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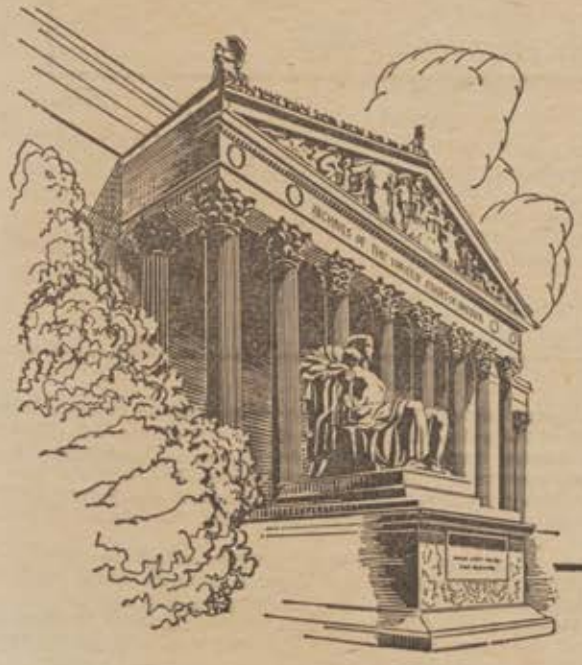

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Title 3—THE PRESIDENT

Executive Order 11565

AMENDING EXECUTIVE ORDER NO. 11145 WITH RESPECT TO THE MEMBERSHIP OF THE COMMITTEE FOR THE PRESERVATION OF THE WHITE HOUSE

By virtue of the authority vested in me as President of the United States, Executive Order No. 11145 [1] of March 7, 1964, "Providing for a Curator of the White House and Establishing a Committee for the Preservation of the White House," is hereby amended by substituting the following for section 2:

"SEC. 2. There is hereby established the Committee for the Preservation of the White House, hereinafter referred to as the 'Committee'. The Committee shall be composed of the Director of the National Park Service, the Curator of the White House, the Secretary of the Smithsonian Institution, the Chairman of the Commission of Fine Arts, the Director of the National Gallery of Art, the Chief Usher of the White House, and so many other members as the President may from time to time appoint. The Director of the National Park Service shall serve as Chairman of the Committee and shall designate an employee of that Service to act as Executive Secretary of the Committee. Members of the Committee shall serve without compensation."

Richard Nixon

THE WHITE HOUSE,
October 13, 1970.

[F.R. Doc. 70-13976; Filed, Oct. 13, 1970; 3:14 p.m.]

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[1] 3 CFR, 1964–1965 Comp., p. 145; 29 F.R. 3189.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 601—GREAT PLAINS CONSERVATION PROGRAM

Subpart—General Program Provisions

MISCELLANEOUS AMENDMENTS

The regulations governing the Great Plains Conservation Program, 22 F.R. 6851, as amended, are further amended as provided herein.

Section 601.1, *Definitions*, is amended as follows:

§ 601.1 Definitions.

The succeeding terms shall have the following meanings in this part and all contracts, forms, documents, instructions, and procedures in connection therewith, unless the context or subject matter requires otherwise.

(a) Words in the singular form shall be deemed to impart the plural, and vice versa, as the case may demand.

(b) "Secretary" means the Secretary of Agriculture of the United States or other representative of the U.S. Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Administrator, SCS," means the Administrator of the Soil Conservation Service, U.S. Department of Agriculture.

(d) "State Conservationist" means the State Conservationist for a Great Plains State of the Soil Conservation Service, U.S. Department of Agriculture.

(e) "Great Plains Conservation Program" or "program" means the program provided for by the Act of August 7, 1956 (70 Stat. 1115–1117) as amended.

(f) "Great Plains States" means the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

(g) "Great Plains Area" means the currently recognized area determined by the Administrator, SCS, within the Great Plains States where the program is applicable generally.

(h) "Designated county" means any county within a Great Plains State in the Great Plains Area which has been designated by the Administrator, SCS, where the program is applicable specifically.

(i) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other nonpublic legal entity. The term "person" shall include two or more persons having a joint or common interest.

(j) "State ASC Committee" means the individuals in a Great Plains State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee.

(k) "County ASC Committee" means the individuals elected within a designated county as the county committee pursuant to regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(l) "State Program Committee" means the State Conservationist, who shall be the Chairman, the Chairman of the State ASC Committee, the State Director of the Farmers Home Administration, the State Director of the Federal Crop Insurance Corporation, and a representative of the Forest Service in each Great Plains State. The State Director of the Agricultural Extension Service, the Director of the State Agricultural Experiment Station and a representative of the State Soil Conservation Committee (Board or Commission) shall be invited to participate. Representatives of other interested agencies or groups working in a Great Plains State may be invited to participate, as determined by the State Program Committee.

(m) "County Program Committee" means the designated SCS technician, who shall be the Chairman, the Chairman of the County ASC Committee of a designated county, and the county supervisor of the Farmers Home Administration of a designated county. The county agricultural extension agent and the governing body of any soil conservation district in a designated county shall be invited to participate. As determined by the County Program Committee, other local, State and Federal agencies operating in the designated county may be invited to participate.

(n) "Operating unit" means a parcel or parcels of land whether contiguous or noncontiguous, constituting a single operating unit for agricultural purposes. An operating unit shall be regarded as located in the designated county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the designated county in which the major portion of the operating unit is located.

(o) "Other land" means nonfarm or ranch land that can be covered by the program to the extent necessary to protect farm or ranch land.

(p) "Producer" means any person having such control of an operating unit as the Secretary determines to be needed in a designated county.

(q) "Owner and operator" means any person who is a producer within the Great Plains Area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered by the program.

(r) "Conservation practice" or "conservation measure" means any process used to protect the soil from water or wind erosion and deterioration or any process to develop or use a soil or water resource. The terms "eligible conservation practice" or "eligible conservation measure" refer only to a process eligible for a cost-share payment under the program. Practices and measures will be used to make adjustments in land or water use that assist in mitigation of climatic hazards or will improve the quality of the environment.

(s) "Conservation treatment unit" means a field of an operating unit or part of an operating unit in a specific land use requiring a particular type of management and the use of related conservation practices.

(t) "Plan of operations" means a written plan for all the acreage of an operating unit incorporating a time schedule of land use and treatment providing for such combinations of land use adjustments, cropping or grazing systems and conservation measures by conservation treatment units as are needed to develop, use and conserve the soil and water resources.

(u) "Time schedule of land use and treatment" means a sequence of approved, planned land use and treatments listed by fields and by years for an operating unit included in the plan of operations.

(v) "Identifiable unit" means all or an essentail part or subdivision of an eligible conservation practice that, when carried out, can be clearly identified as a segment of the steps or sequence in carrying out the conservation practice.

(w) "Contract" means a Great Plains Conservation Program contract.

(x) "Cost-share payments" means payments to producers signatory to the contract as provided in the contract at established rates for the carrying out of identifiable units for which costs are shared and who have complied with the applicable provisions of the program.

(y) "Contracting officer" means the employee of the Soil Conservation Service designated for a part of a Great Plains State by the Administrator, SCS.

(z) "Designated SCS technician" means the Soil Conservation Service district conservationist for a designated county or in the absence thereof the employee of the Soil Conservation Service named for a designated county by the State Conservationist. In those cases involving the functions of the designated SCS technician with respect to the County Program Committee and eligible conservation practices, it means the employee of the Soil Conservation Service named for a designated county by the State Conservationist.

(aa) "Certification of performance and compliance" means written statement by the responsible district conservationist that an identifiable unit has been properly carried out and that the producer signatory to the contract is in

compliance with the terms and conditions of the program.

(bb) "Cost" means (1) the amount actually paid or engaged to be paid by the producer for equipment use, materials and services for carrying out an identifiable unit, or (2) if the producer uses his own forces in carrying out an identifiable unit, the constructed value of his own labor, his own equipment use and the materials he produced and used. Constructed values shall be developed in accordance with guidelines established by the Administrator, SCS.

(cc) "Average cost" means the average of the actual costs and current cost estimates considered necessary to carry out an identifiable unit.

(dd) "Specified maximum cost" means the maximum amount, with respect to an identifiable unit to which cost sharing will apply.

(ee) "SCD" means a subdivision of a State or territory, organized pursuant to the State Soil Conservation Districts Law. It may also be known as a conservation district, soil conservation district, soil and water conservation district, or natural resources district. The members of the governing bodies of these organizations are known as supervisors, directors, or commissioners.

Section 601.2, *Objective and purpose*, is amended as follows:

§ 601.2 Objective and purpose.

The Great Plains Conservation Program is a long-range voluntary program in addition to other U.S. Department of Agriculture programs in the Great Plains Area to assist farmers and ranchers to work out a land use development and treatment program which will help them to prevent the recurrence or the effects of many of the hazards caused by the erratic climate of the Great Plains Area. In carrying out this program, the Secretary will enter into contracts based upon an approved plan of operations with producers and share the costs of carrying out eligible conservation practices on the operating unit for which cost sharing is appropriate and in the public interest.

Section 601.3, *Administration*, is amended as follows:

§ 601.3 Administration.

(a) The Soil Conservation Service is responsible for administration of the program. The contracting officer is authorized to sign Great Plains Conservation Program contracts on behalf of the Secretary subject to certification of availability of funds by the Soil Conservation Service State office. The County ASC Committee will certify that cost-share payments made under this program are not duplicates of payments made under Department of Agriculture programs administered by it, and will determine the status of indebtedness of producers shown on the county register of indebtedness maintained in the office of the County ASC Committee. The Soil Conservation Service will arrange for making cost-share payments.

(b) The State Program Committee will assist in developing and reviewing, within the Great Plains Area authorizations, policies and general operating procedures best suited in the Great Plains State.

(c) The County Program Committee will assist in developing and reviewing, within the Great Plains Area and Great Plains State authorizations, policies and general operating procedures best suited in the designated county.

(d) The program shall be carried out in close cooperation with interested Federal, State, and local governmental units and organizations and other groups and individuals. The program in designated counties shall be coordinated with the work plan of soil conservation districts operating in such counties and with other United States Department of Agriculture activities.

(e) Cooperation and advice of the Great Plains Agricultural Council will be sought in the program operation.

Paragraph (a) of § 601.6, *Program eligibility*, is amended as follows:

§ 601.6 Program eligibility.

(a) Any producer who submits a plan of operation to the SCS district conservationist in compliance with the terms and conditions of the program is eligible to sign a contract.

* * * * *

Section 601.7, *Plan of operations*, is amended as follows:

§ 601.7 Plan of operations.

(a) (1) The producer is responsible for developing a plan of operations. An approved plan of operations developed in cooperation with a Soil Conservation District shall form a basis for a contract. Available technical assistance in preparing the plan of operations will be provided through the SCS district conservationist.

(2) The Administrator, SCS, is authorized to prescribe the minimum requirements for the plan of operations. Each plan of operations must be approved by the SCS district conservationist.

(b) The producer signatory to the contract is responsible for accomplishing his plan of operations and should use all available sources of assistance, including any phase of other U.S. Department of Agriculture programs that contribute to achieving the conservation aims. Available technical assistance will be provided to a producer signatory to the contract in accomplishing the plan of operations through the SCS district conservationist.

(c) The Soil Conservation Service may also utilize the services of private, State and other Federal agencies in discharging its responsibility for technical assistance.

Paragraphs (a) (2) and (c) of § 601.8, *Contracts*, are amended as follows:

§ 601.8 Contracts.

(a) * * *

(2) The contract shall be for a period that is needed to carry out and establish the conservation practices in the plan of operations for which Federal cost-share commitments are made under the program. Contracts may be entered into during the period ending not later than December 31, 1981. The period of any contract shall not exceed 10 years (120 months).

* * * * *

(c) Requirements of contracts previously entered into with a producer may be waived or modified by the contracting officer only if such waiver or modification is specifically authorized in this subpart, or is specifically approved by the Administrator, SCS, or is authorized under general policies established by him. For waivers or modifications specifically approved by this subpart, the Administrator, SCS, is authorized to establish general policies. Otherwise, no requirement of a contract may be so waived or modified unless the Administrator, SCS, determines either specifically or in the general policies authorizing waivers or modifications that such waivers or modifications are desirable to carry out the program purposes or such as to facilitate the practical administration thereof.

* * * * *

Section 601.9, *Conservation practice maintenance*, is amended as follows:

§ 601.9 Conservation practice maintenance.

Each producer signatory to the contract shall agree to maintain for the contract period or, if lesser, for the period of his control of the operating unit, conservation practices on the operating unit as specified in the contract. Failure to maintain for the required period the conservation practices shall be considered a contract violation.

Paragraph (b) of § 601.10, *Selection of conservation practices*, is amended as follows:

§ 601.10 Selection of conservation practices.

* * * * *

(b) The conservation practices agreed to be carried out shall be carried out in conformity with the plan of operations. Conservation practices shall be carried out in accordance with the specifications obtained from the local Soil Conservation Service office or in accordance with the specifications applicable to the appropriate program. Conservation practices for which specifications are obtained from the local Soil Conservation Service office shall be carried out in accordance with the specifications which are applicable at the time the conservation practice is carried out or contracted for. The choice is the producer's.

Section 601.11, *Eligible conservation practices*, is amended as follows:

§ 601.11 Eligible conservation practices.

(a) The Great Plains Conservation Program Practice List of soil and water conservation practices particularly suited to the Great Plains Area are shown below. These practices are eligible for federal cost-shares when carried out in combinations set forth in plans of operations for

the primary purpose of protection against wind or water erosion, including improving cropping and grazing systems as a part of needed land use adjustments. Such plans may also include cost-shared practices and measures for enhancing fish and wildlife and recreation resources, promoting the economic use of land, and reducing or controlling agricultural related pollution.

(1) *GP–1—Establishment of permanent vegetative cover.* Establishing needed permanent vegetative cover on land presently in cultivation or land that has been out of cultivation less than 5 years prior to the date of the contract.

(2) *GP–2—Initial establishment of field or wind stripcropping.* Growing crops in a systematic arrangement of strips or bands across the general slope or at angles to offset adverse effects of prevailing winds. Strips of grass or close-growing crops are alternated with strips of clean-tilled crops or fallow, or strips of grass are alternated with strips of close-growing crops.

(3) *GP–3—Initial establishment of contour stripcropping.* Growing crops in a systematic arrangement of strips or bands on the contour. Strips of grass or close-growing crops are alternated with strips of clean-tilled crops or fallow, or strips of grass are alternated with strips of close-growing crops.

(4) *GP–4—Initial establishment of contour farming operations on terraced land.* (This practice not applicable to contracts entered into after 12/31/70.)

(5) *GP–5—Reestablishing grasslands.* Improving vegetative cover by artificial seeding, sprigging, or sodding on land that has been out of cultivated crop use longer than 5 years prior to the date of the contract.

(6) *GP–6—Establishment of trees or shrubs.* Establishing a stand of suitable trees or shrubs. No Federal cost sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes including nursery stock.

(7) *GP–7—Establishment of permanent waterways.* Constructing waterways and establishing needed protective cover for safe disposal of excess water.

(8) *GP–8—Terraces.* Constructing an earth embankment or ridges and channels across the slope at suitable spacings. Necessary protective outlet or waterway must be provided. Construction cost may include necessary leveling and filling.

(9) *GP–9—Diversions.* Constructing a channel with a supporting ridge on the lower side and located across the slope. Necessary protective outlet or waterway must be provided. Construction cost may include necessary leveling and filling.

(10) *GP–10—Grassland mechanical treatment.* Renovating grassland by pitting, furrowing, chiseling, ripping, scarifying, listing, or other mechanical means. Mechanical operations must be performed as nearly as practicable on the contour.

(11) *GP–11—Erosion control, detention, or sediment retention dams.* Installing floodwater retarding structures, debris basins, and similar structures to prevent or heal gullying or to retard and control the release of water.

(12) *GP–12—Grade stabilization structures.* Installing channel lining, chutes, drop spillways, pipe drops, inlets or similar structures to protect and stabilize grades, outlets and channels that dispose of excess water.

(13) *GP–13—Streambank or shore protection and stabilization; channel clearance, enlargement or realignment; or construction, enlargement or realignment of floodways, levees or dikes.* Installing structures or establishing vegetation to prevent erosion or flood damage. This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land or where its primary purpose is to bring new land into agricultural production.

(14) *GP–14—Diversion dams and spreader ditches or dikes to divert and spread water.* Installing structures to permit beneficial use of runoff, to replenish ground water supply or to prevent erosion.

(15) *GP–15—Reorganizing irrigation systems.* This practice must be carried out in accordance with a reorganization plan to conserve water and prevent erosion, approved by the responsible technician. Federal cost sharing will not be allowed for cleaning ditches, or for structures primarily for the convenience of the producer, or for portable pipe. No Federal cost sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation.

(16) *GP–16—Irrigation land leveling.* Reshaping the surface of land to planned grades for efficient use of irrigation water and to prevent erosion based on adequate soils information. Federal cost sharing will not be allowed for floating or restoration of grade. No Federal cost sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture.

(17) *GP–17—Constructing, enlarging, or sealing dams, pits, or ponds for irrigation water.* Installing, enlarging or sealing a reservoir to regulate or store an irrigation water supply necessary for the conservation of soil and water resources. Federal cost sharing in excess of $2,500 will not be made for any structure under this conservation practice. No Federal cost sharing will be allowed for constructing or sealing dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture.

(18) *GP–18—Lining irrigation ditches, canals or laterals.* Installing a permanent lining of impervious material in field ditches, canals or laterals that are properly located and constructed as a part of an existing irrigation system to prevent erosion and loss of water by seepage.

(19) *GP–19—Wells.* Constructing or deepening wells. Pumping equipment must be installed, except for artesian wells. Needed water storage facilities must be provided. No Federal cost sharing will be allowed for wells constructed primarily for the use of headquarters or for pumping facilities.

(20) *GP–20—Developing springs and seeps.* Improving springs and seeps by excavating, enlarging, cleaning, intercepting, capping, and providing collection facilities. Needed water storage facilities must be provided. No Federal cost sharing will be allowed for developing springs and seeps primarily for the use of headquarters.

(21) *GP–21—Constructing, enlarging or sealing dams, pits, or ponds.* Installing or sealing a dam, pit, or pond, for impoundment of water for purposes other than irrigation.

(22) *GP–22—Pipelines.* Installing pipelines for conveyance of water for purposes other than irrigation. Needed water storage facilities must be provided. No Federal cost sharing will be allowed for installing pipelines primarily for the use of headquarters.

(23) *GP–23—Controlling competitive shrubs.* Controlling undesirable competitive shrubs to permit growth of desirable vegetative cover on non-cropland. This practice shall not be approved on areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, unless followed by reseeding or other approved erosion control measures.

(24) *GP–24—Fences.* Installing needed permanent fences. No Federal cost sharing will be allowed for outside boundary fences of an operating unit or to fence out a road.

(25) *GP–25—Critical area treatment.* Establishing permanent vegetative cover such as adapted grasses or legumes, trees, shrubs, or vine by seeding, sodding, sprigging, planting seedlings, cuttings, or other means on sediment producing and eroding areas. Includes needed grading and shaping.

(26) *GP–26—Irrigation tailwater recovery system.* Installing facilities for collecting and storing irrigation tailwater for reuse in the irrigation distribution system and to reduce transporting of agricultural-related pollutants. Includes pickup ditches and sumps, pits or ponds. No Federal cost sharing will be allowed for pumping equipment, chemical treatment equipment, or for pipelines, under this practice.

(27) *GP–27—Disposal lagoons.* Constructing an excavated pit, dam embankment, dike, levee or combination of these for disposal of animal wastes. No Federal cost sharing will be allowed for pumping equipment or for chemical treatment facilities.

(28) *GP–28—Recreation land grading and shaping.* Altering the surface of the land to meet the requirements of recreation facilities. Needed protective cover must be established.

(29) *GP–29—Water storage facilities.* Constructing water storage facilities for purposes other than irrigation. Facilities must be needed, permanent and adequate for the intended use. No federal cost sharing will be allowed for constructing

water storage facilities primarily for the use of headquarters.

(30) *GP–30—Catchment basins.* Installing water collection facilities in areas where it is impractical to provide adequate water by other means, such as pipelines, wells, ponds, or springs. Needed water storage facilities must be provided and permanent fences must be installed to protect catchment basin.

(31) *GP–31—Shallow water areas.* Developing shallow water areas suitable for migratory water fowl habitants, wintering fur bearers, and furnishing wildlife watering facilities.

(32) *Special conservation practices.* Consistent with the principles set forth in this program, any conservation practice not included in the subparagraphs of this paragraph but which is needed to meet particular conservation problems in a designated county must be approved by the Administrator, SCS. Such approval may be given only upon the recommendation of the State Conservationist and the Chairman of the State ASC Committee, and upon their finding (i) that the conservation problem exists on a substantial number of operating units in the designated county or counties, (ii) that the conservation practices listed in this program will not provide adequate treatment of the problem, (iii) that the proposed conservation practice would not be performed to the extent needed without Federal cost sharing, (iv) that the proposed conservation practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, and (v) that the proposed conservation practice is one on which the offering of financial assistance is fully justified as being appropriate and in the public interest. Costs will not be shared under this conservation practice for elements of performance for which cost sharing is specifically precluded by the wording of a similar conservation practice or elsewhere in this program.

(b) (1) A list of eligible conservation practices selected from the Great Plains Conservation Program Practice List, paragraph (a) of this section, with a cost-share rate(s) for each practice shall be developed for each Great Plains State. This list or any change thereto shall be approved by the State Conservationist and the Chairman of the State ASC Committee after consultation with the State Program Committee.

(2) The maximum cost-share rate for carrying out a practice or an identifiable unit shall not exceed 80 percent.

(3) The addition of special conservation practices must be submitted to the Administrator, SCS, for approval. See subparagraph (32) of paragraph (a) of this section.

(c) A list of practices selected from the State list (see paragraph (b) of this section) shall be developed for each designated county. This list shall include the cost-share rate(s) for each practice and identifiable unit included in the list. The cost-share rate(s) in this list may not exceed, but may be lower than, the cost-share rate(s) in the State list (see paragraph (b) of this section). This list shall also include an average cost or a specified maximum cost developed in accordance with paragraph (e) of this section for each practice or identifiable unit included in the list. This list when developed, and when approved by the designated SCS technician and the Chairman of the County ASC Committee after consultation with the County Program Committee, must be approved by the State Conservationist and the Chairman of the State ASC Committee, or their designees.

(d) Average costs and specified maximum costs shall be determined annually from the cost data collected on a continuing basis as prescribed by the Administrator, SCS.

(e) Average costs, specified maximum costs, and cost-share rates that will apply to each designated county for a 12-month period shall be approved by the designated SCS technician, County ASC Chairman, State Conservationist and the Chairman of the State ASC Committee, or their designees, not later than March 1, each year.

(f) Changes in average costs, specified maximum costs, and cost-share rates approved in accordance with paragraph (e) of this section may be approved at any time by the designated SCS technician, County ASC Chairman, State Conservationist, and the Chairman of the State ASC Committee, or their designees.

(g) Approvals required in paragraphs (b), (c), (e), and (f) of this section shall be in a format prescribed by the Administrator, SCS.

Paragraph (b)(1) of Section 601.12, *Cost-share payments*, is amended as follows:

§ 601.12 Cost-share payments.

* * * * *

(b) (1) Cost-share payments are made for carrying out identifiable units and are conditioned upon approval of the certificate of performance and compliance by the SCS District Conservationist. The County ASC Committee will certify that cost-share payments made under this program are not duplicates of payments made under Department of Agriculture programs administered by it, and will determine the status of indebtedness of producers shown on the county register of indebtedness maintained in the office of the County ASC Committee. The SCS District Conservationist shall submit to the Soil Conservation Service State office the application for payment with the certificate of performance and compliance. The SCS District Conservationist may also utilize the assistance of private, States, and other Federal agencies in discharging his responsibility for certification of performance and compliance.

* * * * *

Section 601.13, *Conservation materials or services* (Authorizations), is amended as follows:

§ 601.13 Conservation materials or services.

(a) Conservation materials or services needed by producers to carry out their contracts will be obtained or contracted for by producers. In sharing the cost of carrying out eligible conservation practices, the contract between the producer and the United States may provide that part or all of the Federal cost share for an eligible conservation practice may be made to those who furnish conservation materials or services to the producer under the program for use in carrying out the eligible conservation practice after the conservation material or service has been purchased by the producer and supplied to him under his purchase. This method may not be used if the producer signatory to the contract is indebted to the United States as indicated by the register of indebtedness maintained in the office of the County ASC Committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit this method of sharing the cost of carrying out eligible conservation practices.

(b) Federal cost shares will be made as provided in this section, under instructions issued by the Administrator, SCS, not in excess of the cost share attributable to the use of the material or service or not in excess of the cost share for all identifiable units as may be requested by the producer, with the approval of the contracting officer in accordance with standards determined by the Administrator, SCS.

(c) The producer signatory to the contract who purchases a material or service as provided in this section will be relieved of responsibility for the material or service upon determination by the contracting officer that the material or service was used for the purpose for which it was purchased and that any other identifiable units, on which the amount of the Federal cost share toward the cost of the material or service was determined, have been carried out in accordance with applicable program provisions. If the producer uses any material or service obtained under this section for any purpose other than for which it was purchased under an authorization, he shall be indebted to the United States for that part of the cost of the material or service paid by the United States as provided in this section and shall pay such amount to the Soil Conservation Service or such amount shall be withheld from the cost-share payments otherwise due him under the program.

(d) The Administrator, SCS, shall: (1) Prescribe the procedure for authorizing the procurement of conservation materials or services to be cost-shared in accordance with paragraph (a) of this section, and (2) designate the individuals who may authorize the procurement of such materials or services.

Section 601.16, *Manner and time of cost-share payments*, is amended as follows:

§ 601.16 Manner and time of cost-share payments.

Cost-share payments shall be paid to the producer after he has carried out an identifiable unit of his plan of operations and arrangements therefor shall

be made by the Soil Conservation Service State office. Payments shall be made as soon as practicable after the identifiable unit is carried out and the extent of performance has been established. It shall be the responsibility of the producer eligible for cost-share payments to establish his claim to such payments. Cost-share payments for identifiable units carried out under the program will be made only upon application submitted on the form prescribed by the Administrator, SCS, to the SCS district conservationist. Such application shall be filed by June 30 of the year following the calendar year in which the identifiable unit was carried out, except that with respect to any application filed after such date the Administrator, SCS, may authorize cost-share payments to be made upon such application if in his judgment such action is warranted by the circumstances of the particular case. The authority for the Administrator to authorize such payments may be redelegated to State Conservationists, SCS. Application for cost-share payments shall specify the proportions of each producer's contribution to the carrying out of each identifiable unit. Cost-share payments will be made for the identifiable units carried out in the year as shown on the time schedule of land use and treatment unless otherwise provided for by modification of the contract.

Section 601.19, *Identifiable units carried out with State or Federal aid,* is amended as follows:

§ 601.19 Identifiable units carried out with State or Federal aid.

The total extent of any identifiable unit carried out shall be reduced for the purpose of computing Federal cost shares by the percentage of the total cost of the items carried out on which costs are shared which the SCS district conservationist determines was furnished by a State or Federal agency.

Section 601.21, Pooling arrangements, is amended as follows:

§ 601.21 Pooling arrangements.

Producers in any local area may, with prior approval of the contracting officer, enter two or more operating units jointly in the program if a plan of operations satisfactory to the SCS district conservationist is developed that would result in a better land use and treatment program for the operating units through such joint participation than would be obtained through individual operating unit participation.

Section 601.23, Appeals, is amended as follows:

§ 601.23 Appeals.

(a) (1) Any producer may request the contracting officer or the SCS district conservationist to reconsider, prior to the execution of the contract by the producer, any determination made by him affecting the contract except this may not include development of eligible conservation practices, cost-share rates and average costs. Such requests shall be in writing and shall be filed within 15 days after receiving notice of such determination. A producer shall be deemed to have received notice of the determination if a letter, form or other document has been mailed or delivered to him which discloses such determination. The contracting officer or the SCS district conservationist shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 15 days after the filing of the written request for reconsideration.

(2) If the producer is dissatisfied with the decision of the contracting officer or the SCS district conservationist, he may, within 15 days after receiving written notice of the decision, file a written appeal with the State Conservationist. The State Conservationist shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 30 days after filing of the appeal. If the producer fails to request reconsideration of a determination by the contracting officer or SCS district conservationist, or fails to appeal from a decision of the contracting officer or the SCS district conservationist, within the 15-day period, the determination or decision of the contracting officer or the SCS district conservationist shall be final.

(3) The contracting officer or SCS district conservationist may submit statements or briefs, including a review of the case, to the State Conservationist.

(b) Any dispute concerning a question of fact arising under the contract, except contract violations (which are governed by separate regulations in this subpart), which is not disposed of by written agreement after a reasonable time shall be referred to the State Conservationist for a decision. The State Conservationist shall notify the producer in writing (by mailing or delivery of the notice) that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to receiving the notice. If the producer files a request for such an opportunity within 15 days from receiving such notice, the producer will be afforded an opportunity to appear and present his views orally and to offer relevant evidence in support of his position. If the producer does not request an opportunity to appear and to present relevant evidence, the State Conservationist shall promptly proceed to consider the matter on the basis of such information as may be available to him, including statements or briefs of the authorized representatives of the Secretary whose actions are in dispute. The State Conservationist shall notify the producer of his decision in writing by mailing or delivery of the decision.

(c) Any producer adversely affected may appeal to the Administrator, SCS, from a decision of the State Conservationist. A producer who wishes to take such action must file his appeal and any briefs or statements in the office of the Administrator, SCS, within 30 days from receiving notice of the decision of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the State Conservationist. The State Conservationist shall submit the record before him, which will include his decision, to the Administrator, SCS. The Administrator, SCS, upon receipt of the record, will make a decision from which there shall be no further appeal in the Department. The producer shall be notified of this decision in writing.

(d) Whenever the regulations in this section require the filing of a document, it is deemed filed when received in the office of the individual concerned.

Section 601.25, *Contract violations procedure,* is amended as follows:

§ 601.25 Contract violations procedure.

(a) This section prescribes the regulations for determining whether a violation of a contract has occurred and for the effect and result of such violation. The Secretary reserves the right upon notice to modify, amend, revise, or supplement any of the provisions of this section at any time: *Provided,* That such action shall not adversely affect any producer where determination or decision has been made and the producer has been officially notified thereof before such action is taken. No cost-share payment or cost share shall be made pending the determination or decision as to whether a contract violation has occurred.

(b) If the contracting officer receives information indicating that a violation of a contract may have occurred but determines, without the issuance of a notice as provided in this section, with the approval of the State Conservationist, that no violation has occurred, or that the violation does not call for any forfeiture, refund or payment adjustment, no further action shall be taken.

(c) If all of the producers subject to a forfeiture, refund, payment adjustment, or termination agree in writing on a form prescribed by the Administrator, SCS, to accept such forfeiture, refund, payment adjustment or termination, no further proceeding under this section shall be undertaken. The contracting officer and the State Conservationist shall give approval to this agreement. The agreement shall specify what occurs to the contract.

(d) (1) If the State Conservationist believes, on information submitted by the contracting officer or otherwise, that a violation of a contract has occurred which would call for a forfeiture, refund, payment adjustment or termination under the provisions of this section, written notice thereof, on a form prescribed by the Administrator, SCS, shall be given to each producer signatory to the contract.

(2) Notice to a producer under this section may be shown by (i) a written statement by an authorized representative of the Secretary that the notice was personally delivered to the producer; (ii) a written statement by a producer acknowledging receipt of the notice; and (iii) a post office return receipt (registered or certified mail) showing that the

notice was delivered at the last address of the producer or showing that the notice could not be delivered to the producer at his last address because he had moved without a forwarding address, or because the producer refused to accept delivery at his last address, or because the last address does not exist. A producer under this section will be considered to have received the notice at the time of personal receipt, at the time of the delivery of a registered or certified letter, or at the time of the return of an undelivered registered or certified letter.

(3) The notice shall set forth the nature of the alleged violation and shall inform the producer that he will be given an opportunity to appear at a hearing before a person designated by the State Conservationist to conduct a hearing if he files a written request for such hearing in the local Soil Conservation Service office not later than 30 days after the time he received the notice. The producer shall be notified in writing by the hearing officer of the time, date and place set for the hearing. When practicable, the hearing will be held in the designated county where the operating unit is regarded as being located. If the producer does not file written request for a hearing, or does not appear at the appointed time or is not represented at a hearing so requested, he shall have no further right to a hearing before a hearing officer. However, a hearing officer already appointed may, in his discretion, permit such producer to appear before him. A request filed by any one producer with the local Soil Conservation Service office shall be deemed to be the request of all producers signatory to the contract.

(e) (1) The hearing before the hearing officer shall be held at the time and place and on the date set forth in the notice of the hearing to the producer.

(2) The hearing shall be conducted in the manner deemed most likely to obtain the facts relevant to the alleged violation. The hearing officer shall have full authority to confine the presentation of facts and evidence to pertinent matters and to exclude irrelevant, immaterial or unduly repetitious evidence, information or questions. In so doing, the hearing officer shall not be bound by the strict rules of evidence as required in courts of law. Witnesses may be sworn at the discretion of the hearing officer. The hearing shall be public.

(f) The producer, or his representative, at the hearing shall be given a full opportunity to present facts and information relevant to the alleged violation and may present oral or documentary evidence. Statements and evidence may be submitted at the hearing by the United States. Individuals not otherwise presented at the hearing to give information or evidence may, in the discretion of the hearing officer, be requested or permitted to give information or evidence. The hearing officer, in his discretion, may permit witnesses to be cross-examined, including those individuals called by him.

(g) The hearing officer shall provide for the making of a record at the hearing as will enable him to make a summary of the testimony received at the hearing if the producer and the State Conservationist agree. If the State Conservationist feels that the nature of the case is such as to make a transcript desirable or if the producer requests such a transcript a reasonable period prior to the time that the hearing begins, a transcript of the hearing shall be made. If a transcript is desired only by a producer, he will be required to provide for its preparation and for the payment of the expense thereof. If a transcript is desired by both the State Conservationist and the producer, the producer will be required to pay only the expense of a copy of the transcript. The remainder of the expense will be paid by the United States.

