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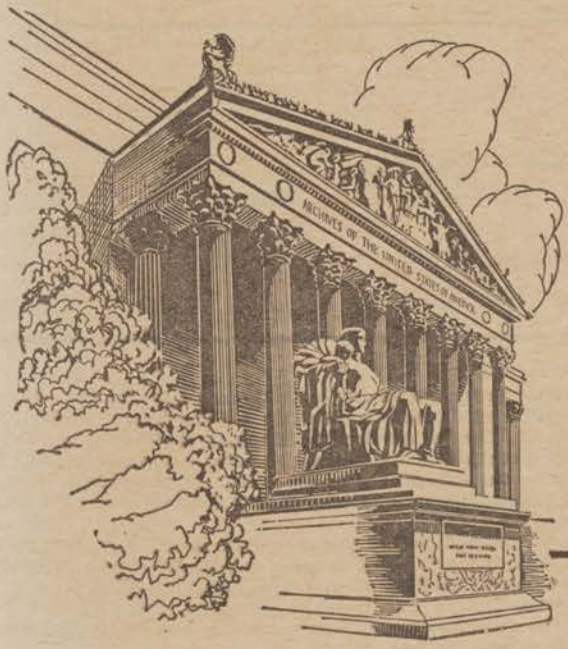

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Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 326, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraphs (b)(1) (i), and (ii) of § 908.626 (Valencia Orange Regulation 326, 35 F.R. 12829) are hereby amended to read as follows:

§ 908.626 Valencia Orange Regulation 326.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 270,000 cartons;

(ii) District 2: 330,000 cartons.

* * * * *

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

Dated: August 19, 1970.

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

[F.R. Doc. 70–11170; Filed, Aug. 24, 1970; 8:48 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. 70–246]

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, paragraph (e)(21) relating to the State of Alabama is amended to read:

(21) *Alabama.* (i) Covington County.

(ii) That portion of Marshall County bounded by a line beginning at the junction of State Highway 75 and the Marshall-Blount County line; thence, following State Highway 75 in a northeasterly direction to Bethany Church Road; thence, following Bethany Church Road in a northerly direction to State Road 35; thence, following State Road 35 in a northeasterly direction to Section Line Road; thence, following Section Line Road in a westerly direction to the Hog Creek; thence, following the Hog Creek in a southerly and thence northwesterly direction to the Big Spring Creek; thence, following the Big Spring Creek in a generally southwesterly direction to the Marshall-Blount County line; thence, following the Marshall-Blount County line in a southeasterly direction to its junction with State Highway 75.

2. In § 76.2, paragraph (e)(22) relating to the State of Oklahoma is amended to read:

(22) *Oklahoma.* (i) Oklahoma County.

(ii) That portion of Blaine County bounded by a line beginning at the junction of the Blaine-Kingfisher County line and the division line between Township 17 North and Township 18 North; thence, following the division line between Township 17 North and Township 18 North in a westerly direction to the North Canadian River; thence, following the east bank of the North Canadian River in a generally southeasterly direction to the Blaine-Canadian County line; thence, following the Blaine-Canadian County line in an easterly direction to the Blaine-Kingfisher County line; thence, following the Blaine-Kingfisher County line in a northerly direction to its junction with the division line between Township 17 North and Township 18 North.

3. In § 76.2, the reference to the Commonwealth of Puerto Rico in the introductory portion of paragraph (e) and paragraph (e)(18) relating to the Commonwealth of Puerto Rico are deleted.

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

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

The amendments quarantine a portion of Marshall County, Ala., and a portion of Blaine County, Okla., 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 such counties.

The amendments also exclude the Commonwealth of Puerto Rico from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, 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 19th day of August 1970.

GEORGE W. IRVING, Jr.,
Administrator, Agricultural Research Service.

[F.R. Doc. 70–11172; Filed, Aug. 24, 1970; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. D]

PART 204—RESERVES OF MEMBER BANKS

Certain Borrowings by Bank Affiliates as Deposits

1. Effective September 17, 1970, § 204.-1(f) is amended by adding the following sentence:

§ 204.1 Definitions.

* * * * *

(f) * * * For the purposes of this part, "deposits" of a member bank also include the liability of a member bank's affiliate, as defined in section 2 of the Banking Act of 1933 (12 U.S.C. 221a(b)), on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral), with a maturity of 7 years or less, to the extent that the proceeds are used for the purpose of supplying funds to the bank for use in its banking business, or to maintain the availability of such funds, except any such obligation that, if it had been issued directly by the member bank, would not constitute a deposit in view of the exceptions in subparagraphs (1) and (2) of this paragraph.

* * * * *

2. The authority of the Reserve Banks to waive penalties for deficient reserves resulting from issuance of obligations by bank subsidiaries is withdrawn effective with the reserve computation period beginning October 1 as to deposits outstanding in the week beginning September 17.

3 a. The main purpose of the amendment is to maintain the effectiveness of the reserve requirements of Regulation D by applying those requirements to funds received by a member bank as the result of issuance of obligations (commonly described as commerical paper) by an affiliate. The operation of the amendment is further explained in the accompanying interpretation (12 CFR § 200.115).

b. Notice of proposed rule making with respect to applying Regulation D to borrowings by bank affiliates was published in the FEDERAL REGISTER of January 29, 1970 (35 F.R. 1173). Expansion of the categories of affiliates subject to the regulations and shifting from the proposed 10-percent reserve requirement on obligations with a maturity of less than 30 days to the usual demand deposit reserve requirement raise no new issues. The increase in the obligations covered as a result of expanding the maturity element from 2 to 7 years is also insignificant as a practical matter, since few, if any, obligations covered have a maturity of 2 years or more. In these circumstances, and in view of the deferral of the effective date until September 17, 1970, the Board finds that further notice and public procedure with respect to the amendments are unnecessary and would be contrary to the public interest.

By order of the Board of Governors, August 17, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11182; Filed, Aug. 24, 1970; 8:49 a.m.]

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

1. Effective October 1, 1970, § 204.5(a) (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

(i) 3 percent of (*a*) its savings deposits and (*b*) its time deposits, open account, that constitute deposits of individuals, such as Christmas club account and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; and

(ii) 3 percent of its other time deposits up to $5 million, plus 5 percent of such deposits in excess of $5 million; and

(iii) 12½ percent of its net demand deposits up to $5 million, plus 13 percent of such deposits in excess of $5 million.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 3 percent of (*a*) its savings deposits and (*b*) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; and

(ii) 3 percent of its other time deposits up to $5 million, plus 5 percent of such deposits in excess of $5 million; and

(iii) 17 percent of its net demand deposits up to $5 million, plus 17½ percent of such deposits in excess of $5 million.

* * * * *

2a. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act to set reserve ratios (12 U.S.C. 461). The change is to decrease by 1 percentage point the ratio of reserves that must be maintained by a member bank against its time deposits in excess of $5 million. The change becomes effective in the reserve computation period beginning October 1 as to deposits outstanding in the week beginning September 17.

b. There was no notice and public participation with respect to this amendment as such procedure would result in delay that would be contrary to the public interest and serve no useful purpose.

By order of the Board of Governors, August 17, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11183; Filed, Aug. 24, 1970; 8:49 a.m.]

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Commercial Paper of Bank Affiliates

§ 204.115 Borrowings by bank affiliates as deposits.

Effective September 17, 1970, the Board of Governors has amended § 204.1(f) to apply the rules governing member bank reserve requirements (Regulation D) to funds received by member banks as the result of issuance of obligations by affiliates of the bank, including obligations commonly described as commercial paper. The following examples illustrate the effect of the amendment:

(a) A corporation that controls a majority of the stock of a member bank establishes and acquires a majority of the stock of another corporation. That corporation proposes to acquire $10 million by the public sale on September 1 of promissory notes in amounts of $100,000 or more with a maturity of 90 days and to use $5 million to acquire, on September 1, interests in loans made by the bank, $3 million of which will mature in 90 days and $2 million of which will mature in 180 days. Under the amendment to Regulation D, $5 million of the notes will become subject, on September 17, to a 5 percent reserve requirement (assuming the member bank has other time deposits subject to § 204.5(a) of $5 million), which will continue as long as, and to the extent that, funds of the affiliate are used to maintain the availability of funds to the bank.

(b) If, on September 15, the affiliate described in the preceding paragraph sells to a third person $1 million of the 90-day loans, the bank may thereupon reduce its deposits subject to time deposit reserve requirements by $1 million. If, on November 1, $1 million of the affiliate's funds are again used to purchase from the bank notes maturing in 45 days,

the bank must add back $1 million to its deposits subject to time deposit reserve requirements, even though the affiliate does not issue additional obligations. (If, between the sale of notes on September 15 and the additional purchase on November 1, the affiliate places the idle funds in a checking account with the bank, the usual demand deposit reserve requirement applies instead, for that period.) If, upon maturity on November 30 of the affiliate's $5 million of obligations, the affiliate extends $1 million thereof for 60 days and $2 million for 90 days, the $1 million is subject to reserves only for 16 days—until the maturity of the 45-day loans—unless additional funds are channeled to the bank or repayments on the loans maturing in that time are deferred. If, on January 1, a portion of the $2 million 180-day loans is prepaid, the amount of such prepayments will reduce the amount of the affiliate's obligations that are subject to reserves, unless additional funds are channeled to the bank.

(c) A corporation that is majority-controlled by a company that also majority-controls a member bank proposes to acquire $10 million by the sale of 90-day $100,000 promissory notes and use the proceeds to acquire all of the automobile loans of the bank. The bank will thereupon cease to engage in that type of lending. The amendments apply to an affiliate's obligations issued to finance such a reorganization, even though the shift of operations from the bank is on a one-time basis. The funds obtained by the bank may be used by it to expand its remaining lending activities, and the Board considers that such funds should be subject to reserve requirements at least as long as the affiliate holds the assets acquired from the bank.

(12 U.S.C. 248(i). Interprets and applies 12 U.S.C. 461)

By order of the Board of Governors, August 17, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11181; Filed, Aug. 24, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10523; Amdt. 39-1071]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6/B1-H2 Airplanes

There has been a report of inadvertent propeller feathering due to malfunction of the antireversing switch on Pilatus Model PC-6/B1-H2 Airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require adjustment of the antireversing and reversing system, replacement of malfunctioning antireversing switches, periodic replacement of the antireversing switch, and periodic readjustment of the antireversing and reversing system.

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

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

PILATUS AIRCRAFT WORKS, LTD. Applies to Model PC-6/B1-H2 airplanes, serial numbers up to and including 711; 2001, 2004 through 2010, and 2040.

Compliance is required as indicated, unless already accomplished.

(a) Within the next 25 hours' time in service after the effective date of this AD, revise the approved Airplane Flight Manual in accordance with Pilatus Service Bulletin No. 100, dated March 1970 or later Swiss Federal Air Office issue or an FAA-approved equivalent, to incorporate the Emergency Procedures to be followed in case of inadvertent propeller feathering.

(b) For antireversing switches, P/N 973.10.11.101, with 975 or more hours' time in service on the effective date of this AD, within 25 hours' time in service from the effective date of this AD, and thereafter at intervals not to exceed 2,000 hours' time in service from the last replacement, replace the antireversing switch with a new switch of the same part number and readjust the antireversing and reversing system in accordance with Pilatus Service Bulletin No. 100, dated March 1970 or later Swiss Federal Air Office approved issue or an FAA-approved equivalent.

(c) For antireversing switches, P/N 973.10.11.101, with less than 975 hours' time in service on the effective date of this AD, within the next 25 hours' time in service from the effective date of this AD perform the functional tests on the antireversing switch in accordance with Pilatus Service Bulletin No. 100, dated March 1970 or later Swiss Federal Air Office approved issue or an FAA-approved equivalent. If the switch does not malfunction, readjust the antireversing and reversing system in accordance with that service bulletin and thereafter comply with paragraph (d). If the switch malfunctions, comply with paragraph (e).

(d) If the antireversing switch does not malfunction during the functional tests required by paragraph (c), before the accumulation of 1,000 hours' total time in service on the antireversing switch, and thereafter at intervals not to exceed 2,000 hours' time in service from the last replacement, replace the switch with a new switch of the same part number and readjust the antireversing and reversing system in accordance with Pilatus Service Bulletin No. 100, dated March 1970 or later Swiss Federal Air Office approved issue or an FAA-approved equivalent.

(e) If the antireversing switch malfunctions during the functional tests required by paragraph (c), before further flight, and thereafter at intervals not to exceed 2,000 hours' time in service from the last replacement, replace the antireversing switch with a new switch of the same part number and readjust the antireversing and reversing system in accordance with Pilatus Service Bulletin No. 100, dated March 1970 or later Swiss Federal Air Office approved issue or an FAA-approved equivalent.

This amendment becomes effective August 31, 1970.

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

Issued in Washington, D.C., on August 18, 1970.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-11159; Filed, Aug. 24, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WA-10]

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

Designation of Terminal Control Area, Washington, D.C.; Suspension

On June 5, 1970, F.R. Doc. No. 70-7045, as amended by F.R. Docs. Nos. 70-7896, 70-8951 and 70-11103 (35 F.R. 10202, 11231, 13363), was published in the FEDERAL REGISTER (35 F.R. 8738) which amended Part 71 of the Federal Aviation Regulations, effective 0901 G.m.t., August 20, 1970, by designating the Washington, D.C., terminal control area.

On the date of implementation serious technical problems arose which resulted in excessive delays to aircraft operating at Washington National Airport. The impact of these delays was of such severity that the FAA believes that a reexamination of the operations at Washington National Airport is indicated in order to eliminate the problems that have arisen.

Accordingly, it has been decided to suspend the provisions of Airspace Docket No. 70-WA-10 (35 F.R. 8738), as amended, indefinitely.

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

In consideration of the foregoing, the provisions of Airspace Docket No. 70-WA-10, as amended, are suspended indefinitely, effective upon publication of this suspension in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on August 21, 1970.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-11286; Filed, Aug. 24, 1970; 8:51 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

PART 366—JOINT EXPORT ASSOCIATIONS

Miscellaneous Amendments

The Department of Commerce has decided pursuant to 15 U.S.C. 1512 to amend so as to bring up-to-date the regulations concerning the Department's Joint Export Association Program that are published in Part 366, Title 15, Code of Federal Regulations.

The notice, public rule making procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because the amendments are editorial in character and relate to public benefits. Accordingly, the amendments set forth below shall become effective upon publication in the FEDERAL REGISTER.

I. In § 366.1, paragraph (a) is amended to read as follows:

§ 366.1 Background and purpose.

(a) In an effort to aid the international balance-of-payments position of the United States, the Department of Commerce in 1968 initiated a Joint Export Association program whereby the Department contracts with groups of firms or their representatives on a cost-sharing basis for the systematic development of specific export markets over a sustained period.

* * * * *

II. In § 366.3, a new paragraph (d) is added after paragraph (c) to read as follows:

§ 366.3 Eligible export promotion activities.

* * * * *

(d) Provision may be made in the cost-sharing contract for repayment of the Department of Commerce's share of the eligible project costs conditioned on sales resulting from the project.

III. Section 366.5 is amended to read as follows:

§ 366.5 Acceptance of proposals.

When a Joint Export Association proposal is accepted, a contract will be negotiated with the applicant on the basis of the proposal, containing appropriate provisions for disbursement, accounting, repayment, adjustments in the light of changed circumstances, and other relevant factors.

Dated: August 18, 1970.

M. VAN GESSEL,
Acting Director,
Bureau of International Commerce.

[F.R. Doc. 70-11121; Filed, Aug. 24, 1970; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7055]

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Miscellaneous Amendments

On May 27, 1970, a notice of proposed rule making to amend 26 CFR Part 270, Manufacture of Cigars and Cigarettes, and 26 CFR Part 285, Manufacture of Cigarette Papers and Tubes, was published in the FEDERAL REGISTER (35 F.R. 8283). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice. The regulations as so published are hereby adopted.

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

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

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

Approved: August 19, 1970.

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

To provide for filing of other than hand-carried Application for Employer Identification Number (Form SS-4) with service center directors rather than with district directors, to make clarifying changes relating to bonds and extensions of coverage of bonds required for deferral of tax on cigars and cigarettes, and to reflect changed titles, 26 CFR Parts 270 and 285 are amended as follows:

PARAGRAPH 1. 26 CFR Part 270 is amended as follows:

(A) Section 270.11 is amended by changing the definitions of "assistant regional commissioner" and "Director" to reflect new titles, and by adding a definition for "service center director" in alphabetical sequence immediately following the definition for "Removal or remove." These changed and new definitions read as follows:

§ 270.11 Meaning of terms.

* * * * *

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco and firearms) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

* * * * *

Director. The Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C.

* * * * *

Service center director. A director of an internal revenue service center.

* * * * *

(B) Section 270.141 is amended to clarify the three alternatives of taxpayment available to manufacturers operating under bonds executed before June 24, 1959. As amended, § 270.141 and the heading read as follows:

§ 270.141 Taxpayments in the case of bonds executed before June 24, 1959.

This section applies to bonds on Form 2100 executed before June 24, 1959. A manufacturer of tobacco products operating under such a bond of sufficient amount has three alternatives for payment of the tax.

(a) *Prepayment of tax.* Every manufacturer who desires to prepay the tax as provided in § 270.167 need take no further action.

(b) *Deferral of tax.* Every manufacturer who desires to remove cigars and cigarettes on determination of tax and defer payment of the tax until the time of filing his semimonthly return as provided in § 270.165(a) shall, before such removal, have an approved extension of coverage of bond on Form 2105 on file with the assistant regional commissioner for every bond, Form 2100, executed prior to June 24, 1959, under which such removals are to be made. This extension of coverage shall be executed by the principal and the surety and shall be in the following form:

Whereas, the purpose of this extension is to bind the obligors for the payment of the tax on all tobacco products removed by the principal on determination of tax and before payment of the tax notwithstanding that the time for payment of tax may be deferred pursuant to a semimonthly return system as provided for by regulations.

Now, therefore, the above described bond is further specifically conditioned that the principal named therein shall pay all taxes (plus penalties, if any, and interest) for which he may become liable with respect to all tobacco products removed by him on determination of the tax and before payment of the tax thereon, and comply with all provisions of law and regulations with respect thereto.

The aforesaid terms and conditions shall, on and after the effective date, have the same force and effect as the other terms and conditions stated in the bond.

(c) *Extended deferral of tax.* Every manufacturer who desires benefit of the extended time for filing his return as provided for in § 270.165(b) with extended deferral of payment of the tax until the time of filing such semimonthly return shall have an approved extension of coverage of bond as provided in § 270.142(b).

(72 Stat. 1421, as amended; 26 U.S.C. 5711)

(C) Section 270.142 is amended to clarify the methods of taxpayment available to manufacturers operating under bonds executed between June 24, 1959,

and September 24, 1965. As amended, § 270.142 and the heading read as follows:

§ 270.142 Tax payments in the case of bonds executed before September 24, 1965.

(a) *Deferral of tax.* Every manufacturer of tobacco products operating under a bond of sufficient amount executed between June 24, 1959, and September 23, 1965, inclusive, is entitled to defer payment of the tax until the time of filing his semimonthly return as provided in § 270.165(a), unless he has been found in default as provided in § 270.166. Every manufacturer operating under such a bond executed prior to June 24, 1959, is likewise entitled to defer payment of the tax if he has an approved extension of coverage of bond as provided in § 270.141(b).

(b) *Extended deferral of tax.* Every manufacturer of tobacco products operating under a bond on Form 2100 or 3070 executed before September 24, 1965, who desires benefit of the extended time for filing his return as provided for in § 270.165(b), with extended deferral of payment of the tax until the time of filing such semimonthly return, shall have an approved extension of coverage of bond on Form 2105 on file with the assistant regional commissioner for every such bond. A manufacturer who has given the extension of coverage required by this section may file returns with benefit of extended deferral commencing with the return for the first return period fully covered by such extension of coverage. Each extension of coverage on Form 2105 shall identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved) notwithstanding that the periods to be covered by returns for the deferred payment of taxes on tobacco products, and the time for filing such returns, with remittances, have been changed as provided for by regulations.

(72 Stat. 1421, as amended; U.S.C. 5711)

(D) Section 270.162 is amended to make editorial changes and to clarify conditions under which a manufacturer is entitled to the extended deferral of tax-payment and the filing of tax returns provided for in § 270.165. As amended, § 270.162 reads as follows:

§ 270.162 Semimonthly tax return.

(a) *Requirement for filing.* Every manufacturer of tobacco products shall file, for each of his factories, a semimonthly tax return on Form 3071, in triplicate, with the district director of the internal revenue district in which the factory is located, for each and every return period, includng any period during which a manufacturer begins or discontinues business. He shall file such return at the time specified in § 270.165 regardless of whether cigars or cigarettes are removed or whether tax is due for that particular return period: *Provided*, That where the manufacturer so requests by letter, in duplicate, and the assistant regional commissioner grants specific authorization, the manufacturer need not during the term of such authorization file a tax return for any period for which tax is not due or payable. The manufacturer shall retain the receipted copy of each tax return transmitted to him by the district director.

(b) *Information to be included.* The manufacturer shall show on the return his employer identification number as required by § 270.169, the kinds and quantities, and tax class in the case of large cigars, of cigars and cigarettes removed subject to tax during the semimonthly return period and the tax due thereon. The manufacturer shall serially number each return on Form 3071 commencing with the number "1" on the first return filed in any calendar year, and shall verify by a written declaration that the return is made under penalties of perjury.

(c) *Deferral of taxpayment.* The payment of the tax with respect to cigars and cigarettes removed subject to tax may be deferred and paid at the time prescribed in § 270.165(a) for filing the semimonthly return only if the manufacturer has on file a bond of sufficient amount executed on or after June 24, 1959, or in the case of a bond of sufficient amount executed prior to such date only if the manufacturer has filed the extension of coverage of bond prescribed in § 270.141(b). A manufacturer is entitled to the extended deferral of taxpayment and the filing of tax returns provided for in § 270.165(b) only if he has on file a bond of sufficient amount executed on or after September 24, 1965, or in the case of a bond of sufficient amount executed prior to such date if the manufacturer has filed the extension of coverage of bond prescribed in § 270.142(b). Otherwise, the tax with respect to removals of cigars and cigarettes subject to tax shall be prepaid with the return, Form 2617, as provided in § 270.167, and the semimonthly return required under this section shall be filed showing such prepayment and the serial number(s) of the Form(s) 2617 filed during the return period.

(72 Stat. 1417, 1423, as amended; 26 U.S.C. 5703, 5741)

(E) Section 270.165 is amended to make editorial changes and to clarify that a manufacturer of tobacco products whose bond was executed on or after September 24, 1965, is entitled to the extended deferral for filing tax returns as well as those who have obtained the extension of coverage of bond as provided in § 270.142(b). As amended, § 270.165 reads as follows:

§ 270.165 Times for filing semimonthly return.

(a) *General rule.* Returns on Form 3071 shall be filed not later than the third business day following the last day of each return period prescribed in § 270.163.

(b) *Extended time for filing.* A manufacturer of tobacco products whose bond was executed on or after September 24, 1965, or who has obtained the extension of coverage of bond prescribed in § 270.142(b) for extended deferral shall file returns on Form 3071 not later than the last day of the next succeeding return period.

(c) *Definitions, etc.* Where the return and remittance required with the return are delivered by U.S. mail to the office of the district director, the date in the official postmark of the U.S. Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. As used in this section the term "business day" means any day other than Saturday, Sunday, a legal holiday in the District of Columbia, or a statewide legal holiday in the State wherein the return is required to be filed. If the last day for filing a return under this section falls on Saturday, Sunday, or a legal holiday in the District of Columbia, or on a statewide legal holiday in the State wherein the return is required to be filed, the filing of such return and remittance required with the return shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday.

(68A Stat. 895, as amended, 896, 72 Stat. 1417; 26 U.S.C. 7502, 7503, 5703)

(F) Section 270.170 is amended to eliminate out-of-date provisions, to clarify that the same employer identification number should be used for all internal revenue tax purposes, and to inform that Application for Employer Identification Number, Form SS–4, may be obtained from any service center director or from any district director. As amended, § 270.170 reads as follows:

§ 270.170 Application for employer identification number.

Every manufacturer of tobacco products who has neither secured an employer identification number nor made application therefor shall file an application on Form SS–4. Form SS–4 may be obtained from any service center director or from any district director. Such application shall be filed on or before the seventh day after the date on which any tax return under this part is filed. Each manufacturer shall make application for and shall be assigned only one employer identification number for all internal revenue tax purposes.

(75 Stat. 828; 26 U.S.C. 6109)

(G) Section 270.171 is amended to provide that applications on Form SS–4 other than those hand-carried will be filed with the service center director rather than with the district director. As amended, § 270.171 and the heading read as follows:

§ 270.171 Execution and filing of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form,

instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the service center director serving any internal revenue district where the applicant is required to file returns under this part, except that hand-carried applications may be filed with the district director of any such district as provided for in § 301.6091–1 of this chapter. The application shall be signed by (a) the individual if the person is an individual; (b) the president, vice president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs if the person is a partnership or other unincorporated organization; or (d) the fiduciary if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

PAR. 2. 26 CFR Part 285 is amended as follows:

(A) Section 285.11 is amended by changing the definitions of *"assistant regional commissioner"* and *"Director"* to reflect new titles, and by adding a definition for *"service center director"* in alphabetical sequence immediately following the definition for *"Removal or remove."* These changed and new definitions read as follows:

§ 285.11 Meaning of terms.

* * * * *

Assistant Regional Commissioner. An assistant regional commissioner (alcohol, tobacco and firearms) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

* * * * *

Director. The Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C.

* * * * *

Service Center Director. A director of an internal revenue service center.

* * * * *

(B) Section 285.30 is amended to eliminate out-of-date provisions, to clarify that the same employer identification number should be used for all internal revenue tax purposes, and to inform that Application for Employer Identification Number, Form SS–4, may be obtained from any service center director or from any district director. As amended, § 285.30 reads as follows:

§ 285.30 Application for employer identification number.

