecticut on and south of U.S. Highway 44, and on and west of U.S. Highway 91. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 134893, filed August 24, 1970. Applicant: GEORGE D. SNYDER, Rural Delivery No. 1, Brookville, Pa. 15825. Applicant's representative: H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk in dump vehicles, between McCalmont Township and Reynoldsville Borough, Jefferson County, Pa., on the one hand, and, on the other, points in Wyoming County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 154), filed August 20, 1970. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in one way and round trip special operations, beginning at all points in the following named counties and places on Greyhound Lines, Inc., regular routes as authorized in MC 1515 and subs, and at all other points in Chemung, Tioga, Broome, Richmond, Kings, New York, Bronx, Queens, Nassau, and Suffolk Counties, N.Y.; Salem, Gloucester, Atlantic, Burlington, Bergen, Essex, Hudson, Union, Middlesex, Somerset, Mercer, and Camden Counties, N.J.; New Castle County, Del.; Montgomery, Prince Georges, Howard, Anne Arundel, Baltimore, Harford, and Cecil Counties, Md.; Adams, Cumberland, Dauphin, Lebanon, Berks, Montgomery, Luzerne, Lackawanna, Wyoming, Susquehanna, Bradford, Lancaster, Lehigh, Chester, Delaware, Bucks, Schuylkill, Carbon, and Philadelphia Counties, Pa.; and the city of Baltimore, Md., and the District of Columbia, and extending to all points in the United States, including Alaska but excluding Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Baltimore, Md., Philadelphia, Pa., New York, N.Y., Scranton, Pa., or Harrisburg, Pa.

No. MC 63390 (Sub-No. 16), filed August 25, 1970. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. 19530. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in round-trip special operations, beginning and ending at points in Berks County, Pa., and extending to points in the Continental United States. NOTE: Applicant presently holds common property authority under its No. MC 59272 and subs. If a hearing is deemed necessary, applicant requests it be held at Reading, Pa.

APPLICATION FOR WATER CARRIER

No. W-1252 (PORT ROYAL MARINE CORPORATION CONTRACT CARRIER APPLICATION), filed August 26, 1970. Applicant: PORT ROYAL MARINE CORPORATION, South Carolina Ports Authority Terminals, Port Royal, S.C. Application of Port Royal Marine Corporation, filed August 26, 1970, for a permit to institute a new operation as a *contract carrier* by water, in interstate or foreign commerce in the transportation of *property generally*, between ports and points in Norfolk, Va.; Morehead, N.C.; Burnswick, Ga.; Miami, Fla.; Wilmington, N.C.; Augusta, Ga.; Charleston, S.C.; Bainbridge, Ga.; Georgetown, S.C.; Columbus, Ga.; Port Royal, S.C.; Jacksonville, Fla.; Savannah, Ga.; and Port Everglades, Fla.

FREIGHT FORWARDER APPLICATION

No. FF-269 (ALOHA CONSOLIDATORS AND FREIGHT FORWARDERS—EXTENSION—OREGON), filed September 1, 1970. Applicant: ALOHA CONSOLIDATORS AND FREIGHT FORWARDERS, Post Office Box 20039, Long Beach, Calif. 90801. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by water, motor, and rail common carrier in the transportation of *General commodities*, except household goods as defined by the Commission, unaccompanied baggage

and used automobiles, between points in Hawaii, on the one hand, and, on the other, points in Oregon and Washington.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12307; Filed, Sept. 16, 1970; 8:45 a.m.]

[No. MC-C-6953]

EXEMPT STATUS OF PRECOOKED AND COOKED POULTRY

Petition for Declaratory Order

SEPTEMBER 14, 1970.

At the request of interested persons, the time for filing written representations in favor of, or against, the requested declaratory order that (1) cut-up, precooked or cooked, frozen or refrigerated poultry, (2) cut-up, precooked or cooked, breaded and/or battered, frozen or refrigerated poultry, and (3) cut-up, precooked or cooked, marinated, breaded and/or battered, frozen or refrigerated poultry constitute "exempt" agricultural commodities the transportation of which is not subject to economic regulation by this Commission pursuant to section 203 (b)(6) of the Interstate Commerce Act, is extended to November 2, 1970.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12394; Filed, Sept. 16, 1970; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 14, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 42047—*Petroleum oil, n.o.i.b.n., from specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-184), for interested rail carriers. Rates on petroleum oil, n.o.i.b.n., in tank carloads, as described in the application, from Dickinson, Nadeau, North Seadrift, and Texas City, Tex., to Institute and South Charleston, W. Va.