(h) If, at the time scheduled for the hearing, the producer is absent and no appearance is made on his behalf, the hearing officer shall, after a lapse of such a period of time as he may consider proper and reasonable, close the hearing, or may, in his discretion, accept information and evidence submitted by others present for the hearing.

(i) In every case where a producer is sent a notice of an alleged violation pursuant to paragraph (d) of this section, except where the producer agrees to the forfeiture, refund, payment adjustment or termination as provided in paragraph (c) of this section, the hearing officer shall furnish the State Conservationist with a written report setting forth his findings, conclusions, and recommendations. The report shall include the summary of testimony or transcript made of any hearing before the hearing officer and all other information which would be of aid to the State Conservationist in reaching his determination.

(j) The State Conservationist shall make a determination on the basis of the hearing officer's report, recommendation of the soil and water conservation district board, if any, and any other information available to him as to whether a violation of the contract has occurred, and in accordance with the provisions of this section, the amount of the forfeiture, refund or payment adjustment. The determination of the State Conservationist shall specifically state whether the violation is of such a nature as to warrant termination of the contract or that the violation does not warrant termination of the contract. Each producer who signed the contract shall be notified in writing of the determination reached by the State Conservationist.

(k) The State Conservationist may authorize or require the reopening of any hearing before a hearing officer for any reason at any time prior to his determination.

(l) Any producer adversely affected by a determination of the State Conservationist shall have the right of appeal to the Administrator, SCS. A producer who wishes to appeal to the Administrator, SCS, must file in the office of the Administrator, SCS, his appeal. This appeal and any briefs or statements must be received in such office within 30 days after the producer has received notice of the determination of the State Conservationist. The State Conservationist may file a brief or statement in the office of the Administrator, SCS, within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the records and the issues made before the State Conservationist which records shall be submitted to the Administrator, SCS, by the State Conservationist. The Administrator, SCS, will make his decision from which there shall be no further appeal in the Department. The decision will be based upon the record before him and the issues presented by the appeal and the producer shall be notified in writing.

(m) If the determination or decision is that the violation is of such a nature as to warrant termination of the contract, the determination or decision shall state that the contract is terminated and that all rights to further cost-share payments or grants under the contract are forfeited and that all cost-share payments or grants received under the contracts shall be refunded. The determination or decision will state the amount of the refund and how payment may be accomplished.

(n) If the determination or decision is that the violation is of such a nature as not to warrant termination of the contract, the producer may be required to make a refund of cost-share payments or grants or to accept payment adjustments. The determination or decision shall state the extent of refunds of cost-share payments or grants or payment adjustments. In arriving at the extent of a refund of cost-share payments or grants or payment adjustments under this section there will be considered (1) the extent of the violation; (2) whether the violation was deliberate or the result of negligence or was due to circumstances beyond the control of the producer; (3) the effect on the program if no refund or payment or adjustment is required; (4) the extent to which the producer benefited by the violation; (5) the effect of the violation on the contract as a whole; and (6) other pertinent considerations including the appropriateness and reasonableness of the refund or payment adjustment.

Section 601.34, *Effect on acreage allotment and marketing quota programs*, is amended as follows:

§ 601.34 Effect on acreage allotment and marketing quota programs.

(a) The acreage on any operating unit which is diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out any contract entered into under this program are preserved so long as the producer maintains the diverted land in grass.

(b) In applying the provisions of paragraph (6) of Public Law 74, 77th Congress (7 U.S.C. 1340(6), and section 326 (b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1326(b)), relating to reduction of the storage

amount of wheat, the acreage on any operating unit which is diverted from the production of wheat in order to carry out a contract shall be regarded as wheat acreage on the operating unit.

(Sec. 4, 49 Stat. 164, as amended, 16 U.S.C., 590d)

Done at Washington, D.C., this 9th day of October 1970.

KENNETH E. GRANT,
Administrator.

[F.R. Doc. 70-13926; Filed, Oct. 14, 1970; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-279]

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 Ohio, subdivision (iii) relating to Clinton County is amended, and a new subdivision (iv) relating to Pickaway County is added to read:

(10) *Ohio.* * * *

(iii) That portion of Clinton County bounded by a line beginning at the junction of State Highway 73 and State Highway 28; thence, following State Highway 28 in a westerly direction to Martinsville Road; thence, following Martinsville Road in a northwesterly direction to State Highway 350; thence, following State Highway 350 in a northwesterly direction to U.S. Highway 68; thence, following U.S. Highway 68 in a northeasterly direction to State Highway 134; thence, following State Highway 134 in a southeasterly direction to Farmers Road; thence, following Farmers Road in a southeasterly direction to Jenkins Road; thence, following Jenkins Road in a generally northeasterly direction to State Highway 73; thence, following State Highway 73 in a southeasterly direction to its junction with State Highway 28.

(iv) That portion of Pickaway County bounded by a line beginning at the junction of Palestine-Williamsport Road and State Highway 56; thence, following State Highway 56 in a southeasterly direction to the junction of the Monroe-Muhlenberg and Jackson Township lines; thence, following the Monroe-Jackson Township line in a southerly and then westerly direction to the Deer Creek; thence, followin. the north bank of the Deer Creek in a generally westerly direction to Crownover Mill Road; thence, following Crownover Mill Road in a northeasterly direction to Southward Busick Road; thence, following Southward Busick Road in a northeasterly direction to Palestine-Williamsport Road; thence, following Palestine-Williamsport Road in a northwesterly direction to its junction with State Highway 56.

2. In § 76.2, subparagraph (e) (12) relating to South Carolina is amended to read:

(12) *South Carolina.* (i) That portion of Williamsburg County bounded by a line beginning at the junction of State Highway 512 and the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Highway 74; thence, following Secondary Highway 74 in a northwesterly direction to the Pine Island Bay Road; thence, following the Pine Island Bay Road in a northwesterly direction to Secondary Highway 218; thence, following Secondary Highway 218 in a northeasterly direction to Secondary Highway 24; thence, following Secondary Highway 24 in a southeasterly direction to Secondary Highway 86; thence, following Secondary Highway 86 in a northeasterly direction to Secondary Highway 51; thence, following Secondary Highway 51 in a generally northerly direction to State Highway 512; thence, following State Highway 512 in a southeasterly direction to its junction with the Seaboard Coast Line Railroad.

(ii) That portion of Horry County bounded by a line beginning at the junction of State Highway 9, Buck Creek and the Waccamaw River; thence, following the north bank of the Waccamaw River in a generally southwesterly direction to State Highway 31; thence, following State Highway 31 in a northerly direction to State Highway 905; thence, following State Highway 905 in an easterly direction to State Highway 348; thence, following State Highway 348 in a northerly direction to State Highway 349; thence, following State Highway 349 in an easterly direction to State Highway 347; thence, following State Highway 347 in an easterly direction to Pleasant Grove Church Road; thence, following Pleasant Grove Church Road in a northeasterly direction to Buck Creek; thence, following the west bank of Buck Creek in a generally southeasterly direction to its junction with State Highway 9 and the Waccamaw River.

(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 Clinton and Pickaway Counties in Ohio and a portion of Horry County, S.C., 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 9th day of October 1970.

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

[F.R. Doc. 70-13870; Filed, Oct. 14, 1970; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 4]

PART 120—LOAN POLICY

The Loan Policy Regulations of the Small Business Administration, Part 120 (as published in 32 F.R. 11770, Rev. 3, and amended in 32 F.R. 15634; 33 F.R. 7621, 7751, 11147, 11652, 15588, 17233; and 34 F.R. 706, 1945, 2248), is hereby revised and republished and as so revised reads as follows:

Sec.
120.1 Introduction.
120.2 Business loans and guarantees.
120.3 Terms and conditions of business loans and guarantees.
120.4 Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of diseases or toxicity through natural or undetermined causes.
120.5 Displaced business and coal mine health and safety loans.

AUTHORITY: The provisions of this Part 120 issued under 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b)(6).

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance. Financial assistance includes business loans

and guarantees to small business concerns and loans and guarantees for disaster relief to small business concerns and individuals. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans to the general public.

§ 120.2 Business loans and guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit. Bank refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge of reasons to believe that credit is otherwise available on reasonable terms from sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management or principal shareholders of the applicant;

(iv) Through V-loan, or other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases where the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution, except in accordance with the Simplified Early Maturities Participation Plan set forth in Part 122 of this chapter.

(c) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects of the firm indicate ability to repay the loan out of income from the business. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or result of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Company.

(iv) Replenish funds theretofore used for such purposes.

(2) If the purpose of the applicant in applying for financial assistance is to effect a change of ownership of a business unless such change will promote the sound development or preserve the existence of a small business concern; or will contribute to a well-balanced national economy by facilitating ownership or small business concerns by persons whose participation in the free enterprise system has been prevented or hampered because of economic, physical, or social disadvantages, or because of disadvantages in the business or residence locations.

(3) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(4) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however*, That this provision shall not be construed to bar financial assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns.

(5) If the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement facilities, unless such facilities contribute to the health or general well-being of the public;

(6) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, or similar enterprise;

(7) If any part of the gross income or the applicant (or of any of its principal owners) is derived from gambling activities;

(8) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(9) If the purpose of the financial assistance is to finance the acquisition, construction, improvement or operation of real property which is, or is to be, held primarily for sale or investment.

(10) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(11) If the financial assistance would be used primarily in a farming or other agricultural activity; or if the applicant is a processor of agricultural commodities and grows or produces more of the commodities processed than he purchases from others.

(e) In the event that appropriate local governmental officials, acting within their official authority, represent in writing to SBA that a community emergency has caused or is causing involuntary physical damage or economic injury to multiple small business concerns, then SBA may in its discretion determine that the application of the eligibility limitations contained in subparagraphs (2) and (6) of paragraph (d) of this section would result in undue hardship to such affected business concerns and therefore said subparagraphs (2) and (6) of paragraph (d) of this section will not apply to financial assistance to such small business concerns to replace, repair, or to recover from the damage or economic injury resulting from such community emergency, such as a widespread strike or civil disturbance.

§ 120.3 Terms and conditions of business loans and guarantees.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice. The maturity may not exceed 10 years, except that such portion of a loan made for the purpose of constructing facilities may have a maturity not in excess of 15 years.

(b) *Charges on guaranteed loans*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-quarter of 1 percent per annum of the portion of the loan which SBA has guaranteed.

(2) *Interest.* (i) Except as provided in subdivision (iii) of this subparagraph, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ percent per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interest on its share of a loan as shall be legal and reasonable, but in no event to exceed 8 percent per annum.

(ii) Direct loans: Except as provided in subdivision (iii) of this subparagraph, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum, except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on SBA's share of financial assistance, which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable, but in no event to exceed 8 percent.

(iv) Except as provided in subdivision (iii) of this subparagraph, the interest rate on guaranteed loans, subject to the approval of SBA, may be established by the participating financial institution at a rate that shall be legal and reasonable. When purchased by SBA, the rate of interest to the borrower on SBA's share of the loan shall be 5½ percent per annum, except where the rate of interest on the share of the loan of the financial institution is less than 5½ percent per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. When SBA purchases its guaranteed share, its payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by participant but shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(v) The interest which a financial institution pays SBA for temporary advances under the liquidity privilege in a guaranty loan agreement varies according to the approval date of SBA's guaranty on a given loan. Accordingly, interest rates on temporary advances are as follows: If the approval date of SBA's guaranty is on or before April 19, 1968, the annual interest rate on temporary advances is 4½ percent; if the approval date is April 20, 1968 to and including April 6, 1969, the annual rate is 5½ percent; and if the approval date is on or after April 7, 1969, the annual rate is 6 percent.

(3) *Service fees.* In immediate participation loans made and serviced by a financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan, and provided that such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be three-eighths of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-quarter of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of 1 percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes, costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

§ 120.4 Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of disease or toxicity through natural or undetermined causes.

(a) *Scope of assistance.* Financial assistance for disaster relief will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster. Such financial assistance will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters.

(b) *Limitations on assistance*—(1) *Availability of funds from other sources.* (i) Personal and/or business assets must be considered to determine that the applicant cannot supply the needed funds from private sources without causing undue hardship. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster assistance under this § 120.4.

(ii) Pursuant to the Disaster Relief Act of 1969, Public Law 91–79, physical-loss disaster assistance for any disaster determined by the President to be a "major disaster," and occurring after June 30, 1967, and on or before December 31, 1970, may be available from SBA regardless of whether the physical-loss disaster assistance is otherwise available from private sources.

(iii) Subparagraph (i) of this paragraph does not apply to physical-loss disaster assistance to privately owned schools, colleges, universities, and hospitals or churches and eleemosynary institutions to the extent the loss or damage is not compensated for by insurance or otherwise.

(2) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen, and others engaged primarily in agricultural activities are not eligible for SBA disaster loan assistance. No disaster loan funds will be provided to an otherwise eligible applicant which would be used primarily in a farming or other agricultural activity, except, where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance, such parties shall be eligible for physical-loss disaster assistance.

(3) *Religious, eleemosynary, and nonprofit organizations.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Persons or firms holding realty for lease or rent for the production of income are not small business concerns. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern; a consumer cooperative will not qualify as a small business concern. Applicants which do not qualify as small business concerns are ineligible for disaster loan assistance except for physical loss disaster assistance.

(c) *Terms and conditions of financial assistance*—(1) *Participation limitations.* SBA's share of immediate participation disaster loans shall not exceed 90 percent of the loan. In guaranteed disaster loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(2) *Maturities.* The maximum maturity, including renewals and extensions, for disaster loans shall not exceed 30 years.

(3) *Interest.* For disaster relief described under this § 120.4, the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be at the rate of 3 percent per annum (except where it has been determined that applicant can supply the needed funds from private sources). In physical-loss disaster assistance, when the applicant can supply the needed funds from private sources and when there has been a major disaster declaration, a loan approved after June 30, 1967, and on or before December 31, 1970, the applicant may nevertheless receive physical-loss disaster loan assistance but such assistance must be at a higher rate of interest

(6¾ percent for fiscal year 1971); where such loans are able to be made at the 3 percent per annum rate, deferment may be made in payments of principal or interest, or both, for a period up to the first 3 years of the loan. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA but not to exceed 8 percent per annum.

(4) *Service fees.* No service fees shall be charged on disaster relief loans described under this § 120.4, and no fee shall be charged financial institutions for the SBA guaranty provided on guaranteed loans.

(d) *Physical-loss disaster assistance*—(1) *Nature of financial assistance.* Financial assistance may be extended to rehabilitate or replace property damaged or lost as a result of disasters declared by SBA, declarations of which are published in the FEDERAL REGISTER. Such financial assistance may not be used to rehabilitate or replace personal recreation facilities or vacation homes, cabins, or similar structures, except that second or vacation homes or cabins are eligible where there has been a major disaster declaration by the President. However, if the property is primarily rental property which is an important source of income for the owner, a rehabilitation loan will be considered where there is only an SBA declaration.

(2) *Eligibility.* Assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss; it will not be extended (i) if the applicant suffers flood loss as a result of action by a Federal agency which causes flooding of an area where the Government has been held harmless under a lease agreement covering a flowage easement (ii) where a substantial change of ownership therein occurred, or the property to be rehabilitated has been acquired after the disaster.

(e) *Substantial economic injury assistance*—(1) *Disaster declaration.* An area must be declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture or his designee.

(2) *Eligibility.* (i) An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration made as provided in subparagraph (1) of this paragraph.

(ii) Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster.

(f) *Product disaster assistance*—(1) *Disaster declaration.* The Administrator of SBA makes all product disaster declarations.

(2) *Eligibility.* (i) An otherwise eligible small business concern is eligible for product disaster assistance to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

(ii) Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred during or following a period of disaster.

(iii) Applicants which do not qualify as small business concerns are not eligible for economic injury assistance. Religious, eleemosynary, and nonprofit organizations are not small business concerns. Persons or firms holding realty for lease or rent for the production of income are not small business concerns. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern; a consumer cooperative will not qualify as a small business concern.

§ 120.5 Displaced business and coal mine health and safety loans.

(a) *Limitations on assistance*—(1) *Availability of funds from other sources.* Personal and/or business assets must be used by the applicant to the greatest extent feasible without causing undue hardship to overcome economic injury. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining economic injury assistance.

(2) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen, and others engaged primarily in agricultural activities are not small business concerns and, therefore, are not eligible for economic injury loan assistance. No disaster loan funds will be provided which would be used primarily in a farming or other agricultural activity.

(3) *Religious, eleemosynary, and nonprofit organizations.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Therefore, they are ineligible for disaster assistance except for Physical-Loss Disaster Assistance as described under § 120.4. Persons or firms holding realty for lease or rent for the production of income are not small business concerns. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern. A consumer cooperative will not qualify as a small business concern.

(b) *Terms and conditions of financial assistance*—(1) *Participation limitations.* SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans, the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(2) *Maturity.* The maximum maturity, including renewals and extensions, for Displaced Business and Coal Mine Health and Safety Loans shall not exceed 30 years.

(3) *Interest rate.* Interest on SBA's share of financial assistance made under the Displaced Business Loan program or the Coal Mine Health and Safety Loan program shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended.

(4) *Service charges.* A service fee is permitted for those financial institutions servicing immediate participation loans, or deferred participation loans where SBA has purchased its portion, on loans approved on or after July 1, 1969. The participating institution may deduct, only out of interest collected for the account of SBA, a service fee of three-eighths of 1 percent per annum where SBA's share is 75 percent or less or of one-quarter of 1 percent where SBA's share is more than 75 percent. Such fees are permitted only so long as the participating institution is servicing the loan. This fee shall not be added to any amount which borrower is obligated to pay under the loan. Participating institution shall not make a service charge to borrower for handling construction loans or accounts receivable and inventory collateral.

(5) *Guaranty charge.* There will be no guaranty fee charged the lending institution with respect to guaranteed disaster loans.

(6) *Closing fee.* No closing fee will be charged with respect to closing of any disaster loan.

(c) *Displaced business loans*—(1) *Scope of financial assistance.* Financial assistance shall be available to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing its business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, location in, or being adjacent to or near a federally aided urban renewal program, a highway project, or any other construction in which funds are provided in whole or in part by the Federal Government. In the discretion of the Administration, the purpose of a loan made pursuant to such project or program may include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business.

(2) *Substantial economic injury.* Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their

concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster.

(d) *Coal Mine Health and Safety Loans (Financial assistance coal mine operations)*—(1) *Economic assistance.* SBA is empowered to make such loans as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in effecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan. The use of proceeds may not be for working capital purposes.

(2) *Eligibility.* To qualify for a Coal Mine Health and Safety Loan, an applicant must be a small business concern. Coal mine services are not eligible for a Coal Mine Health and Safety Loan since they do not come under the jurisdiction of the Bureau of Mines.

(3) *Inspection of mine by Bureau of Mines.* Based upon its inspection, the Bureau of Mines issues a notice of deficiency or similar notice to the coal mine operator. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Coal Mine Health and Safety Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the Bureau of Mines must accompany any formal application for loan. All applications must be supported by sufficient information so that SBA will be able to determine the economic life of the mine.

(4) *Amount of loan.* The amount which SBA may lend to individual applicants has no statutory dollar limitation. However, SBA may not make a loan if funds are available through:

(i) *Personal and/or business assets.* Personal and/or business assets must be used by the applicant to the greatest extent feasible; and/or,

(ii) *Private credit.* To the extent obtainable on reasonable rates and terms, private credit must be used prior to obtaining direct, immediate participation, or guaranteed loan assistance from SBA.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: September 30, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-13909; Filed, Oct. 14, 1970; 8:49 a.m.]

[Revision 6]

PART 123—DISASTER LOANS

Because of a number of revisions required by additional laws affecting Part 123 of Chapter I of Title 13 of the Code of Federal Regulations, and to consolidate Part 123 (Revision 5) (32 F.R. 3813) and Amendments 1, 2, 3, and 4 to Revision 5 (32 F.R. 13401, 32 F.R. 14266, 33 F.R. 7622, and 34 F.R. 1820), Part 123 is hereby recodified and republished as set forth below. As recodified and revised, Part 123 reads as follows:

Sec.
123.0 Statutory provisions—Small Business Act.
123.01 Statutory provisions—Disaster Relief Act of 1969.
123.1 General.
123.2 Types of disaster loans.
123.3 Purposes of loans.
123.4 Where to apply.
123.5 Amount of loan and interest rates.
123.6 Collateral.
123.7 Repayment.
123.8 Step-by-step procedure for disaster loan applicant.
123.9 Cooperation with Amerioan Red Cross.
123.10 Obtaining loan funds.
123.11 Administration of loans.
123.12 Extension of loans, including RFC loans.
123.13 Restriction against loans to certain felons.

AUTHORITY: The provisions of this Part 123 issued under 72 Stat. 385, 387, as amended; 83 Stat. 125, 742; 15 U.S.C. 636.

§ 123.0 Statutory Provisions — Small Business Act.

SEC 7. (a) * * *

(b) The Administration also is empowered—

(1) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods, riots or civil disorders,or other catastrophes; and

(2) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster and if such disaster constitutes—

"(A) A major disaster, as determined by the President under the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes,' approved September 30, 1950, as amended (42 U.S.C. 1855-1855g), or

"(B) A natural disaster, as determined by the Secretary of Agriculture pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961);".

(3) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business; in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business; and

(4) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business if the Administration determines that such concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

(5) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in affecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

No loan under this subsection, including renewals and extensions thereof may be made for a period or periods exceeding 30 years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period of not to exceed 5 years, if (A) the borrower under such loan is a home owner or small business concern, (B) the loan was made to enable (i) such home owner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as a result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of 20 years. The interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3) or (5), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(c)(1) The Administration may further extend the maturity of or renew any loan

made pursuant to this section, or any loan transferred to the Administration pursuant to Reorganization Plan No. 2 of 1954, or Reorganization Plan No. 1 of 1957, for additional periods not to exceed 10 years beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

(2) During any period in which principal and interest charges are suspended on the Federal share of any loan as provided in subsection (b), the Administrator shall, upon the request of any person, firm, or corporation having a participation in such loan, purchase such participation, or assume the obligation of the borrower, for the balance of such period to make principal and interest payments on the non-Federal share of such loan: *Provided*, That no such payments shall be made by the Administrator in behalf of any borrower unless (i) the Administrator determines that such action is necessary in order to avoid a default, and (ii) the borrower agrees to make payments to the Administration in an aggregate amount equal to the amount paid in its behalf by the Administrator, in such manner and at such times (during or after the term of the loan) as the Administrator shall determine having due regard to the purposes sought to be achieved by this paragraph.

(d) * * *

(e) * * *

(f) In the administration of the disaster loan program under subsection (b)(1) of this section, in the case of property loss or damage as a result of a disaster which is a "major disaster" as defined in section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), the Small Business Administration, to the extent such loss or damage is not compensated for by insurance or otherwise, may lend to a privately owned college or university without regard to whether the required financial assistance is otherwise available from private sources, and may waive interest payments and defer principal payments on such a loan for the first 3 years of the term of the loan.

§ 123.01 Statutory Provisions—Disaster Relief Act of 1969.

SEC. 6. In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage in any affected State resulting from a major disaster the Small Business Administration—

(1) To the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first 3 years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) May grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

SEC. 7. * * *
SEC. 8. * * *
SEC. 9. * * *
SEC. 10. * * *
SEC. 11. * * *
SEC. 12. * * *
SEC. 13. * * *
SEC. 14. * * *

SEC. 15. (a) As used in this Act the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970.

(b) This Act, other than sections 5, 8, 9, and 13, shall not be in effect after December 31, 1970, except as it applies to major disasters occurring before such date.

§ 123.1 General.

(a) SBA is authorized to make or guarantee loans to victims of floods and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displacement Business Disaster Assistance); and

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance).

(c) Eligibility standards for Disaster Assistance programs are set forth in § 120.4 of this chapter.

(d) (1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(2) "Financial Institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans.

(e) This revision incorporates the statutory amendment adding subsection (5) of section 7(b) of the Small Business Act as enacted by the Federal Coal Mine Health and Safety Act of 1969, Public Law 91–173. The adoption of regulations for section 7(b)(5) will be published subsequently. This revision also incorporates the provisions of the Disaster Relief Act of 1969, Public Law 91–79, which apply to physical-loss disaster assistance for any disaster occurring after June 30, 1967, and on or before December 31, 1970, where such a disaster is determined by the President to be a "major disaster." The reference hereinafter for regulations pursuant to Public Law 91–79 are usually designated by the words "certain major disasters."

§ 123.2 Types of disaster loans.

Disaster loans may be made by SBA and financial institutions upon an immediate participation basis, upon a guaranteed loan basis, or may be made directly by SBA alone.

(a) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA's participation shall not exceed 90 percent of the outstanding amount of the loan.

(b) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its Disaster Loan Guaranty Agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted for 90 days. Default as used in this subsection means nonpayment of principal or interest when due.

(c) Ordinarily SBA will not purchase its guaranteed percentage of any loan until after such purchase has been requested or demanded by the lending institution. However, when any loan guaranteed hereunder shall be in default in payment of principal or interest for more than 90 days after the due date, or when the small business concern has been determined not to be in compliance under Part 113 of this chapter, SBA has the option to purchase its guaranteed percentage, or the loan in its entirety, whenever SBA determines in its discretion that such purchase is in the best interest of the Government. The lending institution shall receive written notice of such election to purchase by SBA, and the effective date of such purchase shall be the 10th day after receipt of such notice; as of such date the note and all related loan instruments shall be assigned, transferred and delivered to SBA.

§ 123.3 Purposes of loans.

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or business property as nearly as posible to predisaster

condition. A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If it is necessary or desirable (as determined by SBA) to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, the SBA's share or guaranteed percentage of any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus, for certain major disasters, amounts eligible for refinancing of existing liens or mortgages. Personal and/or business assets must be reviewed to determine the ability of the applicant to provide his own resources, without undue hardship, to restore disaster damaged or lost property. Also, it must be shown that private credit is not obtainable on reasonable rates and terms, in order to be eligible to obtain disaster loan assistance from SBA at a 3 percent interest rate. For certain major disasters, the borrower has the option to cancel, on that part of the loan in excess of $500 the interest, the principal, or a combination of interest and principal, but in no event shall such forgiveness for any individual borrower exceed $1,800.

(2) Refinancing: For certain major disasters, where property is completely destroyed or suffers damage in excess of 50 percent of the fair value at the time of the disaster, a part or all of existing liens as they apply to the specific property lost or damaged, may be refinanced by a part of the SBA loan. Such refinancing on home loans shall be limited to an amount which is no greater than the disaster caused damage or loss. Refinancing is also permitted for loans where only SBA has declared the area eligible for the repayment of a temporary loan determined by SBA to have been used solely to alleviate the disaster caused injury.

(3) Any disaster victim located in a flood disaster-prone area that suffers real property damage, to the extent it is determined by SBA to be more feasible to move outside of the disaster area than to repair or rebuild the property at the disaster location, may obtain funds for such purposes as are prescribed in subparagraph (1) of this paragraph and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, and title to the damaged site is retained by the borrower, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers and encumbrancers of real property located at the disaster site. The recorded notice of disaster qualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate the injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

(c) *Displaced business assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government.

(2) These loans may be used to provide:

(i) Working capital necessary to carry the concern until resumption of normal operations;

(ii) Replacement costs to owners of realty less net amounts received for indemnification of property from which displaced;

(iii) Funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available;

(iv) Purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced;

(v) Increases in the cost of fixed charges such as rents, insurance, and utility bills for a reasonable period of time;

(vi) Moving expenses not compensated for from some other source where the distance moved is less than 100 miles;

(vii) Purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: *Provided, however,* That additional space to meet the minimum requirement of a local building code for parking space may be approved;

(ii) Building space to more than one-third greater than that owned or occupied prior to displacement.

(d) *Product disaster assistance.* The purpose of these loans is to assist small business concerns to reestablish or continue their business when they have suffered substantial economic injury as the result of inability of such concerns to market or process a product because of disease or toxicity occurring in such products through natural or undetermined causes. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for the loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders, not directly related to the performance of services.

§ 123.4 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or District Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating, two copies of the application should be filed with the bank which will send one copy to SBA. If a Disaster Branch Office has been established, applications generally should be filed there.

§ 123.5 Amount of loan and interest rates.

(a) SBA's share or guaranteed percentage of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3 (a)(2) and (c). (1) SBA's share of a direct or immediate participation loan to

any small business concern and/or any of its affiliates shall not exceed $500,000 in the aggregate for any one disaster, except for an additional amount to refinance any prior SBA disaster loan. Such dollar limitation also applies to loans made to any other entity eligible to receive disaster assistance other than homeowners and householders. *Provided, however,* The foregoing dollar limitations do not apply to displaced business loans. (ii) SBA's share in a direct or in an immediate participation loan to any homeowner, including all members of the household, shall not exceed $50,000 for repair or replacement of the land or building, and shall not exceed $10,000 to repair or replace household goods and personal items: *Provided, however,* That SBA's share of any such loan or loans to repair or replace a home and household goods for any single home owner and members of his household shall not exceed $55,000 in the aggregate for any one disaster. In addition to the foregoing limits, up to $50,000 may be approved when appropriate, in certain major disasters, for the refinancing of existing liens or mortgages. (iii) A guaranteed loan, where the entire loan is disbursed by a private lending institution, may be made, in addition to the direct loan limitation, for the total amount of an applicant's physical loss or the economic injury suffered less funds available from its own resources, including funds from insurance or condemnation proceedings. Such guaranteed disaster loans in conjunction with or exclusive of a direct loan shall not exceed the full amount of such loss or economic injury, except to the extent of allowable refinancing. (iv) Where an applicant's total physical loss or economic injury exceeds the dollar limitations imposed in this paragraph on SBA's share of direct or immediate participation disaster loans, then the balance of such loss may be assisted by a guaranteed loan. SBA's participation in or guaranty of any disaster loan may not exceed 90 percent of the total amount of the loan.

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing damaged or destroyed property will be considered by SBA in determining the amount of loan. The amount of money recovered from insurance or obtained from other relief sources, such as the American Red Cross, shall be deducted from the amount of the loss for which an SBA loan may be made. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of this loan.

(c) Interest rates on disaster loans are set forth in Part 120 of this chapter.

(d) Any recipient of an approved disaster loan for any noncommercial purpose shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, Public Law 90-321, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226.

§ 123.6 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any firm rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans, keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.7 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. For certain major disasters, where it appears necessary in order to assure orderly debt payment by the borrower, payments of principal or interest, or both, may be deferred during the first 3 years of the term of the loan. The maturity of the loan will be geared to the borrower's ability to pay. Final maturity of the loan shall not exceed 30 years. In certain hardship cases, on loans to homeowners and small business concerns to repair buildings or replace equipment, payments to interest and principal may be deferred for 5 years and the term of repayment extended 5 years beyond the 30-year limitation. During a deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments.

(b) In the case of privately owned colleges and universities, payments to interest may be waived and payments to principal deferred for the first 3 years of the term of the loan.

(c) Displaced business loans may have other repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the 12 months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(d) Except as described elsewhere in paragraphs (a), (b), and (c) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.8 Step-by-step procedure for disaster loan applicant.

(a) An applicant for Physical-Loss Disaster Assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property, desired to be repaired or replaced;

(2) Obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair, for which funds are requested;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension or repair of buildings, or other improvements to real estate, where the contract exceeds $10,000.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12-month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current year to date and for the past three previous fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands

of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings or other improvements to real property, where the contract exceeds $10,000; and

(9) Furnish an executed "Applicant's Assurance of Compliance," SBA Form 652.

§ 123.9 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly by the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.10 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.11 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.12 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c)(1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

§ 123.13 Restriction against loans to certain felons.

No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of 1 year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims. (NOTE: Added by section 1106(e) of the HUD Act of 1968, as amended by Public Law 90-448.)

Effective date: October 1, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-13910; Filed, Oct. 14, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-SO-63]

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

Alteration of Transition Area

On September 1, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13843), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Montgomery, Ala., transition area.

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

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

In § 71.181 (35 F.R. 2134, 10145), the Montgomery, Ala., transition area is amended as follows: ". . . within 3 miles each side of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR * * *." is deleted and "* * * within 3 miles northeast and 8 miles southwest of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR * * *." is substituted therefor.

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

Issued in East Point, Ga., on October 6, 1970.

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

[F.R. Doc. 70-13895; Filed, Oct. 14, 1970; 8:48 a.m.]

[Airspace Docket No. 70-WE-58]

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

Alteration of Transition Area

On September 11, 1970, F.R. Doc. 70-12076 (35 F.R. 14306) was published adopting an amendment to the Provo, Utah, transition area. Subsequent to the publication of this document, it was determined that recently updated survey data required a correction to the geographical coordinates of the Provo VOR. Action is taken herein to reflect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure are unnecessary.

In consideration of the foregoing, F.R. Doc. 70-12076 (35 F.R. 14306) is amended by deleting "* * * latitude 40°13'09" N., longitude 111°43'28" W. * * *" and substituting "* * * latitude 40°12'52" N., longitude 111°43'13" W. * * *" therefor.

Effective date. The effective date as originally established may be retained.

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

Issued in Los Angeles, Calif., on October 6, 1970.

LEE E. WARREN,
Acting Director, Western Region.

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

Delete all before "that airspace extending upward from 1,200 feet above * * *" and substitute therefor "That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°12'52" N., longitude 111°43'13" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR;".

[F.R. Doc. 70-13896; Filed, Oct. 14, 1970; 8:48 a.m.]

[Airspace Docket No. 70-WE-79]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Tacoma, Wash. (Tacoma Industrial Airport), control zone.

On October 15, 1970 the name of the Tacoma Industrial RBN will be changed to Crescent. Since a portion of the control zone is described on the RBN action is taken herein to reflect the name change.