Every manufacturer of cigarette papers and tubes who has neither secured an employer identification number nor made application therefor shall file an application on Form SS–4. Form SS–4 may be obtained from any service center director or from any district director. Such application shall be filed on or before the seventh day after the date on which any tax return under this part is filed. Each manufacturer shall make application for and shall be assigned only one employer identification number for all internal revenue purposes.

(75 Stat. 828; 26 U.S.C. 6109)

(C) Section 285.30a is amended to provide that applications on Form SS–4 other than those hand-carried will be filed with the service center director rather than with the district director. As amended, § 285.30a and the heading read as follows:

§ 285.30a Execution and filing of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the service center director serving any internal revenue district where the applicant is required to file returns under this part, except that hand-carried applications may be filed with the district director of any such district as provided for in § 301.6091–1 of this chapter. The application shall be signed by (a) the individual if the person is an individual; (b) the president, vice president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs if the person is a partnership or other unincorporated organization; or (d) the fiduciary if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

[F.R. Doc. 70–11203; Filed, Aug. 24, 1970; 8:50 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

PART 462—VARIATION FROM PUBLICATION REQUIREMENTS

Certain Employee Benefit Plans Utilizing the Fireman's Fund American Life Insurance Co.

On June 19, 1970, there was published in the FEDERAL REGISTER (35 F.R. 10113) notice of a proposed variation under which employee benefit plans which utilize the services of the Fireman's Fund American Life Insurance Co., and which do not maintain separate experience records are excused from the requirement of section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act (WPPDA), 29 U.S.C. 306(d)(2)(a), that they attach a copy of the Fireman's Fund American Life Insurance Co. financial report to their annual reports. Interested persons were invited to submit objections to the proposed variance within 15 days of the date of publication. No objections have been received. Accordingly, in accordance with section 5(a) WPPDA, 29 U.S.C. 304(a), 29 CFR Part 462, Subpart A and Secretary's Order No. 16–68 (33 F.R. 15574) the variation to appear as §§ 462.33 and 462.34 of 29 CFR Part 462, Subpart B, with an undersignated centerhead, is granted as follows:

CERTAIN EMPLOYEE BENEFIT PLANS UTILIZING THE FIREMAN'S FUND AMERICAN LIFE INSURANCE CO.

§ 462.33 Rule of variation.

Every employee benefit plan which utilizes the Fireman's Fund American Life Insurance Co., 3333 California Street, San Francisco, Calif. 94120, to provide benefits and which presently is required under section 7(d)(2)(A) of the Welfare and Pension Plans Disclosure Act to attach to its annual report filed with the Secretary of Labor pursuant to section 8(b) of the Act, a copy of the financial report of the Fireman's Fund American Life Insurance Co. will no longer be required to do so, subject to the following conditions:

§ 462.34 Condition of variation.

(a) The Fireman's Fund American Life Insurance Co. shall:

(1) Submit to the Office of Labor-Management and Welfare-Pension Reports, within 120 days after the end of its fiscal year, 10 copies of its latest financial report, including the company's complete name and address in each copy.

(2) Thereafter make timely written notification to each plan administrator of a participating employee benefit plan heretofore required to submit a copy of such financial report under section 7(d)(2)(A) of the Act that the Fireman's Fund American Life Insurance Co. has submitted its latest financial report to the Office of Labor-Management and Welfare-Pension Reports.

(b) In lieu of submitting to the Office of Labor-Management and Welfare-Pension Reports the financial report of the Fireman's Fund American Life Insurance Co., each plan administrator of an employee benefit plan to which this variation applies shall report in part III, section D of Department of Labor Annual Report Form D–2, or attachment thereto, the complete name and address of the Fireman's Fund American Life Insurance Co. and shall place in Item 6 of said part and section the symbol "VAR" in the space provided for the code number.

(c) The Fireman's Fund American Life Insurance Co. is cautioned that:

(1) This variation does not apply to any employee benefit plan for which the Fireman's Fund American Life Insurance Co. maintains separate experience records, since said plans are not required to file financial reports of the carrier under section 7(d)(2).

(2) This variation does not affect the responsibilities of the Fireman's Fund American Life Insurance Co. to comply with the certification requirements of section 7(g) of the Act (29 U.S.C. 306(g)) and part 461 of this chapter.

This variation shall be effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 5, 72 Stat. 999; 76 Stat. 36; 29 U.S.C. 304)

Signed at Washington, D.C., this 17th day of August 1970.

W. J. USERY, Jr.,
Assistant Secretary for Labor-Management Relations.

[F.R. Doc. 70-11158; Filed, Aug. 24, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

APPENDIX A—INTERPRETATIONS

In response to requests for further consideration by interested motor carriers and their representatives, Interpretation 70-1 of the Motor Carrier Safety Regulations (Appendix A to Subchapter B of Chapter III in 49 CFR) issued on April 4, 1970 (35 F.R. 5958), is revised to read as set forth below.

(49 U.S.C. 304, 1655; delegations of authority at 49 CFR 1.48, 35 F.R. 5958)

Issued on August 17, 1970.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

APPENDIX A—INTERPRETATIONS

HOURS OF SERVICE OF DRIVERS—"ON-DUTY" TIME

[Interpretation No. 70-1 (Revised)]

A question has been raised whether, under 49 CFR Part 395, Hours of Service of Drivers, a driver should log meal stops or other routine stops while he is en route to a destination as "on-duty" time or as "off-duty" time. In general, and except under the limited circumstances set forth below, these stops should be logged as "on-duty" time.

The classification of a driver's time as on-duty or off-duty is governed by § 395.2(a) of the Motor Carrier Safety Regulations. That provision establishes a general rule that "on-duty" time is considered to be all time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. As a general rule, therefore, "on-duty" time encompasses a driver's entire working day from the time he reports for duty until he is relieved from duty. Specific examples of "on-duty" time in § 395.2(a) (as well as the explanatory material in the note following § 395.8) make it clear that a driver must be regarded as on-duty in many instances, even though he is not actually at the controls of a motor vehicle as long as he is performing work in furtherance of his employer's business. See, for example, subparagraphs (2), (5), (6), and (7) of § 395.2(a).

The purpose of the hours-of-service regulations is to insure that fatigued drivers are not operatnig motor vehicles on the public highways. In certain limited circumstances, and in no others, it appears that an enroute stop may serve to lessen a driver's fatigue. Accordingly, a driver may log the duration of a routine enroute stop as off-duty time only when all of the following criteria are fulfilled:

1. The driver must have been relieved of all duty and all responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying.

2. The duration of the driver's relief from duty must be a finite period of time which is of sufficient duration to insure that the accumulated fatigue resulting from operating a commercial vehicle will be significantly reduced. (It is presumed that a rest period of less than 10 minutes is insuffiient to achieve a substantial reduction in the driver's fatigue.)

3. The fact that the driver has been relieved from duty, as noted in paragraph 1, supra, and the duration of his relief from duty, must have been made known to him in written instructions from his employer given to him prior to his departure.

4. During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his own choosing and to leave the premises on which the vehicle is situated.

If any of the four foregoing factors is absent, the driver must consider the time spent during his enroute meal stop or other routine stop as "on-duty" time when he prepares his daily log.

This interpretation deals solely with the characterization of meal stops or other routine stops while a driver is enroute. It does not deal with the characterization of stops at a carrier's terminal or a shipper's premises. This interpretation does not alter or vary the duties imposed on a driver of a vehicle transporting hazardous materials as specified in § 397.1 of the Motor Carrier Safety Regulations (49 CFR 397.1).

To the extent inconsistent with the foregoing, Administrative Ruling No. 117, April 1, 1966, and any other prior interpretation of the Motor Carrier Safety Regulations relating to classification of meal stops and similar enroute interruptions of driving, is revoked.

[F.R. Doc. 70-11160; Filed, Aug. 24, 1970; 8:47 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

Reelfoot National Wildlife Refuge, Kentucky and Tennessee

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

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

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., 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 raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the refuge area September 21, 23, and 25, 1970 and October 5, 7, and 9, 1970.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) No axes, saws or other cutting implements will be permitted.

(4) The use of guns and dogs is permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn. 38254.

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 October 10, 1970.

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Ky., is permitted only on the areas designated by signs as open to hunting. This open area, comprising 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., 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 squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 14 through September 19, 1970, and from September 28 through October 3, 1970.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Dogs are not permitted.

(4) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(5) A Federal permit is not required to enter the public shooting area.

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 October 3, 1970.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of raccoons on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge

headquarters, Samburg, Tenn., and from the Regional Director, Bureau of Sports Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of raccoons subject to the following special conditions:

(1) Raccoons may be taken without limit on the North Unit of the refuge on September 21, 23, and 25, 1970, and October 5, 7, and 9, 1970. Raccoons may be taken without limit on the Grassy Island area of the refuge on September 22, 24, and 26, 1970, and October 6, 8, and 10, 1970.

(2) Hunting hours shall be from 7:30 p.m. to 12:30 a.m.

(3) The use of guns and dogs is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit will not be required; however, all hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tenn.

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 October 10, 1970.

Public hunting of squirrels on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tenn., 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 squirrels subject to the following special conditions:

(1) Squirrels may be hunted on the refuge from September 14 through September 19, 1970, and from September 28 through October 3, 1970.

(2) The hunting of crows, woodchucks, and gray foxes, without limit, is permitted during the refuge squirrel hunt.

(3) Only shotguns incapable of holding more than three shells and .22 caliber rifles are permitted.

(4) Dogs are not permitted.

(5) A Federal permit is not required to enter the public shooting area.

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 October 3, 1970.

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

AUGUST 14, 1970.

[F.R. Doc. 70-11152; Filed, Aug. 24, 1970; 8:47 a.m.]

PART 32—HUNTING

Slade National Wildlife Refuge, N. Dak.

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

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

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 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 deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 6, 1970, and from sunrise to sunset November 7, 1970, through November 15, 1970.

(2) All hunters must exhibit their hunting license, deer tag, 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 November 15, 1970.

MARVIN MANSFIELD,
Refuge Manager, Slade National Wildlife Refuge, Dawson, N. Dak.

AUGUST 11, 1970.

[F.R. Doc. 70-11153; Filed, Aug. 24, 1970; 8:47 a.m.]

PART 32—HUNTING

Long Lake National Wildlife Refuge, N. Dak.

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

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

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 19,500 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 deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 6, 1970, and from sunrise to sunset November 7, 1970, through November 15, 1970.

(2) All hunters must exhibit their hunting license, deer tag, 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 November 15, 1970.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

AUGUST 18, 1970.

[F.R. Doc. 70-11154; Filed, Aug. 24, 1970; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 134]

THIRD CLASS; MAILING OF MERCHANDISE SAMPLES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of amendments to regulations codified in 39 CFR § 134.4. Regulations in this section require the use of detached label procedure in the mailing of merchandise samples (34 F.R. 255, 34 F.R. 9072, 34 F.R. 9123). The major changes in the following proposed regulations are: (1) new § 134.4(d)(4)(v) requires packages of address cards to be marked in bold type "Address Card"; (2) new § 134.4(d)(5)(v) has been added to require cartons containing the samples to be marked in bold type with the word "Samples"; (3) new § 134.4(d)(6) has been added to limit mailings of cards and samples to entry at the same post office at the same time, except where the cards are mailed separately at the third- or fourth-class rates; and (4) § 134.4(d)(9) has been added for clarification.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed regulations to the Director, Office of Mail Classification, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

PART 134—THIRD CLASS

In § 134.4 *Preparation payment of postage*, amend paragraph (d) to read as follows:

§ 134.4 Preparation—payment of postage.

* * * * *

(d) *Merchandise samples*—(1) *Description.* When an article given away for the purpose of advertising an article of merchandise which it represents, in whole or in part, is mailed at bulk third-class rates for general distribution on city delivery routes in a mailing piece which exceeds 5 inches in width (height) or one-fourth inch in thickness, or which has nonuniformity in thickness, the mailer must comply with the preparation requirements contained in subparagraphs (2) through (9) of this paragraph.

(2) *Address cards.* The address may not be placed on the sample, but must be placed on a separate card which will be delivered with the sample. Exception: If a mailer uses a simplified address as defined in § 123.4(a)(1) of this chapter, it must appear on the sample, and a detached card may not be used. The card must bear:

(i) The address.

(ii) A return address.

(iii) The wording, "This card was prepared for use in delivering the accompanying postage paid sample."

(iv) A picture of the product or identifying symbols to associate it with the accompanying sample.

(3) *Size, color coding, and advertising.* The following conditions apply to the cards:

(i) The card shall measure approximately (plus or minus one-fourth inch) 3¼ inches by 7⅜ inches and must be not less than 0.006 of an inch in thickness.

(ii) The card should be color coded with the sample package, using at least one identifying color.

(iii) Any advertising or other printed addition on the card will require payment of separate third-class postage for the card.

(4) *Preparation of address cards for mailing.* The cards must be presorted, counted, and packaged by five-digit Zip Code delivery area. More cards than samples may be shipped in anticipation of some cards being undeliverable as addressed. Each package of address cards shall bear a label showing:

(i) The post office of delivery and five-digit Zip Code delivery area.

(ii) The brand name of the merchandise sample.

(iii) The number of cards in the package.

(iv) Instructions to open and distribute with matching samples.

(v) The words "Address Card" in bold type.

(5) *Containers.* The samples must be placed in outer cartons. Each outer carton shall bear a label showing:

(i) The post office of delivery and five-digit Zip Code delivery area.

(ii) The brand name of merchandise sample.

(iii) The number of samples in the outer carton.

(iv) Instructions to open and distribute with matching cards.

(v) The word "Samples" in bold type.

(6) *Place and time of mailing.* Cards and samples must be entered in the mail at the same Post Office and at the same time. Each package of address cards must be securely attached to one of the cartons containing samples destined for the same five-digit Zip Code delivery area. Postage will be calculated at bulk third-class rates for address cards and samples combined. Exception: The address cards may be mailed separately up to 5 days prior to the date of mailing the samples, provided postage is computed and paid at the third- or fourth-class rates, according to weight, on each separately addressed package of cards. When the cards are mailed separately under this exception, postage at the bulk third-class rates will be computed and charged only on the samples.

(7) *Postage.* The postage must be prepaid by one of the methods prescribed by subparagraph (2) of this paragraph and must be printed on or affixed to the sample container. No postage will be shown on the address card except when advertising or other printed addition is placed thereon and separate postage is required.

(8) *Mailing periods.* Mailers should avoid mailing during the peak mailing periods which are:

(i) The last week of November and throughout the month of December.

(ii) From the first to the fifth and from the 26th to the end of each month.

(9) *Forwarding and return.* Samples may not be forwarded to another post office when they are undeliverable as addressed. Endorsements guaranteeing forwarding postage must not be used on the cards or on the samples. See § 158.2(d)(1) of this chapter for instructions as to the return of undeliverable samples to the mailer.

* * * * *

NOTE: The corresponding Postal Manual section is 134.44.

(5 U.S.C. 301, 39 U.S.C. 501, 4451–4453)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70–11190; Filed, Aug. 24, 1970; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Notice of Proposed Rule Making

The Endangered Species Conservation Act of 1969 directs the Secretary to publish in the FEDERAL REGISTER a list of the species of native fish and wildlife found to be threatened with extinction (16 U.S.C. 668aa(c)). This list is distinct from the list authorized by the Act regarding endangered species of foreign fish and wildlife (16 U.S.C. 668cc–3(a)). The latter list was published in 35 F.R. 8491 as part of the new regulations which implement the Act.

Previously, the Secretary's list of native fish and wildlife has been published in 34 F.R. 5034, simply as a notice. However, new regulations which implement the Act, and which appear in 35 F.R. 8491 and will be codified in Title 50 as a new Part 17, contain a section requiring any person who exports any fish or wildlife on the Secretary's list of endangered

native fish and wildlife to first obtain an export permit from the Department of the Interior (50 CFR 17.8). Because of the effect of this new regulation, the Department has concluded that the publication of the Secretary's list of endangered native wildlife should be codified, and should be subject to the required rule making procedures of 5 U.S.C. 553.

Therefore, it is proposed to amend Part 17 of Title 50 by adding a new appendix D thereto. This appendix D will contain the United States' List of Endangered Native Fish and Wildlife.

The list as proposed below contains the following additions to the list as previously published:

MAMMALS

Hawaiian Hoary bat—*Lasiurus cinereus semotus.*
Morro Bay kangaroo rat—*Dipodomys heermanni morroensis.*
Salt marsh harvest mouse—*Reithrodontomys raviventris.*

BIRDS

Brown pelican—*Pelecanus occidentalis.*
Arctic peregrine falcon—*Falco peregrinus tundrius.*
California clapper rail—*Rallus longirostris obsoletus.*
Large Kauai thrush—*Phaeornis obscurus myadestina.*
Molokai thrush—*Phaeornis obscurus rutha.*
Hawaii akepa—*Loxops coccinea coccinea.*
Maui akepa—*Loxops coccinea ochraceu.*
Oahu creeper—*Loxops maculata maculata.*

FISHES

Lahontan cutthroat trout—*Salmo clarki henshawi.*
Mohave chub—*Siphateles mohavensis.*
Pahranagat bonytail—*Gila robusta jordani.*
Woundfin—*Plagopherus argentissimus.*
Kendall Warm Springs dace—*Rhinichthys osculus thermalis.*
Tecopa pupfish—*Cyprinodon nevadensis calidae.*
Warm Springs pupfish—*Cyprinodon nevadensis pectoralis.*
Pecos gambusia—*Gambusia nobolis.*
Unarmored threespine stickleback—*Gasterosterus aculeatus williamsoni.*
Fountain darter—*Etheostoma fonticola.*
Watercress darter—*Etheostoma nuchale.*

Interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 17, Chapter I, Subchapter B, of Title 50 of the Code of Federal Regulations is proposed to be amended by adding a new Appendix D reading as follows:

APPENDIX D

UNITED STATES LIST OF ENDANGERED NATIVE FISH AND WILDLIFE

MAMMALS

Hawaiian hoary bat—*Lasiurus cinereus semotus.*
Indiana bat—*Myotis sodalis.*
Utah prairie dog—*Cynomys parvidens.*
Delmarva Peninsula fox squirrel—*Sciurus niger cinereus.*
Morro Bay kangaroo rat—*Dipodomys heermanni morroensis.*
Salt marsh harvest mouse—*Reithrodontomys raviventris.*
Eastern timber wolf—*Canis lupus lycaon.*
Texas red wolf—*Canis rufus rufus.*
San Joaquin kit fox—*Vulpes macrotis mutica.*
Black-footed ferret—*Mustela nigripes.*
Florida panther—*Felis concolor coryi.*
Florida manatee (sea cow)—*Trichechus manatus latirostris.*
Key deer—*Odocoileus virginianus clavium.*
Columbian white-tailed deer—*Odocoileus virginianus leucurus.*
Sonoran pronghorn—*Antilocapra americana sonoriensis.*

BIRDS

Hawaiian dark-rumped petrel—*Pterodroma phaeopygia sandwichensis.*
California least tern—*Sterna albifrons browni.*
Hawaiian goose (nene)—*Branta sandvicensis.*
Aleutian Canada goose—*Branta canadensis leucopareia.*
Laysan duck—*Anas laysanensis.*
Hawaiian duck (koloa)—*Anas wyvilliana.*
Mexican duck—*Anas diazi.*
Brown pelican—*Pelecanus occidentalis.*
California condor—*Gymnogyps californianus.*
Florida everglade kite (snail kite)—*Rostrhamus sociabilis plumbeus.*
Hawaiian hawk (io)—*Buteo solitarius.*
Southern bald eagle—*Haliaeetus leucocephalus leucocephalus.*
American peregrine falcon—*Falco peregrinus anatum.*
Arctic peregrine falcon—*Falco peregrinus tundrius.*
Attwater's greater prairie chicken—*Tympanuchus cupido attwateri.*
Masked bobwhite—*Colinus virginianus ridgwayi.*
Whooping crane—*Grus americana.*
Yuma clapper rail—*Rallus longirostris yumanensis.*
California clapper rail—*Rallus longirostris obsoletus.*
Light-footed clapper rail—*Rallus longirostris levipes.*
Hawaiian gallinule—*Gallinula chloropus sandvicensis.*
Hawaiian coot—*Fulica americana alai.*
Eskimo curlew—*Numenius borealis.*
Hawaiian stilt—*Himantopus himantopus knudseni.*
Puerto Rican plain pigeon—*Columba inornata wetmorei.*
Puerto Rican parrot—*Amazona vittata.*
Ivory-billed woodpecker—*Campephilus principalis.*
Red-cockaded woodpecker—*Dendrocopus borealis.*
Hawaiian crow (alala)—*Corvus tropicus.*
Small Kauai thrush (puaiohi)—*Phaeornis palmeri.*
Large Kauai thrush—*Phaeornis obscurus obscurus.*
Molokai thrush (olomau)—*Phaeornis obscurus rutha.*
Nihoa millerbird—*Acrocephalus kingi.*
Kauai oo (oo aa)—*Moho braccatus.*
Crested honeycreeper (akohekohe)—*Palmeria dolei.*
Hawaii akepa (akepa)—*Loxops coccinea coccinea.*
Maui akepa (akepule)—*Loxops coccinea ochraceu.*
Oahu creeper (alauwahio)—*Loxops maculata maculata.*
Molokai creeper (kakawahie)—*Loxops maculata flammea.*
Akiapolaau—*Hemignathus wilsoni.*
Kauai akialoa—*Hemignathus procerus.*
Kauai and Maui nukupuus—*Hemignathus lucidus.*
Laysan and Nihoa finches—*Psittirostra cantans.*
Ou—*Psittirostra psittacea.*
Palila—*Psittirostra bailleui.*
Maui parrotbill—*Pseudonestor xanthophrys.*
Bachman's warbler—*Vermivora bachmanii.*
Kirtland's warbler—*Dendroica kirtlandii.*
Dusky seaside sparrow—*Ammospiza nigrescens.*
Cape Sable sparrow—*Ammospiza mirabilis.*

REPTILES AND AMPHIBIANS

American alligator—*Alligator mississippiensis.*
Blunt-nosed leopard lizard—*Crotaphytus silus.*
San Francisco garter snake—*Thamnophis sirtalis tetrataenia.*
Puerto Rican boa—*Epicrates inornatus.*
Santa Cruz long-toed salamander—*Ambystoma macrodactylum croceum.*
Texas blind salamander—*Typhlomolge rathbuni.*
Houston toad—*Bufo houstonensis.*

FISHES

Shortnose sturgeon—*Acipenser brevirostrum.*
Longjaw cisco—*Coregonus alpenae.*
Lahontan cutthroat trout—*Salmo clarki henshawi.*
Piute cutthroat trout—*Salmo clarki seleniris.*
Greenback cutthroat trout—*Salmo clarki stomias.*
Gila trout—*Salmo gilae.*
Arizona (Apache) trout—*Salmo* sp.
Humpback chub—*Gila cypha.*
Mohave chub—*Siphateles mohavensis.*
Pahranagat bonytail—*Gila robusta jordani.*
Moapa dace—*Moapa coriacea.*
Woundfin—*Plagopherus argentissimus.*
Colorado River squawfish—*Ptychocheilus lucius.*
Kendall Warm Springs dace—*Rhinichthys osculus thermalis.*
Cui-ui—*Chasmistes cujus.*
Devil's Hole pupfish—*Cyprinodon diabolis.*
Comanche Springs pupfish—*Cyprinodon elegans.*
Tecopa pupfish—*Cyprinodon nevadensis calidae.*
Warm Springs pupfish—*Cyprinodon nevadensis pectoralis.*
Owens River pupfish—*Cyprinodon radiosus.*
Pahrump killifish—*Empetrichythys latos.*
Big Bend gambusia—*Gambusia gaigei.*
Clear Creek gambusia—*Gambusia heterochir.*
Pecos gambusia—*Gambusia nobolis.*
Unarmored threespine stickleback—*Gasterosterus aculeatus williamsoni.*
Gila topminnow—*Poeciliopsis occidentalis.*
Fountain darter—*Etheostoma fonticola.*
Watercress darter—*Etheostoma nuchale.*
Maryland darter—*Etheostoma sellare.*
Blue pike—*Stizostedion vitreum glaucum.*

(16 U.S.C. 668aa(c))

FRED J. RUSSELL,
Acting Secretary of the Interior.

AUGUST 19, 1970.

[F.R. Doc. 70-11186; Filed, Aug. 24, 1970; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966).

This marketing order program regulates the handling of tomatoes grown in designated counties in the State of Florida, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 966.207 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1970, and ending July 31, 1971, by the Florida Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $103,250.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-fourths of a cent ($0.0075) per 40-pound container of tomatoes or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending July 31, 1971, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

Dated: August 19, 1970.

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

[F.R. Doc. 70-11169; Filed, Aug. 24, 1970; 8:48 a.m.]

[7 CFR Part 1098]

[Docket No. AO 184-A29]

MILK IN NASHVILLE, TENN., MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Nashville, Tenn., marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Nashville, Tenn., on May 6, 1970, pursuant to notice thereof issued on April 17, 1970 (35 F.R. 6434).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Regulatory Programs, on June 23, 1970 (35 F.R. 10452), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under Issue No. 3, the last paragraph is deleted and two paragraphs are substituted thereat.

2. Under Issue No. 4, the entire text is revised.

The material issues on the record relate to:

1. Diversion of milk between pool plants and other order plants;

2. Partial payments to producers who ship to a handler less than 20 days during the month;

3. Plants meeting the pooling requirements of more than one order; and

4. The status of base-holding producers who become producers under another order during a portion of a base-paying month.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The order should be amended to provide for the diversion of milk under certain circumstances between Nashville pool plants and plants regulated by other orders.

With the declining number of nearby nonpool manufacturing plants, the disposal of the reserve supply of the market poses a problem at times, particularly during the months of flush production. At the present time, the terms of the Nashville order do not permit the diversion of producer milk to plants which are regulated under another order without loss of pooling on such milk under the Nashville order. This prohibition was suspended for the months of March, April and May 1970 by an order of the Assistant Secretary issued on February 27, 1970. Neither does the Nashville order permit milk to be diverted to Nashville pool plants from other marketing orders without being subject to pooling in Nashville.