Grounds for relief—Barge competition.

Tariffs—Supplements 266 and 199 to Southwestern Freight Bureau, agent, tariffs ICC 4486 and 4530, respectively.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12397; Filed, Sept. 16, 1970; 8:50 a.m.]

[Notice 150]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 11, 1970.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131 published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36900 (Sub-No. 14 TA), filed August 19, 1970, published in the FEDERAL REGISTER issue of September 1, 1970, and republished in part as corrected, this issue. Applicant: U.S. VAN LINES, INC., 1314 Chattahoochee Avenue NW., Post Office Box 2957, Atlanta, Ga. 30318. Applicant's representative: Frank W. Taylor, Law Offices Reeder, 1221 Baltimore Avenue, Kansas City, Kans. 64105. NOTE: The purpose of this partial republication is to show the corrected MC number as, MC 36900 Sub 14, in lieu of MC 36009 Sub 14. The rest of the application remains as previously published.

No. MC 85465 (Sub-No. 27 TA), filed September 8, 1970. Applicant: WEST NEBRASKA EXPRESS, INC., 709 Mill Drive, Post Office Box 350, Scottsbluffs, Nebr. 69361. Applicant's representative: T. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities requiring special equipment and except commodities in bulk, between (1) Cheyenne, Wyo., and Lusk, Wyo.; and (2) between Cheyenne, Wyo., and Guernsey, Wyo.; (1) from Cheyenne, to Lusk over U.S. Highway 85 and return over the same route, and (2) from Cheyenne to Torrington, Wyo., over U.S. Highway 85, thence from Torrington Wyo., to Guernsey over U.S. Highway 26, and return over the same route, serving all intermediate points in both (1) and (2), and off-route points of Lagrange, Wyo., for 150 days. NOTE: Applicant will tack with its sub 2 and sub 3 certificates, copies of which are attached. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 110328 (Sub-No. 9 TA), filed September 8, 1970. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Tornonita Street, Post Office Box 567, York, Pa. 17402. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chains*, from York, Pa., to Woburn, Mass., for 180 days. Supporting shipper: Campbell Chamin, Division of Unitec Industries, Post Office Box 1667, York, Pa. 17405. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 114123 (Sub-No. 37 TA), filed September 8, 1970. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup, mixtures of liquid or invert sugar, and corn syrup and flavoring syrup*, in bulk, in tank vehicles, between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, and Virginia (Alexandria, Va., only), for 150 days. Supporting shippers: Pepsi Co., Inc., Purchase, N.Y. 10577; Sucrest Crest Corp., 120 Wall Street, New York, N.Y. 10005. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 115295 (Sub-No. 13 TA), filed September 8, 1970. Applicant: BOB UTGARD, doing business as UTGARD TRUCKING, Route 3, New Richmond, Wis. 54017. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Savage, Minn., to Wild Rose, Wis., and points in Wisconsin and on and west of U.S. Highway 51 and on and north of U.S. Highway 18, for 150 days. Supporting shipper: Cargill, Inc., Minneapolis, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Courthouse, 110

South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133627 (Sub-No. 2 TA), filed September 9, 1970. Applicant: COMMON MARKET DISTRIBUTING CORPORATION, 310 West Watkins Road., Post Office Box 3902, Phoenix, Ariz. 85003. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap auto bodies*, from points in Utah and Nevada to National City, Calif., for 180 days. Supporting shipper: Scrap Disposal, Inc., Post Office Box 716, 823 West 17th Street, National City, Calif. 92050. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 134840 (Sub-No. 1 TA), filed September 8, 1970. Applicant: HARRY WANN, doing business as TWIN CITY DRAYAGE, Route 3, De Soto, Mo. 63020. Applicant's representative: B. W. LaTourette, Jr., 1850 Railway Exchange Building, 611 Olive Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nuclear materials* for the account of United Nuclear Corp., from Oak Ridge, Tenn., to Hematite, Mo., for 150 days. Supporting shipper: United Nuclear Corp., Commercial Products Division, Route 21A, Hematite, Mo. 63047. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 134859 (Sub-No. 1 TA), filed September 8, 1970. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, Ill. 62896. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, in shipper-owned trailers, from site of Meramec Mining Co., near Sullivan, Mo., to coal mines located in Illinois and Kentucky, for 180 days. Supporting shipper: Reiss Viking Corp., 541 Oakwood Street, Bristol, Tenn. 37622. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