Since this action is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing in § 71.171 (35 F.R. 2054) the description of the Tacoma, Wash. (Tacoma Industrial Airport), control zone is amended by deleting "* * * Tacoma Industrial RBN, * * *" where it appears in the text and substituting "* * * Crescent RBN (latitude 47°21'29" N., longitude 122°-33'41" W.), * * *" therefor.

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

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

Issued in Los Angeles, Calif., on October 6, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-13897; Filed, Oct. 14, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-82]

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

Designation of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 1,200-foot AGL transition area over the District of Columbia.

The designation will result in a consolidation of existing controlled airspace and will not involve new airspace.

Since this amendment is editorial in nature and does not impose any burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of the District of Columbia, the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

(1) Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a District of Columbia Transition Area as follows:

DISTRICT OF COLUMBIA

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the District of Columbia. The portion within P-56 is excluded.

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

Issued in Jamaica, N.Y., on September 24, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[F.R. Doc. 70-13898; Filed, Oct. 14, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

PART 5A-16—PROCUREMENT FORMS

Subpart 5A-2.2—Solicitation of Bids

REVISION OF GSA FORM 1246, GSA SUPPLEMENTAL PROVISIONS (AID PROCUREMENT)

Section 5A-2.201-70(e)(2) is amended to read as follows:

§ 5A-2.201-70 Forms to be used.

* * * * *

(e) * * *

(2) GSA Form 1246, GSA Supplemental Provisions (AID Procurement), August 1970 edition, shall be incorporated by reference in each solicitation for offers under the AID buying program by using the following provision:

GSA Form 1246, GSA Supplemental Provisions (AID Procurement), August 1970 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1246, if not enclosed, is available upon request.

* * * * *

The table of contents for Part 5A-16 is amended by revision of the following entry:

5A-16.950-1246 GSA Form 1246, GSA Supplemental Provisions (AID Procurement).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This amendment is effective 60 days following the date shown below, but may be observed earlier upon availability of the revised GSA Form 1246.

Dated: October 6, 1970.

L. E. SPANGLER,
Acting Commissioner, Federal Supply Service.

[F.R. Doc. 70-13859; Filed, Oct. 14, 1970; 8:45 a.m.]

Chapter 12B—Coast Guard, Department of Transportation

[CGFR 70-127]

PART 12B-1—GENERAL

Contracts Between Government and Government Employees

The purpose of this document is to amend the Coast Guard Procurement Regulations by deleting § 12B-1.302-3 of Subpart 12B-1.3. This section is being deleted because it is a duplicate of Department of Transportation Regulations. Since this amendment relates to agency management and public contracts, notice of proposed rule making and public procedure thereon are not required and the amendment can be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Subpart 12B-1.3—General Policies

1. Section 12B-1.302-3 is deleted.

(Sec. 633, 63 Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (ch. 137), 70A Stat. 127-133, as amended, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b)(1); 41 CFR 12-1.008)

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

Dated: October 7, 1970.

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

[F.R. Doc. 70-13871; Filed, Oct. 14, 1970; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Parkersburg W. Va.—Marietta Ohio Interstate Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Parkersburg (West Virginia)—Marietta (Ohio) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 25, 1970. Due consideration has been given to all relevant material presented, with the result that Morgan County in the State of Ohio, has been added to the region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 81.70, as set forth below, designating the Parkersburg (West Virginia)—Marietta (Ohio) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.70 Parkersburg (West Virginia)—Marietta (Ohio) Interstate Air Quality Control Region.

The Parkersburg (West Virginia)—Marietta (Ohio) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within

the outermost boundaries of the area so delimited):

In the State of West Virginia:

Jackson County.	Wetzel County.
Pleasants County.	Wood County.
Tyler County.	

In the State of Ohio:

Athens County.	Morgan County.
Meigs County.	Washington County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: September 4, 1970.

JOHN H. LUDWIG,
Acting Commissioner, National Air Pollution Control Administration.

Approved: September 29, 1970.

ELLIOTT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-13814; Filed, Oct. 14, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18472, RM-1344; FCC 70-1100]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Marion and Muncie, Ind.

1. The Commission here considers the rule-making proceeding looking toward assignment of UHF Channel 23 to Marion, Ind. (and deletion of its assignment at Muncie, Ind.), in place of Channel 31, now assigned there. A substitute for Channel 31 was sought by Geneco Broadcasting, Inc., then the licensee of Station WTAF-TV on that channel, in a petition filed August 30, 1968.[1] The petition requested Channel 17, but it was concluded that this should not be considered because of potential impact on possible use of this frequency in the eastern portion of the Chicago metropolitan area, under consideration in Docket 18261. Instead, the notice of proposed rule making herein (FCC 69-184, released February 28, 1969) proposed to assign Channel 23 at Marion in place of Channel 31. This would require deletion of that channel's assignment in the Table (§ 73.606 (b)) at Muncie, Ind. Muncie has one unreserved channel (Channel 49) assigned and occupied by Station WLBC-TV; there is also a channel assigned and reserved for educational use (*61).

2. In support of its request, Geneco's petition urged its serious economic situation and the need to substantially improve its facilities, 22 kw E.R.P. and 250-foot antenna height above average terrain. While power could be substantially increased at its present location, antenna height could not because of zoning restrictions, and therefore Geneco desired to move to a location north and west of Marion. Channel 31 cannot be used at such a location because of short separations with other assignments, and a substitute channel was necessary. Accordingly, the Notice herein proposed Channel 23, which could be used at the site contemplated if not assigned to Muncie.[2]

3. No comments were filed in response to the notice. As noted above, the Marion station has not operated in over a year, and its license has now been deleted. However, the same considerations appear to apply with respect to any future use, indicating that a channel other than present Channel 31 should be provided if possible. Use of Channel 23 at the site proposed by Geneco meets all separation requirements, and, while it would restrict the use of the same channel assigned at East Lansing, Mich., in directions south and west of the reference points of that community, no demand has been shown for this assignment and therefore this consideration does not warrant withholding of the assignment at Marion, with its attendant service advantages. While the result will be to reduce Muncie to one commercial channel, no demand for a second has been shown, and the number of assignments appears adequate.

4. In view of the foregoing, and pursuant to sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended; *It is ordered*, That effective November 16, 1970, section 73.606(b), Table of Assignments, Television Broadcast Stations, is amended to read as follows with respect to the cities listed:

City (Indiana)	*Channel*
Marion	23
Muncie	49, *61

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 7, 1970.

Released: October 12, 1970.

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

[F.R. Doc. 70-13919; Filed, Oct. 14, 1970; 8:50 a.m.]

[Docket No. 18644, RM-1470; FCC 70-1101]

PART 73—RADIO BROADCAST SERVICES

Television Table of Assignments, Oxnard, Calif.

1. On August 20, 1969, the Commission adopted a notice of proposed rule making (FCC 69-922) in the above-entitled matter. The proceeding was instituted pursuant to a petition for rule making (RM-1470) by Lola Goelet Yoakem, requesting the assignment of a UHF television broadcast channel to Oxnard, Calif. Petitioner states that if the assignment is made, she will file an application for authority to construct and operate a new UHF television broadcast station in Oxnard.

2. In the notice of proposed rule making we stated that the petitioner had emphasized the need for a local community station to provide informational-entertainment programing oriented to Oxnard and vicinity. Oxnard, population 40,265, is located in Ventura County (population 199,138). According to its size, Oxnard would ordinarily have been given an unreserved UHF channel in the overall reassignment of UHF television broadcast channels in early 1966. Because of its proximity to the Los Angeles TV stations, it was thought to be overshadowed and therefore was not given an assignment. If, however, there had been an interest shown at that time for establishing a UHF television station in Oxnard, a channel would have been assigned. Now, some 4 years later, there appears to be a need for a local outlet, as evidenced by the instant petition, with an entrepreneur prepared to file an application for authority to construct a station.

3. The only opposition to the proposed assignment at Oxnard comes from Julian F. Myers, president and principal stockholder in New Horizons Broadcasting Corp. which operates Station KKOG-TV, Channel 16, in nearby Ventura. The station is in financial straits and went silent September 13, 1969. Mr. Myers urges the Commission not to assign a UHF channel to Oxnard or elsewhere in Ventura County. He warns of the impending "disaster for all" if the market were to be cut in half.

4. The Commission is not persuaded that an assignment to Oxnard should not be made. We see no compelling public interest factors militating against making further assignments in Ventura County. We certainly do not believe that, as Mr. Myers has suggested in his comments in opposition to the assignment, the only route for the petitioner to obtain a channel for Oxnard is through the purchase of Station KKOG-TV in Ventura. It is not the Commission's function to place artificial restraints upon competition unless the overall public interest will be adversely affected by such competition. Such arguments, even if of substantial merit, are better considered later at the application stage, where they can be evaluated in light of the specific application proposal.

5. In these circumstances we are of the view that the public interest would be served by providing Oxnard with a UHF television broadcast channel which would be available for commercial use. Channel 63 is being assigned because it meets all minimum mileage separations of the rules and provides necessary site flexibility. It also is the most efficient assignment in terms of impact on future assignments in the area.

[1] Station WTAF-TV went silent, without authority, in the spring of 1969. The license was later assigned to a trustee, and the call letters changed to WSFD. When no application for renewal of license was filed and the license expired on Aug. 1, 1970, it was deleted by action of August 24. The call letters WTAF-TV are now held by a station in Philadelphia.

[2] As specified in supplemental information submitted by the petitioner early in December 1968, the exact location proposed was slightly west of Lafontaine, Ind., a town 8 miles north-northwest of Marion.

6. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended; *It is ordered*, That, effective November 16, 1970, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the community listed below is concerned, to read as follows:

City	Channel No.
Oxnard, Calif.	63+

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 7, 1970.

Released: October 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70-13920; Filed, Oct. 14, 1970; 8:50 a.m.]

[Docket No. 18838; FCC 70-1084]

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Community Antenna Relay Stations (Local Distribution Service)

1. On July 15, 1970, a Report and Order (24 FCC 2d 290) was adopted in this proceeding which, although intended to equalize the frequency-division multiplexed FM and the vestigial sideband AM methods of transmission in the Community Antenna Relay Service, inadvertently neglected to make the required change in the proviso to § 74.1030 (b) of the rules. In order to correct this error and eliminate this different treatment of the two transmission methods the attached amendment to the rules is hereby adopted. Authority for adopting this change is contained in sections 2, 3 (a) and (b), 4 (i) and (j), 301, 303, 307(b), 308, 309, and 403 of the Communications Act and in section 553(b)(3)(B) of the Administrative Procedure Act.

Accordingly, it is ordered, That Part 74 of the Commission's rules and regulations is amended, as set forth below, effective November 16, 1970.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 403, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1094; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 403)

Adopted: October 7, 1970.

Released: October 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

Part 74, Subpart J, is amended as follows:

1. In § 74.1030 paragraph (b) is amended to read as follows:

§ 74.1030 Purpose and permissible service.

* * * * *

(b) The transmitter of a community antenna relay station using FM transmission may be multiplexed to provide additional communication channels for the transmission of standard and FM broadcast station programs and operational communications directly related to the technical operation of the relay system (including voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals). A community antenna relay station will be authorized only where the principal use is the transmission of television broadcast program material or cablecasting: *Provided, however*, That this requirement shall not apply to LDS stations.

* * * * *

[F.R. Doc. 70-13918; Filed, Oct. 14, 1970; 8:50 a.m.]

[1] Commissioners Burch and Robert E. Lee dissenting; Commissioner H. Rex Lee concurring.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1049-A]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of October 1970.

Upon further consideration of Service Order No. 1049 (35 F.R. 15295) and good cause appearing therefor:

It is ordered, That § 1033.1049 *Regulations for return of hopper cars* be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 12:01 a.m., October 12, 1970; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-13915, Filed, Oct. 14, 1970; 8:49 a.m.]

[S.O. 1052]

PART 1033—CAR SERVICE

Regulations for Return of Open-Top Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of October 1970.

It appearing, that acute shortages of open-top hopper cars exist throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to coal mines and other shippers located on their lines; that these shortages are impeding the movement of coal required by the Nation's electric power plants; that these shortages are also impeding the movements of construction materials, sugar beets, and other commodities vital to the Nation's economy; that open-top hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; and that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of open-top hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1052 Service Order No. 1052.

(a) *Regulations for return of open-top hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(b) *Description of cars subject to this order:* The term "open-top hopper car" as used in this order, means freight cars having a mechanical designation "HE," "HD," "HF," "HFB," "HK," "HM," "HMA," "HT," "HTA," or any modification of the foregoing types as described in Notes 1, 2, and 3 on page 1150 in the Official Railway Equipment Register, I.C.C. R.E.R. No. 376, issued by E. J. McFarland, or reissues thereof.

(c) Exception: The provisions of this order shall not apply to The Baltimore and Ohio Railroad Co.; the Bessemer and Lake Erie Railroad Co.; the Chesapeake and Ohio Railway Co.; the Louisville and Nashville Railroad Co.; the Norfolk and Western Railway Co.; and the Penn Central Transportation Co., or to open-top hopper cars owned by these railroads. The provisions of Revised Service Order No. 1043 will continue to apply.

(d) Exclude from all loading and return to owner empty, except as otherwise authorized in paragraphs (1) and (2) of this section, all open-top hopper cars.

(1) Open-top hopper cars described herein may be loaded to stations on the

lines of the owning railroad. Back-hauling of empties from a junction with the owner to obtain a load is prohibited.

(2) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner or by directions of this Commission. Modifications issued by the Chief Transportation Officer of the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(3) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded open-top hopper car for movements contrary to the provisions of paragraphs (1) and (2) of this section.

(e) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

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

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-13916; Filed, Oct. 14, 1970; 8:49 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

National Wildlife Refuges in Alabama, Florida, Georgia, and Mississippi

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

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge, Ala., is suspended for the 1970–71 season due to a serious decline in numbers of wintering geese in the refuge area.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 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, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Wednesdays through Sundays.

(2) Only temporary blinds constructed of native vegetation are permitted.

(3) Designated routes of travel must be used for entering or leaving the public hunting area.

(4) A Federal permit is required for the use of airboats in the refuge area. All airboats must be equipped with exhaust mufflers.

(5) All guns must be unloaded and cased while hunters are traveling to and from the hunting area.

(6) Decoys will be retrieved by hunters at the end of each day's hunt.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Loxahatchee National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Delray Beach, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Only temporary blinds constructed of native vegetation are permitted.

(2) Hunter must enter and leave the refuge by either the S–39 landing or the headquarters landing and must use the following designated routes of travel to and from the hunting area: those portions of Canal 40 and Canal 39 (Hillsboro Canal) immediately east and south of the hunting area; also the refuge marsh areas near the headquarters landing and the S–39 landing lying between the hunting area and portions of canals described above. No hunting is permitted in or over these designated routes of travel.

(3) While using designated routes of travel to and from the hunting area, hunters must have their shotguns unloaded and dismantled or cased.

(4) Air-thrust boats may be authorized for use only by special permit issued by the Refuge Manager.

(5) The possession or use of shotgun shells with shot size larger than No. 4 shot is prohibited.

(6) All public use within the refuge during the hunting season is limited to the period each day from 1½ hours before sunrise to 1 hour after sunset.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Fla., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 18,636 acres, are delineated on a map available at the refuge headquarters, Merritt Island National Wildlife Refuge, Fla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) In Hunting Area No. 1, hunting will be permitted only from one-half hour before sunrise until noon on Sundays, Tuesdays, Thursdays, and Saturdays.

(2) In Hunting Area No. 2, subject to security requirements of the Director, Kennedy Space Center, hunting will be permitted from one-half hour before sunrise to sunset only on Sundays, Tuesdays, Thursdays, and Saturdays.

(3) A refuge permit is required of all hunters in both areas on Holidays, Saturdays, and Sundays.

(4) Air-thrust boats are not permitted on the refuge.

(5) Hunters under 16 years of age must be accompanied by an adult, 21 years of age or older.

(6) In Hunting Area No. 2 no shooting is permitted from or across the railroad right-of-way or any hard-surfaced road.

GEORGIA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Eufaula National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. This open area, comprising 620 acres, is delineated on a map available at the refuge headquarters, Eufaula, Ala., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions.

(1) Hunting will be permitted only on Wednesdays and Saturdays from one-half hour before sunrise to 11:30 a.m. during the waterfowl season.

(2) Hunters must hunt only from designated blinds provided and located by the Bureau. Shooting is not permitted outside blinds.

(3) Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds.

(4) Each hunter is limited to no more than 25 shells in his possession. Shells with shot larger than No. 4 are prohibited.

(5) Hunters are required to check in and out of the hunt area and must present all bagged game for inspection.

(6) A refuge permit is required. A blind fee of $6 per blind will be charged at the time permits are issued prior to each day's hunt.

(7) Applications for advance reservations for refuge permits must be received by the Refuge Manager, Eufaula Refuge, Eufaula, Ala., prior to 12 m.; November 16, 1970. Successful applicants will be determined by an impartial drawing.

(8) Blind reservations are nontransferable.

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and snipe on the Savannah National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,600 acres, is delineated on the map which is available at the refuge headquarters, Hardeeville, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and snipe, subject to the following conditions:

(1) Hunting will be permitted only on Thursdays, Fridays, and Saturdays, from one-half hour before sunrise to 2 p.m. during the period December 2, 1970, through January 20, 1971. Snipe hunting from December 11, 1970, through January 20, 1971.

(2) Hunting will not be permitted in or on Front, Middle, and Back Rivers, nor closer than 50 yards to the shoreline of these rivers.

(3) Hunters will not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

(4) Guns must be unloaded while being carried to and from the hunting area, and shot size larger than No. 4 will not be permitted on the refuge.

(5) Only temporary blinds constructed of native materials are permitted. Hunters must build their own blinds, furnish their own boats and decoys.

(6) Dogs used to retrieve waterfowl must be under complete control at all times.

(7) Before entering the hunting area, hunters are required to obtain a permit at the refuge check station, located on U.S. Highway 17 at the Middle River bridge. All hunters must check out at the check station as soon as possible after completing their hunt and must present all bagged game for inspection.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. The open area of 520 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 m. during the period November 14–28, 1970 and December 19, 1970, through January 17, 1971.

(2) The use of boats with electric motors is permitted within the hunting area.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than 15 minutes before legal shooting hours.

(5) All hunters must enter and leave the waterfowl hunting area by way of the designated access point.

(6) No hunter may take more than 16 shotgun shells into the hunting area.

(7) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(8) All hunters are required to check out at the designated check station before leaving the area.

(9) Bag limits: To be set by flyway.

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

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Fla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Wheeler National Wildlife Refuge is permitted only on the area designated by signs and/or on hunt maps as open to hunting. This open area, comprising that part of Wheeler Refuge located within the boundaries of the Redstone Arsenal Reservation, is delineated on maps available at the refuge headquarters, Box 1643, Decatur, Ala. 35601, the Provost Marshal's office at Redstone Arsenal, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of white-tailed deer and regulations governing hunting on Redstone Arsenal, subject to the following special conditions:

(1) Hunting shall be by daily permit only, to be obtained from the Provost Marshal, Redstone Arsenal, or his representatives.

(2) Archery hunting will be limited to the period October 15 through January 11; gun hunting will be limited to Saturdays and Sundays only from November 13 through January 2.

(3) Arms are limited to bows and arrows and to shotguns loaded with slugs only.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of deer, bear, and wild hog on the St. Marks National Wildlife Refuge, Fla., is permitted only in the area designated by signs as open to hunting. This open area, comprising 1,800 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of deer, bear, and wild hog.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer, feral hogs, raccoons, and opossums is permitted on St. Vincent National Wildlife Refuge. The open area, including all of St. Vincent Island, is delineated on a map available at the refuge headquarters, Post Office Box 447, Apalachicola, Fla. 32320 or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of white-tailed deer, hogs, raccoons, and opossums subject to the following special conditions:

(1) Species permitted to be taken: White tailed deer, either sex; hogs; raccoons; and opossums.

(2) Bag limits: White-tailed deer—2 per day, 3 per season; hogs and pigs, raccoon, and opossum—no bag limits.

(3) Open seasons: (a) Bow and arrow only—October 24 through 27 and November 21 through 24, 1970; (b) primitive weapon or bow and arrow—December 12 through 15, 1970.

(4) Methods of hunting: (a) Bow and arrow only seasons—only long bows are permitted. Firearms and crossbows are prohibited. Hunters must be on stands from daylight to 9:30 a.m. and from 4 p.m. until sunset. (b) Primitive weapon or bow and arrow season—weapons are restricted to long bows and muzzle loading percussion cap or flint lock rifles with

a single rifled barrel of .40 caliber minimum and a .58 caliber maximum bore.

(5) Each participant must have in his possession a valid refuge hunting permit.

(6) Access to the hunting area is restricted to two check-in stations designated on the hunting area map. The use of boats to gain access at other locations is prohibited. Each hunter must check in with a wildlife refuge officer at one of these locations before hunting.

(7) A red, orange, or yellow garment must be visible while hunting.

(8) Individuals under 18 years old will not be permitted to hunt unless accompanied by a reasonable adult.

(9) Camping and fires are restricted to the two designated camping areas. Campers may set up camp 1 day prior to the opening of each hunt season and must remove all camping equipment by 12 m. following the last day of each hunt season. Campers will remain in the campsite area prior to opening of the hunts and following the closing of the hunts.

(10) Dogs are not permitted on the Island.

(11) No motorized vehicles will be permitted on the Island.

(12) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(13) Apprehension of a participant for any infraction of regulations shall be cause for immediate revocation of his hunting permit.

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 January 31, 1971.

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

OCTOBER 2, 1970.

[F.R. Doc. 70-13863; Filed, Oct. 14, 1970; 8:46 a.m.]

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

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

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

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of raccoon on the White River National Wildlife Refuge, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 39,700 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Species permitted to be taken: Raccoon and bobcat.

(2) Open season: December 3, 4, 5, 10, 11, and 12, 1970, and January 21, 22, 23, 28, 29, and 30, 1971.

(3) Daily bag limits: Six raccoons; no limit on bobcats.

(4) Methods of hunting:

(a) Shotguns larger than 28 gauge and .22 caliber, rimfire rifles.

(b) Licensed dogs must accompany hunters.

(c) Hunters must check in and out each day at a designated check station between the hours of 5 p.m. and 2 a.m. Shooting hours begin at 5 p.m. and close at 1 a.m.

(d) Camping will be permitted only in designated areas. No fires are permitted outside the camping area. No trees will be cut.

(e) Hunters cannot enter the refuge by boats from navigable waters. Boats will be prohibited in refuge waters.

(5) Littering is a violation.

(6) All hunters must exhibit their hunting license, game, and vehicle contents to Federal and State officers upon request.

(7) A refuge permit is required to enter the public hunting areas.

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 January 30, 1971.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 8, 1970.

[F.R. Doc. 70-13864, Filed, Oct. 14, 1970; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges, N. Dak.

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.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and Hungarian partridge on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres is delineated on a map available at the refuge headquarters 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 covering the hunting of sharp-tailed grouse and Hungarian partridge subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset on November 16, 1970, through December 13, 1970.

(2) All hunters must exhibit their hunting license, game, and vehicle contents to Federal and State officers upon request.

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

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak. 58434.

OCTOBER 6, 1970.

[F.R. Doc. 70-13866; Filed, Oct. 14, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, N. Dak.

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

§ 33.5 Special regulations; sport fishing; Arrowwood National Wildlife Refuge.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps 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. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from December 15, 1970, to March 21, 1971, daylight hours only.

(2) The use of boats, without motors, is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1971.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak. 58434.

OCTOBER 7, 1970.

[F.R. Doc. 70-13865; Filed, Oct. 14, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 72]

DISCHARGE OF WASTES FROM RAILROAD CONVEYANCES

Notice of Proposed Rulemaking

A petition has been filed by Mr. Ralph Nader requesting the Commissioner of Food and Drugs to establish a rule prohibiting the discharge of human wastes from all rail conveyances. Mr. Nader's petition reads as follows:

BEFORE THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE, COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Ralph Nader, Petitioner

PETITION FOR RULEMAKING

Petitioner requests the Commissioner to establish a rule of general applicability for railway locomotives, cabooses and passenger cars, as an amendment to 42 CFR 72.154 to provide in substance that discharge of human excrement and liquid waste shall be prohibited except in circumstances that assure their sanitary disposal. The text of a proposed regulation is appended to this petition.

REGULATORY AUTHORITY

Authority to promulgate such rules is provided by 42 U.S.C. 264. This authority, formerly exercised by the Surgeon General, is now exercised by the Commissioner pursuant to delegation. 34 F.R. 9895 (1969). Regulations similar to that requested in this petition have been promulgated and are in effect for aircraft, 42 CFR 72.155, and highway vehicles, 42 CFR 72.156. The regulation of railways, however, 42 CFR 72.154, merely provides that there shall be no discharge of excrement while trains are passing over areas designated by the Commissioner's predecessor (no such areas have been designated) and that toilets must be locked while trains are standing in stations or servicing areas unless there is a means available to prevent contamination. Unlike buses and aircraft, however, railroad trains are free, while in motion, to discharge human waste into the environment.

NEED FOR THE REGULATION

1. Human fecal matter, untreated raw sewage, is a carrier of deadly hazardous human diseases. The Public Health Service has noted:

"Many of the most devastating infectious ailments are the enteric diseases of man and animals. Their agents are commonly excreted, often in enormous numbers, in the feces of infected individuals, and comprise all major categories of pathogens: Bacteria, viruses, protozoa, and helminths. The highly dangerous human bacterial agents of typhoid fever and cholera have been responsible for many millions of deaths. They are prevalent in all countries and continue to cause much disease and death in areas existing in both 'developed' and developing countries in which sanitary disposal of human feces has not been achieved. The same problem exists with regard to other disease forms found in feces, especially as a cause of death among infants and children."

Department of Health, Education, and Welfare, Public Health Service, *Solid Waste/Disease Relationships, A Literature Survey* 12 (1967)

Some of the specific diseases transmitted by human fecal matter are amebic dysentery and other protozoal infections, cholera, Coxsackie's disease, infectious hepatitis, poliomyelitis, shigellosis, typhoid and paratyphoid fevers, tuberculosis and worm infestations. Id., 52–71.

2. The contribution of the American railways to this health hazard is tremendous. In 1968 the railroads carried 295,600,000 passengers and traveled more than 4 billion passenger-miles in 15,000 passenger cars; 95 percent of the cars are equipped with toilets and virtually all are equipped with the so-called gravity feed flushing hoppers. Association of American Railroads, 1968 Yearbook of Railroad Facts (1969); Railway Age Group Research Reports (to Monogram Industries). There were also in service in 1968, 27,400 locomotives and 15,000 cabooses with similar open toilets. Yearbook, supra; Monogram Industries, A Report on Railroad Waste Pollution (1969).

The Monogram report cited concluded that toilets on locomotives and cabooses which serve only train crews, not passengers, alone discharge 51.6 million pounds of solid human fecal matter each year; this is flushed with water and is discharged as 30.6 million gallons of raw liquid sewage. One can only guess the quantity discharged by passenger cars traveling 4 billion passenger-miles.

3. In the late 1940's the Association of American Railroads commissioned a series of studies of this problem which, not surprisingly, concluded that it was not a problem of moment for the railroads. Even so, the studies found that enteric organisms were present in railroad track ballast and remained there for several months; that in heavily trafficked areas the number of easily identified fecal deposits (presumably only fresh ones) was 13.3 per mile; and that there was an ascertainable increase in the coliform count in the atmosphere outside and inside the train after a toilet flush. Association of American Railroads, Tech. Rep. No. 6, Bacteriological Studies of the Effects of Human Wastes from Passenger-Carrying Cars on Railroad Rights-of-Way (1950).

4. The cost of installing nonpolluting toilets is minimal. Figures on five types of recirculating toilets are $110 for a manually operated toilet, $200 for a recirculating flush toilet and for two types of electrically operated recirculating toilet, and $400 for the most expensive, an air operated recirculating toilet.

For 27,000 locomotives, 15,000 passenger cars and 15,000 cabooses (57,000 toilets), the cost for toilets would be $11,400,000 at $200 for a safe, adequate toilet; the cost for toilets would be $22,800,000 at $400, for the most expensive. The railroads themselves have estimated the cost of servicing equipment at $40 per toilet—$2,280,000, and servicing labor at 30 cents per toilet per day on an assumption that 80 percent are in operation—or about $5 million per year. (Association of American Railroads, Tech. Rep. No. 7, Retention of Wastes from Railroad Passenger Cars 24 (1950).)

Compare the capital cost with a total railroad investment of $27.9 billion, and the $7 million in annual maintenance cost with railroad net income of $592 million in 1968 and an average of $712.5 million for the 5 years 1964–68. Yearbook, supra.

5. Only four States out of 30 that replied to a letter in inquiry have any State law or regulation dealing with the problem: Arkansas, Montana, South Carolina, and Vermont. There is no information on how successful their regulations have been. But most of the States canvassed, seeing it as an interstate problem, would be eager to support Federal regulation.

Other countries are far ahead of us. Canada now rules all new toilets installed in trains must not dump waste onto the rights-of-way. Canadian Transport Commission, Order No. R–O–37 (Apr. 2, 1969). Japan has adopted a holding tank system for its new high-speed train and Sweden is carrying out a study of the hazards to health caused by open train toilets.

CONCLUSION

The discharge of human waste from railroad car toilets exposes the public to serious risk of disease. Rights-of-way pass through many heavily populated areas. Children and animals often pass near railroad tracks. Railroad employees work in many tasks along the right-of-way. Passengers are themselves exposed to contamination of the atmosphere inside the train. All of these are potential carriers of disease or are in danger of contracting diseases borne by organisms found in human fecal matter. There is no longer any excuse for continuation of a practice that is as noxious as it is dangerous to health. A rule in the form appended prohibiting dumping of raw sewage by railroad trains should be adopted forthwith.

WILLIAM A. DOBROVIR,
1660 L Street NW.,
Washington, D.C.

Attorney for Petitioner.

To assist him in determining whether the Interstate Quarantine Regulations should be amended to prohibit the discharge of human wastes from all rail conveyances, the Commissioner invites interested persons to submit written data, views, or arguments pertaining to the subject matter of the petition. Comments should be submitted in triplicate, within 30 days after publication hereof in the FEDERAL REGISTER, to the Commissioner, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204, and should be accompanied by appropriate supporting data and information. The Commissioner particularly invites the submission of empirical data pertaining to the introduction, transmission, or spread of communicable disease attributable to the discharge of human wastes on railroad tracks and to the magnitude and complexity of retrofitting existing railroad conveyances to retain such wastes.

This action is taken under the authority of section 361 of the Public Health

Service Act (42 U.S.C. 264) and delegation of authority thereunder (35 F.R. 606).

Dated: October 12, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-13924; Filed, Oct. 14, 1970; 8:50 a.m.]

[42 CFR Part 72]

DISCHARGE OF WASTES FROM RAILROAD CONVEYANCES

Notice of Proposed Rulemaking

Notice is hereby given that the Commissioner of Food and Drugs, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 72 as set forth below.

The proposal, in § 72.1(b), redefines "communicable disease" so as not to limit the term to the diseases specified in § 72.2, which is also the subject of a technical amendment adding leprosy and relapsing fever to the current list of communicable diseases therein.

It is also proposed to amend § 72.154 to prohibit the discharge of human wastes and garbage from railroad conveyances except at servicing areas approved by the Commissioner. This amendment would be applicable to all railroad conveyances introduced into service for the first time after December 31, 1971.

The Commissioner invites interested persons to submit written data, views, or arguments pertaining to the proposed rules. Comments should be submitted in triplicate to the Commissioner, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204, and should be accompanied by appropriate supporting data and information. All comments received within 30 days following publication of this notice in the FEDERAL REGISTER will be considered by the Commissioner before further action is taken.

Part 72 of Title 42, Code of Federal Regulations, would be amended as follows:

1. Section 72.1(b) would be revised to read as follows:

§ 72.1 General definitions.

* * * * *

(b) *Communicable diseases.* Illnesses due to infectious agents or their toxic products which may be transmitted from a reservoir to a susceptible host, either directly as from an infected person or animal, or indirectly through the agency of an intermediate plant or animal host, vector, or the inanimate environment.

2. Section 72.2 would be revised to read as follows:

§ 72.2 Apprehension and detention of persons with specific diseases.

Regulations prescribed in this part are not applicable to the apprehension, detention, or conditional release of individuals except for the purpose of preventing the introduction, transmission, or spread of the following diseases: Anthrax, chancroid, cholera, dengue, diphtheria, granuloma inguinale, infectious encephalitis, favus, gonorrhea, leprosy, lymphogranuloma venereum, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, scarlet fever, streptococcic sore throat, smallpox, syphilis, trachoma, tuberculosis, typhoid fever, typhus, and yellow fever.

3. Section 72.154 would be revised to read as follows:

§ 72.154 Railroad conveyances; discharge of wastes.

(a) There shall be no discharge of human waste, garbage, waste water, or other polluting materials from any new railroad conveyance except at servicing areas approved by the Commissioner. For purposes of this section, "new railroad conveyance" means any such conveyance placed into service for the first time after December 31, 1971.

(b) Toilets shall be kept locked when conveyances, occupied or open to occupancy by travelers, are at a station or servicing area unless means are provided to prevent contamination of the area or station.

This action is proposed under the authority of section 361 of the Public Health Service Act (42 U.S.C. 264).

Dated: October 12, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-13925; Filed, Oct. 14, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 91]

[Docket No. 8287; Reference Notice 67-32]

SPIRAL STABILITY AND STALL DETERRENT DEVICES FOR SMALL AIRPLANES

Withdrawal of Advance Notice of Proposed Rule Making

The purpose of this notice is to withdraw the advance notice of proposed rule making (ANPRM) circulated as Notice 67-32 (32 F.R. 10863) in which the FAA solicited comments concerning spiral stability and stall deterrent devices for small airplanes type certificated under Part 23 of the Federal Aviation Regulations.