The principal cooperative association in the Nashville market operates a manufacturing plant at Lewisburg, Tenn., which is the major outlet for the reserve supply of the market. This plant also handles some of the reserve supplies of other nearby markets where the cooperative association operates. This plant has receiving facilities which have recently been approved for the shipment of milk for fluid purposes. At the present time, it has not met the pooling requirements of a supply plant under any order.

The plant could readily become a pool supply plant under either the Nashville order or one of the adjoining orders such as the Mississippi order, however. If this plant were to become subject to full regulation under the Mississippi order, milk of Nashville producers could no longer be received at such plant as diverted milk, but would become producer milk under the latter order. This, in effect, would shift to the other pool some of the milk of the Nashville market not needed for Class I use there.

Similarly, if the plant were to become subject to full regulation under the Nashville order, milk diverted to such plant from Mississippi, or any other order, would become producer milk under the Nashville order, and the Nashville market would assume a portion of the burden of the excess supplies which have been associated with the other market.

The cooperative association also operates a manufacturing plant at Louisville, Ky., which is a fully regulated plant under the Louisville-Lexington-Evansville order.

The supply area of the Nashville market embraces a substantial area in Kentucky as well as in Tennessee. Many of the producers in the Kentucky portion of the marketing area are located much closer to the Louisville plant than to the Lewisburg plant. Hence, it would be more efficient for the cooperative association to be able to divert milk of Kentucky producers to the Louisville plant.

The cooperative association also operates a manufacturing plant at Chattanooga, Tenn., which is a pool plant under the Chattanooga order. It is possible that at times it would be in the interest of orderly marketing to divert milk from the Nashville market to the Chattanooga plant.

Accordingly, the order should be amended to permit a dairy farmer to retain his producer status under the Nashville order, and his milk to continue to be producer milk, when such milk is diverted to a plant subject to regulation under another order for Class II use. To insure that such diversion privilege is used only to accommodate the orderly disposal of the excess supplies of the market, it is provided that a producer whose milk is so diverted shall retain his producer status only if the handler who diverts such milk, and the operator of the other order plant at which it is received, both report to the market administrator of their respective orders that such milk was diverted for Class II (or an equivalent classification) use only, and request such classification in the reports of receipts and utilization filed with the respective market administrators.

Similarly, the order should be amended to permit milk to be diverted for manufacturing use to Nashville pool plants from plants subject to other orders. As in the case of diversions from Nashville pool plants to pool plants under other orders, this should be permitted only if the operators of both plants, in the reports of receipts and utilization to their respective market administrators, report such milk as utilized in Class II and request a Class II utilization therefor.

These amendments will facilitate the handling of the reserve supplies of markets in the region without burdening one

market with the reserve milk regularly associated with another.

A witness for proponents testified that, if milk which is diverted to a pool plant under another order as Class II milk is actually utilized in Class I, and such use is determined prior to the computation of the pool, the milk so assigned to Class I should not be considered producer milk under the Nashville order, but should be considered producer milk in the market of receipt. It was proposed that the diverting handler designate the producers whose milk would become producer milk under the other order.

While this proposal has some merit, it could result in a conflict between the Nashville order and other orders to which the milk might be diverted, since no other order contains a similar provision at this time. Also, because of the short time intervening between the filing of the reports and the computation of the pool, it is unlikely that such information would be available to the market administrator in all instances. Therefore, such proposal is not adopted at this time.

The transfer provisions should also be amended to accommodate the above noted changes with respect to diverted milk. Specifically, the order should provide that when milk is moved to an other order plant, the classification shall be in the class to which allocated as a fluid milk product under the other order, but that, if the operators of both the transferor and transferee plants so request in the reports of receipt and utilization filed with their respective market administrators, diverted milk should be classified as Class II to the extent of the Class II (or the comparable utilization provided under such other order) available in the transferee plant for such assignment pursuant to the allocation provisions of the order to which the transferee plant is subject.

2. The order should be amended to permit handlers to withhold payment to the market administrator of the partial payment due producers for deliveries during the first 15 days of the month in the case of those producers who cease delivery to the handler before the 20th day of the month.

Producers frequently make assignments to creditors which are paid directly to the creditor by the handler, including payments to haulers which are usually made by the handler. In the case of a producer who ceases delivery to a handler in the early part of the month, it is quite possible that the balance of money due the producer after such assignments are honored would be less than the amount of the partial payment which the handler is required to make. Elimination of the partial payment in the case of a producer who ceases delivery after less than 20 days, will permit the handler making payment to the producer to know exactly how much money is due the producer before making the payment. This will eliminate problems for handlers in attempting to recover from producers amounts which they had been overpaid for their milk in the month in which they had ceased production.

The proponent also stated that certain producers prefer to receive payment once a month. It proposed that in the case of such producers the partial payment likewise be eliminated.

Such procedure could interfere with the uniform application of regulation to all handlers. It is possible that some handler might persuade all his producers to request payment once a month. He would thereby gain an advantage over other handlers since he would have the use of the producers' money for an additional 17 days. It is essential that the order provide a single payment procedure applicable to all handlers. Hence, this proposal is denied.

3. The order should be amended to provide that in the case of any distributing plant meeting the pooling requirements of both the Nashville order and another order, the plant normally should be subject to the order in the marketing area of which it has the greater route disposition. In order to prevent a plant from being subject to regulation under different orders every other month, if a slight change in its disposition occurs, it should be provided that a plant which has been subject to regulation under another order, but which has greater disposition in the Nashville market during the month, shall not become subject to regulation under the Nashville order until the third consecutive month in which its disposition in the Nashville market is greater than in the market in which it has been subject to regulation. This is predicated on the plant's continuing to be subject to regulation under the other order until such time as it becomes subject to regulation under the Nashville order. If the other order does not have a reciprocal provision, such plant will become subject to regulation under the Nashville order in the first month in which its disposition in the Nashville marketing area exceeds its disposition in the other marketing area.

Similarly, a plant which has been subject to regulation under the Nashville order, but which has greater disposition in another marketing area in a particular month, should not become subject to regulation under the other order until the third consecutive month in which its sales in the other marketing area exceed those in the Nashville marketing area. If the other order, however, does not have a similar provision, such plant would become subject to regulation under the other order in the first month in which its disposition in such other area exceeds its disposition in the Nashville marketing area.

The one exception would be in the case of a plant with disposition in the Nashville market exceeding its disposition in the market in which it had been previously regulated because of its sales to a governmental base or institution under a limited term contract. The order now provides that if the operator of such plant, or the cooperative association which supplies milk to such plant, makes written application to the Secretary at least 15 days prior to the end of the month in which the regulation of the plant would shift, the Secretary may exclude the disposition made under such contract in determining in which marketing area the plant has the greater volume of its disposition. This provision should be continued.

The cooperative association proposed that the exemption afforded above apply to any contract regardless of whether it is with a governmental institution. It also proposed that the Secretary be permitted to designate under which order a plant would be regulated regardless of the volume of sales in the respective marketing area, when, in his judgment, such a designation is warranted. The cooperative suggested that the Secretary should consider such matters as the difference in Class I prices between the orders, implying that the plant should be regulated in the area in which the higher Class I price prevailed. Other matters with which it felt the Secretary should be concerned in making such a determination are:

(a) Differences in the methods of distributing returns to producers under the separate orders. For example, if one order had a so called Louisville Plan and the other a base and excess plan;

(b) The amount of milk in total which was moved between the two markets by all handlers subject to regulation under both orders;

(c) The extent to which the plant's disposition in the Nashville market was greater or less than its disposition in the other marketing area; and

(d) The interest of producers involved as to which order their milk should be subject and other factors of marketing cost.

Historically, a plant has been regulated under the order in the marketing area in which it has its major disposition. Exceptions have been made in Nashville and certain other orders in the case of limited term contracts to supply military bases or institutions. Similarly, many orders have a provision, such as that adopted herein, whereby a plant would remain subject to the order under which it has been regulated until the third consecutive month in which its sales in another area are greater. This provision has afforded plants the opportunity to prepare for the shift in regulation.

To accommodate a specific situation which developed in the market, the Secretary, on March 6, 1970, issued an order suspending certain provisions of the Nashville and Paducah, Ky., milk orders (33 F.R. 4392). The effect of the suspension was to permit a plant which had been regulated under the Paducah, Ky., milk order to continue to be regulated under that order until July 31, 1970, even though its sales in the Nashville marketing area exceeded those in the Paducah, Ky., marketing area. This alleviated the hardship which otherwise might have befallen the producers supplying such plant during the months producers on the Nashville market are paid base and

excess prices for their milk. The base-paying period ends July 31. On August 1, 1970, this plant will become a fully regulated plant under the Nashville order if its sales in that market still exceed those in the Paducah, Ky., market.

Handlers generally supported adoption of the provision that regulation should not change until the third consecutive month in which a plant has greater sales in another marketing area. They vigorously opposed the proposal of the cooperative association that the question of where a plant is regulated be left to the discretion of the Secretary. They also proposed a deletion of the present provision which permits the Secretary to exclude disposition made under a limited term Government contract in determining the area of regulation.

A plant operator now knows under which order his plant is to be regulated and he can make adjustments in his route disposition to remain subject to regulation under one order or to shift his plant to regulation under another order. Under the proposal of the cooperative association, the handler might find that the cooperative association had requested the Secretary to determine that his plant was no longer subject to the order in which he had his major disposition. In such circumstances, regulation could depend on the administrative decision by the Secretary rather than on marketing circumstances which dictated the actual degree of association of the plant with a particular market as compared to some other market. The uncertainties created by such a provision, which in effect could result in multiple standards for determining pool status, would not promote orderly marketing and, therefore, would not tend to effectuate the declared policy of the Act.

In response to the arguments of the cooperative association with respect to the problems caused should a plant, subject to regulation under an order with a "Louisville" type seasonal payment plan, become subject to the Nashville order which has a base and excess plan, handlers proposed a modification of the latter plan. The order now provides that when a plant becomes a pool plant during the base-paying period, bases are computed for the producers supplying such plant on their deliveries to such plant during the base-forming period. It was the proposal of the handlers that all deliveries by such producers to plants regulated under the other order be considered in calculating the bases of producers shipping to a plant which becomes a Nashville pool plant under such circumstances.

The cooperative association in its testimony pointed out that it regularly shifts producers among plants as demand varies and that on weekends milk associated with bottling plants is frequently diverted to manufacturing plants. Thus, receipts at the plant in question during the base-making period represent only a portion of the production of the individual producers during such period. This would result in such producers receiving bases much smaller than they would receive were their entire production used in the base calculations.

Had the provision proposed by handlers been in effect at that time, the producers supplying the plant in question would have received bases computed on their total deliveries to the Paducah market rather than on their deliveries to the single plant. Thus, the shift in the plant's regulation would not have affected the producers' returns significantly.

In the recommended decision it was proposed that such a provision be adopted.

However, upon reconsideration, the provision would not have any effect prior to the next base-paying period which begins in March 1971, and there appears, therefore, to be insufficient reason at this time for its adoption. If further consideration becomes necessary, there will be sufficient opportunity before that time.

It is concluded, therefore, that no change should be made in the method of computing producers' bases at this time.

4. The order should not be amended to provide that a producer who becomes a producer under another order for a portion of a base-paying month shall forfeit his base for such month.

In the recommended decision it was proposed that under such circumstances a producer forfeit his base. The cooperative association representing most of the producers supplying the market filed vigorous exceptions to this proposal.

The association reiterated its testimony that there has been no instance in this market of a producer delivering his excess milk to another market as producer milk for the purpose of exploiting the base plan. It contended further that the proposed amendment not only is unnecessary, but also that it could interfere seriously with the orderly marketing of milk in the Southeastern region.

The association has members who are producers under one or another of the several orders in this region. In many of these order markets the cooperative association is the principal supplier of milk to regulated handlers. As supply and demand situations change in the individual markets, it becomes necessary for the association to move milk between markets to meet changing market conditions. In many instances the most efficient and economical manner of meeting such changes is to shift member producers from one market to the other. This may be done to supply Class I requirements or to dispose of temporary surpluses in an orderly way. Either type of transfer could represent a valid transaction rather than a move to take advantage of the base provisions. If such a shift were to occur during a base-paying month, the producers who were shifted would receive only the excess price for that portion of their month's production which was delivered to Nashville pool plants. This could result in a severe financial loss to such producers even though the diversions of milk served the purpose of orderly disposition. In many cases a substantial number of producers could be involved and the base of each would be forfeited.

Also, if the milk of a producer were diverted, even within prescribed limits, to a pool plant under another order for Class II use, the producer would automatically become a producer under the other order with respect to the milk received at the other order plant, if either the diverting handler or the operator of the other order plant failed to report such milk as a diversion for Class II use. In such a circumstance the producer would receive only the excess price for the milk delivered to Nashville pool plants.

Similarly, if a handler diverts more milk than is permitted under the Nashville order, the producers whose milk was overdiverted would lose producer status with respect to such milk. Again, this would result in their receiving only the excess price for their milk which was delivered to Nashville pool plants.

The proposed provision would eliminate the potential that some producers could use the base provisions to their advantage over other producers. Representatives of the great majority of producers, however, do not see this as a marketing problem at this time, but do see problems for their regional marketing program.

After consideration of the exceptions filed it is concluded that in view of the circumstances cited the proposed change in the order with respect to a producer who may become also a producer under another order during a base-paying month should not be adopted.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Nashville, Tenn., marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of producer approval and representative period. June 1970 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk

in the Nashville, Tenn., marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 19, 1970.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Nashville, Tenn., Marketing Area

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tenn., marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nashville, Tenn., marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 25, 1970, and published in the FEDERAL REGISTER on June 26, 1970, shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein with the following modifications:

Index of changes:

1. Section 1098.60 is not revised.
2. Section 1098.61(d) is not revised.

1. Revise § 1098.7 as follows:

§ 1098.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority or produces milk acceptable for fluid consumption at Federal, State, or municipal establishments within the marketing area, which milk is received at a pool plant or diverted from the farm directly to a nonpool plant. The term shall not include such person with respect to milk received at a pool plant from an other order plant by diversion if both buyer and seller have requested Class II classification (or its equivalent) in the reports of receipts and utilization filed with the respective market administrators.

2. In § 1098.13 add a new paragraph (c) as follows:

§ 1098.13 Producer milk.

* * * * *

(c) Diverted from a pool plant to an other order plant if both buyer and seller have requested Class II classification or its equivalent in the reports of receipts and utilization filed with the respective market administrators.

3. Revise the introductory text of § 1098.44, the introductory text to paragraph (e) of § 1098.44 and subparagraphs (2) and (3) of paragraph (e) as follows:

§ 1098.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified as:

* * * * *

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described is subparagraph (2) or (3) of this paragraph:

* * * * *

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

* * * * *

4. Revise § 1098.81(a) as follows:

§ 1098.81 Payments to market administrator.

(a) On or before the 25th day of each month each handler receiving milk from producers or from a handler pursuant to § 1098.8(c) (except for producers having made deliveries for less than 20 days during the month) shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month;

* * * * *

5. Revise § 1098.91 as follows:

§ 1098.91 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e) of this section:

(a) A distributing plant qualified pursuant to § 1098.11(a) which meets the requirements of a fully-regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Nashville, Tenn., marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order, subject to the proviso of this paragraph: *And provided further,* On the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I route dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions;

(b) A distributing plant qualified pursuant to § 1098.11(a) which meets the requirements of a fully-regulated plant

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Nashville, Tenn., marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation, even though such plant has greater Class I route disposition in the marketing area of the Nashville, Tenn., order;

(c) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 1098.11(b) during the preceding August through January period;

(d) The operator of a plant specified in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

[F.R. Doc. 70-11171; Filed, Aug. 24, 1970; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

METHOXYCHLOR

Proposed Increase of Tolerance Level

The U.S. Department of Agriculture has requested that action be taken to permit the postharvest use of methoxychlor as a substitute for DDT on sweetpotatoes and yams in accordance with State quarantines against the sweetpotato weevil (*Cylas formicarius elegantulus* Sum).

Based on consideration given the data submitted with their request and other relevant material, the Commissioner of Food and Drugs concludes that tolerances of 7 parts per million are safe and would protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 120.120 be amended by adding after the paragraph "14 parts per million * * *" a new paragraph "7 parts per million * * *" and by revising the paragraph "1 part per million * * *," as follows:

§ 120.120 Methoxychlor; tolerances for residues.

* * * * *

7 parts per million in or on sweetpotatoes and yams from preharvest and postharvest application.

* * * * *

1 part per million in or on potatoes.

* * * * *

Any person who has registered, or submitted an application for the registration of, an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed in this document may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 13, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-11136; Filed, Aug. 24, 1970; 8:46 a.m.]

Public Health Service

[42 CFR Part 4]

NATIONAL LIBRARY OF MEDICINE

Notice of Proposed Rule Making

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary, Department of Health, Education, and Welfare, proposes to amend Subchapter A of the Public Health Service regulations by adding a new Part 4 prescribing rules under which the facilities, library collections and related services of the National Library of Medicine shall be made available to public and private agencies, organizations and institutions, and individuals. The proposed regulations were formulated after the advice and recommendations of the Board of Regents of the Library.

The proposed regulations relate solely to the utilization of public property comprising the Library and to the availability of the benefits provided thereby and is therefore exempt from requirements of the Administrative Procedure Act (5 U.S.C. 553) pertaining to public participation in rule making. However, since a large number of public and private agencies, and individuals engaged in health related activities have a direct interest in such benefits, public participation in the formulation of such regulations is deemed appropriate.

Accordingly, inquiries may be addressed, and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any regulations that are adopted effective upon publication in the FEDERAL REGISTER.

It is therefore proposed to amend Subchapter A of Chapter I of Title 42 of the Public Health Service regulations by adding immediately after Part 3, the following new Part 4:

PART 4—NATIONAL LIBRARY OF MEDICINE

Sec.

AUTHORITY: The provisions of this Part 4 issued under sec. 215, 58 Stat. 690, as amended, sec. 382, 70 Stat. 960, as amended; 42 U.S.C. 216, 276.

§ 4.1 Applicability and scope.

(a) The regulations of this part relate to access to the facilities and library collections, including audiovisual materials, of the National Library of Medicine and the availability of its bibliographic, reproduction, reference and related services. Such services are those functions performed by the Library directly for the benefit of the general public or health sciences professionals as described in section 382(a)(3)–(5) of the Public Health Service Act.

(b) Such services do not include, and these regulations do not apply to:

(1) Functions which relate to the Library's internal processing activities, whether by manual, photographic, or electronic means, as required by section 382(a)(1) and (2) of the Act.

(2) The availability of "records" of the Library as defined in, and available in accordance with, rules and procedures

set forth in 45 CFR Part 5 and Part 1 of this chapter.

(3) Federal assistance for medical library construction and other purposes authorized by sections 390–398 of the Act (Parts 59a, 61, 63, and 64 of this chapter).

(4) The availability of facilities, collections and related services of Regional Medical Libraries established or maintained by grants authorized by section 397 of the Act (See Part 59a, Subpart C, of this chapter).

§ 4.2 Purpose of the Library.

In order to assist the advancement of medical and related sciences and to aid the dissemination and exchange of scientific and other information important to the progress of medicine and the public health, the National Library of Medicine, established by section 381 of the Public Health Service Act, acquires and maintains library materials, including audiovisual materials, pertinent to medicine; compiles, publishes, and makes available catalogs, indices and bibliographies of such materials as appropriate; provides reference and other assistance to research, and engages in other activities in furtherance of the Library's overall purpose.

§ 4.3 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Library" means the National Library of Medicine, established by section 381 of the Act (42 U.S.C. 275).

(c) "Director" means the Director of the Library.

(d) "Collections" means all books, periodicals, prints, films, videotapes, recordings, manuscripts, and other resource materials of the Library, including audio and visual materials produced or developed by the National Medical Audiovisual Center located in Atlanta, Ga., but excluding data processing tapes used solely for internal processing activities to generate reference materials. It does not include "records" as that term is defined in 45 CFR 5.5.

(e) "Historical collection" means materials in the collections published or printed prior to 1871, including manuscripts and prints, and the archival film collection of the National Medical Audiovisual Center and other materials of the collections which, because of age, or unique or unusual value, require special handling, storage or protection for their preservation, as determined by the Director.

(f) "Health sciences professional" means any person engaged in the administration of health activities, the provision of health services, or in research, teaching or education concerned with the advancement of medicine or other sciences related to health or improvement of the public health.

(g) "Regional Medical Library" means a medical library established or maintained as a regional medical library under section 397 of the Act (42 U.S.C. 280b–8).

§ 4.4 Access to Library facilities and collections.

(a) *General.* The Library facilities and collections are available to any person seeking to make use of the collections, subject to such reasonable rules, consistent with these regulations, as the Director may prescribe to assure the most effective use of such resources by health sciences professionals and to protect the collections from misuse or damage.

(b) *Reading rooms.* Public reading rooms are available for obtaining and reading materials from the collections, subject to rules of the Director designed to provide adequate reading space and orderly conditions and procedures for those using the collections.

(c) *Study rooms.* A limited number of study rooms are available for assignment to individuals requiring extensive use of the collections, or other Library resources. Priority shall be given to fellows engaged in "special scientific projects" under section 395 of the Act (42 U.S.C. 280b–5) and to health sciences professionals. Applications for use of study rooms shall be addressed to the Director.

(d) *Use of materials from the collections*—(1) *Materials generally.* Except as otherwise provided in this paragraph, materials from the collections are available for use only in facilities provided by the Library for such purpose.

(2) *Audiovisual materials.* Audio and visual materials in the collections are available for loan upon application setting forth to the Director's satisfaction that the material will be safeguarded from misuse, damage, loss or misappropriation, and will promptly be returned as required after use or upon request of the Library. Applications for such material may be made to the National Medical Audiovisual Center, Atlanta, Ga. 30333.

(3) *Interlibrary loans.* Materials from the collections, or copies thereof, not specified in subparagraph (2) of this paragraph, may be made available for use through libraries of public or private agencies or institutions upon application by such libraries setting forth to the Director's satisfaction that the requesting party has exhausted all other reasonably available local or regional library resources (including Regional Medical Libraries) and, when so prescribed, providing satisfactory assurances that the requested material will be safeguarded from misuse, damage, loss or misappropriation, and will be promptly returned to the Library as required after use or upon request of the Library. Libraries served by a Regional Medical Library are encouraged to file such applications through their Regional Medical Library.

(4) *Loans to health sciences professionals.* Except as provided in subparagraph (2) of this paragraph, loans of materials, or copies thereof, from the collection may be made directly to health sciences professionals upon application to the Director setting forth to his satisfaction that the requesting individual is geographically isolated, in terms of distance or available transportation, from all medical literature resources likely to contain the desired material, and providing the assurances to the Director required in subparagraph (3), of this paragraph.

(5) *Historical collection.* In addition to the rules specified above with respect to availability of the Library's collections generally, materials from the historical collection are available only in accordance with such other rules as the Director may prescribe to assure their maximum preservation and protection. Such materials may also be made available in the form of microfilm and paper print copies, for which reasonable fees may be levied.

(6) *Gifts and restricted materials.* In addition to the rules specified above, materials in the collections, whether acquired by the Library as the result of gift or purchase, shall be made available only in accordance with limitations imposed as a condition of such gift or purchase.

§ 4.5 Reference, bibliographic, reproduction and consultation services; fees.

(a) *General.* Reference, bibliographic, reproduction (in addition to those reproduction services discussed in § 4.4(d) and consultation services provided by the Library, whether provided by professional medical librarians, through the use of computerized systems, or otherwise, are available upon request to the extent Library resources permit. In the provisions of services not reasonably available through local or regional library resources, priority shall be given to health sciences professionals.

(b) *Specialized bibliographic services.* (1) Requests for bibliographies on individually selected medical or scientific topics may be filled by use of a reference retrieval system, upon determination by the Director, on the basis of information submitted with the request, that use of such system would be appropriate and effective in the circumstances. Requests must be made upon such forms and in such manner as the Director may from time to time prescribe. Searches determined by the Director to be of general interest may be published and made available for general distribution by the Library.

(2) A limited number of computerized bibliographies on topics of general interest to group users, such as public or nonprofit health related professional societies and research organizations, may be produced on a regularly recurring basis pursuant to contractual arrangements between the Library and public or nonprofit agencies, when determined in each case by the Director to be necessary to assure more effective distribution of the bibliographic information involved, in furtherance of the Library's special purposes.

(c) *MEDLARS tapes.* Where deemed necessary by the Director to further the dissemination of scientific and other information important to the progress of medicine and the public health, or to

assist research and investigations in the field of medical library science, copies of all or part of the Library's magnetic tapes comprising the Medical Literature Analysis and Retrieval System (MEDLARS) may be made available to agencies, organizations and institutions upon application by such persons providing assurances that (1) such tapes will be utilized to provide reference or bibliographic services pertinent to medicine not otherwise available from the Library or a Regional Medical Library, or (2) such tapes are necessary to carry out such research or investigation. The use of such tapes shall be subject to such further conditions as the Director may prescribe when in his judgment necessary to further the purpose of the Library.

(d) *Fees for services.* The Director may, in accordance with schedules available at the Library on request, charge fees reasonably designed to recover all or a portion of the cost to the Library, including the employment of personnel, of providing any of the above or other reference, bibliographic and reproduction services. Such fees shall be charged only where the nature of the service in question is beyond that normally provided to the general public or health sciences professionals or where Library resources are limited or unduly taxed.

§ 4.6 Publications of the Library and information about the Library.

Lists of bibliographies or Library publications sold by the Government Printing Office, and other information concerning the organization, operation, functions and services of the Library, including necessary application forms, are available from the National Library of Medicine, Bethesda, Md. 20014.

