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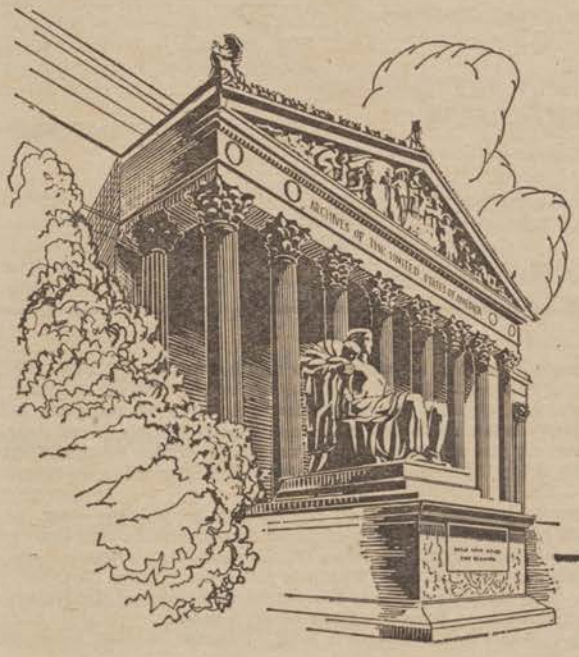
Pages 4189–4240

Part I

(Part II begins on page 4237)

Agencies in this issue—

Detailed list of Contents appears inside.



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Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

3 CFR

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Letter of Dec. 9, 1969---------- 4193

7 CFR

945---------- 4195

PROPOSED RULES:

993---------- 4216

9 CFR

74---------- 4195
76---------- 4196
78---------- 4196

12 CFR

1---------- 4197

14 CFR

39 (2 documents)---------- 4198, 4199
71 (4 documents)---------- 4199, 4200

PROPOSED RULES:

71 (4 documents)---------- 4216–4218

24 CFR

1909---------- 4201
1910---------- 4202
1911---------- 4204
1912---------- 4206
1914---------- 4207
1915---------- 4208

25 CFR

PROPOSED RULES:

221---------- 4215

28 CFR

0---------- 4210

30 CFR

PROPOSED RULES:

501---------- 4238

32 CFR

807a---------- 4210
907---------- 4211

32A CFR

BDSA (Ch. VI):
Reg. 2, Dir. 12---------- 4211
Reg. 2, Dir. 13---------- 4211

36 CFR

PROPOSED RULES:

7---------- 4215

49 CFR

371---------- 4213

Presidential Documents

Title 3—THE PRESIDENT

Letter of December 9, 1969

[RESPONSIBILITIES OF CHIEFS OF AMERICAN DIPLOMATIC MISSIONS]

THE WHITE HOUSE,
Washington, March 4, 1970.

MEMORANDUM FOR
Mr. David C. Eberhart, Director, Office of the Federal Register, National Archives and Records Service, General Services Administration.

Herewith is the text of a letter which the President has addressed to all American Ambassadors.

I am authorized to request that this letter be published in the FEDERAL REGISTER.

WILLIAM J. HOPKINS,
Executive Assistant.

THE WHITE HOUSE,
Washington, December 9, 1969.

Dear /////////:

Your mission as American Ambassador to //////// is of the utmost significance to our country and to me personally. I wish you every success in this endeavor.

I attach the greatest importance to my Constitutional responsibilities for the conduct of our relations with other countries. As the personal representative of the President of the United States, you share these responsibilities in the country to which you are accredited.

You will, of course, report to me through and normally receive your instructions from the Secretary of State who has responsibility not only for the activities of the Department of State but also for the overall direction, coordination and supervision of United States Government activities overseas.

I believe that all possible measures should be taken to improve and tighten the processes of foreign policy implementation abroad. I know I can count on your full support in directing the activities of all elements of the United States Mission to achieve this objective. To assure you and all concerned that you have my full personal backing, I want to make the following comments on your own authority and responsibilities.

As Chief of the United States Diplomatic Mission, you have full responsibility to direct and coordinate the activities and operations of all of its elements. You will exercise this mandate not only by providing policy leadership and guidance, but also by assuring positive program direction to the end that all United States activities in //////// are relevant to current realities, are efficiently and economically administered, and are effectively interrelated so that they will make a maximum contribution to United States interests in that country as well as to our regional and international objectives.

I am concerned that the size of our representation abroad be related to a stringent appraisal of policy and program requirements and that the number of personnel of all agencies be kept at the very minimum necessary to meet our objectives. I shall expect you to maintain a continuing personal concern on this matter and to inform the Secretary of State when you believe that the staff of any agency or program is excessive.

I shall expect you to assure the highest standards of personal conduct by all United States personnel, civilian or military; you have authority to take any corrective action which in your judgment is necessary.

You have, of course, the right to be kept informed, to the extent you deem necessary, of all the information or recommendations reported by any element of the Mission. The Secretary of State and I have made it clear that we will welcome the opportunity to consider alternative policies and courses of actions before making final decisions. When you or other members of your Mission believe such alternatives merit consideration, we encourage your putting them forward along with your own recommendations.

I will reserve for myself, as Commander-in-Chief, direct authority over the military chain of command to United States military forces under the command of a United States area military commander, and over such other military activities as I elect, as Commander-in-Chief, to conduct through military channels.

However, I will expect you and the military commanders concerned to maintain close relations with each other, to keep each other currently informed on matters of mutual interest and in general to cooperate in carrying out our national policy. If differences of view not capable of resolution in the field should arise, I will expect you to keep me informed through the Secretary of State.

I deeply believe, as I said in my Inaugural Address, that forces now are converging that may make possible the realization of many of man's deepest aspirations. If "the times are on the side of peace," I also deeply believe that you, and the dedicated personnel of the Foreign Service and the other departments and agencies who comprise the staff of your Mission, will insure that we take maximum advantage of the opportunities that are so clearly before us.

With my best wishes,

Sincerely,

[F.R. Doc. 70-2803; Filed, Mar. 4, 1970; 2:13 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[945.328 Amdt. 2]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the amendment to the Limitation of Shipments Regulation, § 945.328 as hereinafter set forth is required in order to conform the regulation to the amendment of the Act (Public Law No. 91–196, 91st Cong., second session, S. 1, Feb. 20, 1970) which exempts potatoes for "other processing" from marketing orders.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that no useful purpose would be served, inasmuch as the foregoing amendatory Act is already in effect.

Regulation, as amended. Paragraph (c) and paragraph (f) of Limitation of Shipments, § 945.328, as amended (34 F.R. 11260 and 19068), are further amended to read as follows:

* * * * *

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation;

(v) Canning, freezing, and "other processing" as hereinafter defined.

Provided, That shipments of potatoes for the purposes specified in subdivision (v) of this subparagraph shall be exempt from inspection requirements specified in § 945.65 and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Prepeeling: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

* * * * *

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

* * * * *

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

Dated March 3, 1970, to become effective immediately.

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

[F.R. Doc. 70-2762; Filed, Mar. 5, 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

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 1 through 4 of the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, is hereby further amended in the following respects:

1. Subparagraph (4) of § 74.2(a) is amended to read as follows:

§ 74.2 **Designation of free and infected areas.**

(a) * * *

(4) All counties in Kentucky except Allen and Barren Counties.

* * * * *

2. Subparagraph (3) of § 74.3(a) is amended to read as follows:

§ 74.3 **Designation of eradication areas.**

(a) * * *

(3) The following counties in Kentucky: Allen and Barren.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended, 76 Stat. 129–132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended)

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

The amendments add Muhlenberg and Ohio Counties in Kentucky to the list of free areas and delete such counties from the list of infected and eradication areas, as sheep scabies is not known to exist therein. After the effective date of the amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such areas. However, the provisions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed on the interstate movement of sheep from Muhlenberg and Ohio Counties in Kentucky and must be made effective immediately to be of maximum benefit to persons

subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of March 1970.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-2759; Filed, Mar. 5, 1970; 8:48 a.m.]

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) (4) relating to the State of Illinois is amended to read:

(e) * * *

(4) *Illinois.* (i) That portion of Christian County comprised of Greenwood and Johnson Townships.

(ii) That portion of Greene County comprised of Linder, Rabicon, Rockbridge, and Wrights Townships.

(iii) That portion of Montgomery County comprised of Audobon, Nokomis, and Witt Townships.

(iv) That portion of Shelby County comprised of Big Springs, Oak Grove, and Oconee Townships.

* * * * *

2. In § 76.2, paragraph (e) (15) relating to the State of South Carolina is amended to read:

(e) * * *

(15) *South Carolina.* (i) That portion of Williamsburg County bounded by a line beginning at the junction of Secondary State Highway 160 and the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary State Highway 24; thence, following Secondary State Highway 24 in a northeasterly direction to Primary State Highway 261; thence, following Primary State Highway 261 in a southwesterly direction to the Seaboard Coast Line Railroad in the town of Kingstree; thence, following the Seaboard Coast Line Railroad in a northeasterly direction to Primary State Highway 512; thence, following Primary State Highway 512 in a southeasterly direction to Secondary State Highway 118; thence, following Secondary State Highway 118 in a northeasterly direction to Secondary State Highway 85; thence, following Secondary State Highway 85 in a southeasterly direction to Secondary State Highway 194; thence, following Secondary State Highway 194 in an easterly direction to Secondary State Highway 160; thence, following Secondary State Highway 160 in a southeasterly direction to its junction with the Seaboard Coast Line Railroad.

(ii) That portion of Kershaw County bounded by a line beginning at the junction of U.S. Highway 601 and the west bank of the Wateree River; thence, following U.S. Highway 601 in a generally southwesterly direction to Gillies Ditch; thence, following the north bank of Gillies Ditch in a southeasterly direction to the west bank of the Wateree River; thence, following the west bank of the Wateree River in a generally northwesterly direction to its junction with U.S. Highway 601.

* * * * *

(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 Shelby County, Ill., 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 county.

The amendments also exclude a portion of Horry County, S.C., and portions of Christian, and Montgomery Counties in Illinois from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas 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 3d day of March 1970.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-2760; Filed, Mar. 5, 1970; 8:48 a.m.]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld, and Yuma Counties, Southern Ute Indian Reservation, and Ute Mountain Ute Indian Reservation;
Connecticut. The entire State;
Delaware. The entire State;
Florida. Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties.
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;

Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Calcasieu, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Baton Rouge, East Carroll, East Feliciana, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn Parishes;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box, Butte, Boyd, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Dewey, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrew, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fayette, Fisher, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufmann, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampassas, Lee, Leon, Limestone, Lipscomb, Live Oak, Lano, Loving, Lubbock, Madison, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Refugio, Roberts, Robertson, Rockwell, Runnels, Rusk, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Tyler, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Alachua and De Soto Counties in Florida; Bossier, Pointe Coupee, Rapides, Richland, and St. Landry Parishes in Louisiana; Boyd County in Nebraska; Aurora, Charles Mix, Dewey, and Hyde Counties in South Dakota; Bastrop, Dallas, and Leon Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of February 1970.

E. E. SAULMAN,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 70–2736; Filed, Mar. 5, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

Sec.
1.251 Commonwealth of Pennsylvania Tax Anticipation Notes (General Fund-Motor License Fund).
1.252 Los Angeles County-La Mirada Public Facilities Authority.
1.253 County of Wayne (Michigan) Motor Vehicle Highway Fund Bonds.
1.254 Los Angeles County-Whittier Courthouse Corporation Leasehold Mortgage Bonds.