Most of the comments received in response to Notice 67-32 were opposed to any requirement for the installation of a spiral stability or stall deterrent device on small airplanes. They point out that the advantages of a spiral stability device have not been sufficiently substantiated by operating experience and that such a device would give inexperienced pilots a false sense of security in deteriorating weather. With respect to stall deterrent devices, the commentators felt that such devices would introduce hazards by malfunctioning or by interfering with control during landing or in turbulence. In addition, subsequent study and evaluation by the FAA has raised questions concerning the effectiveness of the "stick-pusher" type of stall deterrent and has shown that excessive spiral divergence (negative stability) increases the difficulty of instrument flight.

In view of the foregoing, the FAA has concluded that additional research and analysis concerning spiral stability and stall deterrent devices is necessary and that rulemaking to require such devices on small airplanes is not appropriate at the present time. Accordingly, the FAA has determined that Notice 67-32 should be withdrawn.

The withdrawal of Notice 67-32 does not, however, preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the advance notice of proposed rule making published in the FEDERAL REGISTER (32 F.R. 10863) on July 25, 1967, and circulated as Notice 67-32, entitled "Spiral Stability and Stall Deterrent Devices for Small Airplanes," is hereby withdrawn.

This withdrawal is issued under the authority of sections 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 8, 1970.

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

[F.R. Doc. 70-13894; Filed, Oct. 14, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-74]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone for Lost Nation Airport, Willoughby, Ohio. A control zone is required to provide controlled airspace to protect aircraft executing the instrument approach procedures to Lost Nation Airport.

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

Any data or views presented during such conferences must also be submitted

in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Willoughby, Ohio, proposes the airspace action hereinafter set forth:

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

WILLOUGHBY, OHIO

Within a 5-mile radius of the center 41°41'00" N., 81°23'20" W., of Lost Nation Airport, Willoughby, Ohio; within 4 miles each side of the 088° bearing from the Lost Nation RBN, 41°40'58" N., 81°22'53" W., extending from the 5-mile-radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the Lost Nation RBN, extending from the 5-mile-radius zone to 8.5 miles west of the RBN; excluding the portion within the Cleveland, Ohio (Cuyahoga County Airport), control zone. This control zone shall be effective from 0600 to 2130 hours, local time, daily.

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

Issued in Jamaica, N.Y., on September 24, 1970.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[F.R. Doc. 70-13892; Filed, Oct. 14, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lake City, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Lake City transition area would be designated as: That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake City Municipal Airport (lat. 30°10'45" N., long. 82°34'45" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Lake City Municipal Airport, utilizing the Taylor VORTAC, is proposed in conjunction with the designation of this 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 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 5, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-13893; Filed, Oct. 14, 1970; 8:48 a.m.]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 174]

[Docket No. HM-60]

TRANSPORTATION OF HAZARDOUS MATERIALS

Request for Public Advice on Speed Restriction on Tank Cars

The Hazardous Materials Regulations Board is considering amending Parts 173 and 174 of the Department's Hazardous Materials Regulations to cope with the increasing number of railroad accidents involving DOT Specifications 112A and 114A tank cars transporting liquefied flammable gas. Although Docket No. HM-38; Amendment No. 179-4 limited the capacity of tank cars built after November 30, 1970, to 34,500 gallons, existing cars carrying liquefied flammable gas with a capacity of over 25,000 gallons appear to have caused a major portion of the more serious difficulties encountered to date.

The sequence of events in accidents such as occurred at Laurel, Miss., and Crescent City, Ill., may be briefly summarized. Following derailment of the train, one or more tank cars became punctured, releasing their contents which, in most cases, then burst into flame. The volume in these cars is such that a fire of considerable magnitude develops which heats and burns other cars in the immediate area. Often liquefied flammable gas moves in groups of more than five tank cars coupled together. When punctured and ignited, the fire impinges on the uninsulated shells of adjacent tank cars, causing them to heat, lose tensile strength and explode. It is usually a very short time between derailment and explosion of these adjacent tank cars. Such explosions occur despite the safety relief devices with which these cars are equipped.

The Board believes that placing certain restrictions on speed of trains in which liquefied flammable gas tank cars are included will significantly reduce the likelihood of derailment and potential impact on the cars. The Board is therefore considering proposing, among other things, that the speed of trains carrying liquefied flammable gas in DOT Specifications 112A and 114A tank cars having a capacity of 25,000 gallons or more, be limited to a maximum of 25 miles per hour when moving through incorporated communities, unless one of the following provides qualified mechanical or visual surveillance of the train within 35 miles of the limits of such communities:

a. Hotbox detector;

b. Initial terminal interchange or 500-mile inspection point;

c. Roll-by inspection at crew change point; or

d. Qualified railroad personnel adjacent to the track.

A positive indication of satisfactory surveillance or inspection of the train would have to be received by the train crew in the caboose, and that information would then have to be transmitted to the engineman.

The Board is also considering proposing that shippers, when offering carriers loaded tank cars of 25,000 gallons or greater capacity be required to designate on shipping orders for inclusion in waybills that such tank cars are loaded with liquefied flammable gas and that the carrier should institute the special handling provisions which would be necessary in moving those cars.

Interested persons are invited to give their views on the speed restriction the Board is considering proposing as part of the solution to a problem it considers too complex to be solved by a single change to the regulations. Therefore, public advice is also specifically requested as to additional means for coping with the increasing number of railroad accidents involving these tank cars, including lower filling densities, addition of insulation, etc., to be considered as part of an overall system aimed at significantly reducing the loss of hazardous materials in such accidents. Comments, identifying the docket number, should be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590, prior to December 16, 1970. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

Issued in Washington, D.C., on October 9, 1970.

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

[F.R. Doc. 70-13913; Filed, Oct. 14, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19045; RM-1637; FCC 70-1099]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (CLARKSVILLE, TENN.)

Notice of Proposed Rule Making

1. On June 8, 1970, a petition was filed by Tennessee Televentures, a joint venture composed of 11 listed individuals who are residents of Nashville, Memphis, Jackson, and Franklin, Tenn., requesting rule making to amend the Table of Television Assignments (§73.606(b) of the rules) by assigning VHF Channel 10 to Clarksville, Tenn., with no other changes in the Table.

2. The petition was opposed by Mid-Continent Television Corp. (Mid-Continent), permittee of UHF Station WKTO-TV, Nashville, Tenn. The Association of Maximum Service Telecasters, Inc. (MST) filed a Statement not opposing the petition as such, but noting that a location some 21 miles away from Clarksville is required in order to meet the minimum separation requirements of the Commission's rules, and urging that any action making the assignment be conditioned on selection of a site meeting mileage separations. In the engineering statement supporting the petition, this situation is recognized, and a specific location is shown within the area where Channel 10 can be used consistent with the rules, and is stated to be under option to petitioners. It is also pointed out that the proposed assignment of Channel 10 would not preclude use of that channel, or adjacent Channels 9 or 11, at any location where they are not already precluded by other assignments. It is stated that if the assignment is made, petitioners will apply for it.

THE PETITION

3. The petition asserts the increasing size and importance of Clarksville, the county seat of Montgomery County, located some 45 miles northwest of Nashville and with a 1960 Census population of about 22,000, special 1967 Census population of more than 35,000 and estimated 1970 population of 38,000 (the county populations in 1960 and (estimated) 1970 were 55,645 and 67,000). It is said that it is the largest city in the State, outside of a metropolitan area, without a television assignment, as well as the largest city in the northern tier of Tennessee counties west of Bristol-Kingsport-Johnson City in the northeast. It is asserted that the city is the center of a vast trade area, including part or all of six counties in Tennessee and three in Kentucky, with an estimated population of over 98,000. Statistics and other data as to wholesale, retail and banking activity are given (retail sales for Clarksville stated to be 80 million in 1967 compared to some $54 million in 1963). The city has a daily newspaper with a circulation of over 13,000, and a 4-year university operated under the authority of the State Board of Education. It is claimed that the city is one of the world's largest tobacco markets (nearly 4,500,000 pounds sold in 1969), and a horse trading center, with other industries also important in the area. Attention is called to the numerous lakes in the vicinity, affording fishing, boating, and water sports activity and bringing in a constant flow of tourists. Because of plentiful TVA power and other natural advantages, the city is said to be "The Queen City of the Cumberland." It is pointed out that Fort Campbell, a large installation with over 17,000 military personnel, is nearby and served by Clarksville. The city's progressive character is asserted to be demonstrated by the fact that it was the first city in the county to develop a workable plan of urban renewal. A Community Concert Association, bringing in regularly nationally prominent musical groups, is mentioned, as are the city's churches, civic groups, a large hospital, and a school for retarded children serving a large area.

4. It is claimed that Clarksville and surrounding area need television service, receiving service only from fairly distant Nashville, Bowling Green, and Paducah stations. It is stated that the general need for additional service in the area is shown by the authorization of translators at Bowling Green, 35 miles away, a city which would receive principal-city service from the proposed Channel 10 station without the need for translators.

THE OPPOSITION

5. In opposing the petition, Mid-Continent, the Nashville UHF permittee, claims that the petition raises questions as to whether Clarksville needs a station, whether it could support one if a channel were allocated, what would be the impact on UHF in the area (notably, the Mid-Continent station at Nashville which is not yet operating, and the operating UHF station there), and whether in fact such a station would be another Nashville station. It is asserted that there is no substantial need for television service in the Clarksville area, since it gets Grade A signals from Nashville (being substantially closer to that city than is Bowling Green), with the three Nashville VHF stations all showing over 50 percent net weekly circulation in the area (according to Television Factbook). The Bowling Green station provides a Grade B signal in the county, and a CATV franchise application is pending at Clarksville. It is pointed out that petitioners do not claim that any area would receive a first television service. Mid-Continent also questions the ability of a city the size of Clarksville to support a station, by itself, when it is fairly close to a large city. Asserting that principal-city coverage of Nashville by the proposed station would easily be possible (it is shown in the engineering statement supporting the petition),[1] Mid-Continent asserts: "When a proposal is made to locate a new VHF station in a small town, itself unable to support a station, close enough for city grade coverage of a city over 6 times larger (and 6 of the 10 principals are Nashville residents), it is clearly an attempt to serve the larger city, and the question then becomes, does Nashville need another VHF station?"

6. It is also claimed that the making of this assignment would be contrary to the Commission's well-established "UHF impact" policy, of fostering UHF development by not making channel assignments or authorizing station moves which will increase VHF competitive impact on UHF stations. In sum, Mid-Continent claims that the proposed assignment is completely unwarranted, and that no valid arguments for it have been advanced.

7. Upon consideration of the above matters, we believe that comments should be invited upon the Tennessee Televentures proposal, and that the institution of a rule making proceeding is warranted. It appears from the facts set forth in paragraph 3, above, that Clarksville is a city of substantial size and importance. These facts appear sufficient to present a reasonable possibility that it both needs and could support a television station serving truly as a local outlet for the city and surrounding area, and not simply as another Nashville station. In this connection, we note the city's size as shown by the 1967 Special Census, over 35,000, which is larger than several cities which have TV stations including some fairly close to larger centers (e.g., Fond du Lac, Wis., and Ada, Okla.). As mentioned, the population is increased by a large nearby military base. As to available service in the area, while it appears that a first Grade B signal would not be provided to any area, it is indicated that some viewers could receive a first Grade A signal.[2] Therefore, in both respects which are of high importance to the Commission—provision of a first signal of good quality and provision of local outlets to communities of substantial size—it appears that benefits to the public would accrue. These same benefits could of course be achieved from UHF; which could be made available in Clarksville even though there is now no

[1] The proposed site shown in the petition—which is as close as it can be to Nashville and meet separation requirements—is about 47 miles from the center of that city.

[2] See the Television Factbook CATV & Station Coverage Atlas, 1969-70 edition. This shows all of the area within the proposed station's Grade B contour (as shown in the petition) as receiving Grade B signals from Nashville, Jackson, Bowling Green, Paducah, or Evansville stations; but some areas in Tennessee and Kentucky, which lie within the depicted Grade A contour, are not within the Grade A contours of any of these stations.

assignment there (e.g., Channel 59 could be assigned); but there has been no demonstration of interest in such an assignment.[3]

8. However, there are factors in this matter which give us concern, and in instituting rule making on this proposal we are not indicating, even tentatively, a view that the assignment should be made. The first of these is the possibility—which must be deemed as substantial, in view of our experience with "small market" TV stations over more than 15 years—that the station licensed to Clarksville would become, in fact, pretty much simply another Nashville station. In this connection we note the fact, pointed out by the opponent, that none of the persons who are presently principals of the petitioner reside in Clarksville or its area, being instead residents of Nashville or places farther from Clarksville. If so, the proposal would have to be treated as simply another assignment for Nashville, and then we would have to consider very seriously the "UHF impact" matter discussed below.[4]

9. The second matter of concern is the question of impact on UHF development in Nashville and the surrounding area, which is urged by the opponent and which we have stressed many times, including in our decision in the Mount Vernon, Ill., matter, supra. Whether or not the station is "another Nashville station"—but doubtless, of course, more so to the extent that it is—it appears that a VHF signal from a station so located with respect to that city could be a serious impediment to successful UHF operation, particularly since the station apparently could put a signal of principal-city intensity into all or nearly all of the city if it used maximum facilities.

10. Accordingly, the comments herein should address themselves (inter alia) to the following questions:

(a) What assurance can the Commission have that a station using Channel 10, if assigned to Clarksville, Tenn., will in fact serve as a television station licensed to that city and meeting the particular needs and interests of it and its area, rather than as a Nashville station?

(b) In order to minimize the degree of impact on UHF development in Nashville and elsewhere in the coverage area which the proposed VHF station would have,[5] should restrictions on use of the channel be imposed, such as a restriction on power, a directional antenna, or a combination of both, which would reduce the signal intensity in the city of Nashville or its county (Davidson) to no more than a certain value, such as less than principal-city or less than Grade A?

(c) Should use of the channel if assigned to Clarksville be restricted to a station operating as regular station, not wholly or partially as a satellite of a station at Nashville or elsewhere? Proponents of the assignment should specifically indicate their plans in this respect.

11. In view of the foregoing, and with the reservations and questions set forth in paragraphs 8, 9, and 10, above, comments are invited on amendment of § 73.606(b) of the Commission's rules by the addition of Channel 10 as an unreserved channel at Clarksville, Tenn.

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

13. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before November 16, 1970, and reply comments on or before November 27, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

14. 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.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-13921; Filed, Oct. 14, 1970; 8:50 a.m.]

[47 CFR Part 73]

[Docket No. 19046; FCC 70-1102]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; GASTONIA AND MONROE, N.C.

Notice of Proposed Rule Making

1. The purpose of this notice of proposed rule making is to invite further comments on the making of two additional UHF television channel assignments in § 73.606(b) of the rules, first assignments at Gastonia and Monroe, N.C., respectively. These were proposed in a further notice of proposed rule making issued in February 1966 in Docket 14229 (FCC 66-138), along with eight other specific assignments which have long since been adopted.[1] These two proposals were opposed by a Charlotte, N.C., UHF permittee. For reasons discussed below, we have serious reservations as to whether the assignments should be made; but since they were once proposed and a considerable time has elapsed, we believe an opportunity for further comments should be given before final action is taken. Since Docket 14229 related largely to more general matters, with respect to which it will shortly be terminated after the decision in Docket 18262 concerning land mobile use of the upper UHF channels, it is believed more orderly to institute a separate proceeding concerning these two matters. The portion of the Docket 14229 proceeding concerning specific UHF assignments on channels below 70 is hereby terminated.

2. Gastonia and Monroe are cities some 18 and 24 miles from Charlotte, with populations of 37,276 and 10,882 respectively;[2] both are the county seats and largest communities of their respective counties (Gaston and Union) with populations of 127,074 and 44,670. Charlotte and its county (Mecklenburg) have populations of 201,564 and 272,111 respectively. The petitioners were both AM licensees, respectively Central Broadcasting Co., licensee of a station at Belmont, near Gastonia, and Monroe Broadcasting Co., licensee of a station at Monroe. Central urged the importance of Gastonia as a growing center in the expanding industrial Piedmont area, with nearly $77 million retail sales in 1965, up $30 million from 1950, and stated its desire to provide a first local television service for that city, its county and surrounding areas, a service clearly consistent with the mandate of section 307(b) of the Communications Act. Monroe Broadcasting Co. did not file initial comments in response to the notice but, in reply comments, urged the importance of Monroe and stated that it would serve a three-county area, including York and Lancaster Counties in South Carolina as well as Union County, N.C. (York County contains the larger city of Rock Hill, some 26 miles from Monroe, at which Channel 30 is assigned and unoccupied).

3. The notice proposals were opposed in comments filed by Charlotte Telecasters, Inc., then the permittee and later the licensee of independent UHF Station WCTU-TV (now WRET-TV), Charlotte Channel 36. It was urged, in substance, that these cities are too small to support their own stations, which would thus be simply the fifth and sixth commercial stations in the Charlotte market, whose advent would simply jeopardize all independent TV service there. Charlotte has two VHF and one UHF network-affiliated stations. It was urged that these places do not need regular local outlets, since they receive principal-city service from all of the Charlotte stations and Charlotte Telecasters included them in its survey of

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[3] See in this connection Amendment of Section 73.606(b) of the Commission's Rules and Regulations to add a VHF television broadcast channel to Mount Vernon, Ill., Docket No. 18453, 17 R.R. 2d 1620, FCC 69-1209 (October 1969) and 18 R.R. 2d 1625, FCC 70-286 (March 1970), pars. 23 and 28 of FCC 69-1209 and 12 and 14 of FCC 70-286.

[4] See In the Matter of Amendment of Section 73.606, Table of Assignments, Television Broadcast Stations (Salt Lake City, Utah, etc.), FCC 68-251, 12 R.R. 2d 1584 (1968).

[5] In addition to Nashville assignments, there are UHF assignments at four places within the proposed Grade B contour: Murfreesboro, Tenn., and Owensboro, Bowling Green, and Hopkinsville, Ky., the latter two within the proposed principal-city contour.

[6] Commissioners Burch and Robert E. Lee dissenting.

[1] The 10 proposals were among petitions for UHF assignments which had been filed during the pendency of Docket 14229, the overall UHF allocation proceeding, in which we issued a fifth report and order and new table of UHF Assignments at the same time as the further notice.

[2] All population figures are from the 1960 U.S. Census.

local needs. It was urged that the low-power "community" type of station—then under consideration in Docket No. 14229 as a possible use of the upper UHF channels—would be ideal for these communities, and that these parties should seek such facilities.

4. Both of the petitioners filed reply comments to this opposition, urging a variety of arguments such as the inapplicability of such economic considerations in rule making, and the fact that even if the new assignments are viewed as in fact "Charlotte" channels, that market can support at least one additional assignment.[1] Both expressed their intention to apply for the channels if assigned, and opposed the reliance on "community" assignments for their cities; Monroe Broadcasting flatly stated that it would not apply for such facilities. Central urged that such a station would be an "inefficient" use of a channel compared to a high-power operation, and cited the population of Gastonia as well above the minimum 25,000 figure which the Commission regarded as warranting a regular assignment in preparing the Docket 14229 Table of UHF Assignments, and therefore not appropriate for "community" consideration instead. Monroe Broadcasting took a somewhat dim view of the low-power station idea generally, as simply not permitting sufficient coverage to warrant the expenditure for facilities, which, in many respects, is the same for a low-power as for a regular station. It claimed that with regular facilities it would still not be competitive in Charlotte, because of an inferior signal, and would be a lower-budget operation not competing with the Charlotte stations for advertising or in programing.

CONCLUSIONS

5. As noted above, we have reservations about whether either of these assignments should be made. These relate chiefly to whether, in view of the relatively small size of these communities and their proximity to Charlotte, stations operating on either of these channels would serve as local outlets for their communities, rather than simply as another Charlotte station. Our experience of over 15 years in television, and longer in the aural services, indicate that this is doubtful. These considerations perhaps apply particularly to Monroe, in view of its small size.

6. However, these communities are not insubstantial, particularly Gastonia, which is substantially above the 25,000 figure which was the general cutoff in Docket 14229. We are under a statutory mandate, that of section 307(b), to provide for an equitable distribution of facilities among the several communities, and the provision of first local outlets has always been high in our allocations objectives, in TV and other services. Neither of these communities is in the Charlotte urbanized area or SMSA, as defined in the 1960 U.S. Census. Therefore, we believe that some consideration on this score should be given.

7. Whatever might have been the merits of the low-power "community" station concept advanced in 1966 in Docket 14229—and it drew little support—it has now in effect been abandoned, under the decision in Docket 18262 concerning land mobile use of the upper UHF channels. See first report and order in Docket 18262, FCC 70-519, 19 R.R. 2d 1663 (May 1970), paragraph 16. Therefore, if local TV service is to be provided to these places, it must be by regular assignments on channels below 70.

8. Moreover, while we have substantial doubts as to whether these assignments, if made as requested, would be used by stations serving primarily as local outlets for their communities of license, the question of assigning one or both of these channels simply as additional channels in the Charlotte market also warrants consideration. Charlotte itself now has four unreserved channels, two VHF and two UHF, all occupied, and, even if the Rock Hill, S.C., assignment is included, it has no more than five. A number of markets in this size group have six, and a few even more. For this reason as well, further consideration of the question of making one or both of the additional assignments in question here is warranted.

9. Accordingly, comments are invited in this new proceeding on the amendment of § 73.606(b) of the rules, the Table of Television Assignments, by assigning Channel 53 to Gastonia, N.C., and Channel 66 to Monroe, N.C. Commenting parties should discuss, inter alia, the following matters:

(a) Whether, and to what extent, Channel 53 if assigned to Gastonia, N.C., and Channel 66 if assigned to Monroe, N.C., would be used by stations truly serving as local outlets for these communities, rather than simply as additional stations serving Charlotte, N.C., and its market.

(b) To the extent that such stations would be additional stations serving Charlotte, whether the making of these assignments, as in effect fifth and sixth channels to that community, is in the public interest.

(c) In view of the foregoing, whether one but not both of these assignments should be made, and if so which.

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

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before November 16, 1970, and reply comments on or before November 27, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

12. 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.

13. In view of the foregoing: *It is ordered*, That the proposals contained in paragraph 13 of the further notice of proposed rule making in Docket 14229, FCC 66-138, adopted February 9 and issued February 11, 1966, are withdrawn insofar as they have not hitherto been finally adopted. Material filed in response to that paragraph of that further notice will be considered herein if incorporated by reference.

Adopted: October 7, 1970.

Released: October 12, 1970.

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

[F.R. Doc. 70-13922; Filed, Oct. 14, 1970; 8:50 a.m.]

[1] According to Television Factbook, 1970-71, Charlotte is the 31st market in net weekly circulation. In the 1966 fifth report and order in Docket 14229, it was noted that the great majority of the top 25 markets had six or more unreserved assignments, as did 17 of the next 50 markets, which would include Charlotte. See fifth report and memorandum opinion and order in Docket 14229, 3 FCC 2d 527, 6 R.R. 2d 1645, FCC 66-138 (1966), par. 65. The Rock Hill, S.C., unoccupied UHF channel is included in the Charlotte market for purposes of market-channel analysis.

[47 CFR Part 73]

[Docket No. 19047, RM-1361; FCC 70-1104]

TABLE OF ASSIGNMENTS, SUBSTITUTING CHANNEL 26 FOR CHANNEL 59 AT NEW HAVEN, CONN.

Notice of Proposed Rule Making

1. In a petition for rule making filed on October 21, 1968 (RM-1361), Impart Systems, Inc. (Impart), permittee of a UHF station on Channel 59 at New Haven, Conn., asked that proceedings be instituted looking toward assigning UHF Channel 26 at New Haven (and changing Impart's CP to that channel), by switching Channel 59 to New London, Conn., and deleting Channel 26 from that city. This proposal was denied in a memorandum opinion and order adopted February 12, 1969, 16 FCC 2d 620, 15 R.R. 2d 1551 FCC 69-133. Impart filed a timely petition for reconsideration of this action; this petition was opposed by WATR, Inc., licensee of WATR-TV, Waterbury, Conn. (Channel 20), which had opposed the rule making petition.

2. In addition to the UHF channel involved here, New Haven has a VHF channel and operating station, WNHC-TV, Channel 8, and an unoccupied reserve educational channel, *65. New London has only the one unoccupied UHF assignment. The 1960 Census populations of these cities are: New Haven, 152,048, New London, 34,182.

3. The memorandum opinion and order referred to stated that the various arguments for the shift advanced by Impart were not persuasive: The claimed technical differences in signal between Channel 59 and Channel 26 are not significant and the coverage difference is negligible if any; the claim that a low

UHF channel is necessary to compete with the other UHF stations in the area, which are on low channels, ignores the fact that a CP is outstanding at Hartford on Channel 61, as well as CP's at Bridgeport (closer to New Haven) on Channels 43 and 49; there would be no gain in channel efficiency in terms of added assignments; and the proposed Channel 26 use at New Haven would have to be 18 miles east of the city and thus the permissible location is severely limited. It was stated that:

> The assignment pattern in this portion of New England makes it obvious that providing TV channels in the places and in the quantities that will be needed calls for the use of channels throughout the UHF television broadcast band and altering that pattern merely to provide a low numbered channel to one place as opposed to another place is neither warranted nor desirable. (FCC 69-133, par. 7; 16 FCC 2d 622; 15 R.R. 2d 1553.)

4. Impart's petition for reconsideration urges a number of points: (1) The substantial limitation on location referred to in the decision is erroneous, since the site proposed for use of Channel 26 is only 6.6 miles from the eastern boundary of the city, and only 0.1 mile away from a site proposed for use of Channel 59 in 1967, and the triangular area within which a site meeting separation requirements could be chosen comes to within 1.1 miles of the city's boundary; (2) the existence of various unbuilt CP's in the area on higher UHF channels is irrelevant and Impart's competition will still be basically with either VHF or low UHF stations (as to UHF, Channel 20 at Waterbury, Channel 30 at New Britain, and Channel 18 at Hartford; (3) the proposal would not mean any changes or loss of channels in New England, since New London would have, as it has now, one channel, which no one has shown an interest in;[1] (4) the difference between coverage and signal strengths on Channel 26 and Channel 59, in the allegedly rugged terrain of the Connecticut Valley area, is substantial. A lengthy engineering statement is submitted supporting points (1) and (4).

5. In opposing reconsideration, WATR, Waterbury Channel 20, urges: (1) That the Commission was correct in holding any difference in Channel 26 and Channel 59 performance to be insignificant; (2) if the higher UHF stations authorized in the area are unbuilt, so is Impart's station, and likely to remain so in view of the serious character-qualification and financial questions concerning its sole stockholder, Victor Muscat, who has been indicted for perjury and for misrepresentation in SEC statements; (3) the fact that the required distance from New Haven is in fact somewhat less than the Commission believed is immaterial; there are still substantial restrictions and the proposed site, on any channel, would not provide line-of-site service to all of New Haven as required by the rules.[2] Moreover, another permittee on the channel might not wish to locate at such a site, and in view of the various questions concerning Muscat's qualifications this is more than a theoretical matter.

6. With respect to the argument concerning signal strengths from stations on the two channels, Impart's engineering statement contains a comparison study of expected fields at various locations in New Haven from a station at its proposed site using Channel 26 and using Channel 59. The expected fields in the "shadow" areas were calculated on the basis of National Bureau of Standards Technical Note 101 (revised to Jan. 1, 1967). The study shows expected field values generally (though not always) higher for Channel 26, the average difference being 1.88 dbu (a total difference, at 46 locations, of 77.223 dbu). As noted, WATR claims that is insignificant.

Conclusions

7. Upon further consideration of this matter, we are of the view that rule making concerning the assignment of Channel 26 to New Haven, and shift of present Channel 59 to New London to replace Channel 26, is warranted. It is apparent that the proposal presents some problems, and in instituting rule making on it we do not indicate either a tentative view that the channel changes should be made, or a belief that the various contentions of Impart are entitled to substantial weight. In particular, we are still not persuaded that there would be a significant technical difference between Channel 26 and Channel 59 used at New Haven. However, in one respect our decision was erroneous, as to the distance from New Haven at which a Channel 26 station would have to be located. We also believe that further consideration should be given to the question of making assignment changes which, while they do not increase channel efficiency and number of potential assignments, do not decrease it either, a concept which was another basis of our decision denying the petition. To the extent that the prompt commencement of a second TV service in New Haven would be promoted by the change, we believe it warrants consideration.

8. Another reason why we believe the proposal to assign a lower UHF channel at New Haven warrants consideration is possible developments in the translator area. In Docket 18861, adopted in May 1970 at the time of the land mobile decisions, we have under consideration ways by which translators can be accommodated on lower UHF channels, thus clearing Channels 70 and above—in which UHF translators now operate generally—for land mobile use to a large extent. It may well be more orderly, as well as more satisfactory in other ways, to assign translators in the group of channels immediately below where they are now, i.e., in the channels just below 70, rather than more generally throughout the UHF television band. Since New Haven is considerably closer to "translator country" in western New England than is New London, it may therefore be desirable from this standpoint to use a lower channel for the regular New Haven assignment and move Channel 59 to New London. However, this aspect of the matter has not been explored, and it may be that upon a closer look at the situation this consideration may require denial of the proposal irrespective of other matters.

9. Accordingly, comments are invited on amendment of section 73.606(b) of the Commission's rules, the Table of Television Assignments, as follows:[3]

City	Channel No.	
	Present	Proposed
New Haven, Conn.	8+, 59, *65	8+, 26, *65
New London, Conn.	26	59

10. The parties commenting herein should address themselves, inter alia, to the following matters:

(a) The comparative desirability of Channels 59 and 26 from the standpoint of finding a site meeting mileage separations and satisfactory from the standpoint of service to New Haven, particularly in light of the distance a Channel 26 station must be located from that city, and the "shadowing" discussed above from the location proposed by Impart.

(b) What effect the assignment of Channel 26 would have, taking into account competitive factors, on:

(1) The prompt commencement and continuation of additional commercial service in New Haven;

(2) The commencement and continuation of service from other UHF stations operating and authorized in the area, both those on Channel 30 and below (at Hartford, New Britain, and Waterbury) and those authorized on higher channels (at Hartford and Bridgeport), especially those stations which are the only ones in their cities;

(3) The effect of the substitution of a higher channel at New London on the commencement and continuation of service by a station licensed to that city.

11. In view of one of the arguments advanced by WATR and noted in paragraph 5, above, it is appropriate to add certain observations about the general nature of this proceeding. Allocation rule making proceedings such as this one are not ad hominem matters, nor do they

[1] In its petition for rule making, Impart claimed that there is no present interest in a UHF channel at New London nor likely to be in the future, in view of that city's proximity to Providence and location in the Providence area of dominant influence, as well as its own situation outside of an urbanized area.

[2] This statement is based on an amendment to application for modification of CP, filed by Impart in March 1969, wherein the "shadow" area in New Haven was analyzed and waiver of the rules was requested.

[3] In view of New Haven's substantial size, assignment of a third commercial channel (second UHF) would not be out of the question if a replacement at New London could be found other than Channel 59. In that event Channel 59 could be left in New Haven, in addition to Channel 26. Parties may wish to explore and comment on this possibility in their submissions herein, and if it appears appropriate a decision to this effect may be adopted.

take into account the identity of particular parties or any questions concerning their qualifications. The institution of this proceeding, and any decision which is reached, represent solely an effort to reach the pattern of channel assignments which will best serve the public interest in continued and increased television service in New Haven and the general area involved. The Commission is aware that there are at present questions as to the qualifications of Victor Muscat, with respect to the New Haven construction permit as well as others held by permittees in which he is a principal. The institution of this proceeding is not a finding either that such questions warrant the taking of action concerning these permits, or that they do not. As stated, this is an allocations matter.

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

13. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before December 1, 1970, and reply comments on or before December 15, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. 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: October 7, 1970.

Released: October 12, 1970.

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

[F.R. Doc. 70-13923; Filed, Oct. 14, 1970; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Revision 9]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Retail Motor Vehicle Dealers (New and Used Cars) for Purpose of SBA Loans

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing new definitions of a small business retail motor vehicle dealer (new and used cars) and a small business retail motor vehicle dealer (used cars only).

The currently effective size standard for these industries (Standard Industrial Classification Industries No. 5511 and No. 5521) is annual sales and receipts for the concern's preceding fiscal year not exceeding $3 million. These standards have been in effect since May 22, 1959.

Based on an analysis of statistics for this industry obtained from the Bureau of the Census, we have concluded that the size of concerns primarily engaged in the retail sale of new and used cars and of used cars only have significantly increased to the point that the small business size standards for these industries should be increased from $3 million to $5 million.

Interested parties may file with the Small Business Administration within 15 days of publication of the proposal in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

Marshall J. Parker, Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Attention: Size Standards Staff.

It is proposed to amend the regulation as follows: Schedule D of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby further amended by revising the size standard for Industry No. 5511, Motor Vehicle Dealers (new and used cars) and Industry No. 5521, Motor Vehicle Dealers (used cars only) to read as follows:

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) in millions
5511	Motor vehicle dealers (new and used cars).	5.0
5521	Motor vehicle dealers (used cars only).	5.0

Dated: October 8, 1970.

HILARY SANDOVAL,
Administrator.

[F.R. Doc. 70-13906; Filed, Oct. 14, 1970; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SOUTHERN PAIUTE NATION OF INDIANS

Notice of Rules Governing Meetings on Disposition of Judgment Funds

OCTOBER 5, 1970.

This notice is published in exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Section 7 of the Act of October 17, 1968 (82 Stat. 1147) provides that the judgment funds awarded to the Southern Paiute Nation of Indians may be expended in accordance with a plan agreed upon between the governing body or members of each Paiute group belonging to the Southern Paiute Nation of Indians at a meeting called in accordance with rules approved by the Secretary of the Interior and the Board of Indian Affairs of the State of Utah. The authority of the Secretary of the Interior under the Act of October 17, 1968 (82 Stat. 1147) was redelegated to the Commissioner of Indian Affairs by section 30(a)(46) of Secretarial Order 2508. This delegation of authority was published in the March 14, 1970 issue of the FEDERAL REGISTER (35 F.R. 4558).