Dated: July 21, 1970.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: August 15, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-11161; Filed, Aug. 24, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[49 CFR Part 575]

[Docket No. 70-13; Notice 2]

MOTOR VEHICLE SAFETY REGULATIONS

Consumer Information; Effect of Vehicle Loading on Headlamp Aim

A notice of a proposed consumer information requirement on Effect of Vehicle Loading on Headlamp Aim, § 575.104 of Title 49, Code of Federal Regulations, was published in the FEDERAL REGISTER on June 6, 1970 (35 F.R. 8832). Subsequent to the issuance of that notice, tests conducted by the Bureau have indicated that changes should be made in the application and the procedures of the proposed requirement. This notice amends the proposal, and extends the closing date for comments from September 3, 1970, to October 5, 1970.

The June 6 proposal included motorcycles in its application. Because of the light weight of motorcycles in comparison with the weight of the driver, and the means provided on many of them to adjust the vehicle pitch, the application of the requirement to motorcycles has been determined to be impracticable. Also, for purposes of consistency with other requirements, trucks and buses of 10,000 pounds gross vehicle weight rating should be covered. Paragraph (b) *Application,* of the proposed § 575.104 is therefore amended to read, "This section applies to passenger cars and multipurpose passenger vehicles, and to trucks and buses of 10,000 pounds or less gross vehicle weight rating."

Under the procedures described in the June 6 notice, the vehicle stops from the 30-m.p.h. run, then the transmission is placed in neutral. It has been found that this sequence produces a variable rocking in the vehicle suspension as the drive torque is released with the vehicle stopped. It is proposed that the procedure be changed, to specify that the transmission be placed in neutral while the car is still rolling, and before braking it to a stop. In order to eliminate other variable elements from the procedure, the proposal requires that the engine remain at idle with the brakes released while the measurement is taken, and that the measurement be completed within 2 minutes after the vehicle is stopped.

Accordingly, the proposed subparagraph (6) of § 575.104(e) is renumbered (7), and subparagraphs (2) through (5) are revised to read as follows:

§ 575.104 Effect of vehicle loading on headlamp aim.

* * * * *

(e) * * *

(2) Drive the vehicle with driver-only load at least 3 miles on a smooth road at a speed of 30 miles per hour.

(3) Place the transmission in neutral.

(4) Stop the vehicle smoothly with a deceleration not to exceed 4 feet per second per second.

(5) With the driver remaining in his seat, the engine remaining at idle and the brakes released, measure the longitudinal angular relationship to the ground surface of the sprung mass of the vehicle. Complete the measurement within 2 minutes after the vehicle comes to a stop.

(6) Repeat the steps in subparagraphs (1) through (5) of this paragraph with the vehicle fully loaded.

* * * * *

Comments on the proposed consumer information requirement, as amended, are requested under the conditions stated in the notice of June 6, 1970 (35 F.R. 8832), with a closing date of October 5, 1970.

This amended notice of proposed rulemaking is issued under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1401, 1407, and the delegation of authority by the Secretary of Transportation to the Director of the National Highway Safety Bureau, 49 CFR 1.51.

Issued on August 18, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

[F.R. Doc. 70-11175; Filed, Aug. 24, 1970; 8:48 a.m.]

FEDERAL SERVICE IMPASSES PANEL

[5 CFR Parts 2470, 2471]

GENERAL; PROCEDURES OF THE PANEL

Notice of Proposed Rule Making

Notice is hereby given that the Federal Service Impasses Panel, pursuant to section 5 of Executive Order 11491 of October 29, 1969, is considering the adoption of rules governing the organization and responsibilities of the panel. A draft of these rules is set out below as Parts 2470 and 2471, Subchapter C, Chapter XIV of Title 5 of the Code of Federal Regulations. Interested persons may submit their views and suggestions in writing to the Executive Secretary, Federal Service Impasses Panel, 1900 E Street, NW., Washington, D.C. 20415. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before the panel takes final action on the proposed rules.

PART 2470—GENERAL

Subpart A—Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

AUTHORITY: The provisions of this Part 2470 issued under 5 U.S.C. 3301, 7301; Executive Order 11491, 34 F.R. 17605, 3 CFR 191, 1969 Comp.

Subpart A—Purpose

§ 2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of sections 5 and 17 of Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service". They prescribe procedures and methods which the Federal Service Impasses Panel may utilize in the resolution of negotiation impasses when the parties negotiating a labor agreement have failed to reach a full settlement by voluntary arrangements.

Subpart B—Definitions

§ 2470.2 Definitions.

The following definitions are used in this subchapter:

"Executive Secretary" means the Executive Secretary of the Panel.

"Factfinder(s)" means members or staff of the Panel, individuals designated by the Panel, or other persons selected jointly by the parties when so authorized or directed by the Panel.

"Impasse" means that point in negotiations at which the parties are unable to reach full agreement; provided, however, that they have made earnest efforts to reach agreement by direct negotiations and have used without success voluntary arrangements for settlement.

"Panel" means the Federal Service Impasses Panel or a quorum thereof.

"Party" means the Federal agency, establishment or activity or the labor organization, as defined in sections 2 (a) and (e) of the Order, participating in the negotiation of a labor-management agreement.

"Voluntary arrangements" means those methods adopted by the parties for the purpose of assisting them in their negotiation of a labor agreement, which may include (a) joint factfinding committees without recommendations; (b) referral to a higher authority within the agency and/or the labor organization; (c) utilization of the services of the Federal Mediation and Conciliation Service or other third-party mediation assistance; or (d) any other method which the parties deem appropriate except third-party factfinding with recommendations, or arbitration unless these methods are expressly authorized or directed by the Panel.

PART 2471—PROCEDURES OF THE PANEL

Sec.

AUTHORITY: The provisions of this Part 2471 issued under 5 U.S.C. 3301, 7301; Executive Order 11491, 34 F.R. 17605, 3 CFR 191, 1969 Comp.

§ 2471.1 Who may initiate.

(a) When an impasse occurs during the course of labor negotiations, either party, or the parties jointly, may request the panel to consider the matter, by filing a request as hereinafter provided.

(b) The panel may, upon the referral of the Executive Secretary, undertake the consideration of any matter where voluntary arrangements have failed and neither party has requested the panel's consideration.

§ 2471.2 What to file.

A request to the panel for consideration of an impasse must be in writing and include the following essential information:

(a) Identification of the parties and person(s) authorized to initiate the request;

(b) Statement that an impasse has been reached;

(c) Statement of unresolved issues and the present position(s) of the initiating party or parties with respect to those issues; and

(d) The nature and extent of all voluntary arrangements utilized.

§ 2471.3 Request form.

FSIP Form 1 has been prepared for use by the parties in filing a request to the panel for consideration of a negotiation impasse.[1] Copies are available upon request to the Office of the Executive Secretary.

§ 2471.4 Where to file.

Requests to the panel provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be directed to the Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, D.C. 20415.

§ 2471.5 Copies and service.

Concurrently with the submission of a request for panel consideration, or when the panel acts on its own motion, a copy of such request or panel action shall be served by the party initiating the request or by the panel on the party(ies) to the dispute and on any third party, if utilized.

§ 2471.6 Initial procedures of the panel.

(a) Upon receipt of a request for consideration of an impasse, the panel will review the request and determine whether:

(1) Negotiations should be resumed;

(2) Other voluntary arrangements should be utilized by the parties to help resolve the impasse; or

(3) The panel will proceed under its authority as prescribed in §§ 2471.7–2471.14.

(b) The panel will not process requests whenever it determines that the impasse is based solely on the negotiability of an issue or issues. In such cases, the filing party will be directed to avail itself of the remedies provided for in section 11(c) of the order. However, when any of the several subjects of the impasse is based on the negotiability of an issue, then such subject(s) shall be referred for handling under section 11(c) and the balance of the dispute will be considered by the panel.

(c) The parties will be promptly advised in writing of the panel's decision.

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[1] Filed as a part of the original document.

§ 2471.7 Use of voluntary factfinding with recommendations, or arbitration.

The parties may resort to voluntary factfinding with recommendations, or arbitration, to resolve an impasse, only when authorized or directed by the panel, and provided they have:

(a) Made a joint request to the panel in writing for such authority;

(b) Agreed on the method of selecting the third party;

(c) Agreed to share the cost of the proceedings; and

(d) Used without success any other voluntary arrangement for settlement.

§ 2471.8 Definition of issue(s); appointment of factfinder(s).

When the panel determines that resolution of an impasse requires factfinding, it will:

(a) Specify the issue(s) to be resolved; and

(b) Appoint a factfinder(s) to conduct the hearing.

§ 2471.9 Notice of hearing.

The notice of hearing will provide at least ten (10) days notice and shall be served on the parties to the impasse and will include:

(a) The names of the parties to the dispute;

(b) The time, place and nature of the hearing;

(c) The issues to be resolved; and

(d) The name(s) of the factfinder(s) appointed.

§ 2471.10 Authority of factfinder(s).

Factfinders are authorized to:

(a) Administer oaths or affirmations;

(b) Take testimony by deposition;

(c) Require a verbatim report of the proceedings;

(d) Conduct the hearing in open or closed sessions; and

(e) Permit briefs to be filed after the close of a hearing.

§ 2471.11 Availability of hearing transcript.

When a verbatim report of any proceeding is authorized, the parties will make their own arrangements with the reporter for the purchase of copies. A copy will be available for inspection by either party to the proceeding at the Office of the Executive Secretary.

§ 2471.12 Report of the factfinder(s) and action by the Panel.

(a) The factfinder(s) shall submit a report to the panel within a reasonable time, normally not to exceed 30 days, after the close of the hearing. The parties will be advised when the report has been transmitted to the panel. The report will include findings on:

(1) The history of the current negotiations, including the initial positions of the parties, and a report of items agreed to in whole or part;

(2) The unresolved issues and the efforts made by the parties to reach agreement thereon;

(3) The context within which the negotiations have taken place; and

(4) Any other matters relevant to the impasse.

(b) After receipt of the report of the factfinder(s), the panel will evaluate the impasse and issue its recommendations to the parties for settlement.

§ 2471.13 Duty of each party.

(a) Within a period not to exceed thirty (30) days following receipt of the panel's recommendations for settlement, each party must either:

(1) Accept the panel's recommendations and so notify the Executive Secretary; or

(2) Reach with the other party a settlement of all unresolved issues, and so notify the Executive Secretary; or

(3) Submit a written statement to the panel setting forth its reasons for not accepting the panel's recommendations and reaching a settlement of all unresolved issues.

(b) A reasonable extension of the 30-day period may be authorized by the Executive Secretary for good cause shown when requested in writing by either party prior to the expiration of the 30-day period.

§ 2471.14 Settlement action by the panel.

In the event that there remains any unresolved issues thirty (30) days following issuance of the panel's recommendations, or any extension thereof, the panel, after due consideration of the reports of the parties, will take whatever action it deems necessary to bring the dispute to settlement.

DAVID T. ROADLEY,
Executive Secretary.

[F.R. Doc. 70-11131; Filed, Aug. 24, 1970; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

BONDS AND OTHER EVIDENCES OF INDEBTEDNESS

Notice of Proposed Rule Making

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

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

In order to clarify the terms "other evidence of indebtedness" and "stated redemption price at maturity" and certain problems relating to financial institutions under section 1232(b)(1) of the Internal Revenue Code of 1954, and in order to conform the Income Tax Regulations (26 CFR Part 1) under section 1232(a) of the Internal Revenue Code of 1954 to section 413(a) of the Tax Reform Act of 1969 (83 Stat. 609), such regulations are amended to read as follows:

PARAGRAPH 1. Section 1.1232-3(b) is amended by revising subparagraph (1) to read as follows:

§ 1.1232-3 Gain upon sale or exchange of obligations issued at a discount after December 31, 1954.

* * * * *

(b) *Definitions*—(1) *Original issue discount.* For purposes of section 1232, the term "original issue discount" means the difference between the issue price and the stated redemption price at maturity. The stated redemption price is determined without regard to optional call dates. If the original issue discount is less than one-fourth of 1 percent of the stated redemption price at maturity, multiplied by the number of full years from the date of original issue to maturity, then the discount shall be considered to be zero. For example, a 10-year bond with a stated redemption price at maturity of $100 issued at $98 would be regarded as having an original issue discount of zero. Thus, any gain realized by the holder would be a long-term capital gain if the bond was a capital asset in the hands of the holder and held by him for more than 6 months. However, if the bond were issued at $97.50 or less, the original issue discount would not be considered zero. The term "stated redemption price at maturity" means the amount fixed by the last modification of the purchase agreement, including dividends, interest, and any other amounts, however designated, payable at that time. If any amount based on a fixed rate of simple or compound interest is actually payable or will be treated as constructively received under section 451 and the regulations thereunder at fixed periodic intervals of one year or less during the entire term of the obligation, any such amount payable at maturity shall not be included in determining the stated redemption price at maturity. In the case of face-amount certificates, the redemption price at maturity is the price as modified through changes such as extensions of the purchase agreement and includes any dividends which are payable at maturity. In the case of an obligation issued as part of an investment unit consisting of an option (to which paragraph (a) of § 1.61-15 does not apply) and a bond, debenture, note, or certificate or other evidence of indebtedness, the term "stated redemption price at maturity" means the amount payable on maturity in respect of the obligation, and does not include any amount payable in respect of the option under a repurchase agreement or option to buy or sell the option.

PAR. 2. The following new section is added immediately after § 1.1232-4:

§ 1.1232A Statutory provisions; bonds and other evidences of indebtedness.

SEC. 1232. *Bonds and other evidence of indebtedness*—(a) *General rule.* For purposes of this subtitle, in the case of bonds, debentures, notes, or certificates or other evidences of indebtedness, which are capital assets in the hands of the taxpayer, and which are issued by any corporation, or by any government or political subdivision thereof—* * *

(3) *Inclusion in income of original issue discount on corporate bonds issued after May 27, 1969*—(A) *General rule.* There shall be included in the gross income of the holder of any bond or other evidence of indebtedness issued by a corporation after May 27, 1969, the ratable monthly portion of original issue discount multiplied by the number of complete months (plus any fractional part of a month determined in accordance with the last sentence of this subparagraph) such holder held such bond or other evidence of indebtedness during the taxable year. Except as provided in subparagraph (B), the ratable monthly portion of original issue discount shall equal the original issued discount (as defined in subsection (b)) divided by the number of complete months from the date of original issue to the stated maturity date of such bond or other evidence of indebtedness. For purposes of this section, a complete month commences with the date of original issue and the corresponding day of each succeeding calendar month (or the last day of a calendar month in which there is no corresponding day); and, in any case where a bond or other evidence of indebtedness is acquired on any other day, the ratable monthly portion of original issue discount for the complete month in which such acquisition occurs shall be allocated between the transferor and the transferee in accordance with the number of days in such complete month each held the bond or other evidence of indebtedness.

* * * * *

(E) *Basis adjustments.* The basis of any bond or other evidence of indebtedness in the hands of the holder thereof shall be increased by the amount included in his gross income pursuant to subparagraph (A).

* * * * *

(Sec. 1232 as amended by secs. 50 and 51, Technical Amendments Act of 1958 (72 Stat. 1642, 1643); sec. 3(e), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 5; Interest Equalization Tax Act (78 Stat. 845); sec. 413 (a) and (b), Tax Reform Act 1969 (83 Stat. 609))

PAR. 3. There is added immediately after § 1.1232A the following new section:

§ 1.1232–1A Certain deposits in financial institutions.

(a) *In general.* For purposes of paragraph (a) of § 1.1232–1, the term "other evidence of indebtedness" includes certificates of deposit, time deposits, bonus plans, and other deposit arrangements having a term in excess of 1 year with banks, domestic building and loan associations and similar financial institutions. For ratable inclusion of original issue discount in gross income, see section 1232(a)(3)(A). For reporting requirements of original issue discount, see section 6049(a) and the regulations thereunder.

(b) *Adjustments where obligation redeemed before maturity*—(1) *In general.* If an evidence of indebtedness described in paragraph (a) of this section is redeemed for a price less than the stated redemption price at maturity, the taxpayer shall be allowed an ordinary loss for the amount of the original issue discount included in gross income, but not received (as determined under subparagraph (2) of this paragraph). The taxpayer's basis of such evidence of indebtedness (determined after any increase in basis for the taxable year under section 1232(a)(3)(E) by the amount of original issue discount included in the holder's gross income under section 1232(a)(3)(A)) shall be decreased by the amount so treated as an ordinary loss.

(2) *Computation.* The amount treated as an ordinary loss under subparagraph (1) of this paragraph shall be an amount equal to the excess of (i) the ratable monthly portion of the original issue discount included in the holder's gross income under section 1232(a)(3)(A) for the period he held the evidence of indebtedness, over (ii) the excess of the amount received upon the redemption over the issue price. If any amount based on a fixed rate of simple or compound interest is actually payable or will be treated as constructively received under section 451 and the regulations thereunder at fixed periodic intervals of 1 year or less during the term of the obligation, any such amount payable upon redemption shall not be included in determining the amount received upon such redemption.

(3) *Partial redemption.* If a portion of an evidence of indebtedness is redeemed prior to the stated maturity date of the entire evidence of indebtedness, the provisions of this subparagraph shall be applied before applying the provisions of subparagraph (2) of this paragraph, and the portion redeemed and the portion remaining outstanding shall be treated as separate evidences of indebtedness. In such a case (i) the percentage of the entire evidence of indebtedness remaining outstanding shall be determined by dividing the stated redemption price of the portion remaining outstanding by the original stated redemption price for the entire evidence of indebtedness and (ii) the percentage for the portion redeemed shall equal 100 percent minus the percentage computed in subdivision (i) of this subparagraph. Thus, the stated redemption price, issue price, adjusted basis, and ratable monthly portion of original issue discount for each evidence of indebtedness represented by either portion shall be the amount for the entire evidence of indebtedness multiplied by the percentage for that portion.

(4) *Successive holders.* [Reserved]

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, he purchases a certificate of deposit from X Bank, a corporation for $10,000. The certificate of deposit is not redeemable until December 31, 1975, except in an emergency as defined in, and subject to the qualifications provided by Regulation Q of the Board of Governors of the Federal Reserve. See 12 CFR § 217.4(d). The stated redemption price at maturity is $13,382.26. The terms of the certificate do not expressly refer to any amount as interest. A's certificate of deposit is an evidence of indebtedness to which section 1232 applies. A shall include the ratable portion of original issue discount in gross income for 1971 as determined under 1232(a)(3)(A). Thus, if A holds the certificate of deposit for the full calendar year 1971, the amount to be included in A's gross income for 1971 is $676.44, that is, 12/60 months multiplied by the excess of the stated redemption price ($13,382.26) over the issue price ($10,000).

Example (2). Assume the same facts as in example (1), except that the certificate of deposit provides for payment upon redemption at December 31, 1975, of an amount equal to "$10,000, plus 6 percent compound interest from January 1, 1971, to December 31, 1975." Thus, the total amount payable upon redemption in both example (1) and this example is $13,382.26. The certificate of deposit is an evidence of indebtedness to which section 1232 applies and since the substance of the deposit arrangement is identical to that contained in example (1), A must include the same amount in gross income.

Example (3). Assume the same facts as in example (1), except that the certificate provides for the payment of interest in the amount of $200 on December 31 of each year and $2,000 plus $10,000 (the original amount) payable upon redemption at December 31, 1975. Thus, if A holds the certificate of deposit for the full calendar year 1971, A must include in his gross income for 1971 the $200 interest payable on December 31, 1971, and $400 of original issue discount, that is, 12/60 months multiplied by the excess of the stated redemption price ($12,000) over the issue price ($10,000).

Example (4). B is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, B purchases a 4-year savings certificate from the Y Building and Loan Corporation, for $4,000, redeemable on December 31, 1974, for $5,000. On December 31, 1973, X redeems the certificate for $4,660. Under section 1232(a)(3)(A), B included $250 of original issue discount in his gross income for 1971, $250 for 1972, and includes $250 in his gross income for 1973 for a total of $750. Since the excess of (i) the amount received upon the redemption, $4,660 over (ii) the issue price, $4,000, or $660, is lower than the total amount of original issue discount ($750) included in B's gross income for the period he held the certificate by $90, the $90 will be treated under paragraph (b) of this section as an ordinary loss, and accordingly, will decrease the basis of his certificate by such amount. B has no gain or loss upon the redemption, as determined in accordance with the following computation:

Adjusted basis 1/1/73	$4,500
Increase under section 1232(a)(3)(E)	250
Subtotal	4,750
Decrease under paragraph (b)(1) of this section	90
Basis upon redemption	4,660
Amount realized upon redemption	4,660
Gain or loss	0

Example (5). On January 1, 1971, C, a cash method taxpayer who uses the calendar year as his taxable year, opens a savings account in Z Bank with a $10,000 deposit. Under the terms of the account, interest is made available semiannually at 6 percent annual interest, compounded semiannually. Since all of the interest on A's savings account in Z Bank is made available semiannually, the stated redemption price at maturity under paragraph (b)(1) of § 1.1232–3 equals the issue price, and, therefore, no original issue discount is reportable by A under section 1232(a)(3)(A). However, A must include the sum of $300 (i.e., ½×6%×$10,000) plus $309 (i.e., ½×6%×$10,300), or $609, of interest made available during 1971 in his gross income for 1971.

Example (6). (i) D is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, D purchases a $10,000 deferred income certificate from M Bank. Under the terms of the certificate, interest accrues at 6 percent per annum, compounded quarterly. The period of the account is 10 years. In addition, the holder is permitted to withdraw the entire amount of the purchase price at any time (but not interest prior to the expiration of the 10-year term), and upon such a withdrawal of the purchase price, no further interest accrues. If the certificate is held to maturity, the issue price plus accrued interest will aggregate $18,140.18.

(ii) In respect to the certificate, the original issue discount is $8,140.18, determined by subtracting the issue price of the certificate ($10,000) from the stated redemption price at maturity ($18,140.18). Thus, under section 1232(a)(3)(A) the ratable monthly portion of original issue discount is $67.83 (i.e., 1/120 months multiplied by $8,140.18). Under section 1232(a)(3)(A), D includes $813.96 (i.e., 12 months multiplied by $67.83) in his gross income for each calendar year the certificate remains outstanding.

(iii) On December 31, 1975, D withdraws the $10,000. Under the terms of the certificate, $3,468.55 cannot be withdrawn until December 31, 1980. Under the provisions of paragraph (b)(3) of this section, the portion of the certificate redeemed and the portion remaining outstanding are each treated as separate evidences of indebtedness, and the percentage of the entire evidence of indebtedness remaining outstanding, determined by dividing the stated redemption price for the certificate remaining outstanding ($3,468.55) by the stated redemption price for the entire certificate ($18,140.18) is 19.1 percent. The percentage for the redeemed portion is 100 percent less 19.1 percent, or 80.9 percent.

(iv) In respect of the redeemed certificate, the ordinary loss under paragraph (b) of this section is computed as follows:

(1) Original issue discount included in gross income (amount for entire certificate, $4,069.80 (or 60 months×$67.83 ratable monthly portion of original issue discount), multiplied by percent for redeemed portion, 80.9%	$3,292.47

(2) Amount received upon redemption	10,000.00
(3) Issue price (amount for entire certificate), $10,000, multiplied by percent for redeemed portion, 80.9%	8,090.00
(4) Actual earnings paid on December 31, 1975, in respect of redeemed portion (2) less (3)	1,910.00
(5) Ordinary loss under paragraph (b) of this section (line (1) less line (4))	1,382.47

(v) D has no gain or loss on the redemption, as determined in accordance with the following computation:

(1) Adjusted basis of redeemed portion (adjusted basis of entire certificate after increases under section 1232(a)(3)(E), $14,070.09, multiplied by percent of redeemed portion 80.9%)	$11,382.70
(2) Decrease under paragraph (b)(1) of this section	1,382.70
(3) Basis upon redemption	10,000.00
(4) Amount realized upon redemption	10,000.00
(5) Gain or loss	0

(vi) In respect of the remaining portion of the certificate, the adjusted basis, issue price, and monthly ratable portion of original issue discount of such portion is determined as follows:

(1) Adjusted basis of remaining portion (adjusted basis of entire certificate after increases under section 1232(a)(3)(E), $14,070.09 multiplied by percent of remaining portion 19.1%)	$2,687.39
(2) Issue price of remaining portion (issue price of entire certificate, $10,000 multiplied by percent of remaining portion 19.1%)	1,910.00
(3) Ratable monthly portion of original share discount under section 1232(a)(3)(A) of remaining portion (ratable monthly portion of original issue discount for entire certificate, $67.83 multiplied by percent of remaining portion 19.1%)	12.96
(4) Stated redemption price at maturity for remaining portion	3,468.55

Example (7). E is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, E purchases a $10,000 "Bonus Savings Certificate" from N Building and Loan Corporation. Under the terms of the certificate, interest is payable at 5 percent per annum, compounded quarterly, and the period of the account is 3 years. In addition, the certificate provides that if the holder makes no withdrawals of principal or interest during the term of the certificate, a bonus payment equal to 5 percent of the purchase price of the certificate will be paid to the holder of the certificate at maturity. Since the 5-percent annual interest is payable quarterly, the amount of such interest is not included in determining the stated redemption price at maturity under paragraph (b)(1) of § 1.1232-2. However, since the bonus payment is only payable at maturity, the amount of such bonus is included as part of the stated redemption price at maturity. Thus, the stated redemption price at maturity equals $10,500 (i.e., $10,000 purchase price plus $500 bonus payment (i.e., $10,000 purchase price multiplied by 5%)). Accordingly, the original issue discount attributable to such certificate equals $500 (i.e., $10,500 stated redemption price at maturity minus $10,000 issue price). Therefore E must include $166.67 (i.e., 12/36 months multiplied by $500 original issue discount) in his gross income for each taxable year he holds the certificate.

(e) *Effective date.* Section 1232 and this section shall not apply to deposits described in paragraph (a) of this section which are made prior to August 25, 1970.

[F.R. Doc. 70-11294; Filed, Aug. 24, 1970; 10:00 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ASSISTANT REGIONAL COMMISSIONER (INTELLIGENCE)

Functions

This material supersedes functional statement 1114.(10) published at 35 F.R. 2444.