MOTOR CARRIER PASSENGERS

No. MC 134909 TA, filed September 8, 1970. Applicant: RAMIREZ TRANSPORTATION CO., INC., 1504 West 18th Street, Chicago, Ill. 60608. Applicant's representative: Robert H. Hirsch, 30 North La Salle Street, Suite 700, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage*, not in excess of 12, between Chicago, Ill., and Laredo, Tex., serving no intermediate points, on a neighborhood door to door basis rather than terminal to terminal, for 180 days. Supporting shippers: There are approximately (31) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12400; Filed, Sept. 16, 1970; 8:50 a.m.]

[Notice 151]

MOTOR CARRIER TEMPORARY AUTHORITY APPPLICATIONS

SEPTEMBER 14, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 76032 (Sub-No. 262 TA), filed September 9, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Calif., to points in Arizona, California, Colorado, Montana, New Mexico, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, N.Y. 10001. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 107295 (Sub-No. 437 TA), filed September 9, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products and equipment, materials, and supplies*, used in the erection and installation thereof; from points in Winnebago County, Wis., to points in Illinois, Indiana, and Michigan, for 180 days. Supporting shipper: Duwe Precast Concrete Products, Inc., Post Office Box 1277, Oshkosh, Wis. 54901. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 115322 (Sub-No. 75 TA), filed September 8, 1970. Applicant: REDWING REFRIGERATED, INC., 2939 Orlando Drive, Post Office Box 1698, Sanford, Fla. 32771. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Cheriton, Va., to points in Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: G. L. Webster Co., Inc., Cheriton, Va. 23316. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 116849 (Sub-No. 2 TA), filed September 8, 1970. Applicant: ISLAND TRANSPORTATION CORP., 86 Garden Street, Westbury, N.Y. 11590. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Stamford, Conn., to points in Bronx, Westchester, Putnam, and Dutchess Counties, N.Y., for 180 days. Supporting shipper: Ashland Oil & Refining Co., Ashland, Ky. 41101. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124328 (Sub-No. 44 TA), filed September 9, 1970. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diamonds*, between Worthington, Ohio, and Detroit, Mich., for 180 days. Supporting shipper: General Electric Co., Specialty Materials Department, Post Office Box 568, Worthington, Ohio 43085. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124735 (Sub-No. 11 TA), filed September 9, 1970. Applicant: R. C. KERCHEVAL, JR., 4424 Fourth Avenue South, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailer axles, suspensions landing gear, fifth wheels and*

hitches, and parts thereof, and mechanical refrigeration units, from Montgomery, Ala.; Marshfield, Springfield, and Warrenton, Mo.; Holland, Mich.; and Minneapolis, Minn.; to Portland, Oreg., for 180 days. Supporting shipper: Standard Parts & Equipment Co., 4784 Southesat 17th Avenue, Portland, Oreg. 97202. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 124796 (Sub-No. 72 TA), filed September 8, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laundry bleach, dry, and cleaning compounds,* from Houston, Tex., to points in Louisiana, Mississippi, and points in that part of Arkansas on and south of Interstate Highway No. 40, for 180 days. Supporting shipper: The Clorox Co., Post Office Box 24305, Oakland, Calif. 94623. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134078 (Sub-No. 1 TA), filed September 9, 1970. Applicant: C & J TRANSPORT, INC., Post Office Box 115, Gillespie, Ill. 62033. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* (bottles or jars), *caps, covers, stoppers, tops, and fiberboard boxes;* from Lincoln, Ill., to points in Indiana, Ohio, Michigan, Illinois, Missouri, Kentucky, Tennessee, Iowa, and Wisconsin, for 180 days. Supporting shipper: Obear-Nester Glass Co., East St. Louis, Ill. 62205. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12401; Filed, Sept. 16, 1970; 8:50 a.m.]