Pursuant to section 7 of the Act of October 17, 1968 (82 Stat. 1147), notice is hereby given that the following rules governing meetings have been approved by the Commissioner and the Board of Indian Affairs of the State of Utah. Since a delay in establishing the rules for the meetings would result in a delay in the use of the judgment funds, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (Supp. III, 1965–1967).

1. *Notice of meetings.* In addition to publication and/or announcement in at least two local news media (newspaper, radio, and television), notice of meetings shall be mailed to the respective chairman and secretary of the Paiute groups cited in sections 1(d) and 1(e) of the Act of October 17, 1968 (82 Stat. 1147). (Indian Peaks, Kanosh, Koosharem, Shivwits, and Cedar City Paiute groups.)

Meeting notices shall also be posted in public places serving the respective Paiute groups, and such notices shall be mailed to individual members of said Paiute groups whose addresses are known.

All meeting notices shall be published, announced or mailed ten (10) days in advance of any meeting. Notice of meetings shall set forth the place, date, time and purpose of the meetings.

2. *Place of meeting.* Meetings shall be held in local facilities nearest to the main location of the Paiute group concerned.

3. *Date and time of meeting.* The date and time for meetings shall be scheduled so as to avoid, to the best possible extent, interruption of the daily work hours of the members of the respective Paiute groups.

4. *Participation in meetings.* (1) In meetings with the tribal governing body, a quorum must be present to transact any business.

(2) Where a governing body does not exist and/or a general council meeting is called, not less than one-third of the adult (21 years of age and over) living enrollees must be present to comprise a quorum.

(3) Approval of the plans and/or decisions by the general council of the respective Paiute groups shall constitute a valid and final action.

(4) Only those actions taken in accord with the above-prescribed procedures will be valid.

5. *Presiding officer.* (1) In a general council meeting, the chairman of the governing body shall preside and shall have all the authorities of such office as authorized by the organic document of the group.

(2) In a general council meeting, where there is not an existing governing body, the general council may, by motion, designate a chairman pro tem. The chairman pro tem shall be vested with authority to sign and/or execute documents as authorized by the general council. The chariman pro tem shall preside at meetings until the plan for such a group is agreed to and approved. Thereafter, the respective Paiute groups may designate another chairman at their pleasure.

6. *Expenses of meetings.* (1) Elected or designated officials of the respective governing bodies may, at the discretion of such governing bodies and/or as authorized by the general councils, be allowed per diem and reimbursed for travel expenses in the performance of their duties under these regulations. The per diem and travel expenses shall in no case exceed the amounts authorized Federal employees. Per diem, travel and other costs incidental to the conduct of meetings under these regulations shall be payable from judgment funds of the respective Paiute groups.

7. *Report of meetings.* A report of each planning meeting shall be made by a member of the Board of Indian Affairs of the State of Utah attending the meeting. The report shall show the place, date, time, purpose, number of members present (eligible adult members), and a summary of the conclusions reached in the stated meeting. One copy of the report shall be furnished the Paiute group concerned, and two copies forwarded to the Bureau's Phoenix Area Director (the Area Office shall forward one copy of the report to the Commissioner of Indian Affairs).

8. *BIA participation.* Notice of meetings shall be furnished the Bureau's Phoenix Area Director who shall designate a member of the Area Office staff to attend the planning meetings of the Paiute groups. When the plans are agreed to and approved, it will not be a requisite for a Bureau representative to attend subsequent meetings of the Indian Peaks, Kanosh, Koosharem, and Shivwits Paiute groups except at the request of said Paiute groups. A Bureau representative shall attend all meetings of the Cedar City Paiute Indian group except as may otherwise be determined by the Area Director. The Bureau representative shall submit to the Commissioner of Indian Affairs a report, in summary, of all meetings attended.

HAROLD D. COX,
Acting Commissioner.

[F.R. Doc. 70-13905; Filed, Oct. 14, 1970; 8:48 a.m.]

Bureau of Land Management

TRACT BOOKS FOR CERTAIN STATES

Transfer to National Archives

Notice is hereby given that the Bureau of Land Management proposes to transfer to the National Archives, for preservation and safekeeping the tract books for the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. These tract books are now located in the Eastern States Land Office in Silver Spring, Md.

The information posted to the tract books involved is duplicated at the various local land offices. Since December 31, 1964, no notations have been made on these records and they contain only historical information. The tract books will become a part of the National Archives. Current status is available and will continue to be maintained at the various local land offices.

The tract books will be noused at the Washington National Records Center in Suitland, Md., and will be available to the public for examination.

JOHN O. CROW,
Associate Director.

OCTOBER 7, 1970.

[F.R. Doc. 70-13901; Filed, Oct. 14, 1970; 8:48 a.m.]

[R 2821]

CALIFORNIA

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

OCTOBER 9, 1970.

In F.R. Doc. 70-11667 filed September 2, 1970, appearing on page 14006 of the issue for September 3, 1970, the following correction should be made: "T. 13 S., R. 23 E., Secs. 31, 32, 33, 34, and 38", should read:

T. 13 S., R. 23 E.,
Secs. 31, 32, 33, 34, and 35.

JACK F. WILSON,
Acting State Director.

[F.R. Doc. 70-13911; Filed, Oct. 14, 1970; 8:49 a.m.]

[Montana 7991]

MONTANA

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

OCTOBER 6, 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 described below were classified for multiple-use management (33 F.R. 9714–9715) on July 4, 1968.

2. Publication of this notice has the effect of further segregating the lands described below from all forms of appropriation under the public land laws, including the general mining laws but not from the 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 Federal use or purpose.

3. The public lands proposed for further segregation are located within the following described areas and are shown on maps on file in the Billings District Office, Bureau of Land Management, Billings, Mont., and on plats in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

CARBON COUNTY

T. 9 S., R. 27 E., P.M.M.,
Sec. 1;
Sec. 12;
Sec. 13;
Sec. 22, NE¼, N½SE¼, SE¼SE¼;
Sec. 23, NE¼, NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, SW¼SE¼SW¼NW¼, W½SW¼, E½SE¼;
Sec. 24;
Sec. 25, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 26, NW¼, N½SW¼, SE¼SW¼;
Sec. 27, NE¼NE¼.
T. 10 S., R. 27 E., P.M.M.,
Sec. 1, lots 1 and 2.
T. 9 S., R. 28 E., P.M.M.,
Sec. 6, lots 1, 2, 3, and 4, W½NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 7;
Sec. 8, W½;
Sec. 17, W½, W½E½;
Sec. 18;
Sec. 19;
Sec. 20, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 21, S½NW¼, SW¼;
Sec. 28, W½;
Sec. 29;
Sec. 30;
Sec. 31;
Sec. 32;
Sec. 33, lots 1, 2, 7, and 8, NW¼, N½SW¼.

The public lands described aggregate approximately 11,634.05 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 the proposed classification may present their views in writing to the Billings District Manager, Bureau of Land Management, Post Office Box 1524, Billings, Mont. 59103.

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

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-13860; Filed, Oct. 14, 1970; 8:45 a.m.]

[Montana 16802]

MONTANA

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

OCTOBER 6, 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 within the area described below. 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. Publication of this notice has the effect of segregating the lands described in paragraph 2 from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); from lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869); and from rights of way under R.S. 2477 (43 U.S.C. 932). Except as provided above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

2. The public lands proposed for classification are shown on maps on file in the Billings District Office, Billings, Mont., and on plats in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

The overall description of the area is as follows:

PRINCIPAL MERIDIAN, MONT.

YELLOWSTONE COUNTY

T. 3 N., R. 25 E.,
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 7, lots 1 and 2, E½W½, E½;
Sec. 17, all;
Sec. 20, N½N½.
T. 3 N., R. 26 E.,
Sec. 8, SE¼;
Sec. 9, all;
Sec. 10, SW¼.

The public lands described above described above aggregate approximately 2,950.34 acres.

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 the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Billings, Mont.

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

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-13861; Filed, Oct. 14, 1970; 8:45 a.m.]

[Montana 16782]

MONTANA

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

OCTOBER 7, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Part 2400, it is proposed to classify for multiple-use management the public lands within the area described below. 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. Publication of this notice has the effect of segregating the lands described in paragraph 3 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). Except as provided above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. The public lands proposed for classification are shown on maps on file in the Billings District Office, Billings, Mont., and on plats in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

3. The overall description of this area is as follows:

PRINCIPAL MERIDIAN, MONT.

CARBON COUNTY

T. 9 S., R. 25 E.
Sec. 35, lot 1, N½, N½SW¼.

The public lands described above aggregate approximately 457.04 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 the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Billings, Mont.

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

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-13902; Filed, Oct. 14, 1970; 8:48 a.m.]

NEVADA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 7, 1970.

Notice of a Federal Aviation Administration application, N-293, for withdrawal and reservation of lands in connection with a VHF/UHF Air to Ground Communication Facility was published as FEDERAL REGISTER Document No. 66-12448 on page 14656 of the issue for November 17, 1966. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2091.2-5, such lands, at 10 a.m. on November 11, 1970, will be relieved of the segregative effect of the above-mentioned application.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-13862; Filed, Oct. 14, 1970; 8:45 a.m.]

[Serial No. N-1885-B]

NEVADA

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

OCTOBER 8, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412), it is proposed to classify for multiple use management the public land described below. Publication of this notice has the effect of segregating the described land from appropriation under the agriculture 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), from exchange (43 U.S.C. 315g), and from sale under the Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427). 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 for a Federal use or purpose.

Lands will remain open to disposal under the Recreation and Public Purposes Act of June 14, 1925 (44 Stat. 741, 68 Stat. 173, 43 U.S.C. 869) as amended. The public lands described in Paragraph 5 are further segregated from appropriation under the general mining laws but not the mineral leasing and material sale laws.

2. This proposed classification will add some 13,000 acres to the previous county-wide multiple-use classification N-1885, finally classified on November 1, 1969. The lands involved have been identified as being valuable for school sites, park and recreation sites, frontage on the Carson River and higher elevation open space areas adjoining urban Carson City. The Bureau of Land Management's Carson City District Office has worked closely with local governmental officials in identifying these areas which have high public use potential. Segregation from appropriation under the public land laws, except the Recreation and Public Purposes Act, and in part from appropriation under the general mining laws, will help insure protection and provide for public use of these sites.

Comments received on this proposed classification from State and local governmental officials have all been favorable to the action planned. No adverse comments have been received.

3. The public land affected by this proposed classification is shown on maps on file and available for inspection in the Carson City District Office, Bureau of Land Management, 801 North Plaza, Street, Carson City, Nev. 89701, and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. 89502.

4. The public lands proposed to be classified for multiple-use management are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 16 N., R. 19 E.,
Sec. 35, SE¼NE¼SW¼.
T. 16 N., R. 20 E.,
Sec. 14, all that portion located in Carson City;
Sec. 22, all;
Sec. 25, S½ all in Carson City;
Sec. 26, all;
Sec. 27, S½;
Sec. 28, N½, N½S½, SE¼SW¼;
Sec. 29, S½NE¼, S½SW¼, SW¼SE¼, NE¼SE¼;
Sec. 31, E½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼, NE¼NW¼SE¼, E½NW¼NW¼SE¼, NE¼SE¼, E½SE¼NW¼SE¼;
Sec. 32, N½, N½S½;
Sec. 33, N½NW¼;
Sec. 34, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 35, all;
Sec. 36, W½, SE¼SE¼, NE¼ in Carson City.
T. 16 N., R. 21 E.,
Sec. 31, all that portion located in Carson City.
T. 15 N., R. 19 E.,
Sec. 13, S½SE¼;
Sec. 24, SW¼NE¼, E½NW¼, SW¼NW¼, SW¼, W½SE¼;
Sec. 25, SE¼NE¼, W½NE¼, NW¼, SE¼;
Sec. 27, W½NE¼;
Sec. 35, E½NE¼, NW¼NE¼;
Sec. 36, NE¼NE¼, S½NE¼, S½NW¼, N½SW¼, SE¼.
T. 15 N., R. 20 E.,
Sec. 1, N½, SE¼;
Sec. 2, NE¼, W½NW¼, NW¼SW¼, N½SE¼;
Sec. 3, NE¼NE¼, NE¼NW¼;
Sec. 4, NW¼NW¼;
Sec. 5, NE¼NE¼;
Sec. 11, E½SE¼;
Sec. 12, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼NW¼, W½SW¼, NE¼SE¼;
Sec. 13, NW¼NE¼, NW¼;
Sec. 14, E½;
Sec. 15, SE¼SW¼, SW¼SE¼;
Sec. 18, SW¼SW¼, W½SE¼SW¼, NE¼SE¼SW¼, W½SE¼SE¼SW¼;
Sec. 21, SE¼NE¼, E½SE¼;
Sec. 22, NE¼NW¼, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 23, S½NW¼NW¼NE¼;
Sec. 26, E½E½;
Sec. 27, W½, W½SE¼, SE¼SE¼;
Sec. 28, NE¼NE¼, S½NE¼, NE¼SW¼, N½SE¼, SE¼SE¼, lots 26, 27, 32 through 37, and 41 through 43, NE¼SW¼SE¼;
Sec. 30, S½NW¼, SW¼, W½SE¼;
Sec. 31, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼, S½SW¼NE¼;
Sec. 32, W½NW¼NE¼SW¼, NE¼NW¼SW¼, E½NW¼NW¼SW¼;
Sec. 33, E½E½, SW¼NW¼;
Sec. 34, all;
Sec. 35, E½NE¼, W½W½.
T. 15 N., R. 21 E.,
Sec. 6, all that portion located in Carson City;
Sec. 7, N½NW¼, SW¼NW¼.
T. 14 N., R. 20 E.,
Sec. 2, NW¼NW¼;
Sec. 3, N½, N½SW¼, NW¼SE¼;
Sec. 4, E½NE¼, NE¼SE¼.

The area described above totals approximately 13,000 acres.

5. The following described public lands are further segregated from appropriation under the general mining laws:

MOUNT DIABLO MERIDIAN, NEV.

T. 16 N., R. 20 E.,
Sec 32, S½NE¼, N½SE¼;
Sec. 35, S½.
T. 15 N., R. 20 E.,
Sec. 1, W½NW¼, E½SE¼;
Sec. 2, NE¼, W½NW¼, NW¼SW¼, N½SE¼;
Sec. 3, NE¼NE¼, NE¼NW¼;
Sec. 4, NW¼NW¼;
Sec. 5, NE¼NE¼;
Sec. 12, NE¼SE¼, NE¼NE¼;
Sec. 14, W½E½;
Sec. 15, SE¼SW¼, SW¼SE¼;
Sec. 18, SW¼SW¼, W½SE¼SW¼, NE¼SE¼SW¼;
Sec. 21, SE¼NE¼, E½SE¼;
Sec. 22, NE¼NW¼, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 23, S½NW¼NW¼NE¼;
Sec. 27, W½SW¼, NW¼;
Sec. 28, NE¼NE¼, S½NE¼, NE¼SW¼, SE¼;
Sec. 30, S½NW¼, W½SE¼;
Sec. 31, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼, S½SW¼NE¼;
Sec. 32, W½NW¼NE¼SW¼, NE¼NW¼SW¼, E½NW¼NW¼SW¼;
Sec. 33, SW¼NW¼, E½E½;
Sec. 34, S½N½, S½, NW¼NW¼;
Sec. 35, E½NE¼, SW¼NW¼, W½SW¼.
T. 15 N., R. 21 E.,
Sec. 6, W½SW¼;
Sec. 7, NW¼NW¼.
T. 15 N., R. 19 E.,
Sec. 13, S½SE¼;
Sec. 24, SW¼, W½SE¼, S½NW¼, NE¼NW¼, SW¼NE¼;
Sec. 25, SE¼NE¼, W½NE¼, NW¼;
Sec. 27, W½NE¼;

Sec. 35, E½NE¼, NW¼NE¼;
Sec. 36, NE¼NE¼, S½NE¼, S½NW¼, N½SW¼, SE¼.
T. 14 N., R. 20 E.,
Sec. 2, NW¼NW¼;
Sec. 3, N½, N½SW¼, NW¼SE¼;
Sec. 4, E½NE¼, NE¼SE¼.

The area described above totals approximately 5,900 acres.

6. 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 the proposed classification, may present their views in writing to the District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

For the State Director.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-13904; Filed, Oct. 14, 1970; 8:48 a.m.]

[Serial No. N-1574-A]

NEVADA

Notice of Proposed Amendment to Final Classification of Public Lands for Multiple-Use Management

OCTOBER 9, 1970.

1. The notice appearing in F.R. Doc. 70-2705, page 4144, of the issue of March 5, 1970, is proposed to be changed as follows:

Paragraph 3: Add the following described lands to provide for their segregation from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act or the mineral leasing and material sale laws:

MOUNT DIABLO MERIDIAN, NEV.

T. 12 N., R. 39 E. (unsurveyed),
Sec. 20, SE¼;
Sec. 29, NE¼, N½SE¼.

The area described above aggregates approximately 400 acres of public land.

2. The aforementioned lands are being segregated at the request of the Nevada State Park System to provide a protective buffer area surrounding the Berlin Townsite. The State Park System plans to acquire and restore the historic mining town, located some 60 miles northwest of Tonopah, Nev., and to develop recreation facilities. The lands being segregated will provide a ¼-mile buffer zone around the townsite. Background data and a map of the area to be segregated are of record in the Battle Mountain District Office, Battle Mountain, Nev., and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev.

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 the proposed segregation may present their views in writing to the Battle Mountain District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

For the State Director.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-13903; Filed, Oct. 14, 1970; 8:48 a.m.]

National Park Service

WUPATKI NATIONAL MONUMENT, ARIZ.

Nonsuitability as Wilderness; Hearing

Notice is hereby given in accordance with the provisions of the Act of Septemper 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5, that a public hearing will be held beginning at 1 p.m. on December 14, 1970, at the Elks Lodge, 2101 North San Francisco Avenue, Flagstaff, Ariz., for the purpose of receiving comments and suggestions as to the nonsuitability of lands within Wupatki National Monument for designation as wilderness. The monument is located in Coconino County, Ariz.

A packet containing a map depicting the roadless areas studied and providing additional information about the suitability study may be obtained from the General Superintendent, Flagstaff National Park Service Group, 121 East Birch, Flagstaff, Ariz. 86001, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, N.M. 87501.

A description and a map of the areas studied for their suitability or nonsuitability as wilderness are available for review in the above offices; at the Wupatki National Monument Office; and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The draft master plan for the Monument, likewise may be inspected at these locations.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the General Superintendent, Flagstaff National Park Service Group, 121 East Birch, Flagstaff, Ariz. 86001, by December 12, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements.

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Dated: October 7, 1970.

JOE F. HOLT,
Acting Deputy Director, National Park Service.

[F.R. Doc. 70-13776; Filed, Oct. 14, 1970; 8:45 a.m.]

Office of Hearings and Appeals

[Docket No. DENV 71-3]

IMPERIAL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, 83 Stat. 24), notice is given that the Imperial Coal Co. has filed a petition to modify the application of "section 303(k)(1)" of the Act with respect to its Imperial Mine, USBM No. 05-00306-0, Weld County, Colo. (Although the petition cites "section (k)(1)", it appears to refer only to subsection (1) and not to subsection (k) of section 303.)

Section 303(1) provides as follows:

The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after the operative date of this title, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under section 305(a) of this title. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. The sensing device of such monitor shall be installed as close to the working face as practicable. Such

monitor shall be set to deenergize automatically such equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically equipment on which it is installed when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2 volume per centum of methane.

Petitioner proposes that its mine be excepted from the application of section 303(1) on the grounds, inter alia, that alternative methods of achieving the result of such standard will at all times guarantee no less than the same measure of protection afforded the miners of such mine, and that application of the standard to the mine will result in a diminution of safety to the miners in the mine.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4209 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at this same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

OCTOBER 9, 1970.

[F.R. Doc. 70-13899; Filed, Oct. 14, 1970; 8:48 a.m.]

[Docket No. DENV 71-4]

IMPERIAL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of Section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, 83 Stat. 24), notice is given that the Imperial Coal Co. has filed a petition to modify the application of "section 303(k)(1)" of the Act with respect to its Eagle Mine, USBM No. 05-00307-0, Weld County, Colo. (Although the petition cites "section (k)(1)", it appears to refer only to subsection (1) and not to subsection (k) of section 303.)

Section 303(1) provides as follows:

The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after the operative date of this title, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under section 305(a) of this title. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. The sensing device of such monitor shall be installed as close to the working face as practicable. Such monitor shall be set to deenergize automatically such equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically equipment on which it is installed when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2 volume per centum of methane.

Petitioner proposes that its mine be excepted from the application of section 303(1) on the grounds, inter alia, that alternative methods of achieving the result of such standard will at all times guarantee no less than the same measure of protection afforded the miners of such mine, and that application of the standard to the mine will result in a diminution of safety to the miners in the mine.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4209 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at this same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

OCTOBER 9, 1970.

[F.R. Doc. 70-13900; Filed, Oct. 14, 1970; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-175; NDA No. 2-853 etc.]

SULFATHIAZOLE - CONTAINING DRUGS FOR SYSTEMIC USE IN HUMANS

Notice of Withdrawal of Approval of New-Drug Application

On May 28, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8403) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new-drug applications listed therein on the grounds that: (1) New evidence of clinical experience not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available when the applications were approved, reveal that the drug is not shown to be safe for use upon the basis of which the applications were approved. In view of the known serious hazards associated with such use and the imbalance between benefit and risk of serious untoward effects from such drugs, their continued use systemically is not warranted as other available sulfonamides have equivalent benefit and involve must less risk; and (2) new information, evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

The following firms, listed with their address, respective drug, and new-drug application number, have waived opportunity for a hearing on the proposed withdrawal of said new-drug applications, in that no response has been received.

1. Sulfathiazole, 0.5 gram per tablet, and Lacto-Thiazole Suspension containing sulfathiazole 10 grams per 100 milliliters and sodium lactate (NDA 2-853); Coco-Sulfonamides Triplex Suspension containing 0.167 gram each of sulfathiazole, sulfadiazine, and sulfamerazine; Sulfonamides Triplex Tablets containing 0.167 gram each of sulfathiazole, sulfadiazine, and sulfamerazine (NDA 6-317); Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206. (This notice does not apply to those formulations provided for in NDA 6-317 which do not contain sulfathiazole.)

2. Sulfathiazole, 0.5 gram per tablet (NDA 4-734); Bowman, Mell & Co., 1334-48 Howard Street, Harrisburg, Pa. 17105.

3. Sulfathiazole, 0.5 gram per tablet (NDA 2-076); Sulfathiazole, 0.5 gram per tablet (NDA 2-774); Sulfathiazole sodium sesquihydrate, 3-gram vial (NDA 3-724); Tresamide Tablets containing 0.2 gram each of sulfathiazole and sulfadiazone, 0.1 gram of sulfamerazine (NDA 5-301); Merck Sharp & Dohme, Division of Merck & Co., Inc., Sonneytown Pike, West Point, Pa. 19486.

4. Sulfathiazole, 0.5 gram per tablet (NDA 2-713); Sulfathiazole, 0.5 gram per tablet (NDA 3-457); Wallace & Tiernan, Inc., 25 Main Street, Belleview, N.J. 07189.

5. Sulfathiazole, 0.5 gram per tablet (NDA 2-729); Sulfathiazole, 0.5 gram per tablet and 25 percent ampul (NDA 2-730); Sulfathiazole sodium 25 percent ampul (NDA 3-430); American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

6. Sulfathiazole, 0.25 gram and 0.5 gram per tablet (NDA 2-856); Sulfathiazole Suspension containing 2.6 grams per fluid ounce (NDA 5-646); Parke, Davis & Co., Joseph Campau Avenue at the River, Detroit, Mich. 48232.

7. Sulfathiazole, 0.5 gram per tablet (NDA 2-975); The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

8. Sulfathiazole, 0.5 gram per tablet (NDA 3-049); Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

9. Sulfathiazole, 0.5 gram per tablet (NDA 3-194); William S. Merrell Co., Division of Richardson-Merrell, Inc., 101 East Amity Street, Cincinnati, Ohio 45215.

10. Sulfathiazole, 0.25 gram and 0.5 gram per tablet (NDA 3-399); Rexall

Drug Co., 8480 Beverly Boulevard, Los Angeles, Calif. 90054.

11. Sulfathiazole, 0.25 gram and 0.5 gram per tablet (NDA 3-407); Premo Pharmaceutical Laboratories, Inc., 111 Leuning Street, South Hackensack, N.J. 07606.

12. Sulfathiazole, 0.5 gram per tablet (NDA 3-443); American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y. 10454.

13. Sulfathiazole, 0.5 gram per tablet (NDA 3-459); Flint Laboratories, Division Baxter Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, Ill. 60053.

14. Sulfathiazole, 0.5 gram per tablet (NDA 3-501); Purity Drug Co., 178-204 River Drive, Passaic, N.J. 07055.

15. Sulfathiazole, 2.0 grains and 0.5 gram per tablet (NDA 3-517); Warren Teed Pharmaceuticals, Inc., 582 West Goodale Street, Columbus, Ohio 43215.

16. Sulfathiazole, 0.5 gram per tablet (NDA 3-520); Sulfathiazole Sodium Injection, 0.5 gram per ampul (NDA 4-529); Lakeside Laboratories, Inc., 1707 East North Avenue, Milwaukee, Wis. 53201.

17. Sulfathiazole, 0.5 gram per tablet (NDA 3-536); Schieffelin & Co., Apex, N.C. 27502.

18. Sulfathiazole, 0.5 gram per tablet (NDA 3-539); Standard Chemical Co., Inc., 1017 High Street, Des Moines, Iowa 50309.

19. Sulfathiazole, 0.5 gram per tablet (NDA 3-543); Central Pharmacal Co., 116-128 East Third Street, Seymour, Ind. 47274.

20. Sulfathiazole, 0.5 gram per tablet (NDA 3-552); Horton and Converse, 621 West Pico Boulevard, Los Angeles, Calif. 90015.

21. Sulfathiazole, 0.5 gram per tablet (NDA 3-602); The G. F. Harvey Co., Inc., 99-101 Saw Mill Road, Yonkers, N.Y. 10701.

22. Sulfathiazole, 0.5 gram per tablet (NDA 3-610); Ziegler Pharmacal Corp., 484 Delaware Avenue, Buffalo, N.Y. 14202.

23. Sulfathiazole, 0.5 gram per tablet (NDA 3-612); Blue Line Pharmacal Co., 302 South Broadway, St. Louis, Mo. 63102.

24. Sulfathiazole, 0.5 gram per tablet (NDA 3-638); American Chemical Co., 433 East Erie Street, Chicago, Ill. 60611.

25. Sulfathiazole, 0.5 gram per tablet (NDA 3-645); Sulfathiazole, 0.25 gram per tablet (NDA 4-322); Spersoid Sulfathiazole Suspension containing sulfathiazole 0.5 gram per 5 cubic centimeters (NDA 5-294); Sulfathiazole, 0.25 and 0.5 gram per tablet; Sulfathiazole, 0.5 gram and sodium bicarbonate 5 grains per tablet; Sulfathiazole, 0.25 gram and sodium bicarbonate 2½ grains per tablet; Magmoid Sulfathiazole Suspension containing sulfathiazole 0.5 gram per 5 cubic centimeters (NDA 5-572); Pitman-Moore Co., Division of Dow Chemical Co., Post Office Box 1656, Indianapolis, Ind. 46206.

26. Sulfathiazole, 0.5 gram per tablet (NDA 3-669); First Texas Pharmaceuticals, Inc., 1810 North Lamar Street, Dallas, Tex. 75202.

27. Sulfathiazole, 0.5 gram per tablet (NDA 3-839); Brewer and Co., Division of Cooper Laboratories, Inc., 67 Union Street, Worcester, Mass. 01608.

28. Sulfathiazole, 0.5 gram per tablet (NDA 3-892); Warner-Lambert Pharmaceutical Co., Morris Plains, N.J. 07950.

29. Sulfathiazole, 0.5 gram per tablet (NDA 3-980); Chicago Pharmacal, Division Conal Pharmaceutical, Inc., 5547 North Ravenswood Avenue, Chicago, Ill. 60640.

30. Sulfathiazole, 0.5 gram per tablet (NDA 4-027); Ferndale Laboratories & Surgical, Inc., 700 West Eight Mile Road, Ferndale, Mich. 48220.

31. Sulfathiazole, 0.5 gram per tablet (NDA 4-085); Mutual Pharmacal Co., 817-821 South State Street, Syracuse, N.Y. 13202.

32. Sulfathiazole, 0.5 gram per tablet (NDA 4-100); Hart Drug Corp., 25th Street, Miami, Fla. 33137.

33. Sulfathiazole, 0.5 gram per tablet (NDA 4-171); Mallinckrodt Chemical Works, 360 North Second Street, St. Louis, Mo. 63145.

34. Sulfathiazole, 0.5 gram per tablet (NDA 4-251); S. F. Durst & Co., 5317 North Third Street, Philadelphia, Pa. 19120.

35. Sulfathiazole, 0.5 gram per tablet; sodium sulfathiazole monohydrate, 5 grams per vial (NDA 4-400); Lex Laboratories, Inc., 3522 Linden Place, Flushing, N.Y. 11354.

36. Sulfathiazole, 0.5 gram per tablet (NDA 4-424); Mayrand, Inc., Post Office Box 20246, Greensboro, N.C. 27420.

37. Sulfathiazole, 0.5 gram per tablet (NDA 4-428); Shores Co., Inc., 712 16th Street NE., Cedar Rapids, Iowa 52402.

38. Sulfathiazole, 0.5 gram per tablet (NDA 5-652); Specific Pharmaceuticals, Chemical Products Division, Chemetron Corp., 386 Park Avenue South, New York, N.Y. 10016.

39. Gluco-Sulfathiazole Liquid containing sulfathiazole 2 grams per fluid ounce (NDA 5-759); Gluco-sulfas Liquid containing 3.7 grams each of sulfathiazole and sulfadiazine and 2.6 grams of sulfamerazine per 100 milliliters (NDA 6-455); Donley-Evans & Co., 5229 Brown Avenue, St. Louis, Mo. 63115.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1052, as amended; 21 U.S.C. 355(e)), and under the authority delegated to him (21 CFR 2.120), finds: (1) That new evidence of clinical experience not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available when the applications were approved, reveal that the drug is not shown to be safe for use upon the basis of which the applications were approved; (2) that because of the known serious hazards associated with such use and the imbalance between benefit and risk of serious untoward effects from such drugs, their continued use systematically is not warranted as other available sulfonamides have equivalent benefit and involve much less risk; and (3) that new information, evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

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

Dated: September 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13872; Filed, Oct. 14, 1970; 8:46 a.m.]

[DESI 1096]

[Docket No. FDC-D-242; NDA 1096 etc.]

CERTAIN MINERALOCORTICOID PREPARATIONS CONTAINING DESOXYCORTICOSTERONE ACETATE; DESOXYCORTICOSTERONE PIVALATE; OR FLUDROCORTISONE ACETATE

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 mineralocorticoid drugs for oral, parenteral, or subcutaneous implantation use:

1. Percorten Acetate Pellets containing desoxycorticosterone acetate, marketed by Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 5151).

2. Percorten Acetate in Oil containing desoxycorticosterone acetate, Ciba Pharmaceutical Co. (NDA 843).

3. Percorten Pivalate Suspension containing desoxycorticosterone pivalate, Ciba Pharmaceutical Co. (NDA 8-822).

4. Cortate Solution in Oil containing desoxycorticosterone acetate, marketed by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 1-096).

5. Cortate Pellets containing desoxycorticosterone acetate, Schering Corp. (NDA 5-495).

6. Florinef Acetate Tablets containing fluorocortisone acetate, marketed by E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 10-060).

7. Doca Acetate in Oil containing desoxycorticosterone acetate, marketed by Organon, Inc., 375 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 1-104).

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, as well as other available evidence, and concludes that:

1. These drugs are effective for those indications described in the "Indications" section of this announcement.

2. These drugs are possibly effective for use in radiation sickness; prevention or treatment of surgical and traumatic shock; severe burns and grave surgical conditions.

3. These drugs lack substantial evidence of effectiveness for the treatment of acute pemphigus.

B. *Form of drug.* 1. Desoxycorticosterone acetate preparations are in sterile oleaginous solution or pellet form suitable for intramuscular injection or subcutaneous implantation.

2. Fludrocortisone acetate preparations are in tablet form suitable for oral administration.

3. Desoxycorticosterone pivalate preparations are in sterile aqueous suspension form suitable for intramuscular administration.

C. *Labeling conditions.* 1. The labels bear 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 effectiveness classification; the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970; and, where applicable, the Academy comments. The "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request).

INDICATIONS

As partial replacement therapy for primary and secondary adrenocortical insufficiency in Addisons disease and for treatment of salt-losing adrenogenital syndrome.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A.2. 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. *Marketing status.* Marketing of the drugs may continue under the conditions described in paragraphs F and G of this announcement except that those indications 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. Adequate data to assure the biologic availability of the drug in the formulation in which it is marketed. For preparations claiming sustained action, timed release or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective. If such data are already included in the application, specific reference thereto may be made.

c. 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 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. 180 days for biologic availability data.

c. 60 days for updating information.

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

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 referenced under A above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). 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 formulation which is marketed or proposed for marketing. For preparations claiming sustained action, timed release or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective.

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

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

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

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

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

H. *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.

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

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355)

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

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

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

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 of the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 1096 and be directed to the attention of the appropriate office listed below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

Original abbreviated new drug applications (identified as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

Request for Hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn.

Other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.

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

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

Dated: September 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13874; Filed, Oct. 14, 1970; 8:46 a.m.]

[DESI 6205]

TETRAETHYLAMMONIUM CHLORIDE INJECTION

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:

Etamon Chloride Steri-Vial containing tetraethylammonium chloride; marketed by Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 6–205).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that:

1. The drug is possibly effective for the treatment of vasospasm associated with thromboangitis obliterans, arteriosclerosis obliterans, various causalgias including reflex dystrophy, thrombophlebitis, Raynaud's phenomenon, trenchfoot, and immersion foot; and for the diagnosis of acrovascular conditions to determine the contribution of sympathetic stimuli in the maintenance of vasospasm.