AUTHORITY: The provisions of §§ 1.251–1.254 issued under R.S. 324 et seq., as amended, paragraph Seventh of R.S. 5136 as amended; 12 U.SC 1 et seq., 24, unless otherwise noted.

§ 1.251 Commonwealth of Pennsylvania Tax Anticipation Notes (General Fund-Motor License Fund).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $100 million Commonwealth of Pennsylvania Tax Anticipation Notes, Third Series of 1969–70 (General Fund-Motor License Fund), for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) In our ruling of November 5, 1969, 12 CFR 1.243, we concluded that Commonwealth of Pennsylvania Tax Anticipation Notes payable from the General Fund are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. These notes are similar in every respect except that they are secured by and payable from funds accruing to the General Fund to the extent of 60 percent of the issue and to the Motor License Fund to the extent of 40 percent of the issue.

(2) Although the General Fund and the Motor License Fund are carefully separated for many purposes, the Commonwealth of Pennsylvania has recognized the paramount importance of meeting promptly the expenses of the Commonwealth payable from either of these funds. For this purpose, Pennsylvania statutes specifically appropriate the monies in the General Fund and the Motor License Fund for transfer to the other and provide that any sum so transferred shall be available for the purposes for which the fund to which they are

transferred is appropriated by law. The law authorizes and directs the State Treasurer to make transfers from time to time of such sums as the Governor shall direct. Thus, these notes payable proportionately from the General Fund and the Motor License Fund are supported by the full faith and credit of the Commonwealth.

(c) *Ruling.* It is our conclusion that the $100 million Commonwealth of Pennsylvania Tax Anticipation Notes, Third Series of 1969–70 (General Fund-Motor License Fund), are general obligations of a State under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Feb. 3, 1970.)

§ 1.252 Los Angeles County-La Mirada Public Facilities Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $555,000 Los Angeles County-La Mirada Public Facilities Authority, Library Revenue Bonds for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-La Mirada Public Facilities Authority is a public entity created under the laws of California by an agreement between the City of La Mirada and the County of Los Angeles. Under this agreement, the Authority is authorized to acquire land, construct buildings and facilities for a public library and for a public park, both to be leased to and operated by the County, and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a public library.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $555,000 Los Angeles County-La Mirada Public Facilities Authority, Library Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Feb. 5, 1970.)

§ 1.253 County of Wayne (Michigan) Motor Vehicle Highway Fund Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $20 million County of Wayne, State of Michigan, Motor Vehicle Highway Fund Bonds, Series 1, for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The County of Wayne is issuing these bonds to finance the construction and reconstruction of county highways. The bonds are secured by a pledge and an appropriation of funds to be received by the County from the State Motor Vehicle Highway Fund.

(2) The laws of Michigan limit the aggregate amount of bonds which may be so issued by requiring that the maximum principal and interest requirements of such bonds shall not exceed 20 percent of the monies received by the county from the Fund in the prior fiscal year. The law, however, also authorizes the county to agree that if pledged funds are insufficient to pay principal and interest when due, monies sufficient to make up the deficiency would be advanced from the general funds of the county.

(3) The County of Wayne, which possesses general powers of taxation, has made the authorized agreement and has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $20 million County of Wayne, State of Michigan, Motor Vehicle Highway Fund Bonds, Series 1, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Feb. 19, 1970.)

§ 1.254 Los Angeles County-Whittier Courthouse Corporation Leasehold Mortgage Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $3,950,000 Los Angeles County-Whittier Courthouse Corporation Leasehold Mortgage Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-Whittier Courthouse Corporation, a California nonprofit corporation acting for the County of Los Angeles, was created to issue its leasehold mortgage bonds to finance the construction on land leased to it by the County of improvements and additions to the existing County Courthouse in the City of Whittier. The Corporation is issuing these bonds for this purpose. Upon completion of the improvements and additions, the Courthouse will be leased to and operated by the County.

(2) The County has unconditionally promised in the lease rental agreement to pay annual lease rental to the Corporation in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $3,950,000 Los Angeles County-Whittier Courthouse Corporation Leasehold Mortgage Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Feb. 27, 1970.)

Dated: March 3, 1970.

[SEAL] JUSTIN T. WATSON,
Acting Comptroller of the Currency.

[F.R. Doc. 70-2739; Filed, Mar. 5, 1970; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-EA-13; Amdt. 39-950]

PART 39—AIRWORTHINESS DIRECTIVES

American Aviation

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to American Aviation AA-1 type airplanes.

There has been a report of cabin air contamination from cracks which developed in the muffler of the subject aircraft. There have been additional reports of other cracked mufflers. Since this conditions is likely to exist or develop in other airplanes of the same type design an airworthiness directive is being issued to require a visual or pressure inspection of the shroud and muffler assembly and repair where necessary.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AMERICAN AVIATION. Applies to Model AA-1 aircraft, Serial Nos. AA-1-0001 through AA-1-0159.

Compliance required within the next 10 hours in service after the effective date of this Airworthiness Directive, unless already accomplished, and thereafter at intervals not to exceed 50 hours in service from the last inspection, except as provided in paragraph 3.

To preclude the possibility of exhaust fumes from entering the cabin heat system due to undetected cracks in the muffler, accomplish the following:

1. Inspect muffler and shroud assembly (P/N 14-504001) for cracks particularly in the area adjacent to all welds inside the shroud at the transition between the muffler and the tailpipe. If visual inspection is not possible, pressure test for leaks in accordance with AC 43.13-1, Chapter 14, section 3, paragraph 287D. If cracks are found in the muffler tailpipe or the muffler shroud they should be repaired by an inert gas-shielded arc welding process such as Heliarc. (Muffler material is AISI 321 stainless steel and shroud

material is AISI 304 stainless steel.) Accomplish above inspection and necessary repairs in accordance with Advisory Circular 43.13-1, Chapter 14, section 3, paragraph 387 and 388.

2. Check alignment between rigid brace P/N 503008-501 and tailpipe to insure that tailpipe is not stressed when brace is installed.

3. The repetitive 50-hour inspection requirement of the exhaust system may be omitted if the aircraft has been altered by installation of a new muffler, Turbo system P/N 099001-113, with the rigid brace.

[American Aviation Service Bulletin No. 116 dated Jan. 9, 1970, covers this same subject.]

This amendment is effective March 13, 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 Jamaica, N.Y., on February 24, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-2726; Filed, Mar. 5, 1970; 8:45 a.m.]

[Airworthiness Docket No. 69-WE-14-AD, Amdt. 39-949]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Airplane Co. Models 707, 720, and 727

Amendment 39-718 (34 F.R. 1769), AD 69-3-2, requires the replacement of a modified or new rudder crank assembly on Boeing aircraft identified in manufacturer's Service Bulletins or equivalent installation. The manufacturer has identified additional aircraft to which the AD should be made applicable. AD 69-3-2 is therefore being amended to include additional aircraft identified in Service Bulletin No. 2536, Revision 1, dated January 23, 1970, or later FAA-approved revisions. The compliance time for those aircraft effected by amendment 39-718, AD 69-3-2 has not been changed.

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 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-718 (38 F.R. 1769), AD 69-3-2 is amended as follows:

Amend the applicability statement to read:

Applies to Models 707, 720, and 727 airplanes listed in Service Bulletin No. 2536, dated June 1, 1967, as revised by Revision 1, January 23, 1970, and Service Bulletin 27-100 dated June 8, 1967, or later FAA-approved revisions.

Amend the accomplishment instructions to read:

A) Within the next 2,500 hours time in service after March 1, 1969, unless already accomplished, for those aircraft listed in Boeing Service Bulletin No. 2536, dated June 1, 1967, for Model 707's and 720's or Boeing S.B. No. 27-100 dated June 8, 1967, for 727's, or later FAA-approved revisions, remove the existing rudder pedal adjustment crank assembly and replace with a modified or new crank assembly in accordance with Boeing Service Bulletin No. 2536, dated June 1, 1967, for Model 707's and 720's or Boeing Service Bulletin No. 27-100, dated June 8, 1967, for Model 727's or later FAA-approved revisions or an equivalent design approved by the Chief, Aircraft Engineering Division, FAA Western Region.

B) Within the next 1,000 hours' time in service after the effective date of this amendment to Amendment 39-718 (34 F.R. 1769), AD 69-3-2, for those additional Model 707's and 720's listed in Revision 1, dated January 23, 1970, to Boeing Service No. 2536, and not previously listed in S.B. No. 2536, unless already accomplished, remove the existing rudder pedal adjustment crank assembly, and replace with a modified or new crank assembly, in accordance with Boeing S.B. No. 2536, Revision 1, dated January 23, 1970, or later FAA-approved revisions, or an equivalent design approved by Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective on March 6, 1970.

(Secs. 313(a), 601, 602, 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 Los Angeles, Calif., on February 20, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-2725; Filed, Mar. 5, 1970; 8:45 a.m.]

[Airspace Docket No. 69-CE-98]

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

Designation of Transition Area

On pages 17179 and 17180 of the FEDERAL REGISTER dated October 23, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Monticello, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., April 30, 1970.

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

Issued in Kansas City, Mo., on February 13, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

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

MONTICELLO, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monticello Municipal Airport (latitude 42°13'40'' N., longitude 91°10'00'' W.); and within 3 miles each side of the 135° bearing from Monticello Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

[F.R. Doc. 70-2727; Filed, Mar. 5, 1970; 8:45 a.m.]

[Airspace Docket No. 69-CE-110]

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

Designation of Transition Area

On page 19080 of the FEDERAL REGISTER dated December 2, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Oshkosh, Nebr.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Oshkosh, Nebr., Municipal Airport transition area designation as "latitude 41°24'00'' N., longitude 102°21'00'' W." are changed to read "latitude 41°22'55'' N., longitude 102°21'12'' W.".

This amendment shall be effective 0901 G.m.t., April 30, 1970.

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

Issued in Kansas City, Mo., on February 13, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

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

OSHKOSH, NEBR.

That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (lat. 41°22'55'' N., long. 102°21'12'' W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 302° bearing from Oshkosh Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

[F.R. Doc. 70-2728; Filed, Mar. 5, 1970; 8:45 a.m.]

[Airspace Docket No. 70-SO-1]

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

Alteration of Control Zone and Transition Area

On January 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 812), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Spartanburg, S.C., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Spartanburg, S.C., control zone is amended to read:

SPARTANBURG, S.C.

Within a 5-mile radius of Spartanburg Downtown Memorial Airport (lat. 34°54'55" N., long. 81°57'32" W.); within 2 miles each side of Spartanburg VORTAC 196° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; excluding the portion within the Greer (Greenville-Spartanburg Airport), S.C. control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

In § 71.181 (35 F.R. 2134), the Spartanburg, S.C., transition area is amended to read:

SPARTANBURG, S.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spartanburg Downtown Memorial Airport (lat. 34°54'55" N., long. 81°57'32" W.); within 3 miles each side of Spartanburg VORTAC 016° and 196° radials, extending from 8.5 miles north of the VORTAC to 22 miles south of the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within the Greenville, S.C., transition area.

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

Issued in East Point, Ga., on February 25, 1970.