Dated: August 14, 1970.

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

1114.(10) *Assistant Regional Commissioner (Intelligence).* The Assistant Regional Commissioner (Intelligence) acts as the principal assistant to the Regional Commissioner in planning, coordinating, and evaluating the intelligence activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, and that the intelligence work is processed in an orderly and timely manner. In conformity with intelligence policies, and programs, established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the intelligence program of the Service which includes the investigation of alleged tax fraud, certain other civil and alleged criminal violations of tax laws (except alcohol, tobacco, and certain firearms tax cases), and such other special investigations as the Commissioner may direct. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional intelligence program and recommends improvements and adjustments in intelligence operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commission he serves as the primary source of information to the National Office as to the effectiveness of intelligence policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base intelligence policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating intelligence operations. When special agent's reports of investigation are not forwarded by the district offices directly to the office of Regional Counsel, the Assistant Regional Commissioner (Intelligence) supervises their review, approves or disapproves recommendations for prosecution, and provides for conferences when required with taxpayers, and their representatives, representatives of the Regional Counsel and the Appellate Division.

[F.R. Doc. 70-11204; Filed, Aug. 24, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial A 922]

ARIZONA

Designation of Fred J. Weiler "Green Belt" Resource Conservation Area

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated August 6, 1970, I hereby designate the public lands in the following described area as the Fred J. Weiler "Green Belt" Resource Conservation Area:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 1 N., R. 1 W.,
Sec. 34, N½SE¼;
Sec. 35, S½.

T. 1 N., R. 2 W.,
Sec. 34, lot 5.

T. 1 S., R. 2 W.,
Sec. 3, lots 1 and 2, S½SW¼, and SW¼SE¼;
Sec. 4, SW¼NE¼, SE¼NW¼, SE¼, SE¼NE¼, and NE¼SW¼;
Sec. 5, S½SE¼;
Sec. 8, N½SW¼, SW¼NE¼, and E½NE¼;
Secs. 9, 10, 11, 14, and 15.

T. 1 S., R. 3 W.,
Sec. 10, SE¼SW¼ and S½SE¼;
Sec. 11, NE¼SW¼, S½SW¼, and N½SE¼;
Sec. 12, SW¼NE¼ and S½NW¼;
Sec. 14, NW¼NW¼ and W½SW¼;
Sec. 15, N½NE¼, SW¼, S½SE¼, and W½SE¼NW¼;
Sec. 17, S½NE¼, SE¼, and NW¼SW¼;
Sec. 18, lots 3 and 4, E½SW¼, S½NE¼, W½SE¼, and NE¼SE¼;
Sec. 19, SE¼NE¼, SE¼, E½SW¼, and SW¼SW¼;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, NW¼ and W½NE¼;
Sec. 24, W½E½.

T. 1 S., R. 4 W.,
Sec. 13, S½SE¼ and SE¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 19, S½SE¼;
Sec. 20, S½S½ and NE¼SE¼;
Sec. 21, S½NE¼, SE¼NW¼, N½S½, and S½SW¼;
Sec. 22, NE¼, NE¼NW¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 23, N½NE¼ and NW¼;
Sec. 25, NE¼ and S½NW¼;
Sec. 26, S½ and SE¼NE¼;
Sec. 27, SW¼ and SE¼;
Sec. 28, NW¼ and S½;
Sec. 29, N½N½, SE¼NE¼, SE¼, E½SW¼, and SW¼SW¼;
Sec. 30, lots 1 and 2, E½NW¼, NE¼, and SE¼SE¼;
Sec. 31, N½;
Sec. 32, N½;
Sec. 33, N½.

T. 1 S., R. 5 W.,
Sec. 25, N½SW¼ and SW¼SW¼;
Sec. 26, S½;
Sec. 27, NE¼SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 33, E½SE¼;
Sec. 34, NW¼NE¼, NW¼, and W½SW¼;
Sec. 35, N½;
Sec. 36, N½.

T. 2 S., R. 5 W.,
Sec. 4, lot 2, SW¼NE¼ and W½SE¼;
Sec. 9, NW¼NE¼, S½NE¼, and SE¼;
Sec. 10, W½SW¼;
Sec. 15, NW¼NW¼ and SW¼SW¼;
Sec. 21, E½, SE¼NW¼, and E½SW¼;
Sec. 28, NE¼NE¼.

T. 3 S., R. 4 W.,
Sec. 29, W½SW¼ and SW¼NW¼;
Sec. 30, E½E½;
Sec. 31, E½E½;
Sec. 32, W½.

T. 4 S., R. 4 W.,
Sec. 5, W½;
Sec. 6, SE¼;
Sec. 8, W½E½ and E½NW¼;
Sec. 17, NE¼ and E½SE¼;
Sec. 20, W½W½, E½NE¼, and S½SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, W½NW¼, NE¼, and NE¼NW¼.

T. 4 S., R. 5 W.,
Sec. 30, SW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 31;
Sec. 32, NW¼, W½SE¼, SE¼SE¼, and SW¼;
Sec. 33, SW¼SW¼.

T. 4 S., R. 6 W.,
Sec. 15, SW¼ and SW¼SE¼;
Sec. 16, E½SW¼ and W½SE¼;
Sec. 17, SW¼, SE¼, SW¼NW¼, and S½NE¼;
Sec. 18, SE¼, S½SW¼, and SE¼NE¼;
Secs. 19, 20, and 21;
Sec. 22, W½E½, W½, and E½SE¼;
Sec. 23, NE¼SE¼, NW¼SW¼, and S½S½;
Sec. 24, SW¼ and SW¼SE¼;
Sec. 25;
Sec. 26, N½ and N½S½;
Sec. 27, NE¼ and NE¼NW¼;
Sec. 30, lots 1 and 4, and NE¼NW¼;
Sec. 31, lots 1, 2, and 5 to 11, inclusive, SE¼NW¼ and NW¼SE¼;
Sec. 33, lots 1 to 4, inclusive, and 9, N½N½, SE¼NW¼, and SW¼NE¼;
Sec. 34, lots 1 to 5, inclusive, 7, 8, and 9, NE¼NE¼, and SE¼NW¼;
Sec. 35, lots 1, 2, 3, and 5 to 10, inclusive, NW¼NW¼, and SW¼SE¼.

T. 4 S., R. 7 W.,
Sec. 7, W½;
Sec. 13, S½S½;
Sec. 14, S½SE¼, SE¼SW¼, and W½SW¼;
Sec. 15, SE¼;
Sec. 16, W½SW¼;
Sec. 17, S½ and S½NW¼;
Secs. 18 to 22, inclusive;
Sec. 23, N½, N½S½, and SE¼SE¼;
Secs. 24, 25, and 26;
Sec. 27, SE¼NE¼, W¼NE¼, NW¼, and S½;
Secs. 28 and 29;
Sec. 30, E½ and E½NW¼;
Sec. 32, NE¼, NW¼, and E½SW¼;
Sec. 33, SW¼, W½NW¼, SE¼NW¼, W½SE¼, and SE¼SE¼;
Sec. 35, N½N½.

T. 4 S., R. 8 W.,
Sec. 10, SE¼SE¼;
Sec. 11, NE¼NE¼, S½NE¼, SE¼NW¼, and S½;
Sec. 12;
Sec. 13, N½ and NE¼SE¼;
Sec. 14, E½ and W½SW¼;
Sec. 15, S½S½ and SE¼NW¼;
Sec. 21, W½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 22;
Sec. 23, W½;
Sec. 27, N½;
Sec. 28;
Sec. 29, E½SW¼ and SE¼;

Sec. 31, SE¼NE¼, SW¼SE¼, and E½ SE¼.
T. 5 S., R. 4 W.,
Sec. 5, lot 2, E½NW¼, SW¼NE¼, SW¼ SW¼, and E½SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, lots 1 and 2, E½SW¼, W¼SE¼, NW¼, and NE¼.
T. 5 S., R. 6 W.,
Sec. 1, lots 1 to 4, inclusive, and S½N½;
Sec. 4, NE¼SW¼, S½SW¼, W½SE¼, and NE¼SE¼;
Sec. 9, NW¼NE¼.
T. 5 S., R. 7 W.,
Sec. 5, E½W½.
T. 5 S., R. 8 W.,
Sec. 5, lots 2, 3, and 4, N½SW¼, and NW¼SE¼;
Sec. 6, lots 1, 2, 5, and 6, E½SW¼, and SE¼.
T. 5 S., R. 9 W.,
Sec. 1, S½;
Sec. 2, E½SW¼;
Sec. 4, S½SW¼;
Sec. 5, S½S½;
Sec. 6, SE¼SW¼ and SW¼SE¼;
Sec. 7, lots 3 and 5, E½SW¼, SE¼, and S½NE¼;
Sec. 8, N½ and SW¼;
Sec. 9, N½N½ and SE¼NE¼;
Sec. 10, NE¼NE¼, S½NE¼, SW¼NW¼, SE¼SW¼, SE¼, and N½SW¼;
Sec. 11, lot 1, N½, NE¼SW¼, and S½SE¼;
Sec. 12, N½N½, SW¼SW¼, and SW¼ SE¼;
Sec. 13, NW¼NE¼, NW¼, and N½SW¼;
Sec. 14, NE¼NE¼;
Sec. 15, N½NE¼;
Sec. 17, NW¼NW¼;
Sec. 18, lot 1, N½NE¼ and NE¼NW¼.
T. 5 S., R. 10 W.,
Sec. 11, SE¼SW¼, SW¼SE¼, and E½ SE¼;
Sec. 12, S½;
Sec. 13, N½NE¼ and NE¼NW¼;
Sec. 14, N½N½, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 15, S½;
Sec. 21, NE¼SW¼, S½SW¼, and SE¼;
Sec. 22;
Sec. 23, NW¼NW¼;
Sec. 28, N½ and NW¼SW¼;
Sec. 29, S½NE¼, SW¼, W½SE¼, and NE¼SE¼;
Sec. 30, lot 4, SE¼SW¼ and SE¼;
Sec. 31, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 5 S., R. 11 W.,
Sec. 25, SE¼SW¼, and S½SE¼;
Sec. 33, S½SE¼.
T. 6 S., R. 11 W.,
Sec. 1, SW¼SW¼;
Sec. 3, lots 1 to 4 inclusive, S½N½ and S½SE¼;
Sec. 4, lot 1, SE¼NE¼ and S½;
Sec. 5, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 8, NE¼, E½W½, and W½SE¼;
Sec. 9, N½N½, SE¼SW¼, SE¼, and SE¼NE¼;
Sec. 17, W½ and NW¼SE¼;
Sec. 18, lots 1 to 4, inclusive, NE¼ and E½W½;
Sec. 20, NW¼NW¼.
T. 6 S., R. 12 W.,
Sec. 11, NW¼SW¼ and SE¼SE¼;
Sec. 12, SE¼ and S½SW¼;
Sec. 13, NE¼, NW¼SE¼, N½NW¼, and SE¼NW¼;
Sec. 14, NW¼NE¼, N½NW¼, SE¼SW¼, and SE¼;
Sec. 15, W½SW¼;
Sec. 20, SE¼;
Sec. 21, W½SW¼, NE¼SW¼, and NW¼ SE¼;
Sec. 22, E½NE¼, NW¼NE¼, and NW¼ NW¼;
Sec. 23, N½N½;
Sec. 28, N½NE¼ and W½NW¼;
Sec. 29, N½ and SW¼;
Sec. 30, lots 2 and 3, NE¼SW¼ and N½SE¼.
T. 6 S., R. 13 W.,
Sec. 25, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 26, S½N½, SW¼, and NW¼SE¼;
Sec. 27, S½NW¼, SE¼SW¼, and NE¼ SE¼;
Sec. 28, S½N½ and S½;
Sec. 31, lot 4, SE¼SW¼ and SE¼;
Sec. 33, E½ and E½SW¼;
Sec. 34, W½ and SE¼;
Sec. 35, SW¼, E½NE¼, SW¼NE¼, and E½NW¼.
T. 7 S., R. 13 W.,
Sec. 3, lot 2 and SW¼NW¼;
Sec. 4, W½SW¼, NE¼SW¼, and NW¼ SE¼;
Sec. 5, lots 3 and 4, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 6, lots 1 to 7, inclusive, SE¼NW¼, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 8, N½N½ and S½NW¼.
T. 7 S., R. 14 W.,
Sec. 1, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, S½SW¼ and S½SE¼;
Sec. 12, S½ and NE¼;
Sec. 14, N½N½ and S½NW¼;
Sec. 15, NE¼ and SW¼;
Sec. 17, S½SE¼;
Sec. 19, SE¼;
Sec. 20, NW¼;
Sec. 30, N½, SE¼, and N½SW¼.

The lands aggregate 62,735.47 acres of public land.

The Fred J. Weiler "Green Belt" Resource Conservation Area is a Class VI historic and cultural site under the Bureau of Outdoor Recreation system of classification.

JOE T. FALLINI,
State Director.

AUGUST 18, 1970.

[F.R. Doc. 70-11155; Filed, Aug. 24, 1970; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 13, 1970.

The Forest Service, Department of Agriculture, has filed an application, serial number AA-5934, for the withdrawal of the lands described herein from location and entry under the public mining laws. The Forest Service desires to protect the area because of its value for public recreation purposes. The land concerned is a very popular established recreation area and the proposed withdrawal would preserve in a near natural condition the waterfront and trailside value therein. The Forest Service considers inevitable an increased use of this area for purposes of fishing, hiking, hunting, picnicking, camping, and sightseeing in general.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulation, 43 CFR 2351.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

CHUGACH NATIONAL FOREST, SEWARD MERIDIAN, ALASKA

LOWER RUSSIAN LAKE RECREATION AREA

T. 4 N., R. 4 W., S.M.
Sec. 3, W½W½; Sec. 4, E½E½, SW¼SE¼, fractional parts of W½NE¼, NW¼SE¼, and E½SW¼ lying east of Russian River. Sec. 9, NE¼NE¼, W½NE¼, NW¼SE¼, fractional parts of E½NW¼ and NE¼SW¼ lying east of Russian River and fractional parts of SW¼SE¼, SE¼SW¼ lying east of Lower Russian Lake. Sec. 10, NW¼NW¼. Sec. 16, SE¼ SW¼ and fractional parts of NE¼SW¼, W½NE¼, SE¼NW¼, and W½SW¼ lying east of Lower Russian Lake. Sec 21, NE¼NW¼, fractional part of NW¼NW¼ lying east of Lower Russian Lake and Russian River.
T. 5 N., R. 4 W., S.M.
Sec. 33, that fractional part of SE¼SE¼ lying east of Russian River. Sec. 34, S½S½ and fractional parts of NE¼SE¼ and SE¼NE¼ lying south of Kenai River.

Containing approximately 1,165 acres in the Greater Kenai Borough about 4 miles west of Cooper Landing and Kenai Lake.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 70-11156; Filed, Aug. 24, 1970; 8:47 a.m.]

[Serial No. 2445]

IDAHO

Rochat Unit; Notice of Classification of Public Lands for Multiple Use Management; Correction

AUGUST 17, 1970.

In F.R. Doc. 70-9841 appearing in the second column on page 12228 in the issue of Thursday, July 30, 1970, the second

line under "T. 48 N., R. 2 W.," should read as follows:

Sec. 25, E½, SE¼SW¼;.

CLAIR M. WHITLOCK,
Acting State Director.

[F.R. Doc. 70-11157; Filed, Aug. 24, 1970; 8:47 a.m.]

[S 1588A-S 857A]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership; Correction

F.R. Doc. 70-8434 appearing in the FEDERAL REGISTER issue of July 2, 1970, at page 10782, is hereby corrected as follows:

The land description in paragraph 6 under Monterey County, T. 15 S., R. 5 E., "Sec. 23, lot 23;" is corrected to "Sec. 23, lot 3;".

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-11197; Filed, Aug. 24, 1970; 8:50 a.m.]

[Wyoming 25088]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 18, 1970.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, serial number Wyoming 25088, for the withdrawal of the land described below from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws except for oil and gas leasing, pursuant to authority of Executive Order 10355 and subject to valid existing rights.

The applicant desires the land for protection of the Crooked Creek Fossil Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

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

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

The land involved in the application is:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 58 N., R. 95 W.,
Sec. 28, NW¼.

The area described contains 160 acres.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70-11185; Filed, Aug. 24, 1970; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-252]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has applied for permission to call vessels operating on its Line E (U.S. Atlantic/India-Pakistan) Service on Trade Route No. 18 at U.S. Gulf ports. This application does not involve an increase in the number of sailings to be made on the U.S. Atlantic/India-Pakistan service but requests authority to serve U.S. Gulf ports (Key West, Fla.-Brownsville, Tex.) on the sailings presently authorized; namely, a minimum of 24 and a maximum of 29 sailings per annum. The applicant is presently authorized to serve U.S. Atlantic ports only. The applicant advises that it is not applying for authority to carry cargo between U.S. Gulf ports and ports in the Mediterranean area.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on September 4, 1970, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 20, 1970.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-11194; Filed, Aug. 24, 1970; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0982) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide and nematocide ethyl 4-(methylthio)-*m*-tolyl isopropylphosphoramidate in or on the raw agricultural commodities peanut vine hay at 15 parts per million; peanut hulls and vines at 4 parts per million; and peanuts at 0.01 part per million.

The analytical method proposed in the petition for determining residues of the insecticide and nematocide is a gas chromatographic procedure with thermionic flame ionization detector. Prior to analysis the residue is extracted and converted to the corresponding sulfone.

Dated: August 14, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-11132; Filed, Aug. 24, 1970; 8:45 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1014) has been filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, Calif. 94804, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide paraquat cation derived from application of either the dichloride or the bis (methylsulfate) salt in or on the raw agricultural commodities grain crops, pineapples, safflower seed, small fruits, and sugar cane at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residues are reduced by reaction with sodium dithionite to an unstable free radical that has an intense blue color. The color intensity is determined with a spectrophotometer at 394 millimicrons.

Dated: August 14, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-11133; Filed, Aug. 24, 1970; 8:45 a.m.]

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0996) has been filed by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of a tolerance (21 CFR Part 120) for residues of the herbicide simazine (2-chloro-4,6-bis (ethylamino)-*s*-triazine) in or on the raw agricultural commodity fish at 3 parts per million as a result of use in ponds.

The analytical method proposed in the petition for determining residues of the herbicide is a microcoulometric gas chromatographic procedure with a chloride-specific cell.

Dated: August 14, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-11134; Filed, Aug. 24, 1970; 8:45 a.m.]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F1002) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of a tolerance for negligible residues of the herbicide *S*-ethyl hexahydro-1H-azepine-1-carbothioate in or on the raw agricultural commodity sweet potatoes at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is microcoulometric gas chromatography with a sulfur-specific detector.

Dated: August 14, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-11135; Filed, Aug. 24, 1970; 8:45 a.m.]

[Docket No. FDC-D-188; NADA No. 6-417V]

CIBA PHARMACEUTICAL CO.

Pyribenzamine; Notice of Opportunity for Hearing

An announcement published in the FEDERAL REGISTER of February 14, 1969 (34 F.R. 2214), invited CIBA Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901, holder of new animal drug application No. 6-417V for Pyribenzamine, which is a cream containing 2-pertent tripelennamine hydrochloride, and any other interested person, to submit pertinent data on the drug's effectiveness. No response to the announcement was received and available information still fails to provide substantial evidence of effectiveness of the drug for topical use on animals.

Therefore, notice is given to CIBA Pharmaceutical Co., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug application No. 6-417V and all amendments and supplements thereto held by CIBA Pharmaceutical Co. for the drug Pyribenzamine, as described above, on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who may be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 6-417V should not be withdrawn. Promulgation of the order will cause any drug similar in composition, and recommended for conditions of use similar to those recommended for said drug, to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 7, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-11137; Filed, Aug. 24, 1970; 8:46 a.m.]

[Docket No. 213; NDA No. 5-127]

SPICER-GERHART CO.

Ethylene Disulphonate; Notice of Opportunity for Hearing

In a notice (DESI 1002) published in the FEDERAL REGISTER of September 12, 1969 (34 F.R. 14339), the Food and Drug Administration announced its conclusions pursuant to evaluations by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, of ethylene disulphonate. The Food and Drug Administration concluded that there is a lack of substantial evidence that this drug is effective for the uses recommended or suggested in its labeling.

The Spicer-Gerhart Co., 23 North Sycamore Street, Pasadena, Calif. 91107, holder of the new-drug application for ethylene disulphonate (Allergosil Brand) Ampoules, as well as any other interested person, were invited to submit any pertinent data bearing on the proposal to withdraw approval of this new-drug application. There have been no submissions of pertinent data in response to the announcement.

Therefore, notice is hereby given to the Spicer-Gerhart Co., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new-drug application, and all amendments and supplements thereto, on the grounds that:

New information before the Commissioner with respect to such drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that this drug has the effect which it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. The use of this drug in allergies and dermatologic and migrainous conditions is based on assumptions that have no basis in biochemical or physiological disciplines.

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 applicant(s), and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug application(s) should not be withdrawn. Such withdrawal of approval will cause any drug for human use containing the same components and offered for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new-drug application(s). Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after the publication of this notice in the FEDERAL REGISTER a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 24, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11138; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 1-363V]

CGP REINFORCED

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on C.G.P. Reinforced, which contains calcium gluconate and calcium hypophosphite combined in equimolecular amounts representing 1.08 percent calcium and 0.82 percent phosphorus with 25 percent dextrose, 3 percent magnesium chloride, and 0.9 percent formaldehyde solution, and which is marketed by Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 64141.

The Academy evaluated this drug as probably effective for partutient paresis, grass tetany (hypomagnesemia), wheat pasture poisoning (hyperpotassemia), and other calcium, phosphorus, magnesium, and glucose deficiencies in large animals. The Academy concludes that: (1) The name of specific diseases should be removed from label claims, and the label should bear the claim "for treatment of calcium, phosphorus, magnesium, or glucose deficiencies"; (2) the term "reinforced" is not substantiated and is misleading; and (3) the directions for administration are inadequate.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 7, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11139; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 0019NV]

PROCAINE PENICILLIN G IN OIL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

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

1. Procaine Penicillin G Crystalline in Sesame Oil; each cubic centimeter contains 300,000 units procaine penicillin G with 2 percent (weight/volume) aluminum monostearate; by Philadelphia Laboratories, Inc., 9315 Roosevelt Boulevard Philadelphia, Pa. 19114.

2. Crystalline Procaine Penicillin G in Sesame Oil; each cubic centimeter contains 300,000 units procaine penicillin G with 2 percent (weight/volume) aluminum monostearate; by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

3. Sterile Procaine Penicillin G With Aluminum Monostearate Suspension U.S.P.; each cubic centimeter contains 300,000 units procaine penicillin G; by E. R. Squibb & Sons, Inc., Animal Sciences Division, Georges Road, New Brunswick, N.J. 08903.

4. Sterile Penicillin G Procaine in Sesame Oil; each cubic centimeter contains 300,000 units penicillin G procaine crystalline with 2 percent aluminum monostearate (weight/volume); by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy evaluated these products as probably effective for the treatment of animal diseases when such diseases are caused by pathogens sensitive to penicillin. The Academy also stated: (1) Dosage directions are inadequate and should be on the basis of body weight and species (units per lb. or kg.); (2) labeling should state the recommended procedure for treating hypersensitivity reactions to penicillin; (3) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified the claim must be dropped; (4) minimum allowable dosage should range from 3,000–10,000 units per pound of body weight ever 24 hours—in some diseases, because of decreasing bacterial sensitivity, higher doses may be necessary; (5) labeling should not recommend injection into open wounds, abscesses, and antinomycosis; (6) labeling should not recommend increasing the dosage if there is no response to previous injections; and (7) a statement regarding "Staphylococci resistance" should be on labeling for penicillin.

The Food and Drug Administration concurs with the Academy's findings.

In accordance with § 3.25 *Antibiotics used in food-producing animals*, an order published in the FEDERAL REGISTER of May 17, 1969 (34 F.R. 7849), amended § 146a.45 *Procaine penicillin G in oil* to require the statement for such products "Warning—Not for use in animals which are raised for food production."

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 10, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-11140; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 0143NV]

PENICILLIN-STREPTOMYCIN VITAMIN MIXTURE FOR POULTRY DRINKING WATER

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Biocin; each 8-ounce packet contains 10 million units of potassium penicillin G, 2,500,000 units of procaine penicillin G, 15 grams of streptomycin base (present as streptomycin sulfate), 750,000 U.S.P. units of vitamin A, 250,000 I.C. units of vitamin D_3, 3 milligrams of vitamin B_{12} activity, 800 milligrams of riboflavin, 350 milligrams of menadione sodium bisulfite (source of vitamin K activity), 738 milligrams of *d*-pantothenic acid, 3.25 grams of niacin, 300 milligrams of pyridoxine hydrochloride, and 100 milligrams of folic acid; by The Gland-O-Lac Co., Subsidiary of E. R. Squibb & Sons, Inc., Agricultural Research Center, Three Bridges, N.Y. 08887.

The Academy evaluated this preparation as probably not effective for the treatment and prevention of gastrointestinal and respiratory diseases and for nontherapeutic indications in chickens and turkeys. The Academy stated:

1. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified, the claim must be dropped.

2. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

3. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

4. The label should warn that treated animals must actually consume enough medicated drinking water to provide a therapeutic dose under the conditions that prevail, and as a precaution the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of the drug in drinking water.

5. Claims for egg production where documented should be modified to read "May aid in maintaining egg production, under appropriate conditions, by controlling pathogenic micro-organisms."

6. The disease claims for streptomycin must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of streptomycin sulfate.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drug of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drug are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing

methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 24, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11141; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 0151NV]

PENICILLIN, STREPTOMYCIN, AND VITAMIN PREPARATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Medic-Aid 2–50 Soluble; each pound contains 10 million units penicillin (from procaine penicillin), 30 million units penicillin (from potassium penicillin), 120 grams streptomycin sulfate, 6 million units vitamin A, 4 million I.C. units vitamin D, and 4 grams of vitamin K (menadione sodium bilsulfite); marketed by Salsbury Laboratories, Charles City, Iowa 50616.