2. The drug lacks substantial evidence of effectiveness as a substitute for local nerve block or paravertebral block in selecting candidates for sympathectomy among patients suffering from peripheral vascular disease and for the diagnosis of the sympathetic component in neurogenic hypertension.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for the drug described above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified in paragraph A.2 as lacking substantial evidence of effectiveness. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

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

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

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for the drug pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)). Withdrawal of approval of the applications will cause any such drug on the market to be a new drug for which an approval is not in effect.

The above-named 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 6205 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.
Requests for NAS/NRC reports: Press Relations Office, Food and Drug Administrations (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: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13875; Filed, Oct. 14, 1970; 8:46 a.m.]

[DESI 8076]

TETRACAINE HYDROCHLORIDE AND BENZOCAINE TOPICAL SOLUTION

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 local anesthetic drug:

Neotopanol, surface anesthetic solution containing tetracaine hydrochloride and benzocaine; marketed by Cook-Waite Laboratories, Inc., Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 8076).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report and concludes that tetracaine hydrochloride with benzocaine applied topically is probably effective for production of anesthesia of accessible mucous membranes, primarily in the practice of dentistry.

B. *Marketing status.* 1. The indication for which the drug is described in paragraph A above as probably effective 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. 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 12-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such use. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER the holder of any approved new drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74) and recommends use of the drug for the probably effective indications as follows:

INDICATIONS

Tetracaine hydrochloride and benzocaine topical solution is indicated for the production of anesthesia of accessible mucous membranes, primarily in the practice of dentistry.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. (Labeling guidelines for the drug are available from the Administration on request.)

4. The labeling of any such product on the market without an approved new drug application should be revised as needed to be in accord with this notice within 60 days after publication hereof.

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 by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8076 and be 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 Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.
Requests for NAS–NRC reports: Press Relations Office (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: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13876; Filed, Oct. 14, 1970; 8:46 a.m.]

[DESI 8245]

COMBINATION DRUG CONTAINING DIPHENHYDRAMINE HYDROCHLORIDE AND SCOPOLAMINE HYDROBROMIDE

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:

Benacine tablets containing diphenhydramine hydrochloride and scopolamine hydrobromide; marketed by Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 8–245).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that this drug is possibly effective for its recommended use for motion sickness and parkinsonism.

B. *Marketing status.* 1. Holders of previously approved new drug applications and persons marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new drug application data to provide substantial evidence of

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

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications may cause any related drug on the market to be a new drug for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8245 and be 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 Scientific Evaluation (BD–100), Bureau of Drugs.

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

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

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

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

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13877; Filed, Oct. 14, 1970; 8:46 a.m.]

[DESI 8582]

ERYTHROMYCIN PREPARATIONS FOR ORAL AND PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Correction

In F.R. Doc. 70–11439 appearing at page 13804 in the issue of Saturday, August 29, 1970, the following paragraph in the second column is deleted:

Preparations containing the drug with labeling bearing claims evaluated as lacking substantial evidence of effectiveness will no longer be acceptable for certification or release after the publication date of this announcement.

In place thereof, the last paragraph beginning in the first column of page 13804 should contain a final sentence, as follows: "Preparations containing erythromycin * * * to provide for revised labeling. Reasonable quantities of products affected by this announcement may be certified or released in the interim period prior to approval of such labeling."

This notice of correction is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13878; Filed, Oct. 14, 1970; 8:46 a.m.]

[DESI 9097]

CERTAIN ORAL PREPARATIONS CONTAINING HEXAMETHONIUM CHLORIDE WITH RESERPINE OR ALSEROXYLON; AND MEPROBAMATE WITH PENTOLINIUM TARTRATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Rauwiloid and Hexamethonium Tablets; containing alseroxylon and hexamethonium chloride, marketed by Riker Laboratories, Inc., Northridge, Calif. 91326 (NDA 9–097).

2. Equalysen Tablets; containing meprobamate and pentolinium tartrate, marketed by Wyeth Laboratories, Inc., Philadelphia, Pa. 19101 (NDA 11–326).

3. Reserthonium Tablets; containing reserpine and hexamethonium chloride, marketed by Nysco Laboratories, Inc., Long Island City, N.Y. 11106 (NDA 9–924).

The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these drugs are effective for the uses prescribed, recommended, or suggested in their labeling and that each component of the combinations contributes to the total effects claimed for such combination drugs.

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

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for these drugs and any interested person who might be adversely affected by the removal from the market of any of these drugs 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 reports for these drugs is made to give notice to persons who might be adversely affected by the withdrawal of any of these drugs from the market. Promulgation of an order withdrawing approval of the new-drug application may cause any related drug on the market to be a new drug for which an approved new-drug application is not in effect and to be subject to regulatory action.

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 by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9097 and be directed to the attention of the office listed below and addressed to the Food and Drug Administration:

Requests for NAS–NRC reports: Press Relations Staff (CE–200), 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

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

Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13879; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 9892]

TRIPELENNAMINE HYDROCHLORIDE WITH METHYLPHENIDATE HYDROCHLORIDE 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, on the following drug:

Plimasin Tablets containing tripelennamine hydrochloride in combination with methylphenidate hydrochloride; marketed by Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901 (NDA 9-892).

The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that 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 effects that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of this combination drug contributes to the total effects claimed for such drug.

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 9892 and be directed to the attention of the following appropriate office:

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

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

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

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13880; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 9922]

PYRILAMINE MALEATE-DEXTROAMPHETAMINE HYDROCHLORIDE INJECTION

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:

Dexa-Pyramine Injection containing pyrilamine maleate and dextroamphetamine hydrochloride; Vitamix Pharmaceuticals Inc., 2900 North 17th Street, Philadelphia, Pa. 19132 (NDA 9922).

The Food and Drug Administration concludes there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this drug is effective as a fixed combination for the conditions of use recommended in its labeling. Accordingly, the Commissioner intends to initiate proceedings to withdraw approval of the new-drug application for this product.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug and any interested person who may be adversely affected by the removal of such article from the market to submit any pertinent data bearing on the proposal within 30 days after publication of this notice in the FEDERAL REGISTER.

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 9922 and be directed to the appropriate office named below:

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

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-5), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

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

Dated: September 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13881; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 9990]

[Docket No. FDC-D-239; NDA 9990]

HYDROXYDIONE SODIUM SUCCINATE

Drugs for Human Use; Drug Efficacy Study Implementation

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

Viadril, containing hydroxydione sodium succinate; Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 9-990).

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 hydroxydione sodium succinate is

1. Effective for induction of anesthesia, or for supplementing other anesthesia agents.

2. Possibly effective as an aid in the performance of endoscopic or related procedures.

3. Lacking substantial evidence of effectiveness as a muscle relaxant.

B. *Form of drug.* Hydroxydione sodium succinate preparations are in sterile powder form suitable after reconstitution for 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. Its labeling bears adequate information for safe and effective use of the drug and is in accord with the effectiveness classifications, the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970, and, where applicable, the Academy comments. The "Indications" section is as follows:

INDICATIONS

Hydroxydione sodium succinate is indicated for induction of anesthesia or for supplementing other anesthetic agents.

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 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. (It may continue to include the indications referenced in paragraph D for the period stated.)

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new drug application meeting the conditions specified in § 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.

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

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

defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

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

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

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 9990 and be 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.

Other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.

Requests for NAS–NRC report: Press Relations Office (CE–200), 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: September 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13882; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 10106]

CERTAIN ANTIBIOTIC-CONTAINING OPHTHALMIC COMBINATION DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following combination drugs for topical ophthalmic use:

1. Statrol Ophthalmic Preparation containing neomycin sulfate, polymyxin B sulfate and phenylephrine hydrochloride, marketed by Alcon Laboratories, Inc., 6201 South Freeway, Fort Worth, Tex. 76134 (NDA 11–515).

2. OP-Isophrin-AB Ophthalmic Solution containing neomycin sulfate, polymyxin B sulfate and phenylephrine hydrochloride, marketed by Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 12–512).

3. Biomydrin Ophthalmic Solution containing neomycin sulfate gr.amicidin, thonzylamine hydrochloride, boric acid and phenylephrine hydrochloride, marketed by Warner-Chilcott Laboratories Division, Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 10–106).

The Food and Drug Administration concludes that the above-listed drugs are possibly effective for their labeled indications.

These drugs are subject to antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants time to obtain and submit data to provide substantial evidence of the effectiveness of the drugs in those conditions for which they have been evaluated as possibly effective, batches of these drugs which bear labeling with those indications will be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement 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.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, such drugs will not be eligible for release or certification.

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 10106 and be directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

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

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13883; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 10634]

AMISOMETRADINE 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:

Rolicton Tablets, containing amisometradine; marketed by G. D. Searle & Co., Post Office Box 5110, Chicago, Ill. 60680 (NDA 10–634).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that amisometradine is possibly effective for its recommended use for diuretic therapy in congestive heart failure, ascites, hepatic cirrhosis, nephrosis, glomerulonephritis, premenstrual tension, or toxemia of pregnancy.

B. *Marketing status.* 1. Holders of previously approved new drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained

under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named 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 10634 and be 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 Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.
Requests for NAS–NRC reports: Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13884; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 10902]

OLEANDOMYCIN PHOSPHATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations for oral and parenteral use containing oleandomycin phosphate, marketed by Chas. Pfizer and Co., 235 East 42d Street, New York, N.Y. 10017:

1. Matromycin Capsules (NDA 10–551).

2. Oleandomycin Intramuscular (NDA 10–902); and

3. Oleandomycin Parenteral (NDA 10–902).

The Food and Drug Administration concludes that oleandomycin phosphate is possibly effective for certain respiratory tract infections due to susceptible strains of pneumococci, staphylococci and streptococci. Preparations containing oleandomycin phosphate are subject to the antibiotic drug procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing oleandomycin phosphate which bear labeling with these claims will be accepted for release or certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

The Food and Drug Administration further concludes that there is a lack of substantial evidence of effectiveness for these drugs in infections other than respiratory (for which the drugs, as stated above, are considered possibly effective) caused by pneumococci, staphylococci, streptococci, *Hemophilus influenzae*, rickettsiae, large viruses, protozoa, *Bacillus subtilis, Bacillus anthracis, Erysipelothrix rhusiopathiae, Corynebacterium diphtheriae, Listeria monocytogenes*, Clostridium species, Brucella species, meningococci, gonococci, or other species of gram negative bacteria. Preparations containing oleandomycin phosphate with labeling bearing these claims will no longer be acceptable for certification or release after 40 days following the publication date of this announcement.

The above named firm and any other holder of antibiotic drug applications approved for a drug of the kind described above is requested to submit, within 60 days after publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic drug applications to provide for revised labeling to delete the above-listed claims for which substantial evidence of effectiveness is lacking and to modify the labeling in accord with the comments of the Academy reports pertaining to the misleading descriptive statements.

Any person who would be adversely affected by deletion of the claims for which the drugs lack substantial evidence of effectiveness, may within 30 days following the publication date of this announcement, submit comments or pertinent data bearing on the effectiveness of the drugs for such uses. To be acceptable for consideration in support of the effectiveness of the drug, 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 data obtained under uncontrolled or partially controlled situations is not acceptable as a sole basis for approval of claims of effectiveness but may be considered on its merits for corroborative support of efficacy and evidence of safety.

A copy of the NAS–NRC reports 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 10902, and be directed to the attention of the appropriate office listed below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number): Division of Anti-Infective Drugs (BD–140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for NAS–NRC report: Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

Dated: September 25, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13885; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 11253]

CERTAIN DRUGS CONTAINING VALETHAMATE BROMIDE

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 marketed by Ayerst Laboratories Inc., 685 Third Avenue, New York, N.Y. 10017:

1. Murel Tablets (NDA 11–253) and Murel S.A. Tablets (NDA 11–989), both containing valethamate bromide.

2. Murel with Phenobarbital Tablets (NDA 11–290) and Murel with Phenobarb S.A. Tablets (NDA 11–998), both containing valethamate bromide and phenobarbital.

3. Murel Injectable containing valethamate bromide (NDA 11–263).

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 and concludes that:

1. These drugs lack substantial evidence of effectiveness for spasm of the gastrointestinal tract (functional hypertonicity and spasm, hiatus hernia, heartburn, bloating, diarrhea, cardiospasm, diaphragmatic spasm, indigestion, discomfort after meals, midgastric pressure and gnawing, pylorospasm, gas, nonspecific abdominal cramps and pain); spasm of the genitourinary tract (preoperatively and postoperatively); spasm of the biliary tract (acute and chronic cholecystitis, biliary dyskinesia, preoperatively and postoperatively); and as adjunctive or specific therapy for pain, spasm, and hypermotility in active, latent, or incipient peptic ulcer.

2. These drugs are possibly effective for their other labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of the publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug classified in paragraph A.1 above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug lacks substantial evidence of effectiveness. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60 day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A.1 above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

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

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of the effectiveness of the drug for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for these drugs pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (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 holder of the new-drug applications for these drugs has been mailed a copy of the NAS–NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11253 and be 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 Scientific Evaluation (BD–100), Bureau of Drugs.

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

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

Requests for NAS–NRC reports: Press Relations Office (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 Foods and Drugs (21 CFR 2.120).

Dated: September 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13886; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 11340]

CERUMINOLYTIC AGENT; TRIETHANOLAMINE POLYPEPTIDE OLEATE CONDENSATE

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 ceruminolytic drug:

Cerumenex Drops containing triethanolamine polypeptide oleate condensate; marketed by The Purdue Frederick Co., 99–101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 11–340).

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 triethanolamine polypeptide oleate condensate is effective as a ceruminolytic agent.

B. *Form of drug.* This preparation is in liquid form suitable for topical otic 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 "Indications" section is as follows: (Labeling guidelines for the drug are available from the Administration on request)

INDICATIONS

For removal of impacted cerumen prior to ear examination, otologic therapy and/or audiometry.

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 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 for FD–356H to the extent described for abbreviated new drug applications, § 130.4(f), published in the FEDERAL REGISTER of 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.

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 A above, should submit an abbreviated new drug application meeting the conditions specified in § 130.4(f) (1) and (2), published in the FEDERAL REGISTER of 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.

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.

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

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

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 Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11340 and be directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

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

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 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: September 18, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13887; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 12064]

COMBINATION DRUG CONTAINING MEDROXYPROGESTERONE ACETATE, ETHOXZOLAMIDE AND ECTYLUREA

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 combination drug for oral use:

Cytran Tablets containing medroxyprogesterone acetate, ethoxzolamide, and ectylurea; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 12–064).

The Food and Drug Administration has considered the Academy report, as well as other available information, and concludes that 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 that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, i.e., for relief of premenstrual tension.

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 may cause any related drug on the market to be a new drug for which an approved new-drug application is not in effect and to be 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 12064 and be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration:

Requests for NAS–NRC reports: Press Relations Staff (CE–200), 200 C Street SW., Washington, D.C. 20209.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–5), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

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

and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13888; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 12095]

[Docket No. FDC-D-237; NDA 12-095]

SODIUM TOLBUTAMIDE DIAGNOSTIC FOR INJECTION

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 Efficiency Study Group, on the following drug:

Orinase Diagnostic for injection containing sodium tolbutamide, marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 12-095).

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:

1. The drug is effective for use as an aid in the diagnosis of pancreatic islet cell adenoma.

2. The drug is possibly effective for distinguishing between pancreatic and hepatic disease with carbohydrate intolerance and for the diagnosis of certain pancreatic diseases (carcinoma and pancreatitis).

3. The drug lacks substantial evidence of effectiveness for use as a diagnostic agent for the detection of mild diabetes.

B. *Form of drug.* Sodium tolbutamide preparations are in sterile, powder form suitable upon reconstitution for 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. 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

For use as an aid in the diagnosis of pancreatic islet cell adenoma.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A.2 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 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. (It may continue to include the indications referenced in paragraph D for the period stated.)

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

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

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

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

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

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

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

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing, together with a well-organized and full factual analysis of the

clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

H. *Unapproved use or form of drug.* If the article is marketed in any other 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 12095 and be directed to the attention of the appropriate office named below and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

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

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

Request for a hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn Building.

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

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

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

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13889; Filed, Oct. 14, 1970; 8:47 a.m.]

[DESI 50015]

NEOMYCIN PALMITATE-HYDROCORTISONE ACETATE-TRYPSIN-CHYMOTRYPSIN OINTMENT

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 for topical use:

Biozyme-HC Ointment containing neomycin palmitate, hydrocortisone acetate, and trypsin-chymotrypsin concentrate; marketed by Armour Pharmaceutical Co., Division, Armour and Co., 401 Wabash Avenue, Post Office Box 1022, Chicago, Ill. 60690 (NDA 50–015).

Preparations containing these drugs are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act.

The Food and Drug Administration concludes that the drug is possibly effective for the treatment of abscesses and furuncles (open or incised); infected burns; pyodermas; and infected skin ulcers. Batches of the drug which bear labeling with these indications will be accepted for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in those conditions for which it has been evaluated as possibly effective.

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.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, any such drug will not be eligible for release or certification.

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 Press Relations Office (CE–200), Food and Drug Administraton, 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 50015 and be directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendment (identify with NDA number): Division of Anti-Infective Drugs (BD–140), Office of Scientific Evaluation, Bureau of Drugs.

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

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

Dated: September 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–13890; Filed, Oct. 14, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA–Petition–No. 17]

AMERICAN SHORT LINE RAILROAD ASSOCIATION

Petition for Exemption of Certain Named Carriers From Service Limitation

The purpose of this notice is to advise interested parties, and the general public, that by petition filed July 28, 1970, amended later to include additional carriers, The American Short Line Railroad Association seeks exemptions, for certain named carriers from the 14 hours of service limitation in Public Law 91–169, effective December 26, 1970.

Although the amendment limiting hours of continuous service to 14 does not become effective until December 26, 1970, it appears in the public interest to process the petition for exemption as much as practicable before the effective date of the new law. Section 5(e) of the Act provides as follows:

> With respect to any railroad which employs a total of not more than 15 employees covered by this Act, the Secretary of Transportation may after full hearing in any particular case and for good cause shown exempt any such railroad subject to this Act with respect to one or more of its employees from the limitations imposed by this Act for a specified period of time, if the Secretary of Transportation finds that such exemption is in the public interest and will not adversely affect safety. Such order is to be subject to review at least annually. In no event shall any such exemption be made for any railroad described in this section to work its employees beyond 16 hours either consecutively or in the aggregate within any 24-hour period.

The petition seeks relief on or before the effective date of the new law and it is clear that the public interest would be served by a decision on or before the effective date. Accordingly it is to be handled on the following schedule:

November 17, 1970. Any written comment or statement of position should be filed on or before this date. A statement of intention to participate in the hearing should also be filed on or before this date. All filings should show whether the interest is general or directed to specific carriers and if directed to certain carriers they should be named. The filing should be addressed to the Director, Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C. 20591.

November 23, 1970. Hearing date. The hearing will be held on November 23, 1970 at 9:30 a.m., e.s.t., in conference room 5332, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Interested persons may file comments whether or not they intend to participate in the hearing. However, if they intend to participate in the hearing and do not wish to rely on written comments they are requested to make clear their intention, and position, by filing the required information on or before November 17, 1970, as referred to above.

Upon completion of the hearing, it is contemplated that a decision will issue before December 26, 1970, effective on that date.

The names of the railroads seeking an exemption from the hours of service provision and the amended hours of service law are as follows:

Algers, Winslow, and Western Railway Co.
Angelina & Neches River Railroad Co.
City of Prineville Railway.
Genesee and Wyoming Railroad Co.
Johnstown and Stony Creek Rail Road Co.
The Louisiana and North West Railroad Co.
Northampton and Bath Railroad Co.
Oregon & Northwestern Railroad Co.
Roscoe, Snyder, and Pacific Railway Co.
St. Johnsbury & Lamoille County Railroad.
St. Mary's Railroad Co.
Tennesee Railroad Co.
Texas Central Railroad.
Vermont Railway, Inc.
Virginia Blue Ridge Railway.
Wyandotte Southern Railroad Co.

Issued this 8th day of October 1970 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings and Hearing Examiner.

[F.R. Doc. 70-13868; Filed, Oct. 14, 1970; 8:46 a.m.]

Office of the Secretary

AIRPORT PROJECTS IN BETHEL AND KETCHIKAN, ALASKA

Delegation of Authority

The authority to approve projects for airport development vested in the Secretary of Transportation by the Airport and Airway Development Act of 1970 (Title I of Public Law 91-258; 84 Stat. 219) is hereby delegated to the Federal Aviation Administrator with respect to the following airport projects:

(1) Project No. 8-02-0029-01, at Bethel, Alaska.

(2) Project No. 8-02-0144-01, at Ketchikan, Alaska.

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on October 9, 1970.

CHARLES D. BAKER,
Acting Secretary of Transportation.

[F.R. Doc. 70-13912; Filed, Oct. 14, 1970; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-245]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Issuance of Provisional Operating License

Notice is hereby given that no request for a hearing by the applicants or petition for leave to intervene by any interested person having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on March 17, 1970 (35 F.R. 4664), the Atomic Energy Commission (the Commission) has issued Provisional Operating License No. DPR-21 to The Connecticut Light and Power Co. (CL&P), The Hartford Electric Light Co. (HELCO), Western Massachusetts Electric Co. (WMECO), and The Millstone Point Co. (Millstone) authorizing Millstone, acting for itself and as agent for CL&P, HELCO, and WMECO, to possess, use, and operate the Millstone Nuclear Power Station Unit 1, a single cycle, boiling, light water reactor. The license authorizes Millstone to load fuel and provides that upon satisfactory completion of installation and testing of the diesel generator, Millstone will be authorized in writing to operate the reactor at steady state thermal power levels not to exceed 2,011 megawatts, in accordance with the provisions of the license and its Technical Specifications. The license also authorizes CL&P, HELCO, and WMECO to acquire and possess title to the facility as their interests appear in the application. The reactor is located at the Millstone Nuclear Power Station in the town of Waterford, Conn.

Since publication of the notice of proposed action the applicants have filed Amendments Nos. 25 through 28 to the application. Amendment 25, dated May 28, 1970, provided information concerning the proposed program for modification of the furnace-sensitized stainless steel components of the nuclear reactor vessel. Additional information concerning this program was provided in Amendments 26 and 28, dated June 9, 1970 and August 28, 1970, respectively. In a letter dated June 16, 1970, the Advisory Committee on Reactor Safeguards (ACRS) reported the results of its review of the proposed modification of the reactor vessel components and in a letter dated August 24, 1970, The Millstone Point Co. responded to the matters noted in the ACRS report. Amendment No. 27 to the application, dated July 31, 1970, served to clarify certain design aspects of the facility as contained in earlier amendments and presented a proposal to incorporate samples to monitor crud deposition in fuel assemblies. The Commission has reviewed the information contained in these amendments and has concluded that the previous conclusions as to the safety of the facility are unchanged. The Division of Reactor Licensing has prepared an addendum to the safety evaluation relating to the review of Amendments 25, 26, 27, and 28. Copies of Amendments 25, 26, 27, and 28, the ACRS report, The Millstone Point Co.'s letter of August 24, 1970, and the addendum to the safety evaluation are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, Chapter 1. The Commission has inspected the facility and has determined that for initial fuel loading it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-20. As described in Millstone's telegram of October 1, 1970, the installation and testing of the diesel generator has not been completed. Accordingly, the Commission has issued a license which provides that the reactor shall not be made critical until the diesel generator installation and testing is completed. A copy of Millstone's telegram of October 1, 1970, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The Commission has made the findings set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

The provisional operating license was issued as proposed except for the revision of (1) paragraphs a of the findings and 1 of the license to update references to amendments, i.e., to include reference to Amendments Nos. 25 through 28 to the application and Millstone's telegram dated October 1, 1970, (2) paragraph d of the findings and 3.A of the license to reflect the necessary completion of installation and testing of the diesel generator prior to operation at steady state power levels not to exceed 2,011 megawatts thermal, (3) subparagraph 2.B.(2) to authorize receipt, possession, and use of 5.5 grams of uranium-235 contained in monitoring systems, and subparagraph 2.B.(3) to reflect a total of 26

millicuries of cobalt-60 as metal encased in stainless steel (covered by Amendment No. 3 to Special Nuclear Material License No. SNM-1098), (4) paragraph 4 to reflect our environmental condition consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations, and (5) the correction of certain typographical and clerical errors in the Technical Specifications, as set forth in the errata sheets appended to the Technical Specifications (Appendix A to Provisional Operating License No. DPR-21). A copy of the license, complete with Technical Specifications and errata sheets, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Single copies of the license and the addendum to the safety evaluation may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of October 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-13850; Filed, Oct. 14, 1970; 8:45 a.m.]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Duke Power Co., 422 South Church Street, Charlotte, N.C. 28201, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application dated September 18, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the William B. McGuire Nuclear Station Units 1 and 2, on the applicant's site in Mecklenburg County, N.C.

The site is located on the shore of Lake Norman, approximately 17 miles north-northwest of Charlotte, N.C., and is immediately west of Duke Power Co.'s Cowan Ford Hydroelectric Station.

The proposed nuclear station will consist of two pressurized water reactors, each of which is designed for initial operation at approximately 3,411 thermal megawatts with a net electrical output of approximately 1,180 megawatts.

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

Dated at Bethesda, Md., this 9th day of October 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-13851; Filed, Oct. 14, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22570; Order 70-10-55]

AIR MIDWEST, INC.

Order To Show Cause

Issued under delegated authority October 9, 1970.

Air Midwest, Inc. (Midwest) is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed September 16, 1970, Midwest requested the Board to establish final service mail rates for the transportation of mail between Great Bend and Hutchinson, Kans., on the one hand, and Denver, Colo., Witchita, Kans., and Kansas City, Mo., on the other.

By Order 70-8-31, August 10, 1970 (Docket 22012), the Board authorized Frontier Airlines, Inc., to suspend service at Great Bend and Hutchinson, Kans., subject to the condition that adequate air taxi service be maintained in those markets.

No service mail rates are currently in effect for this transportation by Midwest. 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 September 24, 1970, the Postmaster General filed a reply supporting Midwest's petition. The Postmaster General agrees with Midwest that the domestic multielement service rates for priority and nonpriority mail established by Orders E-25610 and 70-4-9 are fair and reasonable rates of compensation for the services proposed.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Midwest by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith between Great Bend and Hutchinson, Kans., on the one hand, and Denver, Colo., Wichita, Kans., and Kansas City, Mo., on the other.

Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue and order[2] to include the following findings and conclusions:

1. On and after September 24, 1970, the fair and reasonable final service mail rates to be paid to Air Midwest, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, for facilities used and useful therefor, and the services connected therewith between Great Bend and Hutchinson, Kans., on the one hand, and Denver, Colo., Wichita, Kans., and Kansas City, Mo., 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, the Board's regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(f),

It is ordered, That:

1. All interested persons and particularly Air Midwest, Inc., the Postmaster General, and Frontier Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above, as the fair and reasonable rates of compensation to be paid to Air Midwest, 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 Air Midwest, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

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. 70-13928; Filed, Oct. 14, 1970; 8:50 a.m.]

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[1] Present service mail rates provide for terminal charges per pound of 2.34 cents at Denver, Colo., Wichita, Kans., and Kansas City, Mo., and 9.36 cents at Great Bend and Hutchinson, Kans., plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action it is not subject to the review provisions of 14 CFR Part 385. Those provisions will apply to any final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 22552]

BRITANNIA AIRWAYS LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 26, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 9, 1970.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[F.R. Doc. 70-13927; Filed, Oct. 14, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-325, etc.]

CONTINENTAL OIL CO. ET AL.

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

OCTOBER 7, 1970.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure [18 CFR 1.8 and 1.37(f)] on or before November 30, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-325	Continental Oil Co.	183	[3] 20	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 47 Field, Offshore Louisiana (Disputed)).	$10,172	9-10-70	9-10-70	9-11-70	19.0	[4] 19.5	
RI71-326	The California Co., a division of Chevron Oil Co.	44	[5] 7	Trunkline Gas Co. (South Timbalier Blocks 63 and 189 Fields, Offshore Louisiana (Federal)).	66,500	9-14-70	10-15-70	10-16-70	19.5	[6] 20.5	
RI71-327	do	45	[7] 2	Michigan-Wisconsin Pipe Line Co. (Eugene Island Block 230, Offshore Louisiana).	20,075	9-14-70	10-15-70	10-16-70	19.5	[8] 20.0	

*Pressure base is 15.025 p.s.i.a.
[1] Pursuant to Opinion No. 567.
[2] Documents required by Opinion No. 567 establishing a second vintage price for the subject gas previously accepted (Supp. 18).
[3] Applies only to second vintage gas-well gas from newly discovered reservoirs as identified in Supplement No. 18 previously accepted.
[4] Documents required by Opinion No. 567 establishing a third vintage price for the subject gas previously accepted (Supps. 3, 4, 5, 6).
[5] Pursuant to Opinion No. 546-A based on the determinations in Opinion No. 567.
[6] Documents required by Opinion No. 567 establishing a third vintage price for the subject gas previously accepted (Supp. 1).
[7] Applicable only to gas-well gas sales from the 14,800' sand and 16,300' sand (Block 63) and 13,350' sand and 13,400' sand (Block 189).
[8] Applicable only to gas-well gas sales from the 8,000' sand, 9,250' sand, 9,300' sand and 11,700' sand.

Continental's proposed increase involved gas well gas produced from newly discovered reservoirs in the disputed zone, offshore Louisiana. The proposed 19.5-cent rate equals the area base rate ceiling established in Opinion No. 546 for second vintage gas well gas produced from within the State's taxing jurisdiction but exceeds the 18-cent rate for gas well gas produced from the Federal domain. Continental requests a retroactive effective date of November 1, 1969, for its proposed change. Good cause has not been shown for granting such request and it is denied. Consistent with our prior action on similar filings, the proposed rate is suspended for 1 day from the date of filing. Thereafter Continental may collect its proposed rate subject to refund of those amounts attributable to the difference in the onshore and offshore rate paid for gas well gas finally held to have been produced from the Federal domain.

The proposed rates of The California Co. involving sales in the Federal domain (offshore Louisiana) were submitted pursuant to paragraph (A) of Opinion No. 546-A with respect to gas well gas determined in accordance with Opinion No. 567 to qualify for a third vintage price. The proposed increases shall be suspended for 1 day from the expiration of the 30-day statutory notice period. Thereafter, the proposed rates may be collected, subject to refund, pending the outcome of Docket No. AR69-1.

[F.R. Doc. 70-13803; Filed, Oct. 14, 1970; 8:45 a.m.]

[Docket No. RI71-322 etc.]

YALE OIL ASSOCIATION ET AL.

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

OCTOBER 7, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Com-

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

mission jurisdiction, as set forth in Appendix A hereof.

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 30, 1970.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-322	Yale Oil Association	[4] 4	[5] 1	Equitable Gas Co. (Contract No. 6310, Salt Lick District, Braxton County, W. Va.).	$300	9-14-70	10-15-70	[6] 10-16-70	[1] [3] 27.1038	[1] 28.0	
RI71-323	George W. Marthens, Agent.	[4] 3	[5] 1	Equitable Gas Co. (Contract No. 6304, Troy District, Gilmer County, W. Va.).	750	9-11-70	10-12-70	[6] 10-13-70	[1] [3] 27.1038	[1] 28.0	
RI71-324	Petroleum Corp. of Texas.	37	[7] 3	Southern Union Gathering Co. (Pictured Cliffs Formation, San Juan County, N. Mex., San Juan Basin).	.....	9- 8-70	9- 8-70	Accepted	[2] 13.0	.....	
		37	4		430	9- 8-70	9- 8-70	9- 9-70	[2] 13.0	[2] 13.0651	

[1] Pressure base is 15.325 p.s.i.a.
[2] Pressure base is 15.025 p.s.i.a.
[3] Rate converted from 27 cents per Mcf at 62° F. to 60° F.
[4] Contract dated after Sept. 28, 1960, date of issuance of statement of general policy No. 61-1.
[5] Includes letter from buyer providing for increase for gas from new wells on currently dedicated acreage and for gas from old wells drilled deeper and/or hydrofractured.
[6] Or 1 day from date of initial delivery of gas from new wells on currently dedicated acreage and old wells drilled deeper and/or hydrofractured, whichever is later.
[7] Contract amendment providing for a new pricing schedule is accepted as of Sept. 8, 1970, but not the proposed 13.0651-cent rate contained therein which is suspended until Sept. 9, 1970.

The basic contracts related to proposed increases by Yale and Marthens are dated after September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1 and the proposed rates do not exceed the applicable area initial rate ceiling. Accordingly, we believe it appropriate to suspend the proposed rates for 1 day from the date of expiration of the 30-day statutory notice period or 1 day from the date of initial delivery from the new deeper drilled or hydrofractured wells, whichever is later.

In accordance with the certificate order issued July 28, 1970, in Southern Union Gathering Co. et al., Docket No. G-7670 et al., the proposed increased rate of Petroleum shall be suspended for 1 day from the date of filing.

[F.R. Doc. 70-13804; Filed, Oct. 14, 1970; 8:45 a.m.]

[Docket No. CP71-74]

ASSOCIATED NATURAL GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 9, 1970.

Take notice that on September 25, 1970, Associated Natural Gas Co. (Applicant), 405 West Park Street, Blytheville, Ark. 72315, filed in docket No. CP71-74 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. to sell and deliver additional natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to furnish natural gas service to Noranda Aluminum Co., Inc.'s (Noranda) aluminum production and fabricating plant, now under construction in New Madrid County, Mo. Applicant states that the estimated volumes of natural gas necessary to meet Noranda's maximum daily and annual requirements for the first 3 years of operations will be 3,332 Mcf and 1,041,000 Mcf, respectively.

Applicant states that the requested supply of firm gas is needed by Noranda for the efficient operation of its plant and to maintain a competitive position in the aluminum industry. Further, Applicant states that the aluminum plant which Applicant proposes to serve will have a substantial impact on the economy of the area by affording a balance between industry and agriculture.