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

[F.R. Doc. 70-2729; Filed, Mar. 5, 1970; 8:45 a.m.]

[Airspace Docket No. 70-WA-6]

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

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the description of the segment of VOR Federal airway No. 76 between Houston, Tex., and Galveston, Tex.

V-76 presently excludes the portion of the airway within Restricted Area R-6310. This Restricted Area has been revoked (35 F.R. 1222) which obviates the requirement for the exclusion. Accordingly, action is taken herein to delete the exclusion from the description of V-76.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective on less than 30-day notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as hereinafter set forth:

In § 71.123 (35 F.R. 2009), V-76 is amended by deleting all after "Galveston, Tex."

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

Issued in Washington, D.C., on February 25, 1970.

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

[F.R. Doc. 70-2730; Filed, Mar. 5, 1970; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

REVISION OF SUBCHAPTER

Part 1910. Pursuant to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001-4127), effective January 28, 1969 (33 F.R. 17804, Nov. 28, 1968), the Secretary of Housing and Urban Development published in the FEDERAL REGISTER (34 F.R. 2673-75, Feb. 27, 1969) a notice of proposed rule making in which he proposed a new Part 1910 of Title 24 in which were set forth criteria for land management and use in connection with the National Flood Insurance Program.

Comments on these criteria were invited from all interested persons. Comments, views, and suggestions were received from many interested persons as well as from Federal and State agencies, local governments, insurance commissioners, and members of the National Flood Insurance Advisory Committee. These comments, views, and suggestions were carefully reviewed, and much of their substance was included in the then-adopted criteria (34 F.R. 9554, June 18, 1969). These criteria remain unchanged in the present revision of this subchapter. The purpose of the present revision is to implement the emergency flood insurance program authorized by section 1336 of the National Flood Insurance Act, as amended (which section was enacted as section 408 of the Housing and Urban Development Act of 1969, Public Law 91-152, 83 Stat. 396, Dec. 24, 1969, 42 U.S.C. 4056), to clarify application procedures, and to include small business properties and damage from mudslides within coverage under the program. Additional land management and use criteria pertaining specifically to mudslides will be issued at a later date.

The purpose of the criteria is to encourage the adoption, where necessary, of adequate State and local land use and control measures for land management and use in flood-prone areas. Flood insurance under this program may be made available only in States or areas (or subdivisions thereof) which have evidenced a positive interest in securing flood insurance under this program and which have given assurances that by December 31, 1971, adequate land use and control measures consistent with these criteria, with effective enforcement provisions, will be adopted. After December 31, 1971, no new flood insurance coverage may be provided under this program in any area which has not adopted such measures.

The criteria for land management and use set forth in Subpart A thus deal explicitly with flood plain regulations, flood zoning, and flood damage prevention in flood-prone areas.

Parts 1909 and 1911 through 1915. Under this program, which is designed to make flood insurance available through a cooperative effort between the Federal Government and the private property insurance industry, coverage has been made available for residential properties designed for the occupancy of from one to four families and will now also be available for small business properties, in both inland and coastal flood-prone areas. As more experience is gained in the operation of the program, flood insurance coverage may be extended to include other types and classes of properties.

In accordance with the National Flood Insurance Act, as amended, the Secretary expects to assign a priority in establishing estimated risk premium rates, which must precede the sale of insurance (under the regular program), to those States or areas (or subdivisions) which have evidenced a positive interest in securing flood insurance coverage.

Under the emergency flood insurance program authorized by section 1336 of the National Flood Insurance Act, as amended (which section was enacted as section 408 of the Housing and Urban Development Act of 1969, Public Law 91-152, 83 Stat. 396, Dec. 24, 1969, 42 U.S.C. 4056), the Secretary is authorized to provide flood insurance, during the period ending December 31, 1971, without regard to estimated premium rates which would otherwise precede the sale of insurance in those States which evidenced a positive interest in securing coverage.

The purpose of section 1336 of the Act is to enable the Secretary to offer flood insurance coverage promptly in flood-prone communities, in order to provide individual property owners with an interim measure of protection against catastrophic losses while actuarial rates are being determined for implementation of the regular program. The Secretary will administer the emergency program in much the same manner as the existing program in order to facilitate the transferral from the former to the latter fol-

lowing the determination of actuarial rates.

The purpose of Parts 1909 and 1911 through 1915 is to set forth the general definitions applicable to the program, types of properties eligible for insurance and limits of coverage, manner in which insurance will be sold and loss claims adjusted, manner in which areas eligible for coverage will be designated, and manner in which flood-prone areas having special flood hazards will be identified.

Subchapter B. Since Subchapter B relates to a benefits program, 5 U.S.C. 553 does not apply thereto. However, as required by the Act, the Secretary has consulted with the Flood Insurance Advisory Committee, the National Flood Insurers Association, and appropriate representatives of the State insurance authorities prior to the issuance of this subchapter.

Under Title 24, Chapter VII, Subchapter B is revised to read as follows:

PART 1909—GENERAL PROVISIONS

§ 1909.1 General definitions.

As used in this subchapter—

"Accounting period" means any annual period during which the Agreement is in effect: *Provided,* That the first accounting period will begin June 6, 1969, and end June 30, 1970. Thereafter each accounting period will begin July 1 and end June 30. Each accounting period under the Agreement applies separately to the insurance premiums payable, losses incurred, premium equalization and reinsurance payments due, and operating costs and allowances attributable with respect to all policies issued under the program during the accounting period.

"Act" means the National Flood Insurance Act of 1968, enacted as title XIII of the Housing and Urban Development Act of 1968, which became effective January 28, 1969, by order of the Secretary (33 F.R. 17804, Nov. 28, 1968) pursuant to section 1377 of the Act, as amended by sections 408–410 of the Housing and Urban Development Act of 1969 (Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127.

"Actuarial rates" means the risk premium rates, estimated by the Administrator for individual communities pursuant to studies and investigations undertaken by him in accordance with section 1307 of the Act, necessary to provide flood insurance in accordance with accepted actuarial principles. Actuarial rates include applicable operating costs and allowances.

"Administrator" means the Federal Insurance Administrator, to whom the Secretary has delegated the administration of the program (34 F.R. 2680–81, Feb. 27, 1969).

"Agreement" means the contract entered into for the accounting period June 6, 1969, through June 30, 1970, by and between the Administrator and the Association, or any superseding contract, whereby the Association will provide policies of flood insurance under the program within designated areas and will adjust and pay claims for losses arising under such policies. The Agreement is renewed automatically with respect to each subsequent accounting period unless either the Administrator or the Association gives the other written notice of intention to terminate on or before January 31 of the then current accounting period.

"Applicant" means a State or area (or political subdivision thereof) which has indicated a desire to participate in the National Flood Insurance Program and has submitted the requisite evidence of positive interest and assurances pursuant to section 1305 of the Act.

"Association" means the National Flood Insurers Association and, as the context may indicate, the insurance pool composed of two or more of its members or any member acting for or on behalf of the Association under the Agreement.

"Chargeable rates" means the reasonable premium rates, estimated by the Administrator in accordance with section 1308 of the Act, which are charged to prospective insureds in order to encourage them to purchase the flood insurance made available under the program. Generally, for areas having special flood hazards, chargeable rates are considerably lower than actuarial rates.

"Criteria" means the comprehensive criteria for land management and use developed under section 1361 of the Act for the purposes set forth in § 1910.11 of this chapter.

"Deductible" means the fixed amount or percentage of any loss not covered by an insurance policy. The amount of the deductible must be exceeded before insurance coverage takes effect.

"Department" means the U.S. Department of Housing and Urban Development, whose address is 451 Seventh Street SW., Washington, D.C. 20410.

"Designated area" means a State, area, or subdivision thereof for which the Administrator has authorized the sale of flood insurance under the program, as delineated on either the Emergency Flood Insurance Area Map or the Flood Insurance Rate Map.

"Emergency Flood Insurance Area Map" means the official map, generally covering an entire community or larger area, on which the Administrator has delineated the areas in which flood insurance may be sold under the emergency flood insurance program.

"Emergency Flood Insurance Program" or "Emergency Program" means the National Flood Insurance Program authorized by the Act, as implemented on an emergency basis and without the need for individual community rate-making studies under section 1336 of the Act, which was enacted as section 408 of the Housing and Urban Development Act of 1969, 42 U.S.C. 4056.

"Flood" or "flooding" means the general and temporary condition of partial and complete inundation of normally dry land areas (a) from the overflow of streams, rivers, or other inland water or (b) from tidal surges, abnormally high tidal water, tidal waves, or rising coastal waters resulting from hurricanes, tsunamis, or other severe storms or (c) from mudslides which are movements down a slope of a mass of natural rock, soil, artificial fill or a combination of these materials, caused or precipitated by the accumulation of water on or under the ground.

"Flood Hazard Boundary Map" means an official map or plat, approved by the Administrator, on which the boundaries of the flood-plain area having special flood hazards have been drawn for the purpose of the emergency flood insurance program. The Flood Hazard Boundary Map must conform to the Official Flood Hazard Map and must be of sufficient scale and clarity to permit the ready identification of individual building sites as either within or without the area having special flood hazards. The Flood Hazard Boundary Map is generally prepared by the applicant community at the request of the Administrator.

"Flood Insurance Rate Map" means on official map, superseding or prepared in lieu of the Emergency Flood Insurance Area Map, on which the Administrator has delineated an area in which flood insurance may be sold under the regular flood insurance program and the actuarial premium rate zones applicable to such area.

"Flood plain" means an area: (a) Usually a relatively flat or low land area adjoining a river, stream, watercourse, ocean, bay or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flood or (b) subject to unstable surface soil in which the history of instability, the nature of the geology, the structure of the soil, and the climate indicate a relatively high potential for mudslides (caused by the action of surplus water accumulated above or below the ground) to inundate normally dry land surfaces.

"Flood plain area having special flood hazards" generally means (a) the maximum area of the flood plain which is likely to be flooded once every 100 years or (b) any area for which mudslides can reasonably be anticipated. For the purposes of this part, it is the area identified in accordance with section 1360 of the Act and delineated on the Official Flood Hazard Map. This is the minimum area to which the requirements of this part apply and in which flood insurance initially will be sold after the prerequisites set forth in Part 1910 of this chapter have been met.

"Flood plain managment" means the operation of an overall program of corrective and preventive measures for reducing flood damage, based on an adequate understanding and description of probable flood hazards, including but not limited to emergency preparedness plans, flood control works, and flood plain regulations (land use and control measures).

"Flood-prone area" means any area which can reasonably be expected to be subject to periodic flooding. For the purpose of Part 1910 of this chapter the term is generally synonymous with "flood plain area".

"Floodway" means the area of the flood plain reasonably required to carry and discharge flood waters. The limits

of the floodway will vary according to conditions within the flood plain. For coastal areas, the term is applied to the area where waters from the 100-year or reasonably anticipated flood could be expected to result in significant property losses to normally designed structures.

"Floodway-encroachment lines" means the lines marking the limits of floodways on official Federal, State, and local flood plain maps.

"Insurance adjustment organization" means any organization or person engaged in the business of adjusting loss claims arising under insurance policies issued by any insurance company or other insurers.

"Insurance company" or "insurer" means any person or organization authorized to engage in the insurance business under the laws of any State.