[Notice 588]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 14, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72308. By order of September 10, 1970, the Motor Carrier Board approved the transfer to G. E. Van Lines, Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-78926 issued May 21, 1969, to Frank Carnesi Moving & Storage Corp., Brooklyn, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Pennsylvania, and Massachusetts, and between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, Ohio, and the District of Columbia. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-72335. By order of September 10, 1970, the Motor Carrier Board approved the transfer to System Reefer Service, Inc., Los Angeles, Calif., of the operating rights in permit No. MC-133097 (Sub-No. 2) issued May 12, 1969, to P. N. Werking, Inc., Adelphi, Md., authorizing the transportation of paper, from Napanoch, N.Y., to points in Washington, Oregon, and California, limited to a transportation service to be performed, under a continuing contract, or contracts, with Rondout Corp. of Napanoch, N.Y. Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12399; Filed, Sept. 16, 1970; 8:50 a.m.]

[Notice 588A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 14, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72240. By application filed September 9, 1970, PAULINE E. RICHARDSON, doing business as RICH'S SOUTH SHORE EXPRESS, 732 Nantasket Avenue, Hull, Mass. 02045, seeks temporary authority to lease the operating rights of EDMUND J. RASTELLINI, doing business as EDDIE'S FREIGHT SERVICE, 30 Floyd Street, Revere, Mass. 02151, under section 210a(b). The transfer to PAULINE E. RICHARDSON, doing business as RICH'S SOUTH SHORE EXPRESS, of the operating rights of EDMUND J. RASTELLINI, doing business as EDDIE'S FREIGHT SERVICE, is presently pending.

No. MC-FC-72381. By application filed September 10, 1970, GREEN BROOK TRANSPORTATION CO., INC., Post Office Box 145, Bound Brook, N.J. 08805, seeks temporary authority to lease the operating rights of WATT TRANSPORT, INC., 115 Army Road, Providence, R.I. 02905, under section 210a(b). The transfer to GREEN BROOK TRANSPORTATION CO., INC., of the operating rights of WATT TRANSPORT, INC., is presently pending.

By the Commision.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12398; Filed, Sept. 16, 1970; 8:50 a.m.]

[Ex Parte No. 267]

INCREASED FREIGHT RATES, 1971

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

Amendment No. 1 to Special Permission No. 71-1100. Upon further consideration of the matters and things involved in special permission No. 71-1100, entered by the Commission on September 2, 1970, and upon consideration of a petition dated September 11, 1970, filed by Albert B. Russ, Jr., and other attorneys, for and on behalf of southern territory railroads, and certain water and motor carriers having joint rates with said railroads, for modification of special permission No. 71-1100 to grant the same authority (1) to file tariffs providing for increases not exceeding those proposed by the eastern and western lines, to become effective on or after November 18, 1970, on all freight rates and charges within, from, to, and via southern territory, as defined in Appendix A to the petition, and (2) to permit the southern territory respondents to concur in a 15-percent increase on coal from southern territory to eastern and western territories, and also to concur in an interim increase of 6 percent in freight rates and charges applicable within, from, to, and via southern territory, the interim increase to be subject to an expiration date of February 28, 1971, and for authority later to offer specific permanent increase proposals, not exceeding 15 percent on not less than 60 days' notice:

It is ordered, That special permission No. 71-1100, entered as aforesaid, be, and it is hereby, modified so as to provide that the authority contained therein with respect to general increases in freight rates shall also apply, subject to the same terms and conditions, to general increases in freight rates and charges within, from, to, and via southern territory as proposed in the petition dated September 11, 1970, to become effective November 18, 1970.

It is further ordered, That said petition, insofar as it seeks authority to later revise the proposal to reflect increases in excess of 6 percent be, and it is hereby, denied.

And it is further ordered, That except as herein modified and amended, special permission No. 71-1100, shall be, and remain, in full force and effect.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-12428; Filed, Sept. 16, 1970; 8:52 a.m.]

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