To accomplish the proposed service Applicant states that it will be necessary to construct 116,160 feet of 10-inch pipeline from an existing lateral near Malden, Mo., to Marston, Mo., in order to increase its system capacity. Applicant estimates that the cost of construction of these facilities will be $772,464. Applicant proposes to finance these facilities from its treasury fund and proceeds from unsecured short-term bank loans which will be converted to permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 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). 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13852; Filed, Oct. 14, 1970; 8:45 a.m.]

[Docket No. CP71-84]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 9, 1970.

Take notice that on October 1, 1970, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP71-84 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving abandonment by reclaim of certain facilities on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to abandon by reclaim approximately 10.13 miles of 8-inch gas pipeline, with related measuring and regulating equipment, from the outlet of Rounds & Stewart Natural Gasoline Co., Inc.'s (Rounds & Stewart), gasoline plant and Applicant's 4,000 horsepower Marion Compressor Station with related equipment, all in Marion County, Kans. This compressor station was used both on the intake and outlet sides of the gasoline plant to compress and transport volumes of gas purchased from Rounds & Stewart to Applicant's Kansas-Hugoton 26-inch mainline system. Applicant proposes to reclaim the above-described facilities immediately upon the abandonment of the sale and the termination of deliveries by Rounds & Stewart. The Applicant states that the estimated salvage value of the equipment to be reclaimed is $690,000, with an estimated cost to reclaim of $92,500, which will be paid from treasury cash.

Applicant states that Rounds & Stewart's gas supply is now depleted to such an extent that the operation of the gasoline plant is no longer economically feasible.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 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 permission and approval for the proposed abandonment 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. 70-13853; Filed, Oct. 14, 1970; 8:45 a.m.]

[Docket No. CP71-72]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 9, 1970.

Take notice that on September 24, 1970, El Paso Natural Gas Co. (Applicant), Post Offiec Box 1492, El Paso, Tex. 79999, filed in Docket No. CP71-72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to be used for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 7 miles of 8⅝-inch O.D. pipeline loop, two new compressor stations, each consisting of one 2,710 horsepower gas turbine-driven centrifugal compressor unit and appurtenances, a 2,000 horsepower compressor station addition at its Snyder Plant, and a 39,000 Mcf per day dehydration plant addition. Applicant states that these facilities are necessary to enable it to receive and transport additional natural gas in the amount of up to 40,000 Mcf per day, which results from the commencement of a new secondary oil recovery project in the Snyder area of west Texas and from the termination of certain field repressuring operations previously utilized for purposes of secondary oil recovery. Applicant states that this added supply will augment its overall gas supply utilized for service to its Southern Division customers.

In addition to the above facilities, Applicant seeks authorization to construct and operate a tap and metering facilities at the intersection of Northern Natural Gas Co.'s (Northern) 30-inch O. D. Plains pipeline and Applicant's 12¾-inch O. D. Snyder pipeline in Martin County, Tex. Northern transports natural gas for Applicant through its Plains pipeline to Applicant's Plains Compressor Station pursuant to Northern's Rate Schedule T-1, FPC Gas Tariff, Original Volume No. 3. Applicant states that such proposed facilities will provide an additional point of delivery of authorized quantities of natural gas to Northern for transportation, thereby providing added flexibility in the operation of Applicant's system.

The application states that the total estimated cost of constructing the facilities proposed in the application is $3,649,957, inclusive of overhead, contingency and required filing fees. Applicant proposes to initially finance this cost through use of working funds, supplemented, as necessary by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 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. 70-13854; Filed, Oct. 14, 1970; 8:45 a.m.]

[Docket No. CP70-231]

McCULLOCH INTERSTATE GAS CORP.

Notice of Petition To Amend

OCTOBER 9, 1970.

Take notice that on September 14, 1970, McCulloch Interstate Gas Corp. (applicant), 6151 West Century Boulevard, Los Angeles, Calif. 90045, filed in Docket No. CP70-231 a petition to amend the order issued pursuant to section 7(c) of the Natural Gas Act on June 19, 1970,

in the subject docket, to authorize applicant to purchase additional natural gas to sell to Colorado Interstate Gas Corp. (CIG) and to construct and operate certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized by the above-mentioned order to construct, acquire, and operate certain facilities in order to make deliveries of natural gas to CIG for resale. Applicant states that one of the certificated facilities was a compressor unit at the Hilight Station which was to provide B.t.u. stabilization through air injection which was required to meet the quality requirements of the contract between applicant and CIG. Applicant states that CIG determined that gas treated with air, and therefore containing oxygen, would not be suitable for its use since CIG planned to store some of the gas in underground reservoirs. In this petition to amend, applicant proposes to build a series of inert generators to improve the quality of the gas deliveries to CIG by removing the nascent oxygen from the air injection stream used to stabilize the B.t.u. content of the gas delivered. Applicant further proposes to construct miscellaneous minor facilities.

Applicant estimates that these facilities will cost approximately $1,032,000. Applicant states that it expects to secure up to $1 million from CIG under a loan agreement and to finance the remaining cost from its own corporate fund sources.

Applicant states that this proposal will result in additional and higher quality gas which will become available to applicant and its customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13856; Filed, Oct. 14, 1970; 8:45 a.m.]

[Docket Nos. CP70-21; CP70-183]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Motion for Modification of Order

OCTOBER 8, 1970.

Take notice that on October 1, 1970, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, moved that the Commission modify its orders issued pursuant to sections 3 and 7(c) of the Natural Gas Act on April 30, 1970, and May 19, 1970, respectively, to approve an increase in the maximum daily requirements to be furnished by applicant to four of its customers commencing November 1, 1970, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Applicant states that the requested modifications result in a net aggregate increase of 9,192 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13855; Filed, Oct. 14, 1970; 8:45 a.m.]

[Docket No. CP71-83]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

OCTOBER 8, 1970.

Take notice that on September 30, 1970, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP71-83 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations, for a budget-type certificate of public convenience and necessity authorizing the construction, during the calendar year 1971, and operation of meter stations, lateral pipelines and taps on applicant's existing natural gas transmission system to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various areas located in the vicinity of its system.

Applicant states that the total costs of all facilities for which authorization is sought herein will not exceed $4 million, with no single project to exceed a cost of $1 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 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. 70-13857; Filed, Oct. 14, 1970; 8:45 a.m.]

[Project No. 2131]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for Amendment of License for Constructed Project

OCTOBER 9, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Wisconsin Michigan Power Co. (correspondence to: J. K. Babbitt, Vice President and General Manager, Wisconsin Michigan Power Co., 807 South Oneida Street, Appleton, Wis. 54911) for its constructed Kingsford Hydroelectric Plant, Project No. 2131, located on the Menominee River partially in Kingsford in Dickinson County, Mich., and in Florence County, Wis., and affecting lands of the United States.

Applicant seeks to delete from the license for the project approximately 4 miles of a double circuit 13.8-kv. powerline extending from the Kingsford Plant

to the Kingston substation, and to revise license Exhibits K, L, and M to show such deletion. According to the application, the line is presently functioning as a distribution line. The line does not occupy lands of the United States.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13858; Filed, Oct. 14, 1970; 8:45 a.m.]

NATIONAL COMMISSION ON PRODUCT SAFETY

PUBLIC INDEX FILE

Notice of Availability

The final, cumulative National Commission on Product Safety Public Index File, of July 1970, designated the Consumer Product Safety Index, may now be ordered from the Clearinghouse for Federal Scientific and Technical Information, U.S. Department of Commerce, Springfield, Va. 22151, Telephone: 703-321-8543. This 3,000 page Commission computer information system printout may be ordered in full size page copy in three volumes by designating documents PB-193 425, PB-193 426, and PB-193 427, and enclosing $30. It may also be ordered in 16 mm microfilm by designating document PB-193 428 and enclosing $10.

The Consumer Product Safety Index contains references to household products; standards; Commission hearings; technical, newspaper, and legislative documents; people; manufacturers; private and government testing laboratories; consumer, trade, and technical organizations, etc. It also contains key excerpts of consumer letters, Commission hearings, technical articles, etc., so that it is in effect an encyclopedia on home product safety problems as reviewed by the Commission. Important staff and contract results of the kinds of injuries associated with the use of particular household products and the frequency of ownership of particular products are summarized. A cross-indexing system interrelates the material presented.

Dated: October 9, 1970.

WALTER U. JOHNSON,
Acting Executive Director.

[F.R. Doc. 70-13867; Filed, Oct. 14, 1970; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

DIXIE CAPITAL CORP.

Approval of Application for Transfer of Control of a Licensed Small Business Investment Company

On September 18, 1970, a notice of application for transfer of control was published in the FEDERAL REGISTER (35 F.R. 14638) stating that an application had been filed with the Small Business Administration pursuant to § 107.701 of the SBA rules and regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107), for transfer of control of Dixie Capital Corp., License No. 05/05-0085, 2400 First National Bank Building, Atlanta, Ga. 30303, a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Interested persons were given until the close of business September 28, 1970, to submit their written comments to SBA. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Dixie Capital Corp. to Atlanta Capital, Inc., 2210 Gas Light Tower, Atlanta, Ga. 30303.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

OCTOBER 2, 1970.

[F.R. Doc. 70-13908; Filed, Oct. 14, 1970; 8:49 a.m.]

[Declaration of Disaster Loan Area 790]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October, 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Pottawatomie and Lincoln Counties, Okla.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on October 5, 1970.

OFFICE

Small Business Administration District Office, 30 North Hudson, Oklahoma City, Okla. 73102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1971.

Dated: October 7, 1970.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 70-13907; Filed, Oct. 14, 1970; 8:49 a.m.]

TARIFF COMMISSION

[TEA-I-19]

BILLIARD BALLS

Notice of Investigation and Hearing

Investigation instituted. Following receipt on September 21, 1970, of a petition filed by the Albany Billiard Ball Co., the U.S. Tariff Commission, on October 8, 1970, instituted an investigation under section 301(b)(1) of the Trade Expansion Act of 1962 to determine whether bagatelle, billiard, and pool balls, provided for in item 734.05 of the Tariff Schedules of the United States, are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry or industries producing like or directly competitive products.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., on December 15, 1970, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Requests to appear must contain a careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Witnesses may supplement their oral testimony with written statements of any desired length. These should be submitted when the oral testimony is presented. Persons who have properly filed requests to appear will be individually notified of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

Inspection of petition. The petition filed in this case is available for inspection by persons concerned at the office

of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: October 12, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-13891; Filed, Oct. 14, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 94]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 9, 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, contain 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 § .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. 242), filed September 24, 1970. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware 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 bulk, in tank vehicles), from Cherokee, Iowa, and Omaha, Nebr., to points in Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Florida, Georgia, Alabama, and Mississippi. 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 Omaha, Nebr., or Kansas City, Mo.

No. MC 2392 (Sub-No. 78), filed September 17, 1970. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 86114. Applicant's representatives: Keith D. Wheeler (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, and in bags, from Fairbury, Nebr., to points in Iowa, Kansas, and 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 Omaha, Nebr.

No. MC 2860 (Sub-No. 83), filed September 21, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen concentrated coffee*, from points in Florida to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. NOTE: Applicant states that tacking is possible to an extent, but is not presently contemplated. 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 Orlando, Fla., or New York, N.Y.

No. MC 2900 (Sub-No. 205), filed September 28, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Robert H. Cleveland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment). Regular routes: Serving the plantsite of Dresser Industries, Inc., located at or near Alpine City, La., as an off-route point in connection with applicant's existing regular routes to and from Alexandria, La., and (2) *reinforced concrete beams, channels, columns, girders, joists, piling, and dock units*. Irregular routes: From Jacksonville, Fla., to points in Georgia and South Carolina. 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 Jacksonville, Fla., or Washington, D.C.

No. MC 2986 (Sub-No. 34), filed September 22, 1970. Applicant: I & S-McDANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the new plantsite of the Gibson County Generating Plant (operated by Public Service Co. of Indiana) located approximately 10 miles west of Princeton, Ind., and approximately 1 mile south of Indiana Highway 64 as an off-route point in conjunction with applicant's present operating authority to and from Princeton, Ind. No duplicate authority is being sought. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 19227 (Sub-No. 144), filed September 21, 1970. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common*

[1] Copies of Special Rule .247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

carrier, by motor vehicle, over irregular routes, transporting: *Ships propellers*, from points in Jackson County, Miss., to points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Maine, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, South Carolina, Texas, Virginia, Washington, and Wisconsin. NOTE: Applicant states that the requested authority can be joined with Sub 32, Sub 43, and Sub 75 but no tacking is contemplated. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Miami, Fla.

No. MC 19227 (Sub-No. 145), filed September 24, 1970. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and related machinery, tools, parts, and supplies* moving in connection therewith, from Columbus, Ohio, to points in California, Nevada, Utah, and Wyoming. 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., or Miami, Fla.

No. MC 19227 (Sub-No. 146), filed September 24, 1970. Applicant LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpet remnants, and rugs*, from: Villa Rica, Calhoun, and Resaca, Ga., to points in Florida, Illinois, Indiana, Kansas, Missouri, and Pennsylvania. 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 Atlanta, Ga., or Miami, Fla.

No. MC 19227 (Sub-No. 147), filed September 25, 1970. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked-down, or in sections, including, all *component parts, materials, supplies, and fixtures*, and when shipped with such buildings, *accessories* used in the erection, construction and completion thereof, from Terre Haute, Ind., to all points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. 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 Miami, Fla., Washington, D.C., or Atlanta, Ga.

No. MC 31389 (Sub-No. 132), filed September 21, 1970. Applicant: McLEAN TRUCKING COMPANY, INC., 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. 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 regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Osceola, Ark., as an off-route point in connection with applicant's regular-route operations to and from Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 31389 (Sub-No. 133), filed September 21, 1970. Applicant: McLEAN TRUCKING COMPANY, INC., 617 Waughtown Street, Winston-Salem, N.C. 27102. 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 regular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving West Salem, Ill., as an off-route point in connection with applicant's present regular-routes extending between Morton, and Albion, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Springfield, Ill.

No. MC 48213 (Sub-No. 32), filed September 23, 1970. Applicant: C. E. LIZZA, INC., Post Office Box 447, Latrobe, Pa. 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering, and materials, equipment, and supplies* used in the manufacture and distribution thereof, between Pittston Township, Pa., and Buchanan, N.Y., under a continuing contract with American Cyanamid Co. of Wayne, N.J. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 55883 (Sub-No. 15), filed September 17, 1970. Applicant: EXPRESS, INC., Post Office Box 15, Stephenson, Va. 22656. Applicant's representative: Bill R. Davis, Suite 1919, Atlanta Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* from points in Adams County, Pa., Frederick and Shenandoah Counties, Va., and Berkeley County, W. Va., to points in Florida. NOTE: Applicant states that tacking is possible on canned goods from Baltimore, Md., to Winchester, Va., and thence to Florida. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59150 (Sub-No. 55), filed September 30, 1970. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard, wood fibreboard faced or finished with decorative and/or protective material, and accessories and supplies* used in installation thereof (except commodities in bulk), from Evans Products Co. site at or near Doswell (Hanover County), Va., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, 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 Washington, D.C., or Richmond, Va.

No. MC 61403 (Sub-No. 208), filed September 28, 1970. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, (1) between Kingsport, Tenn., on the one hand, and, on the other, points in Florida (except Miami), and Oklahoma, and (2) from Davenport, Iowa, and points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to Kingsport, Tenn. 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. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 78276 (Sub-No. 4), filed September 24, 1970. Applicant: MAZZEO & SONS EXPRESS, 311 South River Street, Hackensack, N.J. 07601. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between Hackensack, N.J., on the one hand, and, on the other, points in Orange County, N.Y. NOTE: Applicant states it intends to tack the herein sought authority with existing authorized operations. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 82101 (Sub-No. 10), filed September 22, 1970. Applicant: WESTWOOD CARTAGE, INC., 26 Everett Street, Westwood, Mass. 02090. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business (except commodities in bulk and in tank vehicles) from Dedham, Mass., to Cumberland and Providence, R.I., Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract, or contracts with General Foods Corp. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 93151 (Sub-No. 11), filed September 22, 1970. Applicant: ROWE CAMBRIDE MOTOR TRANSPORTATION, INC., Rural Delivery No. 3, Tyrone, Pa. 16686. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from points in New Jersey to Williamsburg, Pa., restricted to service to be performed under a continuing contract or contracts with Westvaco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 95540 (Sub-No. 789), filed September 16, 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: (1) *Meats, meat products, meat byproducts and packinghouse products and articles distributed by meat packinghouses* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs*, except meat and meat products as described above when transported in mixed shipments with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., at Austin, Minn., to points in Virginia, and (2) *meats, meat products, packinghouses products and articles* distributed by meat packinghouses as set forth in sections A and C of the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Huron, S. Dak., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. 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 Minneapolis, Minn., or Chicago, Ill.

No. MC 95876 (Sub-No. 103), filed September 18, 1970. Applicant: ANDERSON TRUCKING SERVICE., INC., 203 Cooper Avenue N., St. Cloud, Minn. 56301. 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: *Building and roofing slabs, tile and panels, and related materials, parts, supplies and accessories*, from Cornell, Wis., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, Tennessee, West Virginia, and the District of Columbia. Common control may be involved. NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 100666 (Sub-No. 173), filed September 28, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112 and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and switches*, which because of their size or weight require the use of special equipment and *transformers and switches*, other than those described above, transported in mixed loads with transformers and switches requiring special equipment, from the plantsite of General Electric Co., at or near Shreveport, La., 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 102799 (Sub-No. 11), filed September 15, 1970. Applicant: HOURLY MESSENGERS, INC., a corporation, doing business as H. M. PACKAGE DELIVERY SERVICE, 20th Street and Indiana Avenue, Philadelphia, Pa., 19123. Applicant's representatives: V. Baker Smith and James W. Patterson, 2107 The Fidelity Building, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moved therewith (excluding motion picture film used primarily for commercial theatre and television), between Philadelphia, Pa., on the one hand, and, on the other, points in New Castle County, Del., under contract with Eastman Kodak Co. of Rochester, N.Y., and Kodak Processing Laboratory of Washington, D.C. NOTE: Applicant presently holds common carrier authority under its Docket No. MC 100623 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 103191 (Sub-No. 31), filed September 24, 1970. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Post Office Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, Post Office Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt cement and liquid asphalt products*, from Tuscaloosa, Ala., to points in 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 Columbia or Charleston, S.C.

No. MC 103498 (Sub-No. 19), filed September 21, 1970. Applicant: W. D. SMITH, doing business as W. D. SMITH TRUCK LINE, Post Office Box 68, De Queen, Ark. 71832. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and warehouse facilities of Georgia-Pacific Corp., at Crossett, Ark., to points in Texas, Oklahoma, Louisiana, Mississippi, Tennessee, and 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 Little Rock, Ark.

No. MC 106398 (Sub-No. 499), filed September 21, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers to be drawn by passenger automobiles*, in initial movements, in truckaway service, from points in Otsego County, N.Y., 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 and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 106398 (Sub-No. 500), filed September 21, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from New Orleans, La., to points in Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106398 (Sub-No. 501), filed September 21, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in McNairy County, Tenn., 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 and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 106497 (Sub-No. 46) (Amendment), filed July 27, 1970, published in the FEDERAL REGISTER issue of August 27, 1970, and republished as amended this issue. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution system and antipollution system parts*, from points in Tulsa and Osage Counties, Okla., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* of antipollution system and antipollution system parts, from points in the United States (except Alaska and Hawaii) to points in Tulsa and Osage Counties, Okla. NOTE: Applicant states that tacking is feasible with its Sub 4 where "size or weight" commodities are involved. Common control may be involved. The purpose of this republication is to add the additional county of Osage as an origin point in (1) above and as a destination point in (2) above. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Fort Worth, Tex.

No. MC 106674 (Sub-No. 75), filed September 21, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, Ind. 46923. 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: *Lime*, quick or hydrate, in bags, from the plantsites of Marblehead Lime Co. at Chicago and Thornton, Ill., to points in Indiana. 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 106674 (Sub-No. 76), filed September 24, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, Ind. 46923. Applicant's representative: Robert W. Loser, II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, asphalt tile, and floor tile cement* (except in bulk) from Joliet, Ill., to points in Kentucky. NOTE: Applicant states that the requested authority can be tacked with its presently held authority at Chicago, Clearing, and Lockport, Ill., wherein as here pertinent it conducts operations in the States of Ohio, Indiana, Illinois, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 107295 (Sub-No. 448), filed September 23, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board, hardboard, plywood, molding and accessories, cabinet and furniture parts, phanolic backer sheets*, from Dowagaic, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, 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.

No. MC 107295 (Sub-No. 451), filed September 28, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling or freezing machines, air coolers, blowers, or fans, combined, air handling or ventilating equipment and building construction wall sections*, from the plantsite and warehouse facilities of Westinghouse Electric Corp., Air Control Division at or near Staunton, Va., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states no duplications anticipated. However, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 107295 (Sub-No. 452), filed September 28, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring or hardwood flooring blocks*, from Pikesville, Md., to points in New York, Massachusetts, Virginia, Connecticut, Rhode Island, Pennsylvania, New Jersey, West Virginia, Delaware, and interstate shipments in the State of Maryland. 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 Baltimore, Md., or Washington, D.C.

No. MC 107295 (Sub-No. 453), filed September 28, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stoves and ranges*, from Cleveland, Tenn., to Ironwood, Mich., and (2) *plywood, wallboard, siding* in coils and *accessories*, from Elkhart, Ind., to Ironwood, 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 Chicago, Ill.

No. MC 107295 (Sub-No. 454), filed October 1, 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: *Composition board, fibreboard, pulpboard, and parts, materials and accessories* used in the installation thereof, from Meridian, Miss., to points in Florida, Alabama, Georgia, South Carolina, North Carolina, and Virginia. 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 Jackson, Miss.

No. MC 107515 (Sub-No. 707), filed September 21, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* 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 commodities in bulk and hides), from Palestine, Tex., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Wisconsin, Kansas, Missouri, Nebraska, Iowa, and Minnesota. NOTE: Applicant states no joinder or tacking is intended. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107515 (Sub-No. 708), filed September 21, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach, Post Office Box 308, Forest Park, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except commodities in bulk and hides, in vehicles equipped with mechanical refrigeration, from Wichita, Kans., to points in Alabama, Florida, Georgia,

North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states no joinder or tacking is intended. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Atlanta, Ga.

No. MC 107515 (Sub-No. 709), filed September 21, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, and *related advertising materials* when moving in mixed loads with candy, in vehicles equipped with mechanical refrigeration, from Norwalk, Ohio, to points in Alabama, Florida, Georgia, North Carolina, Tennessee, Mississippi, and Louisiana. NOTE: Applicant states no joinder or tacking is intended. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107541 (Sub-No. 31), filed September 23, 1970. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Oreg. 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood flour*, in bales and packages; (a) from points in Clark County, Wash., to points in Umatilla County, Oreg., (b) from points in Linn County, and Grants Pass, Oreg., to points in Contra Costa and Los Angeles Counties, Calif. 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 Portland, Oreg.

No. MC 108393 (Sub-No. 37), filed September 24, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by mail order houses and retail stores*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Columbus, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, under a continuing contract or contracts with Sears, Roebuck & Co. NOTE: Applicant holds common carrier authority in MC 118459 and subs. 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 108449 (Sub-No. 315) (Correction), filed August 3, 1970, published in the FEDERAL REGISTER issue of August 27, 1970, and republished as corrected this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Wallace A. Myllenbeck (same address as applicant) and Adolph Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by wholesale, retail, and chain grocery and food business houses, from the plantsite and storage facilities of Armour-Dial, Inc., located in Chicago, Ill., the Chicago, Ill., commercial zone and Aurora Township, Kane County, Ill., to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan. NOTE: Applicant states that joinder could be made at Minneapolis and St. Paul, Minn., to serve the points of Fargo and Grand Forks, N. Dak., and Sioux Falls, S. Dak., on shipments of canned goods, soap and washing compounds. The purpose of this republication is to reflect the additional representative, and to show the correct origin as Aurora Township, Kane County, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 111170 (Sub-No. 148), filed September 21, 1970. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don Smith, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Greenville, Miss., to points in Arkansas, Louisiana, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112223 (Sub-No. 87), filed September 18, 1970. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue S., Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue S., Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Pine Bend, Minn., to points in Iowa, Wisconsin, North Dakota, and South Dakota. 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 or St. Paul, Minn.

No. MC 112696 (Sub-No. 42), filed September 23, 1970. Applicant: HARTMANS, INCORPORATED, Post Office Box 898, Harrisonburg, Va. 22801. Applicant's representatives: James E. Wilson and Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, leather, heels, soles, and uppers, and supplies and equipment* used in shoe factories, between Boston, Mass., on the one hand, and, on the other, points in Lancaster County, Pa., and points in Carroll, Washington, and Frederick Counties, Md. 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 113158 (Sub-No. 15), filed September 30, 1970. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery stores and food business houses, and, in connection therewith *equipment, materials, and supplies* used in the conduct of such business, from points in New York (except New York, N.Y., and points in Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, Suffolk, Greene, Albany, Schenectady, Montgomery, and Herkimer Counties, N.Y.), to the warehouses and other facilities of Acme Markets, Inc., at Baltimore, Md. 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 113267 (Sub-No. 246), filed September 22, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in New Hanover County, N.C., to points in Alabama, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Ohio, Tennessee, West Virginia, Iowa, Missouri, and Wisconsin. 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.

No. MC 113623 (Sub-No. 3), filed September 23, 1970. Applicant: WILLIAM W. EDMOND AND WESLEY C. HAYHURST, a partnership, doing business as ACME TRANSFER & STORAGE, 163 Yolano Drive, Vallejo, Calif. 94590. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alameda, Lake, Marin, Sacramento, San Francisco, San Mateo, San Joaquin, and Yolo Counties, Calif., restricted to transportation of traffic having prior or subsequent movement, in containers, beyond the points authorized 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: Applicant states that upon a grant of the requested authority it could

be combined with the authority held by applicant in MC 113623 (Sub-No. 1) to enable a specialized containerized household goods service within a radius of approximately 70 miles from applicant's base of operations. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113974 (Sub-No. 44), filed September 21, 1970. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections, including all *component parts, materials, supplies, and fixtures* when shipped with such buildings; and (2) *metal panel sections, and accessories and parts thereof* when shipped therewith, from Columbus, Ga., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. 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 Atlanta, Ga.

No. MC 114211 (Sub-No. 145), filed September 28, 1970. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels) (b) *equipment* designed for use in conjunction with tractors (c) *agricultural, industrial and construction machinery, and equipment* (d) *trailers* designed for the transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles (e) *attachments* for the above described commodities (f) *internal combustion engines*, and (g) *parts* of the above described commodities when moving in mixed loads with such commodities, from Detroit and Port Huron, Mich., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) *return or rejected shipments* from the destination points named above to named origin points. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites and experimental farms of Deere and Co. and the authority in (2) above is restricted to traffic destined to the plants, warehouse sites, and experimental farms of Deere and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114239 (Sub-No. 25), filed September 25, 1970. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea*, in dry form, in bulk, except tank or hopper type vehicles, from the site of the plant of W. R. Grace & Co., at or near Woodstock, Tenn., and from the warehouses of W. R. Grace & Co., at Memphis, Tenn., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; (2) *Urea*, in dry form, in bags, from the site of the plant of W. R. Grace & Co., at or near Woodstock, Tenn., and from the warehouses of W. R. Grace & Co., at Memphis, Tenn., to points in Colorado, Idaho, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, Indiana (except points in Indiana within the Chicago, Ill., commercial zone as defined by the Commission), Kansas (except Kansas City, Kans., and points in Kansas within the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission), Missouri (except St. Louis, Mo., and Kansas City, Mo., and points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and those within the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission), Texas (except Dallas, Tex., and points in the commercial zone of Dallas), Wisconsin (except Milwaukee and Racine, Wis., and points in the commercial zone of Racine and Milwaukee), and Illinois (except Chicago, Ill., and points in Illinois within the Chicago, Ill., commercial zone as defined by the Commission, East St. Louis, Ill., and points in Illinois within the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, and except points in that part of Illinois on, south, and east of a line beginning at Alton, Ill., and extending along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to Springfield, Ill., thence along Illinois Highway 29 through Peoria, Ill., to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 34 near Mendota, Ill., thence along U.S. Highway 34 to junction Illinois Highway 47, thence along Illinois Highway 47 to Illinois-Wisconsin State line);

(3) *Urea* (except agricultural grade urea), in dry form, in bags, from the site of the plant of W. R. Grace & Co., at or near Woodstock, Tenn., and from the warehouses of W. R. Grace & Co., at Memphis, Tenn., to points in Arizona, California, and New Mexico; (4) *Fertilizer* (except in tank vehicles), from the plantsite of Illinois Nitrogen Co., at Marseilles, Ill., to points in Indiana, Michigan, Wisconsin, Minnesota, Ohio, Iowa, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Kansas, Nebraska, South Dakota, and Kentucky; (5) *Dry fertilizer, dry fertilizer materials, urea, and pesticides* (except liquid in tank vehicles), (a) from the plantsites of W. R. Grace & Co., at or near Henry, Ill., to points in Ohio, Michigan, Kentucky, Tennessee, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, Kansas, Indiana, Arkansas, Oklahoma, North Dakota, and South Dakota; (b) from the plantsites of W. R. Grace & Co., at or near Perry, Iowa, to points in Minnesota, Wisconsin, Nebraska, Kansas, and Illinois; (c) from the plantsites of W. R. Grace & Co., at or near Lansing, Mich., to points in Ohio, Indiana, and Illinois; (d) from the plantsites of W. R. Grace & Co., at or near New Albany, Ind., to points in Ohio, Illinois, Kentucky, and Tennessee, and (e) from the plantsites of W. R. Grace & Co., at Columbus, Ohio, to points in Michigan, Indiana, Illinois, Kentucky, and Tennessee;

(6) *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., located at or near Henry, Ill., to points in Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, (7) *Dry fertilizer and dry fertilizer materials*, in bulk or in bags, and *pesticides and herbicides* in containers, from the plantsite of W. R. Grace & Co., at or near Atlas, Mo., to points in Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Kentucky, Tennessee, and Texas (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states the purpose of this application is to seek conversion of contract carrier authority to that of a common carrier. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114533 (Sub-No. 218), filed September 23, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 S. Jefferson Street, Chicago, Ill. 60606 and Arnold Burke, 2220 Brunswick Building, 69 W. Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films, and materials and supplies used in connection with commercial and Television Motion Pictures), (a) between Parsons, Kans., on the one hand, and, on the other, points in Missouri; and (b) between Topeka, Kans., on the one hand, and, on the other, points in Nebraska and Missouri. NOTE: Applicant presently holds contract carrier authority under its No. MC 128616, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas Ctiy, Mo., or Omaha, Nebr.

No. MC 114552 (Sub-No. 52), filed September 24, 1970. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and moulding; and materials, supplies and accessories* used in the installation of plywood, paneling, and moulding when moving at the same time and in the same vehicle with plywood, paneling, and moulding, from points in Manatee County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, 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 Charlotte, N.C., Columbia, S.C., or Atlanta, Ga.

No. MC 114958 (Sub-No. 8), filed September 23, 1970. Applicant: GEORGE H. BROWN, doing business as OCEANWAY TRANSPORT, Post Office Box 747, Florence, Oreg. 97439. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) from Brookings, Gold Beach, Port Oxford, Bandon, Empire, North Bend, and Coos Bay, Oreg., to Florence, Cushman, Mapleton, Beck, Gardiner, Reedsport, Empire, North Bend, Coos Bay, Bandon, Gold Beach, Brookings, Tillamook, Garbaldi, Newport, Toledo, and Portland, Oreg., and Vancouver, Wash., and (b) from points in Benton, Clackamas, Clatsop, Columbia, Douglas, Hood River, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg., to Brookings, Oreg.; and (2) *Linerboard, fiberboard, hardboard, pulpboard, and particleboard*, (a) from Brookings, Gold Beach, Port Oxford, Bandon, Empire, North Bend, and Coos Bay, Oreg., to Florence, Cushman, Mapleton, Beck, Gardiner, Reedsport, Empire, North Bend, Coos Bay, Bandon, Gold Beach, Brookings, Tillamook, Garibaldi, Newport, Toledo, and Portland, Oreg., and Vancouver, Wash., and (b) from points in Benton, Clackamas, Clatsop, Columbia, Coos Bay, Douglas, Hood River, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg., to Brookings, Oreg., restricted to the transportation of shipments having an immediately subsequent movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating is being sought. All such duplicating authority shall be eliminated. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 115162 (Sub-No. 205), filed September 24, 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: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies* used in installation thereof (except commodities in bulk), from Evans Products Co. site at or near Doswell, Hanover County, Va., to points in Alabama, Florida, Louisiana, Mississippi, and Texas. 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 115322 (Sub-No. 79), filed September 21, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: David C. Venable, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from the plantsite of Ocoma Foods Co. at Humboldt, Tenn., and storage facilities used by Ocoma Foods Co. in Humboldt, and Jackson, Tenn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Ohio, 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 Washington, D.C.

No. MC 116073 (Sub-No. 135), filed September 24, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic building materials; doors, partitions, electric motors, iron and steel track, aluminum track, and equipment, materials, and supplies* used in the installation and operation of doors and partitions, from points in Dubuque County, Iowa, 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 Dubuque, Iowa.

No. MC 116073 (Sub-No. 136), filed September 24, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Maine Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and *buildings* complete or in sections, from points in Lake County, S. Dak., to points in the United States (excluding 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 Sioux Falls, S. Dak.