"Land use and control measures" means zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power to provide safe standards of occupancy for, and prudent use of, flood-prone areas.

"National Flood Insurers Association" is the Association sponsoring the industry flood insurance pool formed in accordance with sections 1331 and 1332 of the Act (see "Agreement" and "Association"). The Association headquarters is located at 125 Maiden Lane, New York, N.Y. 10038.

"Official Flood Hazard Map" means the official map published or designated by the Administrator to identify flood plain areas having special flood hazards, in accordance with section 1360(1) of the Act.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof.

"Policy" means the Standard Flood Insurance Policy.

"Policyholder premium" means the total insurance premium payable by the insured for the coverage or coverages provided under the policy. The calculation of the policyholder premium may be based upon either chargeable rates or actuarial rates, or both.

"Program" means the overall National Flood Insurance Program authorized by the Act, including its required coordination with land management programs in flood-prone areas under both the 1968 Act ("regular program") and the 1969 amendment adding section 1336 ("emergency program").

"Secretary" means the Secretary of Housing and Urban Development, who is authorized to carry out the program authorized by section 1304 of the Act.

"Small business" means a concern which together with its affiliates does not have assets exceeding $5 million, does not have a net worth in excess of $2½ million, and does not have an average net income after Federal income taxes for the preceding 2 fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss).

"Standard Flood Insurance Policy" means a standard contract or policy by means of which flood insurance coverage under the program is made available to an insured by the Association. The form of any such policy, as well as its terms and conditions, must have the prior approval of the Administrator and be uniform with respect to all areas.

"Start of construction" means the placement of permanent construction, such as pouring of footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; installation of sewer, gas, and water pipes, or electric or other service lines from the street; or existence on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.

"State" means the several States, the District of Columbia, the territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands.

"Substantial improvement" means any improvement which increases the actual cash value of a structure by an amount in excess of 50 percent of its actual cash value prior to a loss and before the making of the improvement. Substantial improvement does not include any temporary or other improvement which does not alter the internal or external design of the building. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

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

PART 1910—LAND MANAGEMENT AND USE

Subpart A—Criteria

Subpart B—General

AUTHORITY: The provisions of Part 1910 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

Subpart A—Criteria

§ 1910.1 Purpose of criteria.

In accordance with section 1361 of the Act, the purpose of the criteria set forth in this subpart is to encourage, where necessary and within the framework of relevant comprehensive flood-plain management plans, the adoption of State and local measures which, to the maximum extent feasible, will accomplish the following objectives:

(a) Constrict the development of land which is exposed to flood damage where appropriate;

(b) Guide the development of proposed construction away from locations which are threatened by flood hazards;

(c) Assist in reducing damage caused by floods; and

(d) Otherwise improve the long-range management and use of flood-prone areas.

§ 1910.2 State and local development goals.

State and local flood plain land use and control measures should contribute to overall community and areawide social and economic development goals by:

(a) Diverting unwarranted and inappropriate development away from flood-prone areas;

(b) Encouraging flood control and flood damage abatement efforts through public and private means;

(c) Deterring the inappropriate development of public utilities and public facilities in flood-prone areas; and

(d) Requiring such construction and land use practices as will reduce, to the maximum practicable extent, flooding from surface runoff, improper drainage, or inadequate storm sewers.

§ 1910.3 Planning considerations.

The planning and decision-making process for formulating overall community and areawide social and economic development goals and for adopting related flood plain land use and control measures should include consideration, among others, of the following factors:

(a) Availability for needed development of lands not exposed to flooding;

(b) Possibilities for reserving certain flood hazard areas for private and public open space purposes;

(c) Potential adverse effects of inappropriate flood plain development on other flood-prone areas;

(d) Opportunities for flood proofing to reduce the flood hazard;

(e) Need for flood warning and emergency preparedness plans;

(f) Necessity for improving local drainage and for controlling any increased runoff which might increase the danger of flooding elsewhere in the area;

(g) Importance of coordination with neighboring soil and water conservation programs;

(h) For coastal areas, necessity of establishing programs for building bulkheads, seawalls, breakwaters, and other damage abatement structures, and for preserving natural barriers to flooding (such as sand dunes and vegetation); and

(i) Possibilities of acquiring land or land development rights for purposes consistent with effective flood plain management.

§ 1910.4 State coordination.

(a) State participation in furthering the objectives of these criteria may include:

(1) Enacting land use and control measures which regulate flood plain use in inland and coastal areas;

(2) Enacting, where necessary, enabling legislation which confers upon counties and municipalities the authority to regulate flood plain land use in inland and coastal areas;

(3) Designating an agency of the State government to be responsible for coordinating Federal, State, and local aspects of flood plain management activities in that State;

(4) Delineating the floodways for rivers and streams, and the special flood hazard areas of coastal regions;

(5) Establishing minimum flood plain regulation standards consistent with those established in this part;

(6) Guiding and assisting municipal and county public bodies and agencies in developing flood plain management plans and land use control measures;

(7) Recommending priorities for ratemaking studies among those communities of the State which qualify for such studies;

(8) Communicating flood plain information to local communities and to the general public;

(9) Participating in flood warning and emergency preparedness programs;

(10) Assisting communities in programs to provide information on minimum elevations for structures permitted to be constructed in flood plain areas having special flood hazards; and

(11) Advising appropriate public and private agencies whose activities or projects might obstruct the flow of rivers on the avoidance of unnecessary aggravation of flood hazards.

(b) For States whose flood plain management programs substantially encompass the activities described in paragraph (a) of this section, the Administrator will:

(1) Give special consideration to State priority recommendations before selecting areas or communities for ratemaking studies from the register described in § 1910.13; and

(2) Seek State approval of local flood plain land use and control measures before accepting such measures as meeting the criteria established by this subpart.

§ 1910.5 Local coordination.

(a) Local flood plain management, flood forecasting, flood emergency preparedness, and flood control and flood damage abatement programs should be coordinated with relevant Federal, State, and regional programs.

(b) Localities adopting land use and control measures pursuant to these criteria should arrange for the coordination with the designated State agency of its program of information and education designed to promote public acceptance and use of sound flood plain management practices.

§ 1910.6 Land use and control measures.

(a) All appropriate statutes, ordinances, regulations, and similar measures, whether applicable on a statewide, regional, or local basis, should provide land use restrictions based on probable exposure to flooding. Such measures must be applicable at a minimum to the identified areas having special flood hazards.

(b) As appropriate, there should be included in such measures a clear and comprehensive statement that such measures are intended:

(1) To encourage only that development of the identified flood-prone areas which:

(i) Is appropriate in the light of the probability of flood damage; and

(ii) Represents an acceptable social and economic use of the land in relation to the hazards involved; and

(2) To discourage all other development.

(c) The measures specified in paragraph (a) of this section should:

(1) Prohibit inappropriate new construction or substantial improvements in the floodway;

(2) Control land uses and elevations of all new construction within the flood plain outside the floodway;

(3) For coastal flood plain areas (i) prescribe land uses and minimum elevations of the first floors of buildings and (ii) include consideration of the need for bulkheads, seawalls, and pilings;

(4) Be based on competent evaluation of the flood hazard as revealed by current authoritative flood plain information; and

(5) Be consistent with (i) existing flood plain management programs affecting the areas adjacent to the jurisdiction involved and (ii) applicable State standards.

Such measures should take into account the relation between first-floor elevations and the anticipated level of the 100-year flood for the purpose of protecting structures and their contents from the damage which could result from such a flood.

§ 1910.7 Subdivision planning requirements.

In addition to land use restrictions commensurate with the degree of the flood hazards in various parts of the area, there should also be such subdivision regulations as may be necessary (a) to prevent the inappropriate development of flood-prone lands; (b) to encourage the appropriate location and elevation of public utilities and facilities, such as streets, sewers, gas, electricity, and water systems; (c) to provide for adequate drainage so as to minimize exposure to flood hazards and to prevent the aggravation of flood hazards; and (d) to require such minimum elevation of all new development as may be appropriate.

§ 1910.8 Building and health code requirements.

Applicable State and local building codes and health regulations should require that proposed improvements and developments in flood-prone areas will:

(a) Properly elevate structures so as to assure protection from reasonably expected flooding;

(b) Design buildings so as to prevent flotation and collapse, giving special attention to the adequacy of foundations, and to prevent damage to nonstructural elements;

(c) Provide for the protection of the heating system and other critical mechanical or electrical installation from damage by flooding;

(d) Not create unhealthful areas of pondage or accumulation of debris and obstacles in flooding situations;

(e) Provide adequate sewerage and water systems which will not be adversely affected by flooding;

(f) Provide adequate controls on the placement of septic tanks to avoid contamination during flooding; and

(g) Require and encourage flood proofing, to the maximum extent practicable, in connection with all proposed major improvements, repairs, and rehabilitations of existing structures.

§ 1910.9 Revisions.

From time to time these criteria for land management and use may be revised by the Administrator. Such revisions will be based on such further studies and investigations as may be conducted in connection with the program under section 1361 of the Act.

Subpart B—General

§ 1910.11 Purpose of Subpart B.

(a) Pursuant to section 1305(c) of the Act, flood insurance shall be available only in States, areas, or subdivision thereof, which the Administrator determines:

(1) Have evidenced a positive interest in securing coverage under the flood insurance program; and

(2) Have given satisfactory assurances:

(i) That by December 31, 1971, land use and control measures, with effective enforcement provisions, will have been adopted by the States or areas (or political subdivisions thereof), which are consistent with such criteria for land management and use as may be developed by the Administrator from time to time and published in this part.

(ii) That application and enforcement of such measures will begin as soon as the necessary technical information on floodways and controlling flood elevations is available.

(b) Subparts A and B describe and provide instructions for submissions consistent with paragraph (a) of this section of the evidence of positive interest in flood insurance coverage and the satisfactory assurances of intent to comply with land use requirements. These subparts also list actions that must be taken by the applicant before the Administrator will accept such interest and assurances as satisfactory and flood insurance will be authorized.

(c) On receipt of documentation evidencing the positive interest and giving the satisfactory assurances required by § 1910.12, the Administrator will place the applicant on a register of areas eligible for ratemaking determinations, from which selections for such surveys and for the issuance of subsidized insurance coverage under the emergency program will be made in accordance with criteria set forth in § 1910.13.

§ 1910.12 Prerequisites for the sale of flood insurance.

In order to qualify for Federal flood insurance an applicant must:

(a) Officially evidence positive interest in securing flood insurance under this program by submitting the following information:

(1) Copies of official legislative and executive actions indicating a local need for flood insurance and a desire to participate in the Federal flood insurance program.

(2) A citation of the legal authority necessary for both State and local actions regulating land use. Copies of the authorities cited must accompany the application.

(3) A summary of State and local public and private flood plain management regulatory measures, if any, which have been adopted for the area. This submission may be in any suitable form, but should list zoning and building codes, easements, and other corrective and preventive measures instituted in order to reduce flood damage.

(4) A map, in duplicate, delineating the area for which flood insurance is requested, identifying local flood-prone areas, showing the names of rivers, bays, gulfs, lakes and similar bodies of water causing floods.

(5) A brief summary of the community's flood history and flood plain characteristics.