The Academy evaluated this preparation as probably not effective for use in drinking water against bacterial infections of poultry, swine, and calves.

The Academy stated:

1. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease cannot be so qualified, the claim must be dropped.

2. Claims made "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

3. Substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination.

4. The label should warn that treated animals must actually consume enough medicated water to provide a therapeutic dose under the conditions that prevail, and as a precaution state the desired amount of drug per unit of animal weight per day for each species as a guide to effective use of the preparation in drinking water.

5. The disease claims for streptomycin sulfate in this preparation must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacological properties of streptomycin sulfate.

6. Penicillin doses recommended are too low.

The Food and Drug Administration concurs in the Academy's evaluation.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drug or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 7, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–11142; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 2139]

[Docket No. FDC–D–218; NDA 2–139 et al.]

MENADIOL SODIUM DIPHOSPHATE, MENADIONE SODIUM BISULFATE, MENADIONE, AND PHYTONADIONE

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. a. Menadiol sodium diphosphate; marketed as Synkayvite Ampuls by Roche Laboratories, Division of Hoffman-LaRoche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110 (NDA 3–718).

b. Menadiol sodium diphosphate; marketed as Synkayvite Tablets by Roche Laboratories, Division of Hoffman-LaRoche, Inc. (NDA 3–718).

2. Phytonadione; marketed as Konakion Injectable by Roche Laboratories, Division of Hoffman-LaRoche, Inc. (NDA 11–745).

3. Phytonadione; marketed as Aquamephyton Injection by Merck Sharp & Dohme, Division of Merck and Company, Inc., Rahway, N.J. 07065 (NDA 12–223).

4. Phytonadione; marketed as Mephyton Tablets by Merck Sharp & Dohme, Division of Merck & Co., Inc. (NDA 10–104).

5. a. Menadione sodium bisulfite marketed as Hykinone Tablets by Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064 (NDA 2–694).

b. Menadione sodium bisulfite; marketed as Hykinone Injection by Abbott Laboratories (NDA 2–694).

6. Menadiol sodium diphosphate; marketed as Kappadione Injection by Eli Lilly and Co., Inc., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 5–725).

7. Menadione Tablets; marketed by Eli Lilly & Co., Inc. (NDA 2–139).

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

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

I. *Menadiol sodium diphosphate; menadione sodium bisulfite; menadione*

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

1. a. Menadiol sodium diphosphate, menadione sodium bisulfite, and menadione are effective for use in the indications stated in the labeling conditions in paragraph IC.

b. Although these drugs may be effective in preventing hemorrhagic disease of the newborn, the risks associated with such use do not justify administration to the newborn or to the mother during the last weeks of pregnancy.

2. There is a lack of substantial evidence of effectiveness for the following indications which appear in the labeling of one or more of these drugs: Hypoprothrombinemia secondary to impaired absorption from gastrointestinal fistulas, ulcerative colitis, and conditions associated with steatorrhea, such as sprue, celiac disease, and cystic fibrosis of the pancreas; after the administration of large doses of quinine; after the administration of prothrombin-depressing drugs, such as barbiturates; prevention of secondary hemorrhage after tonsillectomy; liver disease; anticoagulant-induced hypoprothrombinemia; and prophylaxis in surgery.

B. *Form of drug.* These preparations are in tablet form suitable for oral administration.

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

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

INDICATIONS

Vitamin K deficiency secondary to the administration of antibacterial therapy.

Hypoprothrombiemia secondary to obstructive jaundice and biliary fistulas. Bile salts must be administered concomitantly. Menadione is ineffective alone. The menadiol salts may be effective alone.

Hypoprothrombinemia secondary to administration of salicylates.

II. *Menadiol sodium diphosphate and menadione sodium bisulfite injection.*—A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. a. Menadiol sodium diphosphate and menadione sodium bisulfite injection are effective for the indications stated in the labeling conditions in paragraph IIC. These drugs are also effective for use as a liver function test. This use does not now appear in the indications in paragraph C, as such use is now probably archaic; however, it may be included in the labeling with properly qualifying comments.

b. Although menadiol sodium diphosphate and menadione sodium bisulfite injection may be effective in preventing hemorrhagic disease of the newborn, the risks associated with use of these drugs in the newborn do not justify administration to the newborn or to the mother during the last few weeks of pregnancy.

2. There is a lack of substantial evidence that menadiol sodium diphosphate and menadione sodium bisulfite injection are effective for the following indications for which one or both drugs are recommended: Hypoprothrombinemia secondary to the administration of large doses of quinine; after administration of prothrombin-depressing drugs, such as barbiturates; prevention of secondary hemorrhage after tonsillectomy; liver disease; anticoagulant-induced hypoprothrombinemia; prophylaxis in surgery; impaired liver function massive hemorrhage; and cirrhosis of the liver, toxic and infectious hepatitis, acute yellow atrophy and neoplasms of this organ.

B. *Form of drug.* These preparations are sterile solutions suitable for parenteral administration.

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

2. The drug is labeled to comply with all requirements of the Act and regulations. 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

Hypoprothrombinemia secondary to factors limiting absorption of synthesis of vitamin K, e.g., obstructive jaundice, biliary fistula, sprue, ulcerative colitis, celiac disease, intestinal resection, cystic fibrosis of the pancreas, regional enteritis, and antibacterial therapy.

Hypoprothrombinemia secondary to administration of saliciylates.

III. *Phytonadione for oral administration*—A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that the drug:

1. Is effective for the indications stated in the labeling conditions in paragraph III.C.

2. Lacks substantial evidence of effectiveness for its recommended use for: maternal hemorrhage due to hypoprothrombinemia; hypoprothrombinemia due to drug administration; hepatic disease, with prothrombin deficiency; presurgical use when hypoprothrombinemia is present or suspected; and hypoprothrombinemia due to other causes, including factors limiting absorption, inhibition, or destruction of vitamin K, e.g., obstructive jaundice and biliary fistula.

B. *Form of drug.* Phytonadione preparations are in tablet form suitable for oral use.

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

Anticoagulant-induced prothrombin deficiency.

Hypoprothrombinemia secondary to antibacterial therapy.

Hypoprothrombinemia secondary to administration of salicylates.

Hypoprothrombinemia secondary to obstructive jaundice or biliary fistulas. Bile salts are administered concurrently.

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

1. Phytonadione injection is effective for the indications stated in the labeling conditions in paragraph IV.C.

2. Phytonadione injection lacks substantial evidence of effectiveness for its recommended use for: maternal hemorrhage due to hypoprothrombinemia; presurgical use when hypoprothrombinemia is present or suspected; hypoprothrombinemia due to drug administration; hepatic disease with prothrombin deficiency; low prothrombin values incident to barbiturates; low prothrombin values incident to other prothrombin-depressing drugs; severe liver disease; and prevention of excessive bleeding due to hypoprothrombinemia in surgical procedures (biliary tract surgery, tonsillectomy and other operations in highly vascular areas, surgery on jaundiced patients, etc.).

B. *Form of drug.* These preparations are sterile solutions suitable for parenteral administration.

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

2. The drug is labeled to comply with all requirements of the Act and regulations. 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

Anticoagulant-induced prothrombin deficiency.

Prophylaxis and therapy of hemorrhagic disease of the newborn.

Hypoprothrombinemia due to antibacterial therapy.

Hypoprothrombinemia secondary to factors limiting absorption or synthesis of vitamin K, e.g., obstructive jaundice, biliary fistula, sprue, ulcerative colitis, celiac disease,

intestinal resection, cystic fibrosis of the pancreas, and regional enteritis.

Other drug-induced hypoprothrombinemia where it is definitely shown that the result is due to interference with vitamin K metabolism, e.g., salicylates.

V. *Marketing status.* Marketing of the drugs may continue under the conditions described in items VI and VII of this announcement.

VI. *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 here 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 which is marketed. 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.

VII. *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), (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 the formulation which is marketed or proposed for marketing.

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 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 informaton that may be required for the approval of the application as specified in written communications from the Food and Drug Administration.

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

VIII. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for these drugs. The requirements of §§ 130.35(f) and 130.13(b) (1), (2), and (3) remain a continuing responsibility of each applicant.

IX. *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 paragraphs I.A.2, II.A.2, III.A.2, and IV.A.2, 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 a genuine and substantial issue of fact requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

X. *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 to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 2139 and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD–200), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Office of Marketed Drugs (BD–200), Bureau of Drugs.

Request for Hearing (identify with Docket Number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD–201), Bureau of Drugs.

Requests for NAS–NRC 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: July 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11143; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 4536V]

CERTAIN INJECTABLE PRODUCTS CONTAINING BARBITURATES

Drugs for Veterinary Use; Drug Efficacy Study Implementation

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

1. Somnopentyl; each milliliter contains 64.8 milligrams of sodium pentobarbital; by Pitman-Moore, Inc., Camp Hill Road, Fort Washington, Pa. 19034.

2. Brevane; 500-milligram and 2.5-gram size vials contain 500 milligram and 2.5 grams of sodium methohexital respectively to which the user adds suitable liquids to produce a 2.5 percent or 5 percent solution; by Corvel, a division of Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206.

3. Kemithal S.A.; vials containing 1 gram of thialbarbitone sodium to which the user adds 10 cubic centimeters of water; by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501.

4. Kemithal L.A.; each vial contains 7.5 grams of thialbarbitone sodium to which the user adds 75 cubic centimeters of water, by Fort Dodge Laboratories, Inc.

5. Combuthal 1 Gm; each gram contains 750 milligrams sodium thiopental for injection and 250 milligrams of sodium pentobarbital; marketed by Diamond Laboratories, Inc., Des Moines, Iowa; manufactured by Abbott Laboratories, North Chicago, Ill. 60064.

6. Surital; ampoules containing 0.5 gram, 1 gram, or 5 grams of sodium thiamylal and vials containing 1 gram, 5 grams, or 10 grams of sodium thiamylal to be made into 0.2 to 10 percent solutions by the user; by Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.

The Academy has evaluated these drugs as probably effective as general anesthetics for small and large animals. The Academy stated:

1. Appropriate labeling must include a description of the drug.

2. Claims for use as an antidote in strychnine poisoning and for treating eclampsia in bitches, ewes, and sows are not substantiated by available documentation.

3. The labeling must enumerate a dose range for each species and be expressed so as to provide specific quantities of drug per unit of body weight.

4. The warning statements should include the following: (a) Emergence delirium in horses and emergence excitement in dogs may occur following barbiturate anesthesia, (b) the dangers of intraarterial injection should be stressed especially in the horse, and, (c) the subcutaneous irritation produced by perivascular injections should be annotated.

5. The precautionary statements should include the following: (a) Additional care should be employed when anesthetizing anemic or hypovolemic animals and animals with cardiac or respiratory problems, (b) liver pathology may delay detoxification, (c) elevated urea nitrogen or electrolyte imbalances may prolong anesthesia, and (d) prolonged recovery may occur in hypothermia or in malnourished animals and following continuous use for a prolonged surgical procedure.

6. Intrapleural injection should not be advocated in cats or any other species.

7. Thiopental sodium should not be used intraperitoneally because it is too irritating.

8. The use of preanesthetic medication prior to the use of ultrashort-acting anesthetics should be described.

The Food and Drug Administration concurs in the findings of the Academy.

This evaluation is concerned only with these drugs' effectiveness and safety to to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS–NRC reports. Any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 12, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–11144; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 5933]

BISMUTH SODIUM TRIGLYCOLLAMATE

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:

Bistrimate Tablets containing bismuth sodium triglycollamate; marketed by Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902 (NDA 5–933).

The Food and Drug Administration has considered the Academy report as well as other available evidence and concludes there is a lack of substantial evidence that this drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling: i.e., for chronic sore throat and for syphilis.

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 offered for any 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 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 Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Other communications forwarded in response to this announcement should be identified with the reference number DESI 5933 and be directed to Special Assistant for Drug Efficacy Study Implementation (BD–201), 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: July 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11145; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 8689V]

OXYTETRACYCLINE WITH OR WITHOUT VITAMIN A

Drugs for Veterinary Use; Drug Efficacy Study Implementation

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

1. Terramycin Animal Formula Tablets; each tablet contains 500 milligrams of oxytetracycline as the crystalline hydrochloride; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

2. Terramycin Bolus with vitamin A; each bolus contains 1,000 milligrams of oxytetracycline hydrochloride and 50,000 units of vitamin A; by Chas. Pfizer & Co., Inc.

The Academy evaluated the tablet as probably effective for oral use in the control and treatment of respiratory and gastrointestinal diseases (sensitive to oxytetracycline) in small and large animals and in poultry and for intrauterine use in the control and treatment of reproductive tract diseases (sensitive to oxytetracycline) in cows, mares, ewes, sows, and dogs. The Academy evaluated the bolus as probably effective for oral use in the treatment of respiratory and gastrointestinal diseases (sensitive to oxytetracycline) in cattle, hogs, sheep, foals, colts, and horses. The Academy stated:

1. Each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as an active ingredient. There are no known contributions made by the addition of vitamin A to the bolus.

2. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be dropped.

3. Claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of".

4. Information is needed regarding the degree of disintegration of the tablet within the uterus; the presence of hazardous ingredients that may cause severe irritation, ulceration, perforation, or necrosis; and the chemical compatability of the vehicle and active agent or agents. There should be more complete instructions on the safe and sanitary administration of the tablets into the reproductive tract.

5. Evidence is needed that the bolus or tablet disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their matabolities as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drugs has been mailed a copy of the NAS–NRC reports. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 11, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11146; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 10077V]

TYROTHRICIN-PAPAIN-UREA BOLUSES

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Uterase Boluses; each bolus contains 30 milligrams of tyrothricin, 1.95 grams of papain (optimo grade), and 11.55 grams of urea; by Jensen-Salsbery Laboratories, Division of Richardson-Merrell Inc., Kansas City, Mo. 64108.

The Academy classified this product as probably not effective for intrauterine treatment of bovine endometritis and following removal of retained placenta. The Academy stated: (1) There is no documentation of the value of urea and papain in metritis; (2) tyrothricin is irritating and its use on acutely inflamed surfaces is questioned; and (3) information is needed with respect to (a) the degree of disintegration within the uterus, (b) the presence of hazardous ingredients that may cause severe irritation, ulceration, perforation, or necrosis, and (c) the chemical compatibility of the vehicle and active agent or agents.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the

date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 13, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11147; Filed, Aug. 24, 1970; 8:46 a.m.]

[DESI 10471V]

PREDNISOLONE ACETATE-SULFACETAMIDE SODIUM-NEOMYCIN SULFATE OINTMENT

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Metimyd; each gram of ointment contains 5 milligrams of prednisolone acetate, 100 milligrams of sulfacetamide sodium, and 2.5 milligrams of neomycin sulfate (equivalent to 1.75 milligrams neomycin base); by Schering Corporation, 60 Orange Street, Bloomfield, N.J. 07003.

The Academy evaluated this product as probably effective as an eye and ear ointment, but states that the claim for "deep penetration" must be withdrawn to earn this rating. The Academy also recommended that the label carry the steroid warning statement "All topical ophthalmic preparations containing corticosteroids, with or without an antimicrobial agent are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and regeneration is well underway."

The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 7, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11148; Filed, Aug. 24, 1970; 8:47 a.m.]

[DESI 11166V]

DRUG PRODUCT CONTAINING CHYMOTRYPSIN

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Kymar; each cubic centimeter contains 5000 Armour units of chymotrypsin in oil; marketed by Armour-Baldwin Laboratories, 2465 North 16th Street, Omaha, Nebr. 68103.

The Academy's report stated that this drug is probably not effective for reducing inflammation in trauma. The Academy's report also stated that more data are needed on ocular inflammatory claims.

The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 12, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–11149; Filed, Aug. 24, 1970; 8:47 a.m.]

[DESI 11581V]

SERPASIL PREMIX 0.2 PERCENT AND 0.08 PERCENT

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the

National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Serpasil Premix; containing 0.2 percent and 0.08 percent reserpine; marketed by the Gland-O-Lac Co., a subsidiary of E. R. Squibb & Sons Inc., 1818 Leavenworth, Omaha, Nebr. 68102.

The Academy concludes that (1) this premix is probably effective in the prevention and treatment of aortic rupture in turkeys; (2) the literature supports the claim regarding the value of using reserpine to prevent aortic rupture in turkeys, but "lessens the incidence" should be substituted for "treatment" of aortic rupture; and (3) claims regarding improved productive performance in laying and growing chickens are controversial and should be deleted unless adequate documentation can be presented. The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 13, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–11150; Filed, Aug. 24, 1970; 8:47 a.m.]

[DESI 13003V]

DRUG PRODUCT CONTAINING ETHINYL ESTRADIOL AND NITROFURATHIAZIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Utonex Metritis Suspension; each cubic centimeter of suspension contains 0.1 milligram of ethinyl estradiol and 1.0 milligram of nitrofurathiazide; by Schering Corp., 60 Orange Street, Bloomingfield, N.J. 07003.

The Academy evaluated this preparation for intrauterine infusion as probably effective for the treatment of metritis and metritis complicated by retained placenta in the bovine. The Academy stated:

1. There should be more detailed instructions regarding cleanliness in administration of the preparation (especially in retention of the placenta).

2. The labeling should state that the preparation is effective only when the disease is caused by organisms sensitive to the active drug ingredients.

3. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped.

The Food and Drug Administration concurs with the Academy's findings.

The evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 11, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70–11151; Filed, Aug. 24, 1970; 8:47 a.m.]

[DESI 0018NV]

PROCAINE PENICILLIN G IN AQUEOUS SUSPENSION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

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

1. Procaine Penicillin G, Crystalline, in Aqueous Suspension, Veterinary; each cubic centimeter contains 300,000 units of procaine penicillin G with 2 percent procaine hydrochloride; by Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114.

2. Procaine Penicillin G in Aqueous Suspension, Veterinary; each cubic centimeter contains 300,000 units of procaine penicillin G; by Pure Laboratories, Inc., 50 Intervale Road, Parsippany, N.J. 07054.

3. Crystallin 300 A.S. Veterinary; each cubic centimeter contains 300,000 units of sterile procaine penicillin G in suspension U.S.P.; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

4. Crystallin 600 A.S. Veterinary; each cubic centimeter contains 500,000 units

of sterile procaine penicillin G in suspension U.S.P.; by E. R. Squibb & Sons, Inc.

5. Duracillin A.S. Veterinary; each cubic centimeter contains 300,000 units of sterile procaine penicillin G in aqueous suspension U.S.P. by Eli Lilly and Co., 645 Alabama Street, Indianapolis, Ind. 46225.

6. Penicillin G Procaine Crystalline in Aqueous Suspension, Veterinary; each cubic centimeter contains 300,000 units of penicillin G procaine crystalline; by Agriculture Division, Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

7. Procaine Penicillin G Suspension, U.S.P.; each cubic centimeter contains 300,000 units of procaine penicillin G, U.S.P. and 2 percent of procaine hydrochloride, U.S.P.; by Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, Calif. 90047.

8. Wycillin Injection, Sterile Procaine Penicillin G Suspension; each tube contains 600,000 units (1-cubic centimeter size) of crystalline procaine penicillin G in a stabilized suspension; by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

The Academy evaluated these products as probably effective for intramuscular use in treating infections in animals caused by pathogens sensitive to procaine penicillin. The Academy stated that:

1. The dosage directions are inadequate. The dosage should be so expressed as to provide a specific quantity of drug per unit of body weight per unit of time for each animal species.

2. The minimum allowable dosage should range from 3,000 to 10,000 units per pound body weight per day depending on the animal species. In some diseases, because of decreasing bacterial sensitivity, higher doses may be necessary.

3. Properly qualify disease entities as to those caused by pathogens sensitive to penicillin. If the disease claim cannot be so qualified, the claim must be dropped.

4. The labeling should not recommend injection into open wounds, abscesses, and actinomycotic lesions, nor should the labeling recommend increasing the dose if there is no response to previous injections.

5. The labeling should state the recommended procedure for treating hypersensitivity reactions to penicillin and also the occasional hypersensitivity to procaine.

6. The labeling should provide a precaution statement indicating the need for sensitivity testing preceding the use of penicillin in treating staphylococcal pathogens.

7. The residue warnings should be updated.

The Food and Drug Administration concurs in the findings of the Academy.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS–NRC reports. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 7, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11187; Filed, Aug. 24, 1970; 8:49 a.m.]

[Docket No. FDC-D-216; NDA 3-420]

COLE PHARMACAL CO., INC.

Combination Drug Containing Oxbile Extract, Aloin, Cascara Sagrada Extract; Withdrawal of Approval of New-Drug Application

In a notice published in the FEDERAL REGISTER of September 12, 1969 (DESI 1002), the Commissioner announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning Bilcain Tablets containing 3 grains oxbile extract, ⅛-grain aloin, and ½-grain cascara sagrada extract per tablet, concluding there is a lack of substantial evidence that the drug is effective for all the uses recommended or suggested in its labeling, and stated his intention to initiate proceedings to withdraw approval of the new-drug application.

The holder of the new-drug application and any interested person who may be adversely affected by removal of the drug from the market were invited to submit pertinent data, within 30 days, bearing on the proposal to withdraw approval of the application.

Cole Pharmacal Co., 3721 Laclede Avenue, St. Louis, Mo. 63108, holder of the above new-drug application (NDA 3-420) has requested withdrawal of approval and has waived its opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds on the basis of new information evaluated together with the evidence available when the application was approved that there is a lack of substantial evidence that the above-listed drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling; specifically, for use as a cholagogue and choleretic in cases of insufficient bile flow, for use in treatment of cholecystitis, biliousness, intestinal indigestion and similar disorders associated with hepatic torpor, and for occasional constipation.

Therefore, pursuant to the foregoing finding, approval of new-drug application No. 3-420, and all amendments and supplements applying thereto, is withdrawn. Outstanding stocks of the drug should be recalled.

Promulgation of this order may cause any drug similar to Bilcain and offered for similar conditions of use 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 Commissioner will give any interested person who would be adversely affected by this order withdrawing such approval an opportunity for a hearing to show why approval of the new-drug application should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons may file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the

reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

Such hearing will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If a request for a hearing is filed, the effective date will be extended for such period of time necessary to rule thereon. In so ruling, the Commissioner will specify another effective date.

Dated: July 22, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11188; Filed, Aug. 24, 1970; 8:49 a.m.]

Office of the Secretary

REGIONAL DIRECTOR

Statement of Organization and Functions

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare has been amended to add section 1E on the Regional Director. Section 1E updates the substance of and replaces section 2-090, as follows:

SECTION 1E-00 *Mission.* The Regional Director represents the Secretary in his region. He provides leadership and coordination in various Department programs and activities within the region. He exercises general supervision and control over Department personnel in the Regional Office.

SEC. 1E-10 *Organization.* A. The Regional organization includes:

1. Office of the Regional Director:

Regional Director.
Deputy Regional Director.
Executive Officer.
Planning Officer.
Assistant Regional Director, Health and Scientific Affairs.
Assistant Regional Director, Child Development.
Assistant Regional Director, Intergovernmental Relations and Community Affairs.
Regional Attorney.
Public Information Officer.
Regional Surplus Property Utilization Representative.
Regional State Merit Systems Representative.
Regional Audit Director.
Regional Civil Rights Director.
Regional Engineer.

2. Regional Representatives of the operating agencies:

Agency and Title of Representative

Office of Education; Regional Commissioner.
Environmental Health Service; Regional Assistant Administrator.
Food and Drug Administration; Regional Food and Drug Director.
Health Services and Mental Health Administration; Regional Health Director.
National Institutes of Health.
Social and Rehabilitation Service; Regional Commissioner.
Social Security Administration; Regional Commissioner.

SEC. 1E-20 *Order of succession.* In the absence or disability of the Regional Director, the Deputy Regional Director serves as Acting Regional Director.

SEC. 1E-30 *Functions.* A. The Regional Director:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunity in the region so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to insure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the operating agencies who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the regional office and fosters cooperative relationships among both program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a regionwide information and public relations program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Providing guidance to the regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the region; through the medium of regional councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters; maintains a plan for regional response to natural disasters, including major disasters under Public Law 875; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

Dated: August 18, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-11189; Filed, Aug. 24, 1970; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

URANIUM ENRICHMENT SERVICES CRITERIA

Revisions

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Uranium Enrichment

Services Criteria" as published in the FEDERAL REGISTER on December 23, 1966 (31 F.R. 16479), referred to herein as the notice.

1. Subparagraph 5(c)(2) of the notice is revised to read as follows:

(2) The Act requires that such charges provide reasonable compensation to the Government. In recognition of the commercial nature of the primary market to be served, and of the fact that the existing facilities were constructed primarily for noncommercial markets, AEC's charge for enriching services will be established at the level estimated to be equivalent to the charge for separative work performed in new uranium enrichment facilities designed, constructed, and operated primarily to meet commercial markets, using debt-equity ratios, rates of return on investment, and appropriate allowances for Federal corporate income taxes, State and local taxes, and insurance deemed by the Commission to be appropriate for a private industrial enriching enterprise.

2. Subparagraph 5(c)(3) of the notice is revised to read as follows:

(3) AEC will review periodically the charge for enriching services on the basis of: (*a*) Updated projections of the cost of separative work produced in a new enriching plant, and (*b*) the cost of money in the private sector of the economy. As a result of such reviews, AEC will make any appropriate revisions in the charge for enriching services in accordance with subparagraph 5(c)(2), but within the limitations of subparagraph 5(d).

Effective date. This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of August 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 70-11118; Filed, Aug. 24, 1970; 8:45 a.m.]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications, and Packaging; Revisions

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging," as published in the FEDERAL REGISTER on November 29, 1967 (32 F.R. 16289), referred to herein as the notice.