No. MC 116519 (Sub-No. 8), filed September 23, 1970. Applicant: FREDERICK TRANSPORT LIMITED, a corporation, Rural Route 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Seeds, soya beans, feeds, and feed concentrate*, from the port of entry on the International boundary line between the United States and Canada located at Port Huron, Mich., to points in Michigan, Ohio, and Illinois, and (2) *seed*, in bags, *corn*, in bulk, and *seed corn and soya bean meal*, from points in Michigan, Ohio, and Illinois, to the port of entry on the international boundary line between the United States and Canada located at Port Huron, Mich. Restriction: Transportation authorized herein shall be restricted to shipments originating or destined to points in Canada in international commerce. NOTE: Applicant states that this application merely seeks an alternate port of entry at Port Huron, Mich., Sarnia, Ontario, Canada, to the existing authorized international gateway at Detroit, Mich.-Windsor, Ontario, Canada. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 426), filed September 21, 1970. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Proctor, Okla., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that it is authorized to serve the supporting shipper under Sub 139 to all destinations sought. The requested authority is to expand the field of service to include the plant at Proctor, Okla. presently being served by applicant by receiving shipper's product at Siloam Springs, Ark. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 117574 (Sub-No. 191), filed September 24, 1970. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant) and James W. Hager, 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: (1) *Dredges, dredging equipment, pontoons, floats, pile drivers, cable, chain, tanks, containers, and salvage equipment*, which require the use of lowboy,

I-beam or frame rail trailers or wheel assemblies specially built or adapted to accommodate the foregoing items, (2) *salvage and dredging contractor's materials and supplies, and other general commodities* only when moving in or in connection with items described in (1) above on the equipment described above, between 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 Washington, D.C.

No. MC 117815 (Sub-No. 166), filed September 4, 1970. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, Hubbell Building, Des Moines, Iowa 50309. 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 *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities of The Rath Packing Co. at Waterloo, Iowa, to Chicago, Ill., restricted to traffic originating at Waterloo, Iowa, and destined to Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 119599 (Sub-No. 3), filed September 21, 1970. Applicant: HARSHMAN-INDUSTRIAL CARTAGE CO., INC., 1617 Warren Avenue, Niles, Ohio 44446. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal products and accessories*, from the plantsite and warehouse facilities of United States Gypsum Co. at Warren, Ohio, to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, Virginia, District of Columbia, and those points in Berks, Bucks, Carbon, Chester, Columbia, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Northumberland, Pike, Schuylkill, Susquehanna, and Wayne Counties, Pa. NOTE: Applicant states that tacking possibilities exist in its lead certificate No. MC 119599, although applicant has no intention of tacking at this time. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 119641 (Sub-No. 93), filed September 21, 1970. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, tractors, and parts* therefore, from New Orleans, La., to points in Alabama, Arkansas, Colorado, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. Restriction: The above authority restricted to traffic having prior movement by water. NOTE: Applicant states it does not propose to tack this authority with any presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119749 (Sub-No. 12), filed September 24, 1970. Applicant: RIPON TRUCKING CO., a corporation, Oshkosh Street, Ripon, Wis. 54971. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, equipment, and supplies* as are used in bakeries, from points in Illinois, except those points within the Chicago, Ill., commercial zone, as defined by the Commission, to Ripon, Wis. Restriction: The service proposed herein to be restricted to traffic originating at, and destined to the origins and destination specified. 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 Madison, Wis.

No. MC 119777 (Sub-No. 191), filed September 21, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Building and excavating contractors' and mining machinery, equipment and supplies*, (b) *road building machinery and equipment*, (c) *parts, attachments, and accessories* for the commodities described in (a) and (b) above, and (d) *iron and steel articles, and pipe;* except commodities in each instance (a), (b), (c), and (d), the transportation of which because of size or weight require the use of special equipment, prefabricated buildings or sections, aircraft and aircraft engines, and oilfield commodities, between points in that part of Kentucky on and west of U.S. Highway 31E (except Louisville), on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with existing authority contained in MC 119777 and subs at any feasible tacking point within the described territory sought herein. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky., Louisville, Ky., or Nashville, Tenn.

No. MC 119778 (Sub-No. 125), filed September 25, 1970. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers, mounted or not mounted, and *empty cargo containers*, mounted or not mounted, between Port Everglades (Boward County), Fla., on the one hand, and, on the other, points in Florida, restricted to traffic having a prior or subsequent movement by water. 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 Miami or Tampa, Fla.

No. MC 120028 (Sub-No. 2), filed September 24, 1970. Applicant: CRAWCARTING, INC., 200 Exchange Street, Rochester, N.Y. 14614. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Rochester, N.Y., on the one hand, and, on the other, points in Genesee, Livingston, Ontario, Orleans, and Wayne Counties, N.Y. NOTE: Applicant states that the requested authority could be tacked at Rochester, N.Y. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 124170 (Sub-No. 19) (Correction), filed August 17, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished as corrected this issue. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. 48209. Applicant's representative: Robert D. Schuler, One Woodward Avenue, Suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale or retail food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration, between Columbus, Ohio, and points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the correct commodity description as "such merchandise as is dealt in by wholesale or retail food business houses, and in connection therewith". The word and was omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Detroit, Mich.

No. MC 124174 (Sub-No. 79) (Amendment), filed May 18, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished as amended this issue. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 6801 L Street, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes, and pieces thereof*, from points in Texas, Oklahoma, and Kansas, to Bolivar, Tenn.

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. Common control may be involved. The purpose of this republication is to reflect a change in the tacking information. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124359 (Sub-No. 14), filed September 21, 1970. Applicant: WILHELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan and David C. Venable, 701 Washington Building, 15th and New York Avenue, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Floor coverings, wall tile, and materials and supplies* used in the installation of such commodities, from Salem, N.J.; Chillicothe, Ohio; Detroit, Mich.; Sheboygan, Wis.; Chicago, Ill.; and New Orleans, La., to points in Colorado under contract with Nelson Distributing Co. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124692 (Sub-No. 74), filed September 21, 1970. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, (1) from Minneapolis, St. Paul, and Duluth, Minn., to points in California, Idaho, Montana, Utah, Washington, and Wyoming; and (2) from Duluth, Minn., to points in North and South Dakota. 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.

No. MC 125985 (Sub-No. 6), filed August 28, 1970. Applicant: AUTO DRIVEAWAY COMPANY, a corporation, 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: Robert R. Hendon, 4000 Massachusetts Avenue NW., Washington, D.C. 20016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles, campers, motor homes* (not mobile homes), in driveaway service, (1) between points in California, and (2) between points in California, on the one hand, and, on the other, points in the United States, including 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 Los Angeles, Calif.

No. MC 125839 (Sub-No. 3), filed September 23, 1970. Applicant: RAYMOND RAU, doing business as RAY'S TOWBAR SERVICE, 114 Fifth Avenue SW., West Fargo, N. Dak. 58078. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, used trucks, and used truck tractors*, in secondary movements, in driveaway service, (a) from Fargo, N. Dak., to points in the United States (except Alaska, Hawaii, Idaho, Montana, Oregon, Washington, and Wyoming, and (b) from points in the United States (except Alaska, Hawaii, Illinois, Iowa, Minnesota, South Dakota, and Wisconsin to Fargo, N. Dak. 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 Fargo, N. Dak.

No. MC 126104 (Sub-No. 7), filed September 21, 1970. Applicant: WEBER TRUCKING CORPORATION, 23 South 1900 West, Ogden, Utah 84401. Applicant's representative: Miss Irene Warr, 419 Judge Building, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flattened automobile bodies*, from Weber, Salt Lake, Davis, and Utah Counties, Utah to National City, Calif., under contract with Pomona Iron & Metal. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake or Ogden, Utah.

No. MC 126149 (Sub-No. 8), filed September 14, 1970. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, Ind. 47150. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil and oil additives* in containers (except commodities in bulk, in tank vehicles), between Louisville, Ky., and points in Ohio, Pennsylvania, West Virginia, Tennessee, and Indiana. 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 Louisville, Ky.

No. MC 126149 (Sub-No. 9), filed September 21, 1970. Applicant: DENNY MOTOR FREIGHT, INC., 617 Indiana Avenue, New Albany, Ind. 46150. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated structural steel; fabricated steel machinery, conveyors, barrel handling equipment; parts, attachments and accessories* therefor, from points in Bullitt County, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials, equipment and supplies* used in the manufacture of the items named in (1) above, from points in the above-named destination States to points in Bullitt County, Ky. 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 Louisville, Ky.

No. MC 126645 (Sub-No. 3), filed September 27, 1970. Applicant: ROSCOE ORWICK AND FRANCES ORWICK, a partnership, doing business as ROSCOE AND FRANCES, 163 Kings Highway, Altoona, Pa. 16602. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in mechanically refrigerated vehicles, from Pittsburgh, Pa., to points in Maryland, and the District of Columbia, under continuing contract with Sealtest Foods, Division of Kraftco Corp. NOTE: Applicant states that no duplicating authority is sought. Applicant's presently held authority originates in Altoona, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128247 (Sub-No. 12), filed September 24, 1970. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, Ind. 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Thomas County, Ga., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Washington, D.C., and Wisconsin, under contract with Oil-Dri Corp. of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128497 (Sub-No. 5), filed September 21, 1970. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. 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 commodities in bulk), from the plantsite and storage facilities of Hygrade Food Products Corp., at or near Postville, Iowa, to points in Illinois and Wisconsin, restricted to traffic originating at and destined to the named points. NOTE: Applicant holds contract carrier authority in MC 124807, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128862 (Sub-No. 7), filed September 24, 1970. Applicant: B. J. CECIL TRUCKING, INC., Box C, Claypool, Ariz. 85532. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper cement*, from Tyrone, N. Mex., to El Paso, Tex.; Miami, Ariz., and McGill, Nev. (2) *Copper cement*, from the Zonia Mine located approximately 6 miles east of Kirkland, Ariz., to McGill, Nev., and El Paso, Tex. and (3) *Shredded tin scrap*, from Deming, N. Mex., to Producers Mineral Mine located 8 miles north of Safford, Ariz. 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 Phoenix, Ariz., or Tyrone, N. Mex.

No. MC 129080 (Sub-No. 2), filed September 24, 1970. Applicant: CHARLES CORBISHLEY, doing business as QUICKWAY, 24 West Airmount Road Mahwah, N.J. 07430. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dresses on hangers, and such commodities* as are dealt in or used by chain grocery or department stores, from Paramus and Mahwah, N.J., to points in Oneida County, N.Y., and (2) *Surplus and damaged merchandise*, from points in Oneida County, N.Y., to Paramus and Mahwah, N.J. Restriction: The operations sought herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Grand Union Company, East Paterson, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129092 (Sub-No. 4), filed September 24, 1970. Applicant: HARVEY TRANSPORT LIMITED, a corporation, Post Office Box 637 du Pont Street, Alma, Lac St-Jean, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp*, in bales, from port of entry on the international boundary line between the United States and Canada at or near Jackman, Maine, to Madison, Brunswick, Waterville, and Millinocket, Maine, under contract with St. Raymond Paper Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Albany, N.Y.

No. MC 129219 (Sub-No. 4), filed September 17, 1970. Applicant: C M D TRANSPORTATION, INC. 3750 Southeast, Belmont Street, Portland, Oreg. 97214. Applicant's representative: Anthony Pelay, Jr., 6359 Southwest Capitol Highway, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New electrical storage batteries, junk batteries, and batteries* for rebuilding or adjustment, between Los Angeles and San Jose, Calif., on the one hand, and, on the other, points in Oregon, Washington, and Idaho, under contract with Standard Batteries, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 133000 (Sub-No. 7), filed September 21, 1970. Applicant: DIAMOND SAND & STONE CO., a corporation, 744 Riverside Avenue, Post Office Box 4667, Jacksonville, Fla. 32204. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite ore*, in bulk, in dump vehicles, between points in Alabama, Florida, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it to be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 133106 (Sub-No. 3), filed September 21, 1970. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street (Box 1358), Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, and toilet preparations*, moving in vehicles equipped with mechanical temperature control devices, from Lilitz, Pa., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, and Rockford, Ill., (2) *Drugs, medicines, toilet preparations, candy, confectionery, chewing gum, beverage preparations, and antiacid mints*, moving in vehicles equipped with mechanical temperature control devices, from Rockford, Ill., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa, and Missouri, under continuing contract with Warner-Lambert Pharmaceutical Co. and its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 133229 (Sub-No. 6), filed September 21, 1970. Applicant: COATS FREIGHTWAYS, INC., 601 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Co. at Grand Island, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to traffic originating at the above-named plantsite and storage facilities, and destined to the above-named destination States. 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 Omaha, Nebr.

No. MC 133805 (Sub-No. 2), filed September 23, 1970. Applicant: LONE STAR CARRIERS, INC., a Texas corporation, Post Office Box 11304, 704 North Houston, Fort Worth, Tex. 76109. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. 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, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles, and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Connecticut, Florida, Georgia, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia. 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 Dallas, Tex.

No. MC 133892 (Sub-No. 4), filed September 24, 1970. Applicant: B & W SERVICE, INC., 25 Littlefield Street, Avon, Mass. 02322. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, and equipment, materials, and supplies* used in the operations of retail department stores, between Avon, Mass., on the one hand, and, on the other, points in Connecticut. Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract or contracts, with Child World, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134196 (Sub-No. 1), filed September 21, 1970. Applicant: LUGOFF CONSTRUCTION COMPANY, a corporation, Route 1, Box 341, Lugoff, S.C. 29078. Applicant's representative: Ralph C. Robinson, Jr., 1518 Washington Street, Columbia, S.C. 29201. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canvas footwear*, in trailers, from B. F. Goodrich Footwear Co., Elgin, S.C., to railroad loadingsite of Seaboard Coastline Railroad terminal at Camden, S.C., and *empty trailers*, on return. 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 Columbia, S.C.

No. MC 134279, filed September 23, 1970. Applicant: DAVID E. ROWELL, 7 North 93d Avenue West, Duluth, Minn. 55808. Applicant's representative: Thomas R. Thibodeau, 811 First American National Bank Building, Duluth, Minn. 55802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, including *wood lath, snow fence, wood stakes, rough and finish lumber*, from the port of entry on the international boundary line between the United States and Canada at or near Grand Portage, Minn., to points in Minnesota, Wisconsin, Illinois, Iowa, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 134552 (Sub-No. 3), filed September 18, 1970. Applicant: TRANS-AMERICAN CARRIER COMPANY, a corporation, Post Office Box 772, Fremont, Nebr. 68025. Applicant's representative: Robert S. Milligan, Post Office Box H, Hooper, Nebr. 68031. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry and liquid, *acids and chemicals, and fertilizer compounds*, including *anhydrous ammonia, aqua ammonia, nitrogen solutions*, in bulk, from Port Neal Industrial Complex, Big Soo Terminal, and the plantsite or Terra Chemicals International, Inc., located in Woodbury County, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Fremont, Nebr.

No. MC 134928, filed September 17, 1970. Applicant: DONALD L. MYERS, doing business as L & D CARTAGE, 455 Roberts Street, Post Office Box 6338, Jacksonville, Fla. 32205. Applicant's representative: Donald L. Myers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), on shipper-supplied containers or trailers, between Charleston, S.C.; Savannah, Ga.; and Jacksonville, Fla.; on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Alabama, and Tennessee, restricted to the transportation of traffic having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 134946, filed September 17, 1970. Applicant: ANTHONY SILVIDIO, doing business as ZIP'S EXPRESS, Box 127, Newfield, N.J. 08344. Applicant's representative: Wallace L. Schubert, 501 Executive Building, Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Daily newspapers, advertising circulars and trade journals*, from Vineland and Willingboro, N.J., to Philadelphia, Pa., New York, N.Y., Hartford, Conn., Baltimore, Md., and Washington, D.C., under contract with Times Printing Co. and Bristol Printing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 134948, filed September 16, 1970. Applicant: H & F TRUCKING CO., INC., Rural Route No. 4, Mattoon, Ill. 61938. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except those designed to be drawn by passenger automobiles), *trailer chassis, trailer converter dollies, cargo containers and accessories, equipment and parts* thereof, in or attached to the transported trailers, in initial movements, in truckaway service, from points in Coles County, Ill., to points in the United States (except Alaska and Hawaii), under contract with Trailmobile, a division of Pullman, Incorporated. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 134950, filed September 14, 1970. Applicant: WILLIAM T. ZIEGENBEIN, doing business as WILLIAM T. ZIEGENBEIN TRUCKING CO., Box 74, Piedmont, S. Dak. 57701. Applicant's representatives: William H. Coacher, Post Office Box 179, Sturgis, S. Dak. 57785 and Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, 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, between the plantsite of Black Hills Packing Co., Rapid City, S. Dak., on the one hand, and, on the other, points in the United States, except Hawaii, and (2) *frozen food products and food products* requiring mechanical refrigeration, and *canned goods*, both moving in mixed loads with agricultural commodities, the transportation of which would otherwise be exempt from economic regulations pursuant to section 203(b)(6) of the Interstate Commerce Act, from points in California, Oregon, Washington, and Idaho, to points in Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: Applicant states that the above-described operations are under contract with Black Hills Packing Co., Nash Pinch Co., Pacific Gamble Robinson Co., Twin City Fruit Inc., and Marsh Wholesale Foods. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Denver, Colo., Billings, Mont., or Minneapolis, Minn.

No. MC 134958, filed September 25, 1970. Applicant HAMS EXPRESS, INC., 3499 South Third Street, Philadelphia, Pa. 19148. Applicant's representative: Henry C. Darmstadter, Jr., c/o Sullivan & Worcester, 1025 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts; articles* distributed by meat packinghouses and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers as defined in sections A, C, and D in Appendix I *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (including modifications made by 61 M.C.C. 766), all service limited to transportation service to be performed under continuing contract with Blue Bird Food Products, Co., of Philadelphia, Pa., (1) from the plantsite, warehouses and storage facilities used by Blue Bird Food Products Co., at or near Philadelphia, Pa., to points in the United States except Alaska and Hawaii, and (2) from points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, to the plantsite and other facilities of Blue Bird Food Products Co., at or near Philadelphia, Pa.; and to cold storage warehouses at Wilmington, Del.; Pittsburgh, Pa.; Cincinnati, Cleveland, Dayton, Columbus, and Youngstown, Ohio; Chicago and Peoria, Ill.; St. Louis, Mo.; Indianapolis, Ind.; Baltimore, Md.; Jersey City and Camden, N.J.; and New York City, Syracuse, Rochester, and Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York City, N.Y.

No. MC 134959, filed September 24, 1970. Applicant: GEORGE BENNETT and WILLIAM A. WHITE, a partnership, doing business as BENNETT & WHITE, 617 21st Street, Greeley, Colo. 80631. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (1) from points in Iowa, Missouri, Kansas, Illinois, Texas, New Mexico, and Oklahoma, to points in Weld, Pueblo, Rio Grande, and Denver Counties, Colo., and (2) from points in Weld, Pueblo, Rio Grande, and Denver Counties, Colo., to points in Texas, New Mexico, and Oklahoma, under contract with Feed Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 134961, filed September 24, 1970. Applicant: EL-MOR TRUCKING, INC., 806 Frick Building, Pittsburgh, Pa.

15219. Applicant's representative: Arthur J. Diskin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk in dump vehicles, from points in Huston Township (Clearfield County, Pa.), and points in Elk County, Pa., to points in Erie, Chautauqua, and Niagara Counties, N.Y.; under continuing contract with The Valley Camp Coal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 134799 (Sub-No. 1), filed September 4, 1970. Applicant: TOTO BROS., INC., 930 Old Bridge Turnpike, Old Bridge, N.J. 08857. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, N.J. 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in dump type vehicles, in bulk, from the plantsites of Lobran, Inc., in East Brunswick and South River, N.J., to New York, N.Y., under contract with Lobran, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 134881 (Sub-No. 2), filed September 14, 1970. Applicant: J. O. STRAYHORN, doing business as STRAYHORN'S PURE OIL AND WRECKER SERVICE, 1701 South Miami Boulevard, Durham, N.C. 27703. Applicant's representative: Edwards and Manson, 111 Corcoran Street, Durham, N.C. 27702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles and replacement vehicles* for wrecked or disabled vehicles involved in truckway service interstate either by towing or low-boy, (1) between points in Durham, Chatham, Forsyth, Granville, Guilford, Orange, Person, and Wake Counties, N.C., and (2) between points in Durham, Chatham, Forsyth, Granville, Guilford, Orange, Person, and Wake Counties, N.C., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) Raleigh, N.C., or (2) Durham or Charlotte, N.C.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 425), filed September 10, 1970. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between points in East Brunswick Township, N.J.; from the junction of Ryders Lane and Dunhams Corner Road, over Ryders Lane to the junction of Cranbury-South River Road and return over the same route, serving all intermediate points. NOTE: Applicant states that it intends to tack the above-described route to its existing route. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 3647 (Sub-No. 426), filed September 17, 1970. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Newark, Irvington and Chatham Township, N.J. from the junction of Garden State Parkway Interchange No. 144 and Myrtle Avenue, Irvington, N.J., over Myrtle Avenue, Irvington, South Devine Street, 14th Avenue and East Speedway to junction of South Orange Avenue, Newark, thence over South Orange Avenue to the junction of Columbia Turnpike, Florham Park, thence over Columbia Turnpike and Ridgedale Avenue to Madison, thence over city streets in Madison to Green Village Road, Chatham Township, thence over Green Village Road, Shunpike Road and Green Village Road to Green Village, Chatham Township, N.J.; and return over the same route to the junction of South Orange Avenues and Oraton Parkway, Newark, thence over Oraton Parkway and 14th Avenue to the junction of Garden State Parkway Interchange No. 144A, Newark, N.J.; also from the junction of Irvington Avenue and Manor Drive, Newark, over Irvington Avenue to Prospect Street, thence over Prospect Street to the junction of South Orange Avenue, South Orange; and returning from the junction of South Orange Avenue and Irvington Avenue, South Orange, over Irvington Avenue to the junction of Manor Drive, Newark, N.J., serving all intermediate points. NOTE: Applicant states it intends to tack the above described routes with its existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 3647 (Sub-No. 427), filed September 25, 1970. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). 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, during the authorized racing season at the specified race track, beginning and ending at points in Passaic County, N.J., and Butler and Riverdale, N.J., and extending to Monticello Raceway, Monticello, N.Y. Applicant holds a broker's license under MC 12668. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 107583 (Sub-No. 48), filed September 15, 1970. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: George H. Rosen and William C. Rosen, 265 Broadway, Post Office Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 20 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between New York, N.Y., and Philadelphia, Pa., and the Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other Fort Dix, McGuire Air Force Base, Wrightstown, N.J., and points in the townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Philadelphia, Pa.

No. MC 109312 (Sub-No. 41), filed September 25, 1970. Applicant: DeCAMP BUS LINES, a corporation, 30 Allwood Road, Clifton, N.J. 07014. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (a) between junction Myersville Road and Green Village Road in Chatham, N.J. and junction Notch Road and U.S. Highway 46, in Little Falls, N.J.; from junction Myersville Road and Green Village Road, over Green Village Road to Shunpike Road, thence over Shunpike Road to Green Village Road, thence over Green Village Road to Main Street, thence over Main Street to Central Avenue, thence over Central Avenue to Ridgedale Avenue, thence over Ridgedale Avenue to Eagle Rock Avenue, thence over Eagle Rock Avenue to Passaic Avenue, thence over Passaic Avenue to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Notch Road, and return over the same route, serving all intermediate points, except those points on U.S. Highway 46 between junction U.S. Highway 46 and Passaic Avenue, in Fairfield, N.J., and junction Notch Road and U.S. Highway 46, in Little Falls, N.J. and, (b) between junction Columbia Road and Park Avenue, on Morris Township-Hanover boundary line, and junction Main Street and Green Village Road, in Madison, N.J.; from junction Columbia Road and Park Avenue, over Park Avenue to Main Street, and thence over Main Street to junction Green Village Road, and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to tack route (a) above with its existing authorities in No. MC 109312, and route (b) above with its

Sub-No. 40. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 134944 (Sub-No. 1), filed September 21, 1970. Applicant: VERNON E. OLSEN, doing business as WHITE PINE EXPRESS CO., Post Office Box 188, Hancock, Mich. 49930. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip charter operations, beginning and ending at points in Baraga, Houghton, Keweenaw, and Ontonogon Counties, Mich., and extending to points in the United States (excluding 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 Lansing, Mich., or Washington, D.C.

APPLICATION OF FREIGHT FORWARDERS

No. FF-393 (GUAM FREIGHT FORWARDERS & CONSOLIDATORS FREIGHT FORWARDER APPLICATION), filed October 2, 1970. Applicant: GUAM FREIGHT FORWARDERS & CONSOLIDATORS, 2425 Porter Street, Los Angeles, Calif. 90021. 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 institute operations as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by water, motor common carriers and rail common carriers in the transportation of *general commodities*, except household goods as defined by the Commission, unaccompanied baggage and used automobiles, between points in California, Nevada, and Hawaii, restricted to shipments moving to or from territories or possessions of the United States, insofar as transportation takes place within the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 9115 (Sub-No. 58), filed September 23, 1970. Applicant: O. N. C. MOTOR FREIGHT SYSTEM, a corporation, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: C. J. Boddington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Reno, Nev., and Klamath Falls, Oreg., from Reno over U.S. Highway 395 to Alturas, Calif., at the junction of California Highway 299, thence over California Highway 299 to junction on California Highway 139 at or near Canby, Calif., thence over California Highway 139 to the California-Oregon State border, thence over Oregon Highway 39 to junction Oregon Highway 140 to Klamath Falls, Oreg., and return over the same routes, as an alternate route in connection with applicant's presently authorized regular route authority under MC 9115 for operating convenience only, serving no intermediate points, (2) (a) between junction U.S. Highway 97 and Oregon Highway 58 and Pasco, Wash., from the junction of U.S. Highway 97 and Oregon Highway 58, over U.S. Highway 97 to junction U.S. Highway 26 at Madras, Oreg., thence over U.S. Highway 97 to junction U.S. Highway 197, thence continuing over U.S. Highway 97 to junction U.S. Highway 30 at Biggs, Oreg., thence over U.S. Highway 30 (Interstate Highway 80) to junction U.S. Highway 730 and 395, thence over U.S. Highway 730 and 395 to Umatilla, Oreg., thence over U.S. Highway 395 to Pasco, Wash., and return over the same route, and (b) between junctions U.S. Highway 30 and U.S. Highway 197 in Oregon and Pasco, Wash., from the junction of U.S. Highway 30 and U.S. Highway 197 at or near the Dallas Bridge over U.S. 30 (Interstate Highway 80) to Umatilla, Oreg., thence over U.S. Highway 730 to the junction of U.S. Highway 395, thence over U.S. Highway 395 to Pasco, and return over the same routes, serving no intermediate points, and as an alternate route in connection with applicant's regular route authority in MC 9115 for operating convenience only in (a) and (b) above and (3) between Maryhill, Wash., and Kennewick, Wash., from Maryhill at or near the junction of U.S. Highway 97 and Washington Highway 14, over Washington Highway 14 to Kennewick, and return over the same route, as an alternate route, in connection with applicant's regular route authority in MC 9115, for operating convenience only, serving no intermediate points. NOTE: Common control may be involved.

No. MC 129516 (Sub-No. 3), filed September 24, 1970. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets and alfalfa meal* in bulk and in sacks, from points in Skagit, Adams, and Grant Counties, Wash., to points in Clackamas, Washington, Yamhill, Benton, Lane, Linn, Marion, Polk, Douglas, Columbia, Clatsop, Tillamook, and Lincoln Counties, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-13806; Filed, Oct. 14, 1970; 8:48 a.m.]

[Rev. S.O. 1002; Car Distribution Direction No. 92]

GULF, MOBILE AND OHIO RAILROAD CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Gulf, Mobile and Ohio Railroad Co. shall deliver to the Columbus and Greenville Railway Co. a weekly total of 60 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 9 feet wide. Exception: Canadian ownerships and cars subject to Seventh Revised Service Order No. 1041 or to Revised Service Order No. 1037.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carriers receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., October 12, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., November 1, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., October 9, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[F.R. Doc. 70-13914; Filed, Oct. 14, 1970; 8:49 a.m.]

[Notice 169]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 9, 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 6 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 85465 (Sub-No. 30 TA), filed October 6, 1970. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 350, 709 Mill Drive, Scottsbluff, Nebr. 69631. Applicant's representative: W. A. Bottom (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* except commodities in bulk, in tank vehicles, from Scottsbluff, Nebr., to Tampa and Orlando, Fla., for 150 days. Supporting shipper: Leonard R. Bratek, Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 315 Old Post Office Building, Lincoln, Nebr. 68508.

No. MC 11294 (Sub-No. 9 TA), filed October 6, 1970. Applicant: INDUSTRIAL CITY LINES, INC., 814 North Third Street, St. Joseph, Mo. 64501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and containers*, from St. Joseph, Mo., to Emporia, Kans., for 180 days. Supporting shipper: Mead Containers, Division of the Mead Corp., Dayton, Ohio. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 105457 (Sub-No. 68 TA), filed October 6, 1970. Applicant: THURSTON MOTOR LINES, INC., Post Office Box 10638, 601 Johnson Road, 28206, Charlotte, N.C. 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between the plantsites, storage and warehouse facilities (owned and leased) of U.S. Plywood-Champion Papers, Inc., at or near Asheville, Canton, and Waynesville, N.C., on the one hand, and, on the other, Chattanooga, Tenn. for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc. Knightsbridge Drive, Hamilton, Ohio 45000. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 111401 (Sub-No. 310 TA), filed October 6, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and feed supplements*, in bulk, in tank vehicles, from Leoti, Kans., to points in Nebraska, Colorado, New Mexico, Missouri, Texas, and Oklahoma, for 180 days. Supporting shipper: Allied Chemical Corp., Bart M. LaMonica, Distributor Analyst, 40 Rector Street, New York, N.Y. 10006. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 219 TA), filed October 6, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Oak Brook, Ill., on the one hand, and, on the other, Goshen, Ind., for 180 days. Supporting shipper: Penn Control, Inc., 2221 Camden Court, Oak Brook, Ill. 60521. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115162 (Sub-No. 206 TA), filed October 6, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective materials, and accessories and supplies used in installation thereof* (except commodities in bulk), from the plant and warehouse sites of Evans Products Co., at or near Doswell, Hanover County, Va., to points in Alabama, Florida, Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, Ill. 60018. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35202.

No. MC 117940 (Sub-No. 30 TA), filed October 6, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: B. R. Veach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the act when transported in mixed shipments with bananas, from Wilmington, Del., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119789 (Sub-No. 39 TA), filed October 6, 1970. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby products, including strollers; childrens vehicles; wardrobes; toys and games; chairs and stools; baby seats; play pens; and parts and accessories* for the above-described items, from North Hollywood, Calif., to points in New York, New Jersey, Florida, Georgia, Virginia, North Carolina, South Carolina, Texas, Illinois, Minnesota, Ohio and Wisconsin, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Peterson Baby Products Co., 6904 Tujunga Avenue, North Hollywood, Calif. 91605. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 123407 (Sub-No. 73 TA), filed October 6, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignite char fireplace logs*, in cartons, *lighter fluid and barbecue grill base material*, from plant and warehouse of Husky Briquetting, Inc., at or near Isanti, Minn., to points

in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin, for 180 days. Supporting shipper: Husky Briquetting, Inc., 4040 East Louisiana Avenue, Denver, Colo. 80222. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128030 (Sub-No. 23 TA), filed October 6, 1970. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Milwaukee, Wis., to Bloomington, Ill., and *empty malt beverage containers*, from Bloomington, Ill., to Milwaukee, Wis., for 180 days. Supporting shipper: Gordon S. Breen, President, Breen Beverage Co., a Delaware corporation, Bloomington, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, Chicago, Ill. 60604.

No. MC 134060 (Sub-No. 4 TA), filed October 6, 1970. Applicant: DAVINDER FREIGHTWAYS, LTD., 9341 Trans-Canada Highway, Chemainus, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood bark fiber extenders*, from Longview and Anacortes, Wash., to ports of entry in Washington on the United States-Canada boundary line, for 180 days. Supporting shipper: Victoria Plywood, Ltd., Box 1206, Victoria, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134931 (Sub-No. 1 TA), filed October 6, 1970. Applicant: RALPH ESTON STEMPLE, R.F.D. 2, Box 240, Oakland, Md. 21550. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spring water, in containers*, from Deer Park, Md., to points in the United States in and east of Montana, Wyoming, Colorado, and Arizona; *glass and plastic containers and other related packaging materials*, from points in the United States in and east of Montana, Wyoming, Colorado, and Arizona, to Deer Park, Md., for 180 days. Supporting shipper: Boiling Spring Holding Corp., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 134966 TA, filed October 6, 1970. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, Kans. 67147. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles*, from Los Angeles and Long Beach, Calif., and points in their commercial zones, to points in Kansas, for 180 days. Supporting shippers: Nichols Motors, 535 West Douglas, Wichita, Kans.; Nichols Motorcycles, 119 East 10th Street, Topeka, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 134967 TA, filed October 6, 1970. Applicant: CHARLES B. McGEE, doing business as McGEE TRUCKING, 566 North Lombard Street, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down pole buildings, and materials, equipment and supplies*, pertaining to the construction of pole buildings, between points in Oregon, Washington, Idaho, Utah, Wyoming, Montana, California, and Nevada, for 180 days. Supporting shipper: C. A. Conners Construction Co., 4031 Southeast 17th Avenue, Portland, Oreg. 97242. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 134968 TA, filed October 6, 1970. Applicant: BERT F. JONES, doing business as MITEY BEE XPRESS, 12060 Stable Road, Brighton, Colo. 80601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, except in bulk, from Denver, Colo., Omaha, Nebr., and Amarillo, Tex., to points in the United States, except Alaska, Hawaii, Vermont, Maine, New Hampshire, Rhode Island, and Delaware, for 180 days. Supporting shipper: Birko Chemical Corp., Post Office Box 1315, Denver, Colo. 80201. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80201.

No. MC 134969 TA, filed October 6, 1970. Applicant: WALSH TRUCKING CO. a corporation, Bement, Ill. 61813, Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic drainage tubing and fittings*, from Arthur, Ill., to points in Ohio, Indiana, Kentucky, Missouri, Iowa, and Wisconsin, for 180 days. Supporting shipper: Advanced Drainage of Illinois, Arthur, Ill. 61911. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-13917; Filed, Oct. 14, 1970; 8:49 a.m.]

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