(6) A current flood plain information report prepared by the U.S. Army Corps of Engineers or a similar report may be substituted for all or part of subparagraphs (4) and (5) of this paragraph if the report summarizes flooding history and sufficiently identifies probable flood hazards for the flood-prone areas within the locality requesting flood insurance coverage.

(b) Submit the following assurances in the form of action by the appropriate local legislative body which commits the jurisdiction:

(1) To recognize and duly evaluate flood hazards in all official actions relating to land use in the flood plain areas having special flood hazards.

(2) To enact by December 31, 1971, and maintain in force for areas having special flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Subpart A of this part.

(3) If necessary, to seek State enabling legislation conferring authority to enact land use and control measures designed to reduce the exposure of property to flood loss.

(4) To take such other official action as may be reasonably necessary to carry out the objectives of the program. Such actions shall include but not be limited to:

(i) Assisting the Administrator, at his request, in delineating the limits of the flood plain having special flood hazard on available local maps of sufficient scale to identify the location of building sites.

(ii) Providing such information as the Administrator may request concerning present uses and occupancy of the flood plain.

(iii) After flood insurance is made available, furnishing representatives of appropriate Federal or State agencies or of the National Flood Insurers Association information, as requested, concerning new or substantially improved structures within the area of special flood hazard. This information will include first-floor elevations and, where there are basements, the distance between the first floor and the bottom of the lowest opening where water flowing on the ground will enter.

(iv) Cooperating with Federal, State, and local agencies which undertake to study, survey, map and identify flood-prone areas, as well as cooperation with neighboring jurisdictions with respect to adjoining flood plains in order to prevent aggravation of the flooding problem.

(5) To appoint or designate an agency or official with the responsibility, authority, and means to implement the commitment made herein.

(c) The required evidence of positive interest together with the required assurances, in duplicate, should be submitted to the Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

§ 1910.13 Priorities for the sale of insurance.

Those States or areas which comply with the requirements of § 1910.12 will be placed on a register of areas eligible for ratemaking studies. Areas for ratemaking studies and for the sale of insurance under the emergency program will be selected from this register on the basis of the following considerations:

(1) Location of area and exposure to flood damage;

(2) Urgency of need for flood insurance and evidence of initiation of local flood plain management activities;

(3) Population of area and intensity of existing or proposed flood plain development;

(4) Availability of information for the area with respect to flood characteristics and damage;

(5) Recommendations of State officials as to areas within States which should have priorities in flood insurance availability; and

(6) Extent of State and local progress in flood plain management, including actual adoption by the area of land use regulations consistent with related ongoing programs in the area.

§ 1910.14 Conditions for retention of flood insurance.

(a) After December 31, 1971, no flood insurance coverage shall be provided or renewed under this program unless an appropriate public body, of any State, area or subdivision thereof, has adopted land use and control measures with effective enforcement provisions, which the Administrator finds consistent with the criteria set forth in this part.

(b) After flood insurance is made available under this program, the designated official with the responsibility to implement the commitment shall submit to the Administrator an annual report, in triplicate, explaining the progress which has been made during the past year in the development and implementation of its flood plain land management and use measures.

(c) Copies of each annual report shall be submitted by the delegated official to such coordinating agency as may be designated by each Governor and to other appropriate State and local bodies. The Administrator shall be informed of the agencies to which the annual reports have been sent.

PART 1911—INSURANCE COVERAGE AND RATES

Subpart A—Availability of Insurance Coverage

Subpart B—Actuarial and Chargeable Premium Rates

AUTHORITY: The provisions of this Part 1911 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

Subpart A—Availability of Insurance Coverage

§ 1911.1 Special definitions.

The definitions set forth in § 1909.1 of this chapter are applicable to this part except that, for the purposes of this part:

(a) "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland

or tidal waters or (2) the unusual and rapid accumulation or runoff of surface waters from any source. The term "flood" shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and

(b) "Structure," unless the context indicates otherwise, means a residential building designed for the occupancy of from one to four families, or a building principally occupied by a small business concern, including such buildings while in the course of construction, but does not include building materials or supplies intended for use in the construction, alteration, or repair of such structure or any private structure appurtenant thereto unless within an enclosed building on the premises or removed for protection against the peril of flood, as provided by the policy.

§ 1911.2 Purpose of part.

This part prescribes the types of properties eligible for flood insurance coverage under the program, the limits of such coverage, and the premium rates actually to be paid by the insured. The specific areas eligible for coverage will be designated by the Administrator from time to time as applications are completed under the emergency program, and as individual ratemaking studies are completed under the regular program. Such areas will be periodically set forth under Part 1914 of this chapter.

§ 1911.3 Types of properties eligible for coverage.

(a) Insurance coverage under the program is currently available for residential properties designed for the occupancy of from one to four families and for properties occupied by small business concerns. Coverage for other classes of properties is expected to be available at a later date.

(b) Insurance coverage for contents is available in connection with residential and small business properties described in paragraph (a) of this section but may be purchased separately from structure coverage by either the building owner or the tenant.

(c) In its application for flood insurance coverage, a business concern which meets the definition of the term in § 1909.1 of this chapter may represent that it is a small business. In the absence of a written protest or other information which would cause the National Flood Insurers Association to question the veracity of the self-certification, the Association shall accept the self-certification at face value. Such representation is subject to review by the National Flood Insurers Association after the occurrence of a loss but prior to the settlement of a claim. In the event that the insured cannot show that it qualified as a small business at the time of application, the National Flood Insurers Association may deny the claim and retain all or a portion of the premium sufficient to meet the costs of investigating and processing the claim.

§ 1911.4 Limitations on coverage.

(a) All flood insurance made available under the program is subject:

(1) To the terms and conditions of the Standard Flood Insurance Policy, which shall be approved by the Administrator as to both substance and form;

(2) To the specified limits of coverage set forth in the application and declarations page of the policy; and

(3) To the maximum limits of coverage set forth in paragraph (e) of this section.

(b) Insurance under the program is available only for loss due to flood, as defined in § 1911.1. The policy covers damage from general flooding which results from other than natural causes, such as the bursting of a dam, but does not cover water damage which results from causes on the insured's own property or within his control or from a condition which does not cause general flooding in the area.

(c) The policy does not cover losses from rain, snow, sleet, hail, or water spray. It covers losses from freezing or thawing, or from the pressure or weight of ice and water, only where they occur simultaneously with and as a part of flood damage. It does not cover damage from earthquakes or similar earth movements which are volcanic or tectonic in origin.

(d) The policy protects against loss to dwelling or small business properties and contents only at the location described in the application, except that contents necessarily removed from the premises for preservation from a flood are also protected against loss or damage from flood at the new location pro rata for a period of 30 days.

(e) The maximum limits of coverage of the policy under the regular program are the following; and the maximum limits of coverage under the emergency program are one-half of the following:

(1) $35,000 aggregate liability for any single structure containing only one dwelling unit, and $60,000 for any single structure which is either:

(i) A business property which is owned or leased and operated by a small business concern, as defined by § 1909.1 of this chapter; or

(ii) A residential property containing more than one dwelling unit; and

(2) $10,000 aggregate liability for contents which are related to any dwelling unit or to the premises of each small business occupant, except that the owner of a business property which itself is a small business concern may obtain coverage up to $10,000 for any contents which are located on the premises and are not part of the real property under local law.

(f) The policy is subject to the following terms and conditions which should be especially noted:

(1) No flood insurance is available for properties declared by a duly constituted State or local zoning or other authority to be in violation of any flood plain management or control law, regulation, or ordinance.

(2) In order to reduce the administrative costs of the program, of which the Federal Government pays a major share, payment of the full policyholder premium must be made at the time of application.

(3) The policy contains a deductible clause. Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible is either $200 for each type of loss (that is, $200 on the structure and $200 on contents) or 2 percent of the amount of insurance applicable to the type of loss, whichever is the greater.

(4) The policy formerly contained a coinsurance clause applicable to structures. Upon the publication of this Subchapter B, the coinsurance clause shall not be applicable to any future insurance policy issued under the auspices of the Federal flood insurance program. In addition to eliminating the coinsurance clause, the Federal Insurance Administration encourages potential insureds to purchase full insurance to value, in order to reduce excessive uninsured losses.

(5) The insured may apply up to, but not in excess of, 10 percent of the face amount of a policy on a residential structure to appurtenant structures and outbuildings (such as carports, garages, and guest houses) if they do not constitute a separate residence. If they do constitute a separate residence, a residential structure still under construction, or a structure used for commercial purposes, they must be insured under a separate policy.

(6) The following are not insurable under the program: fences, boathouses, wharves, piers, docks, and other structures located on or partially over water and property therein or thereon.

(7) The policy contains certain exclusions (such as money and securities) and limitations (such as on paintings and jewelry) with respect to the coverage on contents it provides. In addition, the coverage on contents excludes birds or animals, most motor vehicles, boats, trailers, business property, and certain other types of property.

(8) The policy may be canceled by the insurer only for nonpayment of premium. However, any willful fraud or concealment of any material fact by the insured at any time voids the entire policy.

Subpart B—Actuarial and Chargeable Premium Rates

§ 1911.51 General.

(a) Pursuant to section 1307 of the Act, the Administrator is authorized to undertake studies and investigations to enable him to estimate the risk premium rates necessary to provide flood insurance in accordance with accepted actuarial principles, including applicable operating costs and allowances. Such rates are herein referred to as "actuarial rates."

(b) The Administrator is also authorized to estimate the rates, if lower than

the actuarial rates, which could reasonably be charged to prospective insureds in order to encourage them to purchase the flood insurance made available under the program. Such rates are herein referred to as "chargeable rates."

§ 1911.52 Applicability of actuarial rates.

Actuarial rates are applicable to all flood insurance made available for:

(a) Any property, the construction or substantial improvement of which was started (as defined in § 1909.1 of this chapter) after the Administrator has identified the area in which the property is located as an area having special flood hazards under Part 1915 of this chapter; and

(b) Coverage which exceeds the following limits:

(1) For one to four family residential properties:

(i) $17,500 aggregate liability for any dwelling unit; and

(ii) $30,000 for any single structure containing more than one dwelling unit; and

(iii) $5,000 aggregate liability per dwelling unit for any contents related to such unit; and

(2) For small business properties, as defined in § 1909.1 of this chapter:

(i) For the owner: $30,000 for the structure plus $5,000 for contents related to the premises; and

(ii) For each additional tenant: $5,000 for contents related to the premises.

§ 1911.53 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, the following chargeable rates are established for all areas designated by the Administrator under Part 1914 of this chapter for the offering of flood insurance:

(1) For any single family dwelling unit which is valued at:

(i) $17,500 and under, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be forty cents ($0.40) for structure and fifty cents ($0.50) for contents; and

(ii) $17,501–35,000, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be forty-five cents ($0.45) for structure and fifty-five cents ($0.55) for contents; and

(iii) $35,001 and over, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be fifty cents ($0.50) for structure and sixty cents ($0.60) for contents; and

(2) For any single structure containing two (2) to four (4) dwelling units, which is valued at:

(i) $30,000 and under, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be forty ($0.40) for structure and fifty cents ($0.50) for contents; and

(ii) $30,001–60,000, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be forty-five cents ($0.45) for structure and fifty-five cents ($0.55) for contents; and

(iii) $60,001 and over, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be fifty cents ($0.50) for structure and sixty cents ($0.60) for contents; and

(3) For any small business properties, as defined in § 1901.1 of this chapter, which is valued at:

(i) $30,000 and under, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be fifty cents ($0.50) for structure and one dollar ($1.00) for contents; and

(ii) $30,001–60,000, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be sixty cents ($0.60) for structure and one dollar $1.00) for contents; and

(iii) $60,001 and over, the rate per year per one hundred dollars ($100) of flood insurance coverage shall be seventy cents ($0.70) for structure and one dollar ($1.00) for contents.