1. The first sentence of the notice is revised to read as follows: "The U.S. Atomic Energy Commission (AEC) hereby announces the establishment of its standard table of enriching services, its charge per kilogram unit of separative work, its standard processing loss pursuant to the established Uranium Enrichment Services Criteria set forth in the FEDERAL REGISTER, 31 F.R. 16479, December 23, 1966, as amended by F.R. Doc. No. 70-11118, published in 35 F.R. 13546, dated August 25, 1970, and revisions in (1) its schedule of base charges for normal uranium and uranium enriched or depleted in the isotope U^{235}, (2) its use charge for uranium and other materials leased by the AEC, (3) its charges for withdrawal and packaging of UF_6, (4) its limits on loading of containers, and (5) its assay variation limits."

2. The penultimate sentence of paragraph 3 of the notice is revised to read as follows: "The charge per kilogram unit of separative work is $28.70."

3. Table 1 of the notice is revised to read as follows:

TABLE 1—SCHEDULE OF BASE CHARGES AND STANDARD TABLE OF ENRICHING SERVICES

Assay (weight percent U-235)	Schedule of base charges ($/kg U as UF_6)	Standard table of enriching services	
		Feed component (normal) (kgs U feed/kg U product)	Separative work component (kg SW U/kg U product)
0.20	3.00		
0.25	3.00	0.098	−0.100
0.30	3.00	0.196	−0.158
0.35	3.00	0.294	−0.189
0.38	3.00	0.352	−0.197
0.40	3.49	0.391	−0.198
0.42	4.46	0.431	−0.197
0.44	5.46	0.470	−0.194
0.46	6.52	0.509	−0.189
0.48	7.63	0.548	−0.182
0.50	8.81	0.587	−0.173
0.52	10.01	0.626	−0.163
0.54	11.27	0.665	−0.151
0.56	12.61	0.705	−0.137
0.58	13.92	0.744	−0.123
0.60	15.30	0.783	−0.107
0.65	18.89	0.881	−0.062
0.70	22.60	0.978	−0.012
0.711	23.46	1.000	0.000
0.75	26.51	1.076	0.044
0.80	30.53	1.174	0.104
0.85	34.66	1.272	0.168
0.90	38.91	1.370	0.236
0.95	43.25	1.468	0.307
1.00	47.64	1.566	0.380
1.10	56.67	1.761	0.535
1.20	65.94	1.957	0.698
1.30	75.42	2.153	0.868
1.40	85.08	2.348	1.045
1.50	94.90	2.544	1.227
1.60	104.83	2.740	1.413
1.70	114.86	2.935	1.603
1.80	125.03	3.131	1.797
1.90	135.28	3.327	1.994
2.00	145.62	3.523	2.194
2.20	166.50	3.914	2.602
2.40	187.61	4.305	3.018
2.60	208.95	4.697	3.441
2.80	230.46	5.088	3.871
3.00	252.12	5.479	4.306
3.20	273.94	5.871	4.746
3.40	295.89	6.262	5.191
3.60	317.91	6.654	5.638
3.80	340.06	7.045	6.090
4.00	362.26	7.436	6.544
4.50	418.12	8.415	7.690
5.00	474.38	9.393	8.851
5.50	530.96	10.372	10.022
6.00	587.80	11.350	11.203
7.00	702.13	13.307	13.587
8.00	817.15	15.264	15.995
9.00	932.72	17.221	18.422
10.00	1,048.68	19.178	20.863
12.00	1,281.68	23.092	25.782
14.00	1,515.71	27.006	30.737
16.00	1,750.52	30.920	35.719
18.00	1,985.98	34.834	40.724
20.00	2,221.97	38.748	45.747
25.00	2,813.75	48.532	58.369
30.00	3,407.66	58.317	71.064
35.00	4,003.19	68.102	83.816
40.00	4,600.11	77.887	96.616
50.00	5,797.59	97.456	122.344
60.00	6,999.75	117.025	148.235
70.00	8,206.99	136.595	174.302
80.00	9,420.97	156.164	200.605
85.00	10,031.86	165.949	213.892
90.00	10,647.41	175.734	227.341
92.00	10,895.79	179.648	232.796
93.00	11,020.74	181.605	235.550
94.00	11,146.38	183.562	238.328
96.00	11,425.15	187.476	244.842
98.00	12,238.47	191.389	269.982

All values are computed on the basis of taking normal uranium having an assay of 0.711 weight percent U^{235}, as having a zero separative work component, and on the basis of a tails (waste) assay of 0.20 weight percent U^{235}.

The base charges, kilograms of feed, and separative work components for assays not shown will be determined by linear interpolation between the nearest assays listed in the above schedules. A comprehensive listing of interpolated values for both the base charges and standard table is contained in report TID-21015 (Revised), "Interpolated Values for the Schedule of Base Charges and the Standard Table of Enriching Services," available for a charge from Clearinghouse for Federal, Scientific and Technical Information, National Bureau of Standards, U.S. Department of Commerce, Springfield, Va. 22151.

Uranium having an assay (weight percent U^{235}) below 0.711 will normally be accepted by the AEC as feed material for the performance of enriching services only if such uranium was previously distributed by the AEC or has been derived solely from uranium previously distributed by the AEC.

The base charge for depleted uranium requested without a specification as to assay is $2.50 per kilogram uranium. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 weight percent U^{235} of which large amounts are available.

The inclusion in the schedule of base charges of specific assays above 93.00 weight percent U^{235} is for the purpose of interpolation and for establishment of base charges for limited amounts of specified assays above 93 percent. Inquiries concerning the availability of material for lease or sale of specified assays above 93 percent should be addressed to the AEC Materials Leasing Officer, U.S. Atomic Energy Commission, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, Tenn. 37830.

Effective date. This notice shall become effective 180 days after publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of August 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 70-11119; Filed, Aug. 24, 1970; 8:45 a.m.]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Notice of Availability of Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Southern California Edison Co. and the San Diego Gas & Electric Co. have submitted an environmental report dated July 28, 1970, which discusses environmental considerations relating to the proposed construction of San Onofre Nuclear Generating Station, Units 2 and 3. A copy of the letter (with enclosure) is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Chairman of the Board of Supervisors of San Diego County,

Calif. Southern California Edison Co. and San Diego Gas & Electric Co. have applied for a construction permit for their proposed San Onofre Nuclear Generating Station, Units 2 and 3, to be located on the applicants' site in San Diego County, Calif. A notice of receipt of the application by the Commission was published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10701).

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards, comments on the proposed action and on the information submitted for preparation of an Environmental Statement. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of Southern California Edison Co. and San Diego Gas & Electric Co.'s letter, dated July 28, 1970 (with enclosure), and the comments thereon of Federal agencies (whose comments have been separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 18th day of August 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER, Jr.,
Deputy Director,
Division of Reactor Licensing.

[F.R. Doc. 70-11120; Filed, Aug. 24, 1970; 8:45 a.m.]

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Notice of Filing of Amendment to Application for Construction Permit and Facility License

On October 10, 1969, Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35203, filed an application for a construction permit and facility license to authorize construction and operation of a pressurized water nuclear reactor on the applicant's site in Houston County, on the west side of the Chattahoochee River located about 16½ miles east of Dothan, Ala. A notice of receipt of this application was published in the FEDERAL REGISTER on October 30, 1969, 34 F.R. 17531.

Alabama Power Co., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application amendment, dated June 26, 1970, requesting authorization to construct and operate a second pressurized water reactor at the applicant's Joseph M. Farley Nuclear Plant site described above. The second unit, identified as Unit No. 2, like Unit No. 1, will have a net electrical capacity of about 829 megawatts electrical.

Copies of the original application and this amendment are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of August 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-11177; Filed, Aug. 24, 1970; 8:49 a.m.]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Availability of Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D of the 10 CFR Part 50, notice is hereby given that the Consolidated Edison Company of New York, Inc., has submitted an environmental report, dated August 6, 1970, which discusses environmental considerations relating to the proposed operation of the Indian Point Nuclear Generating Station, Unit 2. A copy of the report is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Mayor of the village of Buchanan, Westchester County, N.Y. Consolidated Edison Company of New York, Inc., has applied for an operating license for its proposed Indian Point Nuclear Generating Station, Unit 2, to be located on its site in the village of Buchanan, Westchester County, N.Y.

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction (which are authorized to develop and enforce environmental standards, comments on the proposed action and on the report. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of Consolidated Edison Company of New York, Inc.'s report, dated August 6, 1970, and the comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 17th day of August 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-11179; Filed, Aug. 24, 1970; 8:49 a.m.]

[Docket No. 50-227]

GULF GENERAL ATOMIC, INC.

Extension of Completion Date of Construction Permit

Gulf General Atomic, Inc., having filed a request dated August 12, 1970, for extension of the latest completion date specified in Construction Permit No. CPRR-109, which authorizes modification of the TRIGA Mark III reactor facility located at Torrey Pines Mesa near San Diego, Calif., and good cause having been shown for extension of said date, pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR-109 is extended from August 15, 1970, to September 15, 1970.

Date of issuance: August 14, 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 70-11176; Filed, Aug. 24, 1970; 8:49 a.m.]

[Docket No. 115-1]

RURAL COOPERATIVE POWER ASSOCIATION

Notice of Issuance of Amended Operating Authorization

The Atomic Energy Commission has issued Amendment No. 1 to Operating Authorization No. DPRA-3. The authorization previously authorized Rural Cooperative Power Association (RCPA) to possess and operate the Elk River Reactor located near Elk River, Minn. The amendment, effective as of the date of issuance, authorizes RCPA to possess, but not to operate, the deactivated reactor facility. The amendment was issued in accordance with RCPA's application dated June 15, 1970.

The Elk River Reactor, which is owned by the Atomic Energy Commission, has been shut down since January 1968. All irradiated and unirradiated fuel elements and the neutron source have been removed from the reactor and transferred to off-site AEC locations. The control rods have been removed and transferred to an AEC-licensed burial ground. After the AEC and RCPA reach agreement on the disposal of the rest of the plant, RCPA will submit to the Division of Reactor Licensing a plan to dismantle the facility with the objective of terminating the authorization. Meanwhile, containment integrity will be

maintained and the radiation monitoring systems will be maintained in an operable condition.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice" (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) RCPA's application dated June 15, 1970, and (2) Amendment No. 1, both of which are available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, D.C. A copy of Amendment No. 1 may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of August 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-11180; Filed, Aug. 24, 1970; 8:49 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 2 to Provisional Operating License No. DPR-13 dated March 27, 1967. The license authorizes Southern California Edison Co. and the San Diego Gas & Electric Co. to possess and operate the San Onofre Nuclear Generating Station Unit No. 1 located in San Diego, Calif. The amendment authorizes the licensees to receive and possess 47 kilograms of plutonium contained in four new mixed-oxide fuel assemblies.

The new assemblies will be stored in existing facilities which are adequate for the purpose. The use of these assemblies is being considered as part of Proposed Changes No. 3 and 4 to the Technical Specifications appended to Provisional Operating License No. DPR-13. The proposed changes would authorize a "checkerboard loading" as well as the use of mixed-oxide plutonium assemblies in the Cycle 2 fuel loading.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated June 19, 1970, and (2) the amendment to the provisional operating license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon requests sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of August 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 70-11178; Filed, Aug. 24, 1970; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, ET AL.

Redelegation of Authority To Execute Legends on Bonds, Notes, or Other Obligations

The Assistant Regional Administrator for Administration, Director, Financial Review and Accounting Division, and the Chief, Accounting Branch, Office of Administration, Chicago Regional Office, Department of Housing and Urban Development, are hereby authorized within the region to execute, on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obligation and its payment therefor on the date specified in the particular legend.

This redelegation of authority supersedes the redelegation effective June 8, 1966 (31 F.R. 8091, June 8, 1966).

(79 Stat. 670, 5 U.S.C. 624(d); Secretary of Housing and Urban Development delegation effective Mar. 22, 1966 (31 F.R. 4814, Mar. 22, 1966)

Effective as of the 22d day of August 1970.

FRANCIS D. FISHER,
Regional Administrator,
Chicago Regional Office.

[F.R. Doc. 70-11130; Filed, Aug. 24, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22341; Order 70-8-77]

DELTA AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of August 1970.

On July 7, 1970, Delta Air Lines, Inc. (Delta), filed an application to amend its certificate of public convenience and necessity for route 8, so as to delete therefrom the intermediate point "Terre Haute, Ind." and condition (4), including the footnote appended thereto.[1] Delta concurrently filed a motion for an order to show cause why its application should not be granted.

In support of its motion, Delta asserts, inter alia, that condition (4) was imposed as a result of the Ozark Certificate Renewal Case,[2] at which time Lake Central was authorized to operate on a temporary basis over a segment between Indianapolis and Chicago via Bloomington, Terre Haute, and Danville; that Lake Central subsequently received permanent authorization at Terre Haute; that Lake Central and Allegheny, its corporate successor, have since received additional authority to and from Terre Haute; and

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[1] Condition (4) states as follows:

"The holder's authority to serve Terre Haute, Ind., is suspended for the period during which Lake Central Airlines, Inc. (Lake Central Airlines, Inc., is now merged with Allegheny Airlines, Inc. See Order 68-7-1, July 1, 1968), is authorized to serve such point."

[2] 19 CAB 95 (1954).

that no useful purpose would be served by retaining references to Terre Haute in Delta's certificate.

No objections to Delta's motion have been filed.

Upon consideration of the foregoing the Board has decided to issue an order to show cause, proposing to amend Delta's certificate as requested. Lake Central was originally authorized on a temporary basis to serve Terre Haute and later permanently certificated to serve that point; Lake Central and its corporate successor, Allegheny, have been serving that point since 1954; and Allegheny presently provides six daily round trips to Terre Haute. In view of the foregoing, we tentatively find and conclude that Terre Haute is a suitable point for service by a local service carrier and receives an appropriate pattern of service by Allegheny. In these circumstances we find no reason to retain Delta's dormant authority to serve Terre Haute in its certificate for route 8. Accordingly, we tentatively find and conclude that the public convenience and necessity require amendment of Delta's certificate so as to delete therefrom the intermediate point Terre Haute, Indiana, together with condition (4).

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions should not be made final. We expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analyses. If any evidentiary hearing is requested, the objection should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Delta's certificate of public convenience and necessity for route 8 so as to delete therefrom the intermediate point Terre Haute, Indiana, and condition (4), including the footnote appended thereto;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the following persons, who are hereby made parties to the proceeding: Allegheny Airlines, Inc., and the city of Terre Haute, Ind.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11198; Filed, Aug. 24, 1970; 8:50 a.m.]

[Docket No. 22450; Order 70-8-71]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority August 18, 1970.

The Postmaster General filed a notice of intent August 6, 1970, pursuant to 14 CFR, Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 56 cents per great circle aircraft mile for the transportation of mail by aircraft between Little Rock, Ark., and Oklahoma City, Okla., based on six round trips weekly.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 56 cents per great circle aircraft mile between Little Rock, Ark., and Oklahoma City, Okla., based on six round trips weekly.

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f).

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein 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 herein, 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;

3. 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 herein and fix and determine the final rate specified herein;

4. 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); and

5. This order shall be served upon Jim Hankins Air Service, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11199; Filed, Aug. 24, 1970; 8:50 a.m.]

[Docket No. 11278; Order 70-8-82]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Dismissing Petitions for Reconsideration and Proposing To Further Modify Minimum Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of August 1970.

By Order 70-7-23 dated July 6, 1970, the Board approved an earlier petition by Pan American World Airways, Inc.

(Pan American), modifying the Board's outstanding minimum cargo rate order in the New York-San Juan market[1] to permit the introduction of container rates and related provisions for lower-deck pallet/igloo containers designed for carriage on B–747 aircraft.[2] The rate modification granted would permit a minimum charge for this container of $420 in each direction in the San Juan market, and any weight (net) in excess of 4,189 pounds[3] would be charged at the rate of 10 cents per pound.[4]

Petitions for reconsideration have been filed by Airlift International, Inc. (Airlift), The Flying Tiger Line Inc. (Flying Tiger), and Trans Caribbean Airways, Inc. (Trans Caribbean), seeking revocation of the referenced modification, primarily on the grounds that Pan American's rates will sharply undercut existing rates on Type A containers[5] and the underlying domestic container agreement.[6] More specifically, Trans Caribbean construes the Pan American petition and the Board's approval thereof to constitute a rate reduction applicable to the B–747 pallet/igloo when transported only in the belly of B–747 aircraft, and thus creating a competitive advantage for such aircraft. Trans Caribbean further states that the Board should establish standards which will allow all competitive carriers to compete on an equal basis in the market.

Airlift and Flying Tiger[7] also protest the undercut of Type A container rates, and advocate the use of the domestic container agreement as the standard for this market.

In answer to the petitions for reconsideration, Pan American contends that the petitioners are essentially restating arguments which were considered and resolved by the Board in its Order 70–4–138. Pan American contends that Airlift does not offer any container rates between New York and San Juan and that, like Flying Tiger, Airlift's concern must therefore be related to protection of its mainland route structure. Such fears concerning domestic container rates are misplaced and unfounded, it is urged, for the reason that Pan American's proposed rates are designed to reflect the competitive aspects of ocean freight rates, whereas the domestic rate structure reflects the different economic character of motor carrier freight rates. By presenting comparisons of charges and payload densities in various container units, Pan American also acknowledges certain rate advantages and disadvantages of the B–747 pallet/igloo, and alleges that the density of the traffic primarily accounts for such advantages.

Upon consideration of the petitions and other relevant matters, the Board will deny the requests for revocation of Order 70–7–23.

The Board's earlier approval of a petition by Trans Caribbean (Order 70–2–97), reflecting the introduction of the first container rates in this market, was based on the principles embodied in the domestic container agreement, as requested by Trans Caribbean. The Board's prior approval of such agreement (Order 69–12–27) does not constitute a rigid fixing of rate levels below which no container rate would go, particularly with respect to density incentives. In the market in question, the B–747 pallet/igloo and the Type A container are essentially competitive at slightly below a 3,300-pound payload, and the rate per pound for either unit would be approximately 12.8 cents.[8] Beginning at 3,285 pounds, the B–747 unit has a competitive advantage up to its maximum payload of 5,000 pounds, at which point the rate per pound would be 10 cents as compared to the Type A at 12.1 cents.[9] Thus, while the Type A unit is not competitive on a rate-per-pound basis above 3,284 pounds, the disadvantage relates solely to the additional traffic confined within a given cube, i.e., the greater density incentive inherent in the pricing of the B–747 unit. This density incentive is the same as that previously approved by the Board on behalf of the International Air Transport Association (IATA),[10] and the Board will not preclude its application here nor deprive the shipping public of the benefits thereof.[11]

The Board notes the construction drawn on its recent modification of the minimum rate order in this market (Order 70–7–23) as to limiting the application of the authorized discounts for the B–747 pallet/igloo when transported on other than B–747 aircraft. The referenced order does not so limit the discounts and it was not and is not the Board's intention to preclude the carriage of the B–747 pallet/igloo on other than B–747 aircraft at the specified rates.

Recognizing, however, that the outstanding modifications do not permit carriers to match the B–747 container rates with other container rates, the Board will propose to further modify its minimum rate order in this market to equalize the various containers, thus permitting all carriers to compete on an equal basis, as Trans Caribbean requests.

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

It is ordered, That:

1. Except as granted herein, the petitions of Airlift International, Inc., and The Flying Tiger Line Inc. in Docket 11278, dated July 10 and July 13, 1970, respectively, and the answer and petition of Trans Caribbean Airways, Inc., in Docket 11278 dated June 30 and July 7, 1970, respectively, are dismissed;

2. Interested persons are hereby requested to advise the Board within 30 days of the date of this order as to why Order E–23431 dated March 28, 1966, as amended by Orders E–23840 dated June 21, 1966, 69–4–32 dated April 4, 1969, 70–2–97 dated February 24, 1970, Order 70–4–138 dated April 28, 1970, and Order 70–7–23 dated July 6, 1970, should not be further amended to specify that the airport-to-airport transportation of carrier-owned or shipper-owned, shipper-loaded/consignee-unloaded containers or pallets may be performed at a specified charge per container, based on a minimum weight computed at the cubic capacity of the container or pallet (outside dimensions) times:

(1) (Applicable to Type LD–3 or pallet/igloo containers designed for lower-deck carriage on B–747 aircraft—but not limited to carriage on such aircraft) a density of 7 pounds per cubic foot times a rate of 13 cents per pound, and all poundage in excess of such minimum weight shall be charged at 9.5 cents per pound (see Note); and

(2) (Applicable to Type A, B, B–2, and D containers as defined in Agreement CAB 21225) a density of 11.97 pounds per cubic foot times a rate of 10 cents per pound, and all poundage in excess of such minimum weight shall be charged at 10 cents per pound (see Note).

NOTE: Containers priced on the basis of both the specified densities of 7.0 and 11.97 pounds per cubic foot and respective excess-weight rates shall be shown in tariffs in such fashion as to specifically indicate the weight-break point(s) at which the respective minimum weights and excess-weight rates produce the lowest charge.[12]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–11202; Filed, Aug. 24, 1970; 8:50 a.m.]

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[1] Order 70–4–138 dated Apr. 28, 1970, and prior orders.

[2] The container consists of a palletized tapered box (or a pallet with the load conforming to such configuration) measuring 88" x 125" at the base, and 84" x 121" at the top, 63" high, with a cubic capacity of 350 cubic feet and a maximum payload of 5,000 pounds.

[3] 4,189 pounds equals a density of 11.97 pounds per cubic foot.

[4] The proposed rates are approximately 73 percent of the 3,000-pound general commodity rate.

[5] The Type A pallet/igloo container has the same pallet base (88" x 125") as the B–747 unit, but a greater height (86"), and a greater cubic capacity (390 to 500 cubic feet). These units can typically be accommodated on either the DC–8 or B–707 jet freighter aircraft, but not the B–747.

[6] Agreement CAB No. 21225.

[7] Flying Tiger does not serve the San Juan market, but states that their interest arises from the relationship of the rates in question versus domestic rates.

[8] The minimum rate specified by the Board at 3,000 pounds is 13 cents, which does not reflect any potential cost savings to the carrier resulting from containerization.

[9] 3,200 pounds in the B–747 unit equates to a product-density requirement of 9.1 lb./cu.-ft.; the same payload in a Type A unit would range from 8.2 to 7.0 lb./cu.-ft., thus lessening the competitive advantage of the B–747 unit.

[10] Order 69–8–174 dated Aug. 29, 1969.

[11] The question presented by Pan American's request in the San Juan market is the same as that recently resolved affirmatively in the Hawaiian market, Order 70–7–131 dated July 29, 1970.

[12] See Attachment A, filed as part of the original document, for container rates and charges which it is believed will typically result from the proposed modification.

[Docket No. 22432; Order 70-8-70]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority August 18, 1970.

The Postmaster General filed a notice of intent August 4, 1970, pursuant to 14 CFR, Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 50.57 cents per great circle aircraft mile for the transportation of mail by aircraft between Shenandoah, Iowa, and Joplin, Mo., via Omaha, Nebr., Des Moines, Iowa, and Kansas City and Springfield, Mo., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Super 18 twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 50.57 cents per great circle aircraft mile between Shenandoah, Iowa, and Joplin, Mo., via Omaha, Nebr., Des Moines, Iowa, and Kansas City and Springfield, Mo., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That: 1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., United Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein 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 herein, 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;

3. 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 herein and fix and determine the final rate specified herein;

4. 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); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Delta Air Lines, Inc., United Air Lines, Inc., Frontier Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11200; Filed, Aug. 24, 1970; 8:50 a.m.]

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR, Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 22452; Order 70-8-69]

SEMO AVIATION, INC.

Order To Show Cause

Issued under delegated authority August 18, 1970.

The Postmaster General filed a notice of intent August 6, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 57 cents per great circle aircraft mile for the transportation of mail by aircraft between St. Louis, Mo., and Little Rock, Ark., based on six round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [2] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Semo Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 57 cents per great circle aircraft mile between St. Louis, Mo., and Little Rock, Ark., based on six round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Semo Aviation, Inc., the Postmaster General, American Airlines, Inc., Delta Air Lines, Inc., Braniff Airways, Inc., Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Semo Aviation, Inc.;

2. Further procedures herein 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 herein, 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;

3. 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 herein and fix and determine the final rate specified herein;

4. 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

[2] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Semo Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11201; Filed, Aug. 24, 1970; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING; CORRECTION

AUGUST 20, 1970.

The public notice released August 12, 1970, listing standard broadcast applications ready and available for processing pursuant to § 1.571(c) of the Commission's rules, published at 35 F.R. 13167, August 18, 1970, is corrected by inserting the date, September 21, 1970, at the end of the second paragraph.

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

[F.R. Doc. 70-11205; Filed, Aug. 24, 1970; 8:51 a.m.]

[Docket No. 18943; FCC 70-873]

JACK STRAW MEMORIAL FOUNDATION

Order Designating Application for Hearing on Stated Issues

In regard application of The Jack Straw Memorial Foundation for renewal of the license of station KRAB-FM, Seattle, Wash., File No. BRH-1430, File No. BSCA-801.

1. The Commission has before it a letter from The Jack Straw Memorial Foundation, licensee of station KRAB-FM, Seattle, Wash., dated July 17, 1970, in response to our Order adopted June 24, 1970, released July 7, 1970 (FCC 70-665) in the above-captioned matter. Our order denied reconsideration of the short term renewal granted KRAB-FM by Commission action of January 21, 1970 (21 FCC 2d 883), but stated that if the licensee wished, we would afford it a hearing on certain factual questions, "and thus on the ultimate question whether a short term renewal is called for." The letter from the licensee requests such a hearing, and this order grants that request.

2. In our grant of short term renewal, we focused on an August 1967 broadcast by Reverend Sawyer as illustrative of the issue before the Commission, i.e., the issue of whether the licensee had demonstrated appropriate responsibility in carrying out its policies concerning the material broadcast over its facilities. The handling of the Sawyer broadcast will therefore be examined in a full evidentiary hearing. The handling of the March 9 and March 10, 1969, broadcasts of a discussion with members of the San Francisco Mime Theatre, which included remarks concerning Chairman Mao and an alleged incident between police and Oakland Black Panthers, will also be explored to the extent relevant to the issue designated for hearing. Should the Broadcast Bureau intend to rely upon any other broadcast relevant to the designated issue, it shall give timely notice to the licensee.