§ 1911.54 Minimum policyholder premiums.

The minimum policyholder premium required for any policy, regardless of the amount of coverage, is $25. The minimum policyholder premium required for any added coverage or increase in the amount of coverage during the term of an existing policy is $4, regardless of the length of the unexpired term of the policy at the time of the change.

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Subpart A—Issuance of Policies

Subpart B—Claims Adjustment and Judicial Review

AUTHORITY: The provisions of Part 1912 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

Subpart A—Issuance of Policies

§ 1912.1 Purpose.

The purpose of this part is to set forth the manner in which flood insurance under the program is made available to the general public in those areas designated by the Administrator under Part 1914 of this chapter, and to prescribe the general method by which claims for losses are paid.

§ 1912.2 National Flood Insurers Association.

(a) Pursuant to sections 1331 and 1332 of the Act, the Administrator has encouraged the formation of an industry flood insurance pool known as the National Flood Insurers Association (the "Association") and has entered into an agreement with the Association (the "Agreement") whereby the Association will provide the flood insurance coverage under the program in the areas designated by the Administrator and will assume the responsibility for the adjustment and payment of claims for losses.

(b) Membership in the Association shall be open to any insurance company or other insurer which:

(1) Is authorized to engage in the insurance business under the laws of any State;

(2) Has total assets of at least $1 million;

(3) Agrees to assume a minimum net loss liability of $25,000 under policies of insurance issued in the name of the Association for each accounting period of membership;

(4) Pays an admission fee equal to $50 for each $25,000 of participation; and

(5) Agrees to such other reasonable conditions as the Association may prescribe, subject to the approval of the Administrator.

(c) No insurer shall be admitted to membership in the Association for a term less than a full accounting period, nor subsequent to July 1 of any accounting period.

(d) The accounting period of the Association shall be the fiscal year beginning on July 1 and ending on June 30, except that the first accounting period shall run from June 6, 1969, to June 30, 1970.

(e) Any insurance company or other insurer, insurance agent or broker, or insurance adjustment organization desiring to cooperate with the Association as fiscal agent or otherwise, will be permitted to do so to the maximum extent practicable.

(f) The Association has contracted to use its best efforts to arrange for the issuance of policies of flood insurance to any person qualifying for such coverage under Parts 1911 and 1914 of this chapter, pursuant to applications submitted by any such person to either member or nonmember companies in accordance with the terms and conditions of the Agreement.

(g) Communications concerning membership in or cooperation with the Association should be addressed directly to the National Flood Insurers Association, 125 Maiden Lane, New York, N.Y. 10038.

§ 1912.3 Limitations on sale of policies.

(a) Each participating or cooperating insurer offering flood insurance under the program shall be deemed to have agreed, as a condition of such participation or cooperation, that it shall not offer flood insurance under any authority or auspices in any amount within the maximum limits of coverage specified in § 1911.4(e) of this chapter, in any area designated by the Administrator in Part 1914 of this chapter for the offering of insurance under the program, other than in accordance with this part, the Agreement, and the Standard Flood Insurance Policy issued pursuant thereto. Violation of this condition shall, at the discretion of the Administrator, exclude the violator from any further membership in or cooperation with the Association or the program.

(b) The Agreement and all flood insurance policies issued thereunder are subject to title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and to the applicable Federal regulations and requirements issued from time to time pursuant thereto. No persons shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the program, on the ground of race, color, or national origin. Any complaint or information concerning the existence of any such unlawful discrimination in any matter within the purview of this part should be referred to the Administrator.

Subpart B—Claims Adjustment and Judicial Review

§ 1912.51 Claims adjustment.

(a) In accordance with the Agreement, the Association shall arrange for the prompt adjustment and settlement of all claims arising from policies of insurance issued under the program. Investigation of such claims may be made through the facilities of its members, nonmember insurers, or insurance adjustment organizations, to the extent required and appropriate for the expeditious processing of such claims. Settlements so made and loss adjustment expenses so incurred shall, subject to audit, be binding on the Administrator.

(b) All adjustment of losses and settlements of claims shall be made in accordance with the terms and conditions of the policy and Parts 1911 and 1912 of this chapter.

§ 1912.52 Judicial review.

Upon the disallowance by the Association of any claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within 1 year after the date of mailing of the notice of disallowance or partial disallowance of the claim, may, pursuant to section 1333 of the Act, institute an action on such claim against either the Association or the participating insurer which denied the claim, in the U.S. district court for the district in which the insured property or the major portion thereof shall have been situated, without regard to the amount in controversy.

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Sec.
1914.1 Purpose.
1914.2 Flood Hazard Boundary Map.
1914.3 Flood Insurance Maps.
1914.4 List of designated areas.

AUTHORITY: The provisions of Part 1914 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

§ 1914.1 Purpose.

(a) Sections 1360 and 1307 of the Act contemplate that flood insurance under the program will be offered in designated areas only after the Administrator has identified the general area as one having special flood hazards under Part 1915 of this chapter and has completed a ratemaking study for such area. A period of 15 years, ending August 1, 1983, has been allotted for this purpose. The priorities for conducting such ratemaking studies are set forth in Part 1910. It is the purpose of this Part 1914 to list those areas in which ratemaking studies have been concluded and the sale of insurance has been authorized. Additional areas will be added to this list from time to time as the necessary information becomes available and the requirements set forth in Part 1910 of this chapter have been met.

(b) Section 1336 of the Act authorizes an emergency implementation of the Federal flood insurance program whereby, for a period ending on December 31, 1971, the Administrator may make subsidized coverage available to designated areas prior to the completion of individual ratemaking studies. Procedures for designating areas under the emergency program are set forth in § 1914.2.

§ 1914.2 Flood Hazard Boundary Map.

(a) Where a Flood Insurance Rate Map, described in § 1914.3, is not available, the Administrator, whenever practicable, will develop an Emergency Flood Insurance Area Map as a basis for the sale of insurance; and will request the local authority charged with the responsibility of implementing the assurances set forth in § 1910.6 to delineate on a local map or plat, called the Flood Hazard Boundary Map, the limits of the flood plain area having special flood hazards. Flood Hazard Boundary Maps are subject to the approval of the Administrator, and must be available local maps of sufficient scale to identify the location of building sites.

(b) Prior to the Administrator's receipt and approval of a local Flood Hazard Boundary Map delineating the limits of the flood plain area having special flood hazards, no flood insurance will be available for new construction or substantially improved properties which are located anywhere within the applicant's jurisdiction.

(c) After approval of the Flood Hazard Boundary Map, flood insurance will be available at chargeable rates for new construction or substantially improved property located beyond the designated limits of the flood plain area having special flood hazards.

(d) Flood insurance will be made available at actuarial rates for new construction and substantially improved properties located within the flood plain area having special flood hazards upon completion of the ratemaking study for the applicant jurisdiction and the issuance of a Flood Insurance Rate Map under § 1914.3.

§ 1914.3 Flood Insurance Maps.

(a) Emergency Flood Insurance Area Map: Areas, under the emergency program, for which the Administrator has authorized the sale of flood insurance shall be designated on an Emergency Flood Insurance Area Map.

(b) Flood Insurance Rate Map: Areas under the regular program where the ratemaking survey has been completed, for which the Administrator has authorized the sale of flood insurance, shall be designated on a Flood Insurance Rate Map, which will delineate the actuarial rates applicable to each section of the community receiving flood insurance coverage.

(c) If the community is receiving flood insurance under either the emergency or the regular program, the Emergency Flood Insurance Area Map or the Flood Insurance Rate Map, whichever is applicable, shall be maintained and available for public inspection during business hours at the following locations:

(1) Information Center, Department of Housing and Urban Development, Room 1202, 451 Seventh Street SW., Washington, D.C. 20410;

(2) National Flood Insurers Association, 125 Maiden Lane, New York, N.Y. 10038;

(3) The information office of the State agency or agencies designated by each State to cooperate with the Administrator in implementing land management and use criteria and in providing flood insurance within such State, which shall be listed in this part whenever practicable simultaneously with the first offering of flood insurance within that State; and

(4) One or more official locations within the community or locality in which flood insurance is offered, which shall be specified in this part at the time the eligibility of the area is announced.

§ 1914.4 List of designated areas.

The sale of flood insurance is authorized for each of the following areas as designated on the applicable Federal Insurance Administration Official Flood Insurance Map. In accordance with § 1914.3, the maps on which such areas are designated are available for public inspection at the State and local repositories set forth below.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alaska	Fairbanks North Star Borough.	Fairbanks and vicinity.	I 02 039 0770 01.	Alaska Department of Natural Resources, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	Fairbanks North Star Borough Planning Division, Post Office Box 1267, Fairbanks, Alaska 99701. City of Fairbanks Engineering Department, Post Office Box 790, Fairbanks, Alaska 99701.	June 25, 1969.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Louisiana	Jefferson (Parish).	Metairie	I 22 051 1545 01.	Louisiana Department of Public Works, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois Street, Metairie, La. 70005 (on East Bank).	Do.
				Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	
Do	do	do	I 22 051 1545 02.	Louisiana Department of Public Works, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois Street, Metairie, La. 70005 (on East Bank).	Sept. 30, 1969.
				Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	
Do	do	Terrytown and vicinity.	I 22 051 2246 01.	Louisiana Department of Public Works, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois Street, Metairie, La. 70005 (on East Bank).	Mar. 3, 1970.
				Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	
Do	Orleans (Parish).	New Orleans: Inner Harbor Area.	I 22 071 1690 01.	Louisiana Department of Public Works, Baton Rouge, La. 70804.	City Planning Commission, R 4W04 City Hall, 1300 Perdido Street, New Orleans, La. 70112.	Do.
				Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.		
Texas	Harris	City of Baytown: Lakewood, Wooster, and Brownwood Additions.	I 48 201 0480 01.	Texas Water Development Board, 301 West Second Street, Austin, Tex. 78711.	Office of the Planning, Director, City Hall, 2401 Market Street, Baytown, Tex. 77520.	Feb. 27, 1970.
				State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.		
Virginia	Arlington	Four Mile Run.	I 51 013 0000 01.	Division of Water Resources, Seventh Floor, 911 East Broad Street, Richmond, Va. 23219.	Department of Transportation, County Court House, Arlington, Va. 22201.	Oct. 6, 1969.
				Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.		
Do	City of Alexandria.	do	I 51 510 0000 01.	Division of Water Resources, Seventh Floor, 911 East Broad Street, Richmond, Va. 23219.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969.
				Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.		
West Virginia	Mingo	Matewan	I 54 059 1700 01.	Division of Water Resources, Department of Natural Resources, State Office Building 3, Charleston, W. Va. 25305.	Town of Matewan, Town Hall, Tug Street, Matewan, W. Va. 25678.	Feb. 3, 1970.
				Insurance Commission, State of West Virginia, 1800 Washington Street, East, Charleston, W. Va. 25305.		Do.

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

Sec.
1915.1 Purpose.
1915.2 Official Flood Hazard Map.
1915.3 List of flood hazard areas.

AUTHORITY: The provisions of Part 1915 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

§ 1915.1 Purpose.

Sections 1360 and 1308(c) of the Act contemplate that the Administrator will identify and publish periodically over a 5-year period, ending August 1, 1973, information with respect to all flood plain areas having special flood hazards and that, once any such area has been so identified, flood insurance will not be made available at chargeable rates within such area with respect to any property which is thereafter constructed or substantially improved, as defined in § 1909.1 of this chapter. It is the purpose

of this Part 1915 to list those areas which have been identified by the Administrator as having such special flood hazards. Additional areas will be added to this list from time to time as the necessary information becomes available.

§ 1915.2 Official Flood Hazard Map.

Areas which the Administrator has identified as flood-plain areas having special flood hazards will be delineated on an Official Flood Hazard Map, which shall be maintained and made available for public inspection at the same times and places as those indicated in § 1914.3(c) of this chapter.

§ 1915.3 List of flood hazard areas.

Each of the following areas as designated on the applicable Federal Insurance Administration Official Flood Hazard Map is identified as a flood plain area which has special flood hazards. In accordance wth § 1915.2, the maps on which such areas are designated are available for public inspection at the State and local repositories set forth below.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alaska	Fairbanks North Star Borough.	Fairbanks and vicinity.	H 02 039 0770 01.	Alaska Department of Natural Resources, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	Fairbanks North Star Borough Planning Division, Post Office Box 1267, Fairbanks, Alaska 99701. City of Fairbanks Engineering Department, Post Office Box 790, Fairbanks, Alaska 99701.	June 24, 1969.
Louisiana	Jefferson (Parish).	Metairie	H 22 051 1545 01.	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois Street, Metairie, La. 70005 (on East Bank). West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	Do.
Do	do	Terrytown and vicinity.	H 22 051 2246 01.	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois Street, Metairie, La. 70005 (on East Bank). West Bank Drainage District, 1972 Ames Boulevard, Post Office Box 335, Marrero, La. 70072.	Mar. 6, 1970.
Do	Orleans (Parish).	New Orleans: Inner Harbor Area.	H 22 071 1690 01.	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City Planning Commission, R 4W04 City Hall, 1300 Perdido Street, New Orleans, La. 70112.	Do.
Texas	Harris	City of Baytown: Lakewood, Wooster, and Brownwood Additions.	H 48 201 0480 01.	Texas Water Development Board, 301 West Second Street, Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Office of the Planning Director, City Hall, 2401 Market Street, Baytown, Tex. 77520.	Feb. 26, 1970.
Virginia	Arlington	Four Mile Run.	H 51 013 0000 01.	Division of Water Resources, Seventh Floor, 911 East Broad Street, Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Transportation, County Court House, Arlington, Va. 22201.	Oct. 1, 1969.
Do	City of Alexandria.	do	H 51 510 0000 01.	Division of Water Resources, Seventh Floor, 911 East Broad Street, Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969.
West Virginia	Mingo	Matewan	H 54 059 1700 01.	Division of Water Resources, Department of Natural Resources, State Office Building 3, Charleston, W. Va. 25305. Insurance Commission, State of West Virginia, 1800 Washington Street, East, Charleston, W. Va. 25305.	Town of Matewan, Town Hall, Tug Street, Matewan, W. Va. 25678.	Feb. 3, 1970. Do.

Effective date. This revision of Subchapter B shall be effective as of March 13, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-2750; Filed, Mar. 5, 1970; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 398; Supplement No. 3]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

DELEGATION OF AUTHORITY

FEBRUARY 27, 1970.

Delegating authority for settling employees' claims under Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767 and 31 U.S.C. 241).

Under and by virtue of the authority vested in me by § 0.76(a)(12) and § 0.76(k) of Title 28 of the Code of Federal Regulations, the authority to settle claims of $200 or less filed by employees of their respective offices in accordance with Memo No. 398 is hereby delegated to the Director, Executive Office for U.S. Attorneys, and to the Director, U.S. Marshals Service.

The office in which claims are settled pursuant to the authority delegated herein shall submit to the Office of Budget and Accounts, Administrative Division by September 30th a report showing for each claim settled during the year ended August 31st: (1) the name of the claimant, (2) the amount claimed, and (3) the amount paid.

The provisions of this memorandum shall be effective of the date of the publication of this memorandum in the FEDERAL REGISTER.

L. M. PELLERZI,
Assistant Attorney General for Administration.

[F.R. Doc. 70-2738; Filed, Mar. 5, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 807a—DISTRIBUTION OF FEDERAL CATALOG SYSTEM DATA TO THE PUBLIC

A new Part 807a is added to Chapter VII of Title 32 of the Code of Federal Regulations to read as follows:

Sec.
807a.0 Purpose.
807a.2 Policy.
807a.4 Definitions.
807a.6 Responsibility.

AUTHORITY: The provisions of this Part 807a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 807a.0 Purpose.

This part outlines the basic Air Force policies and instructions governing the distribution of Federal Catalog System data to the public. It applies to all Air Force activities.

§ 807a.2 Policy.

(a) It is Department of Defense and Air Force policy to make available to the public the maximum amount of information concerning operations and activities subject to the exclusions in paragraph (c) of this section.

(b) This part includes all materiel control functions in the management areas in section II, DOD Directive 4130.2, "Development, Maintenance and Utilization of the Federal Catalog System within the Department of Defense" as they relate to paragraph (b) of § 807a.4 of this part.

(c) Items and publication data excluded from this part are:

(1) Federal Catalog listings containing security or classified information.

(2) Data concerning Atomic Energy Commission (AEC) specially designed items.

(3) Data concerning AEC quality controlled commercial items.

(4) Data concerning military service designed and quality controlled nuclear ordnance items.

(5) Data concerning National Security Agency (NSA) specially designed and controlled items.

(6) Publications designed "For Official Use Only."

(7) Management Data Lists (MDLs), containing materiel management information peculiar to a military service and required to requisition and account for items of supply.

(d) Members of the public requesting Federal Catalog System data will have access to the following publications, contingent upon the release of procedures in section X, DOD Directive 5400.7, "Availability to the Public of DOD Information," and according to guidelines in § 807a.6.

(1) A brochure, "Federal Catalog System Publications," is available without charge from the Defense Logistics Service Center (DLSC), Battle Creek, MI 49016. The cataloging data described in this brochure may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or the compiling DOD component as indicated therein; or obtained from the DOD without charge according to § 807a.6.

(2) Identification Lists (ILs) as described in § 807a.4, will be sold directly by the compiling activities within the military departments or the Defense Supply Agency (DSA), except as indicated in § 807a.6, whereby the documents will be furnished without charge.

(3) Printed copies of the consolidated Master Cross Reference List (MCRL), in the reference number sequence described in § 807a.4, are for sale by the U.S. Government Printing Office.

§ 807a.4 Definitions.

(a) *Federal Catalog System*. A Department of Defense program established by law to:

(1) Provide a uniform system of item identification.

(2) Eliminate different identification of like items.

(3) Reveal interchangeability among items.

(4) Aid in standardization.

(5) Facilitate intradepartmental and interdepartmental logistics support.

(6) Strengthen Government-Industry relations.

(7) Improve materiel management and military effectiveness to promote efficiency and economy in logistics operations.

(b) *Federal Catalog System Data*—(1) *Cataloging Handbooks*. A series of publications comprising the cataloging tools used in the Federal Catalog System.

(2) *Federal Manual for Supply Cataloging*. A series of publications containing operating policies, rules, and procedures for the uniform development and maintenance of the Federal Catalog System.

(3) *Federal Item Identification Guide/Description Pattern*. A document or publication containing requirements which predetermine the sequence and nature of data required to describe, with consistent uniformity, a given item or group of items.

(4) *Federal Item Identification*. The minimum data needed to identify a supply item and set it apart from all other supply items used by the Federal Government.

(5) *Identification Lists*. The sections of the Federal Supply Catalog containing characteristics or other identifying data for items of supply. The ILs for the military services include only items of interest to the respective military service. The Defense Supply Agency (DSA) ILs include only items classified within the Federal Supply Classes assigned to the DSA for materiel management.

(6) *Master Cross Reference List*. The sections of the Federal Supply Catalog containing a one-way cross-reference between reference numbers (part, catalog, drawing, etc.) and their applicable Federal stock numbers (FSNs) for all cataloged items recorded in the Defense Logistics Services Center (DLSC). These sections are published in tailored issues for the use of each military service and also as a consolidated issue. The tailored issues include only reference numbers and FSNs of interest to a particular military service. The consolidated issue lists all references numbers (except those which are security classified) and the corresponding FSNs recorded in the master Federal Catalog files of DLSC.

§ 807a.6 Responsibility.

(a) The Air Force sells the ILs for which it is the cognizant preparing activity, according to § 807a.2.

(b) The Air Force, at its own option:

(1) Provides a limited number of selected ILs and tailored MCRLs without charge to:

(i) Commercial activities or individuals who supply selected items under Air Force contracts, if they request the lists and an Air Force contracting official determines that the data is relevant to the contract. After initial distribution has been made, each requiring activity or individual will purchase extra copies of

the basic documents and supplements according to paragraph (c) of this section.

(ii) Bidders for Air Force contracts, if the responsible contracting officials determine that the data is essential and in the best interest of the Government.

(2) Furnishes to a commercial contractor (if required by the terms of a current Air Force contract) a minimum number of the Federal Catalog Systems publications specified in § 807a.4, unless the contract specifies that the commercial contractors must purchase the documents.

(c) The Air Force will sell to:

(1) The general public, printed copies of the Federal Catalogs for which it is the cognizant preparing activity, as specified in § 807a.2.

(2) Contractors, any material they are required to purchase under the provisions of paragraph (b) of this section. Charges and fees for the sale of printed material, and the resultant collection, accounting, and record maintenance procedures will be according to AFR 12–32 (Schedule of Fees for Copying, Certifying, and Searching Records and Other/Documentary Material)

For the Secretary of the Air Force.

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

[F.R. Doc. 70–2741; Filed, Mar. 5, 1970; 8:46 a.m.]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 907—DELAYED ENLISTMENT PROGRAM (DEP)

Part 907 of Chapter VII Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
907.1 Purpose.
907.2 Applicability.
907.3 Enlistment criteria.
907.4 Category of enlistment.
907.5 Place of enlistment.
907.6 Term of enlistment.
907.7 Grade and date of rank.
907.8 Duty status and assignment.

AUTHORITY: The provisions of this Part 907 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

§ 907.1 Purpose.

This part authorizes the program for enlisting qualified applicants in the U.S. Air Force Reserve (USAFR) under 10 U.S.C. 511(b) and 10 U.S.C. 672(d). It states the policies and procedures governing a delayed enlistment program whereby applicants in the 50 States and the District of Columbia who enlist in the USAFR will enter on extended active duty or enlist in the Regular Air Force.

§ 907.2 Applicability.

This delayed enlistment program applies to any applicant who enlists in the USAFR and volunteers to enter on extended active duty (EAD) for a 4-year period within 120 days from the date of that enlistment. Instead of entering on EAD the Reservist may enlist in the Regular Air Force on a date determined by mutual agreement with Air Force recruiting officials or on a date directed by Air Training Command.