3. *Accordingly, it is ordered,* That pursuant to sections 307(d) and 309(e) of the Communications Act of 1934, as amended, the application for renewal of license of Radio Station KRAB-FM is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine whether KRAB-FM has exercised proper licensee responsibility in effectuating its policy regarding the suitability of material for broadcast.[1]

(2) Whether in light of issue (1), the public interest would be served by a 1 year or a full 3-year renewal of the license of KRAB-FM.

4. *It is further ordered,* That, as stated in our order adopted June 24, 1970, the hearing shall be carried out on an expedited basis.

5. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issue specified in this Order.

6. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 7, 1970.

Released: August 19, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-11207; Filed, Aug. 24, 1970; 8:51 a.m.]

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[1] We note that this issue differs from that suggested by KRAB-FM. We believe our formulation is more appropriate.

[2] Commissioner Bartley's dissenting statement filed as part of the original document; Commissioner Johnson concurring in the result.

FEDERAL POWER COMMISSION

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Notice of Application for New License for Constructed Project

AUGUST 17, 1970.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by Arkansas Power & Light Co. (correspondence to: J. D. Phillips, Vice President, Arkansas Power & Light Co., Sixth and Pine Streets, Pine Bluff, Ark. 71601) for its constructed Project No. 271, comprising the Carpenter & Remmel Developments, located on the Ouachita River in Hot Spring and Garland Counties, Ark., near Malvern and Hot Springs and affecting lands of the United States.

The project, the license for which will expire on February 6, 1973, consists of: Carpenter Development comprising (1) Carpenter Dam, a concrete gravity-type structure approximately 115 feet high and approximately 1,160 feet long, including a 439-foot long spillway section (crest elevation 374 feet U.S.G.S. Datum) controlled by 10 tainter gates 26 feet high by 34 feet wide, two abutment sections, and a trash chute; (2) a reservoir, Lake Hamilton, approximately 18½ miles long, having a surface area of 7,200 acres at elevation 400 feet (U.S.G.S. Datum) and a usable storage capacity of 119,560 acre-feet with a 26-foot drawdown; (3) an integral intake and powerhouse structure containing two generating units totalling 56,000 kw. and minimal provisions for the one future unit; (4) appurtenant facilities; and Remmel Development comprising (1) Remmel Dam, a reinforced concrete Ambursen-type structure approximately 75 feet high and 900 feet long, including a 258-foot long spillway section (crest elevation 290 feet m.s.l.) controlled by 12 tainter gates 15 feet high by 27 feet wide, and two abutment sections; (2) a reservoir, Lake Catherine, approximately 11¼ miles long, having a surface area of 1,940 acres at elevation 305 feet (m.s.l. datum) and a usable storage capacity of 21,300 acre-feet with a 15-foot drawdown; (3) an integral intake and powerhouse structure containing three generating units with a total rating of 9,300 kw. and minimal provisions for two future units; and (4) appurtenant facilities.

The project affects 38.4 acres of U.S. owned lands within the project boundary around Lake Hamilton, of which 4.1 acres are under the supervision of the Forest Service as part of the Ouachita National Forest and 34.3 acres are under the supervision of the Corps of Engineers as part of the Lake Ouachita-Blakely Mountain Dam reservation. The recreational potential of both Lake Catherine and Lake Hamilton is highly developed and includes residential installations, boat docks, restaurants, stores, and related service establishments. The 2,150-acre Lake Catherine State Park, located

on the southern shore of Lake Catherine, has excellent facilities for all water sports and outdoor recreation. The State has also developed a 52-acre site on this Lake for an organizational group camp, used primarily by the Future Farmers of America. The U.S. Forest Service plans to develop in 1975 a 380-acre site on Lake Hamilton, which will include camping and picnicking facilities. Development of the 100-acre Electric Island into an attractive park and recreation area, by the city of Hot Spring, is currently under review. Applicant will develop at its sole cost five areas on Lake Catherine and one on Lake Hamilton, ranging in size from 4 to 15 acres, to provide additional boat launching ramps, picnic facilities, and campsites.

According to the application, power produced from the project will continue to be used as part of applicant's integrated electric system serving residential, commercial, industrial and other customers, including rural electric cooperatives and municipal electric systems. Applicant states that if the project is taken over by the United States at the end of the license period, it estimates that: the fair value of the project will be in excess of $25.1 million; the net investment will be $4,648,283; applicant would be entitled to severance damages which will exceed the cost of doing business; and such a takeover or relicense to a tax exempt entity would result in a loss to local State and Federal governments of approximately $322,000 per annum.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11122; Filed, Aug. 24, 1970; 8:45 a.m.]

[Project No. 2705]

CITY OF SEATTLE, WASHINGTON

Notice of Application for License for Constructed Project

AUGUST 17, 1970.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the city of Seattle, Wash. (correspondence to: John M. Nelson, Superintendent, Department of Lighting, City of Seattle, 1015 Third Avenue, Seattle, Wash. 98104) for constructed Project No. 2705, known as the Newhalem, Creek Project, located on Newhalem Creek, a tributary of Skagit River, in Whatcom County, Wash., near Newhalem, Marblemount, and Rockport, and affecting lands of the United States within the Ross Lake National Recreation Area.

The application describes the existing Newhalem, Creek Project as a run-of river hydroelectric development consisting of: (1) A concrete, overflow crest, diversion dam (crest elevation 1,010 feet) approximately 45 feet long and 10 feet high; a combination sluiceway and intake structure; a 6-foot by 7-foot unlined tunnel and a 33-inch steel penstock approximately 3,300 feet long; (2) a wood-frame powerhouse containing a generating unit consisting of: two Pelton impulse water wheels connected to a generator rated at 2,500 k.v.a., 0.7 P.F. (1,750 kw.); and (3) appurtenant facilities. The powerhouse has been provided with viewing facilities so that visitors may observe the interior of the unattended plant from the outside. Although the plant is accessible by road, most visitors, according to the application, will cross the Skagit River on a suspension footbridge to be constructed by Applicant at its own expense and hike about one-fourth mile to the powerhouse through a virgin forest of Douglas fir and cedar. The bridge is to be constructed of wood, "corten" steel and plastic covered mesh to blend the structure into the surrounding environment.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1970, file with the Federal Power Commission, 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 petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11123; Filed, Aug. 24, 1970; 8:45 a.m.]

[Docket No. CI64-232 etc.]

EXCHANGE OIL & GAS CORP.

Notice of Petition To Amend

AUGUST 17, 1970.

Take notice that on July 6, 1970, Exchange Oil & Gas Corp. (petitioner), 1200 Oil and Gas Building, New Orleans, La. 70112, filed in Docket No. CI64-232 et al., a petition to amend the orders of the Commission issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting petitioner in lieu of Exchange Oil & Gas Co. as certificate holder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that it has acquired the natural gas interests of Exchange Oil & Gas Co. and that it proposes to continue the latter's certificated sales without change.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 10, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11022; Filed, Aug. 24, 1970; 8:45 a.m.]

[Docket No. CP71-23]

LONE STAR GAS CO.

Notice of Application

AUGUST 14, 1970.

Take notice that on August 4, 1970, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP71-23 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the operation of certain natural gas facilities for the transportation and sale 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.

Applicant states that the facilities proposed to be abandoned are lateral pipelines and related facilities extending from applicant's existing pipeline system to various points of sale, principally to well drilling and lease operating oil field customers. Said lines and facilities, located on portions of applicant's system operated for the transportation of natural gas in interstate commerce, are no longer needed or required.

Specifically, applicant seeks permission and approval to abandon the following pipelines and facilities, located in Wichita and Cooke Counties, Tex., by abandonment in place and/or by removal and salvage:

ABANDONMENT IN PLACE

(1) 397 feet of 2-inch Line G3-5 and metering facilities;
(2) 1,430 feet of 2-inch Line 71-20;
(3) 2,081 feet of 2-inch Line 71-23-3-1;
(4) 1.99 miles of 2-inch Line 71-35;
(5) 2,178 feet of 2-inch Line 71-23-2-6; and

ABANDONMENT BY REMOVAL AND SALVAGE

(6) 5.83 miles of 4-inch Line 71–28.

The total cost of removal of Line 71–28 is estimated to be $9,920, to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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 are 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11023; Filed, Aug. 24, 1970; 8:45 a.m.]

[Docket No. RP70-19, etc.]

TRANSWESTERN PIPELINE CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheet, Providing Hearing Procedures and Consolidating Proceedings

AUGUST 7, 1970.

Transwestern Pipeline Co. (Transwestern) on June 15, 1970, filed a petition requesting authorization to use liberalized depreciation with normalization for accounting and rate purposes on all utility property and to discontinue effective July 1, 1970, the amortization of the remaining balance in FPC Account 282. This petition was assigned Docket No. RP70-40; it was not accompanied by revised tariff sheets.

In Docket No. RP71-1, Transwestern on July 8, 1970, filed proposed changes in its FPC Gas Tariff, First Revised Volume No. 1,[1] to become effective July 1, 1970. The proposed rate change, contained in the revised tariff sheet, would increase charges for jurisdictional sales by $3,036,172 based upon sales volume for the 12-month period ended August 31, 1969, as adjusted.[2] The revised tariff sheet reflects the increase to the CDQ-1 rate[3] which results from the use of liberalized depreciation with normalization, the discontinuance of amortization of the remaining balance in Account 282 and a tax surcharge of 2.5 percent for 1970.

Transwestern states that it has elected the normalization method of accounting for rate and tax purposes with respect to its post-1969 expansion property pursuant to the provisions of the Tax Reform Act and the Commission's Order No. 404. Transwestern further states that the Commission's rationale underlying the decision in Texas Gas Transmission Corporation, Opinion No. 578 (June 3, 1970), is equally applicable to its operation.

Transwestern, as a result of a settlement agreement approved by this Commission, was authorized to amortize the balance in its Account 282 over a period of approximately 13⅓ years by order issued in Docket No. RP67-8, 38 FPC 1010 (Nov. 14, 1967). Transwestern represents the balance in that account as of June 30, 1970, to be $9,923,631. Because of its election to discontinue flow-through accounting on post-1969 expansion property, Transwestern claims that the remaining amount in the account is necessary to offset declining tax depreciation deductions on pre-1970 facilities, and that it should be permitted to discontinue amortization.

In order to coincide with the proposed effective date in Docket No. RP70-40, Transwestern requests that the proposed revised tariff sheet be made effective on July 1, 1970, subject to refund, or in the alternative that the increase be suspended for a period of 1 day from the date of filing and thereafter be placed into effect, subject to refund.

The Public Uilities Commission of the State of California (California) filed notices of intervention in Dockets Nos. RP70-40 and RP71-1 and an answer to Transwestern's petition in Docket No. RP70-40. California states that, as it understands the petition, Transwestern has not petitioned this Commission to use liberalized depreciation with normalization for accounting and rate purposes on its post-1969 expansion utility property. It is therefore, according to California, not an issue in this case.

[1] 13th Revised Sheet No. 4.

[2] This increase is above the rate increase being collected by Transwestern subject to refund, if any, in Docket No. RP70-19.

[3] Transwestern sells gas to Pacific Lighting under the CDQ-1 rate and to Cities Service Gas Co. under the CDQ-2 rate. Transwestern has a contract with Cities Service which prevents increases in the CDQ-2 rate for items other than increased cost of purchased gas until Jan. 1, 1971. Therefore no increase has been proposed in the CDQ-2 rate.

While there is some ambiguity in Transwestern's petition filed on June 15, 1970, the final petitioning paragraph clearly states that Transwestern requests that it be permitted to use liberalized depreciation with normalization on all utility property. Therefore, whether Transwestern should be permitted to use liberalized depreciation with normalization for accounting and rate purposes on its post-1969 expansion utility property is an issue in this proceeding.

On the issue of amortization, California states that neither Order No. 404 nor the Texas Gas decision even purported to deal with the amortization of the balances in Account 282 and it requests a rate proceeding to determine this issue, rather than a petition-answer proceeding. In Docket No. RP71-1 California urges that the Commission suspend the proposed rates to the full extent permitted by section 4(e).

Pacific Lighting Service Co. (Pacific Lighting) and its subsidiaries, Southern California Gas Co. and Southern Counties Gas Company of California, petitioned to intervene in both Dockets Nos. RP70-40 and RP71-1 and protest the proposed change filed by Transwestern on July 8, 1970, only to the extent that it requests an effective date of July 1, 1970, or, alternatively, following a suspension period of 1 day. Because it will be unable to trace this increased cost from its customers without approval of the Public Utilities Commission of the State of California, Pacific Lighting asserts that any delay in receiving such authority may result in irretrievable increased expense in its operations; therefore, it requests that the maximum suspension period be imposed.

In considering the appropriateness of suspending the proposed rates, this Commission must rely upon the facts which are set forth in the proposed change and also upon the statements made in opposition to the proposed change. Every effort must be made to balance the equities involved in the particular situation. While we are of the view that the question of possible rate relief for Pacific Lighting should more properly be addressed to the Public Utilities Commission of the State of California, we recognize that if a suspenson period is not imposed Pacific Lighting will begin immediately to incur an actual increase in its expenditures, which it may be unable to recover. In order to provide Pacific Lighting additional opportunity to track this increase in its purchased gas costs, we conclude that this proposed increase should be suspended for 45 days beginning 30 days after the date of Transwestern's filing.

Since Transwestern's rates are presently the subject of proceedings in Docket No. RP70-19, it appears appropriate that the proposed rate increase in Dockets Nos. RP70-40 and RP71-1 be consolidated with the RP70-19 proceedings.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural

Gas Act that a hearing be held concerning the lawfulness of the rate contained in 13th Revised Sheet No. 4, and that the use thereof be deferred as herein provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) The proposed 13th Revised Sheet No. 4 is suspended and its use deferred until September 21, 1970, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Transwestern shall file and serve its supporting evidence on September 14, 1970, which is 30 days prior to the commencement of the hearing set for Phase II issues in Docket No. RP70–19 on October 13, 1970. Staff and intervenors shall file their answering testimony on September 29, 1970.

(C) The proceedings in Docket No. RP70–40 and Docket No. RP71–1 are consolidated with Docket No. RP 70–19 for hearing and decision.

By the Commission.

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

[F.R. Doc. 70–11129; Filed, Aug. 24, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER CO. AND OTTO BREMER FOUNDATION

Amended Notice of Request and Order for Hearing

Notice was given by publication in 35 F.R. 10703 (July 1, 1970), that request had been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), by Otto Bremer Co. and Otto Bremer Foundation, St. Paul, Minn., bank holding companies, for determinations that the activities of Farmers State Agency of Frederic, Bank of Willmar Agency, Inc., Peoples State Agency of Colfax, Inc., Shelly State Agency, Inc., and Washburn State-Bayfield Agency, Inc., are or are to be of the kind described in the aforementioned provisions of the Act and the Regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to the acquisition or retention of shares in non-banking organizations to apply in order to carry out the purposes of the Act.

The request also asked for a similar determination respecting Union State-Webster, Inc., but the name of that company was omitted from the notice. The hearing ordered to be held by the notice has been held an evidence received relating to the activities of the aforementioned companies, including Union State-Webster, Inc.

Any person not named herein as a party who wishes to be admitted as a party, or who wishes to participate in the hearing for a limited purpose, with respect to the request concerning Union State-Webster, Inc., should file with the hearing examiner (Walter K. Bennett, Federal Trade Commission, Pennsylvania Avenue at Sixth Street NW., Washington, D.C. 20580), on or before September 25, 1970, a written request containing a statement of the nature of the person's interests in the proceeding, and a summary of any matters concerning which said person wishes to give evidence. The application may be inspected at the Federal Reserve Bank of Minneapolis, 73 South Fifth Street, Minneapolis, Minn. 55440, or at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C.

By order of the General Counsel of the Board of Governors, August 17, 1970, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(4)).

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70–11184; Filed, Aug. 24, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 20, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 42033—*Liquid caustic soda from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6191), for and on behalf of Southern Railway Co. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from Evans City, Ala., to Canton, N.C.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 233 to Southern Freight Association, agent tariff ICC S–600.

FSA No. 42034—*Rolled wheat and bulgar from and to points in Mountain Pacific Territory.* Filed by Pacific Southcoast Freight Bureau, agent (No. 263), for interested rail carriers. Rates on rolled wheat and bulgar, in carloads, as described in the application, from and to points in Mountain Pacific territory.

Grounds for relief—Commodity relationships.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70–11193; Filed, Aug. 24, 1970; 8:50 a.m.]

[Notice 137]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 20, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16672 (Sub-No. 11 TA), filed August 14, 1970. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, Suite 770 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and skids made of wood*, from Farmville, Va., to points in Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia, for 180 days. Supporting shipper: Buffalo Shook Co., Inc., Farmville, Va. 23901. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 109891 (Sub-No. 17 TA), filed August 13, 1970. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, 2811 Carner Avenue, Charleston Heights, S.C. 29405. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Black liquor skimmings*, from the plantsite of The Olin Corp. at Pisgah Forest, N.C., to Charleston, S.C., commercial zone; plantsite Georgia Kraft Division of Mead Paper Co. near Rome, Ga.; and plantsite South Carolina Industries, near Florence, S.C., for 150 days. Supporting shipper: Olin Corp., Ecusta Paper Division, Post Office Box 200, Pisgah Forest, N.C. 28768. Send protests to: Eugene E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia

Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 114211 (Sub-No. 141 TA), filed August 13, 1970. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, ZIP 50701, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Off-highway vehicles, and parts, accessories and attachments for, and equipment used in connection with, off-highway vehicles*, from Lebanon, Ohio, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Sperry Rand Corp., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 117565 (Sub-No. 31 TA), filed August 14, 1970. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, Ohio 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Off-highway vehicles, and parts, accessories, and attachments for, and equipment used in connection with off-highway vehicles*, from Lebanon, Ohio, to points in the United States (except Alaska and Hawaii), and *rejected or damaged shipments*, on return, for 180 days. Supporting shipper: Sperry Rand Corp., New Holland Division, New Holland, Pa. 17557. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124546 (Sub-No. 5 TA), filed August 14, 1970. Applicant: VELTMAN TERMINAL CO., Post Office Box 54582, Terminal Annex, Office Address: 2160 East Seventh Street, ZIP 90023, Los Angeles, Calif. 90054. Applicant's representative: H. Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores*, between Buena Park, Calif., and Los Angeles, Calif., and between Buena Park and Los Angeles, Calif., on the one hand, and, on the other, the stores and warehouses of the J. C. Penny Co., Inc., located in Fresno, Kern, Kings, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare, and Ventura Counties, Calif., under continuing contract with J. C. Penny Co., Inc., for 150 days. Supporting shipper: J. C. Penny Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10018. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133713 (Sub-No. 3 TA), filed August 14, 1970. Applicant: UELAND TRUCKING, INC., Route 1, Box 25B, Shakopee, Minn. 55379. 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: *Salt*, from Pine Bend, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin, for 180 days. Supporting shipper: 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 134804 TA (Correction), filed July 31, 1970, published in the FEDERAL REGISTER issue of August 14, 1970, and republished in part corrected, this issue. Applicant: AUZA-HOFFMAN, INCORPORATED, Post Office Box 1892, Flagstaff, Ariz. 86001. Applicant's representative: A. Michale Bernstein, 3550 North Central, 1327 United Bank Building, Phoenix, Ariz. 85012. NOTE: The purpose of this partial republication is to show that applicant proposes to operate as a contract carrier, in lieu of common carrier. The rest of the application remains as previously published.

No. MC 134854 TA, filed August 14, 1970. Applicant: CLAIR WILLIAM STUDY, Route 2, Westminster, Md. 21157. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wooden stairs and parts*, from Silver Run, Md., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington, D.C., under continuing contracts with B & D Woodworking and Finishing Co., for 180 days. Supporting shipper: B & D Woodworking and Finishing Co., Route 1, Westminster, Md. 21157. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 134857 TA, filed August 14, 1970. Applicant: VIKING INTERNATIONAL AIRFREIGHT, INC. 2289 County Road J, Minneapolis, Minn. 55433. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air when moving under an air bill issued by Viking International Airfreight, Inc., between airports in Minneapolis, Minn., Winona, Minn., and La Crosse, Wis., for 180 days. Supporting shipper: Applicant's own statement. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134858 TA, filed August 14, 1970. Applicant: ROGER BARRY HANS, Route 2 Stone Road, Westminster, Md. 21157. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated wooden stairs and parts*, from Silver Run, Md., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington, D.C., under continuing contracts with B & D Woodworking and Finishing Co., for 180 days. Supporting shipper: B & D Woodworking and Finishing Co., Route 1, Westminster, Md. 21157. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11191; Filed, Aug. 24, 1970; 8:50 a.m.]

[Notice 577]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 19, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72198. By order of August 14, 1970, the Motor Carrier Board approved the transfer to Richmond Transfer, Inc., Richmond, Mo., of certificate No. MC-1615 (Sub-No. 5), issued April 25, 1969, to Lloyd V. Adkinson, Higginsville, Mo., authorizing the transportation of: General commodities, except commodities in bulk, household goods, and other specified commodities, between Higginsville, Mo., and Kansas City, Mo. F. W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64105, attorney for applicants.

No. MC-FC-72253. By order of August 13, 1970, the Motor Carrier Board approved the transfer to Borich Transfer Co., Portland, Oreg., of the operating rights in certificates Nos. MC-95075 (Sub-No. 1) and MC-95075 (Sub-No. 2), issued February 18, 1943, and July 16, 1946, respectively, to Nickola J. Borich, Portland, Oreg., authorizing

the transportation of: (1) Monuments, household goods, and building materials, between points in specified counties in Oregon, on the one hand, and, on the other, points in named counties in Washington; and (2) general commodities with the usual exceptions, between points within 3 miles of Portland, Oreg., including Portland. Davis, Jensen, Martin & Robertson, 623 South Oak Street, Portland, Oreg. 97205, attorneys for applicants.

No. MC–FC–72290. By order of August 14, 1970, the Motor Carrier Board approved the transfer to Larry L. Richards, Irwin, Iowa, of the operating rights in certificate No. MC–84783, issued October 19, 1949, to Harold Richards, Irwin, Iowa, authorizing the transportation of feed and other named commodities, from Omaha, Nebr., to Irwin, Iowa, and points within 15 miles of Irwin; livestock, from Fremont, Nebr., to Irwin, Iowa, and between Irwin, Iowa, and points within 15 miles of Irwin, on the one hand, and, on the other, Omaha, Nebr., and petroleum products, in containers, from Omaha, Nebr., to Irwin, Iowa, and points within 15 miles of Irwin. Clyde L. Olson Agency, 251 Fifth Street, Manilla, Iowa 51454.

No. MC–FC–72300. By order of August 14, 1970, the Motor Carrier Board approved the transfer to Heavy Transport, Inc., Long Beach, Calif., of certificate of registration No. MC–121106 (Sub-No. 1) issued March 6, 1964, to Western Freight Handlers, Inc., San Francisco, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity granted in Decision No. 62703, dated October 17, 1961, as amended by Decision No. 62749, dated October 31, 1961, issued by the Public Utilities Commission of the State of California. Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014, attorney for transferee R. Frederic Fisher, 311 California Street, San Francisco, Calif., 94104, attorney for transferor.

No. MC–FC–72305. By order of August 14, 1970, the Motor Carrier Board approved the transfer to Lowell E. Treffert, Inc., Franksville, Wis., of certificate No. MC–123499 issued to Lowell L. Treffert, Franksville, Wis., authorizing the transportation of: Malt beverages, in containers, from Chicago, Ill., and St. Louis, Mo., to specified points in Wisconsin. William C. Dineen, attorney, 710 North Plankinton Avenue, Milwaukee, Wis. 53203.

No. MC–FC–72314. By order of August 14, 1970, the Motor Carrier Board approved the transfer to M. Don Lake, doing business as Lake Trucking Co., Corsicana, Tex., of certificate of registration No. MC–97170 (Sub-No. 1) issued to M. E. Lake, Corsicana, Tex., evidencing a right to engage in interstate commerce, transporting certain specified commodities, between designated points and areas in Texas. James W. Hightower, attorney, Wynnewood Professional Building, Dallas, Tex. 75224.

No. MC–FC–72315. By order of August 14, 1970, the Motor Carrier Board approved the transfer to Fox Piano Movers, Inc., Philadelphia, Pa., of the operating rights in certificate No. MC–29975 issued July 6, 1955, to Margaret M. Nolan, Robert J. Fox, Mary E. Corbett, Regina T. Farren, George F. Fox, Edward T. Fox, Catherine T. Fox, Andrew J. Fox, Teresa R. O'Blek, James F. Fox and Thomas Fox, a partnership, doing business as Fox Piano Movers, Philadelphia, Pa., authorizing the transportation of office furniture, pianos, and household goods as defined by the Commission, between Philadelphia, Pa., and points within 100 miles of Philadelphia, on the one hand, and, on the other, points in Delaware, Maryland, New York, New Jersey, and the District of Columbia. Raymond A. Thistle, Jr., Suite 1301, 1500 Walnut Street, Philadelphia, Pa. 19102, attorney for applicants.

No. MC–FC–72321. By order of August 14, 1970, the Motor Carrier Board approved the transfer to White Star Sales & Service, Inc., Charlotte, N.C. of the operating rights in certificate No. MC–123638 (Sub-No. 4) issued August 5, 1969 to Custom Towing Service, Inc., Charlotte, N.C., authorizing the transportation of trucks, tractors, buses, and trailers as replacement vehicles for wrecked or disabled vehicles from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and wrecked and disabled vehicles from the above named destination States to Charlotte, N.C. Peter H. Gerns, 815 American Building, Charlotte, N.C. 28202, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70–11192; Filed, Aug. 24, 1970; 8:50 a.m.]

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