§ 907.3 Enlistment criteria.

An applicant must meet all the qualifications for Regular Air Force enlistment in Part 888 of this chapter, except that:

(a) Enlistment in the DEP is authorized for an applicant (1) Who is a high school student within 120 days of graduation. (2) For assignment as a performing member of The USAF Band, HQ Comd, USAF, Bolling AFB, D.C. 20332.

(b) Enlistment in the DEP is not authorized for an applicant:

(1) For the Medically Remedial Enlistment Program.

(2) Who is a member of a Reserve Component of an armed force.

(3) Previously discharged from the DEP.

(4) For any Air Force band except as authorized in paragraph (a) of this section.

(5) Who requires a preenlistment security investigation in accordance with Part 888 of this chapter.

§ 907.4 Category of enlistment.

Within the DEP enlist the applicant in one of the following categories as appropriate:

(a) *Regular DEP.* For a male applicant scheduled to enter the Regular Air Force under procedures other than in paragraphs (c) and (d) of this section.

(b) *Women in the Air Force (WAF) DEP.* For a WAF applicant scheduled to enter the Regular Air Force under the procedures for the WAF Program.

(c) *Officer Training School (OTS) DEP.* For an applicant who received official notice of selection for OTS.

(d) *College DEP.* For a nonprior service male college graduate who desires classification and assignment prior to enlistment in the Regular Air Force. An OTS applicant is eligible for this program providing he has not received official notification of final selection for OTS and is otherwise qualified.

§ 907.5 Place of enlistment.

Accomplish all enlistments in the USAFR (DEP) at the Armed Forces Examining and Entrance Stations (AFEES).

§ 907.6 Term of enlistment.

All enlistments are for 6 years.

§ 907.7 Grade and date of rank.

Enlist applicant in the grade authorized in Part 888 of this chapter with date of rank as date of enlistment.

§ 907.8 Duty status and assignment.

(a) The enlistee is not permitted to participate in any Reserve training while assigned to Obligated Reserve Section (ORS) (DEP).

(b) The enlistee is assigned to the Air Reserve Personnel Center (AROC) (ORS) (DEP) until enlistment in the Regular Air Force, entry on extended active duty, or discharge.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 70–2722; Filed, Mar. 5, 1970; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2, Direction 12—Revocation]

BDSA REG. 2, DIR. 12—RESTRICTIONS ON THE PLACEMENT OF RATED ORDERS FOR NICKEL AND DISPOSITION OF NICKEL CONTAINED IN GENERATED SCRAP

Revocation

MARCH 6, 1970.

Direction 12 to BDSA Reg. 2 (34 F.R. 13315) is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 12 to BDSA Reg. 2, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; Sec. 1, Public Law 90–370, 82 Stat. 279)

This revocation is effective March 6, 1970.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM D. LEE,
Administrator.

[F.R. Doc. 70–2789; Filed, Mar. 5, 1970; 8:48 a.m.]

[BDSA Reg. 2 (formerly NPA Reg. 2) Direction 13 of Mar. 6, 1970]

BDSA REG. 2, DIR. 13—PROCEDURE FOR OBTAINING SPECIAL RATING AUTHORITY FOR REPLACEMENT OF SECOND AND THIRD QUARTER 1969 NICKEL INVENTORIES

This direction under BDSA Regulation 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. Its purpose is to enable persons who used nickel from their inventories during the second and third calendar quarters of 1969 to fill mandatory acceptance orders and who were prevented from using ratings to replace such inventory by the provisions of Direction 12 to BDSA Regulation 2, to replenish such inventory with the use of a special rating under the procedures prescribed in this direction. Nickel for this purpose, consisting principally of

briquettes and nickel oxide powder, is available from the nickel released from the National Stockpile on December 16, 1969, in accordance with contractual arrangements made by the General Services Administration.

In the formulation of this direction there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected in advance of the issuance of this direction has been rendered impracticable because if affects many industries.

Sec.
1 What this direction does.
2 Definitions.
3 Procedure for consumers who purchase nickle from producers.
4 Procedure for consumers who purchase nickel from distributors.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279.

Section 1 What this direction does.

This direction establishes procedures under which consumers who used nickel from their inventories during the second and third calendar quarters of 1969 to fill mandatory acceptance orders and who were prevented by the provisions of Direction 12 to BDSA Regulation 2 from using ratings to replace such nickel in their inventories will be authorized to place orders bearing the special rating DO–R1 to obtain nickel for inventory replacement as defined in section 3(h) of this direction from the nickel released from the National Stockpile on December 16, 1969. Separate procedures are provided for those consumers who customarily purchase nickel from producers and for those consumers who customarily purchase nickel from distributors.

Sec. 2 Definitions.

As used in this direction:

(a) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(b) "Nickel" means primary nickel (not including nickel derived or recovered from scrap) in the following forms or shapes:

Electrolytic cathodes.
Briquettes.
Pigs.
Ingots.
Rondelles.
Cubes and pellets.
Shot.
Oxide (including sintered oxide).
Salts.
Chemicals.
Powder.
Ferronickel.

(c) "Ferronickel" means a primary form of nickel commonly used as a raw material in the manufacture of ferrous metals and which contains by weight 25 percent or more of nickel.

(d) "Producer" means a person engaged in making and/or refining nickel.

(e) "Distributor" means any person (including a warehouseman, jobber, dealer, or retailer) engaged in the business of stocking nickel for sale or resale at one or more locations regularly maintained by him for such purpose. A person who, in connection with any purchase of nickel for resale, does not normally take physical delivery of such nickel into his own stock at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

(f) "Consumer" means any person who uses or consumes nickel in connection with his production to fill mandatory acceptance orders or in connection with the services he performs to fill mandatory acceptance orders.

(g) "Mandatory acceptance order" means any authorized controlled material order, rated order, or any other purchase or delivery order which a person is required to accept pursuant to any regulation or order of BDSA, or pursuant to a specific authorization or directive of BDSA.

(h) "Nickel for inventory replacement" means that quantity of nickel which a consumer used from his inventory in each of the second and third calendar quarters of 1969 to fill mandatory acceptance orders and which he has not replaced with the use of rated orders because of the provisions of Direction 12 to BDSA Regulation 2, dated August 15, 1969.

Sec. 3 Procedure for consumers who purchase nickel from producers.

(a) Notwithstanding the provisions of Section 9(a) of BDSA Regulation 2 as amended by Amendment 6, dated April 27, 1960, a consumer who, prior to August 15, 1969, customarily purchased nickel from a producer with the use of ratings may request authority from BDSA to use a rating to purchase nickel for inventory replacement as defined in section 2(h) of this direction by submitting an application in the form of a letter to the Iron and Steel Division, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, containing the information listed below, no later than March 16, 1970.

(i) Name and address of applicant.

(ii) Name and telephone number of responsible official.

(iii) Amount of nickel requested for inventory replacement as defined in section 2(h) of this direction, separately for each of the second and third calendar quarters of 1969.

(iv) A statement that the application is made pursuant to Direction 13 to BDSA Regulation 2.

(v) Signature of responsible official listed in (ii), above.

(b) Upon approval, BDSA will authorize the applicant in writing to place purchase orders for nickel identified by the special rating DO–R1 in an amount not to exceed that shown in item (iii) of his application for each of the second and third calendar quarters of 1969. The authorization will identify the producer with whom such orders must be placed, the type of nickel for which the special rating DO–R1 may be used, and will state the date after which such orders will not be required to be accepted by the producer. Orders for nickel bearing the rating DO–R1 placed pursuant to the foregoing written authorization by BDSA shall be certified as follows:

Certified under BDSA Regulation 2 for nickel for inventory replacement for the second and/or third calendar quarter of 1969.

Such certification shall be signed as provided for in BDSA Regulation 2.

(c) No producer shall fill a delivery order for nickel bearing the rating DO–R1 except pursuant to written authorization from BDSA.

Sec. 4 Procedure for consumers who purchase nickel from distributors.

(a) Notwithstanding the provisions of section 9(a) of BDSA Regulation 2, as amended by Amendment 6, dated April 27, 1960, a consumer who, prior to August 15, 1969, customarily purchased nickel from a distributor with the use of ratings, is hereby authorized to place orders for nickel with the use of the special rating DO–R1 with a distributor in an amount not to exceed the amount of nickel for inventory replacement as defined in section 2(h) of this direction. An order bearing the special rating DO–R1 may be placed only with a distributor for the nickel for inventory replacement for the second and third calendar quarters of 1969. Such orders shall be certified as follows:

Certified under BDSA Regulation 2 for nickel for inventory replacement for the second and/or third calendar quarter of 1969.

Such certification shall be signed as provided for in BDSA Regulation 2, and shall constitute a representation to the supplier and to BDSA that the amount of nickel ordered was used by the purchaser from his inventory in each of the second and third calendar quarters of 1969 to fill mandatory acceptance orders and that he has not replaced such nickel in his inventory, or ordered such replacement, with the use of rated orders. Rated orders for nickel for inventory replacement pursuant to this section shall be placed no later than March 16, 1970.

(b) A distributor shall accept orders rated DO–R1 as described in paragraph (a) of this section in accordance with the provisions of section 10 of BDSA Regulation 2. The distributor shall submit an application to BDSA in the manner described in section 3(a) of this direction, stating in item (iii) the total quantity of nickel requested to fill orders bearing the rating DO–R1 which he has accepted. Such application shall be submitted to BDSA no later than March 20, 1970.

(c) Upon approval of such application from a distributor, BDSA will issue written authorization to the distributor in the manner described in section 3(b). Upon receipt of nickel pursuant to such authorization the distributor shall fill the orders bearing the rating DO–R1 in accordance with the provisions of the authorization.

(d) No distributor shall fill a delivery order for nickel bearing the rating DO–R1 except pursuant to written authorization from BDSA.

NOTE: All reporting and recordkeeping requirements pursuant to this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect March 6, 1970.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
WILLIAM D. LEE,
Administrator.

[F.R. Doc. 70-2790; Filed, Mar. 5, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 70-9; Notice No. 11]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A, Standard No. 109 and to Appendix A, Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR 353) will be followed.

The Rubber Manufacturers Association has petitioned for the addition of the 8–JJ alternative rim for the G60–15 tire size designation; the 7–JJ alternative rim for the E78–14, F78–14, H78–14, H78–15, J78–15, and L78–15 tire size designations; the 6½–JJ alternative rim for the 8.55–15 and H78–15 tire size designations and the 5–JJ alternative rim for the 8.25–15 tire size designation to Table I, Appendix A of Standard No. 110.

The Rubber Manufacturers Association has also petitioned for the addition of the new B78–13 and N78–15 tire size designations to Table I–J of Appendix A, Standard No. 109 and the appropriate test and alternative rims to Table I, Appendix A of Standard No. 110.

The Dunlop Co., Ltd., has petitioned for the addition of the 6–JK alternative rim size for the ER70–15 tire size designation to Table I, Appendix A of Standard No. 110.

The Nissan Motor Co., Ltd., has petitioned for the addition of the 4½–J alternative rim for the 175 R 14 tire size designation to Table I, Appendix A of Standard No. 110.

In 34 F.R. 19612 published on December 12, 1969 (Docket No. 69–32) Table I–A, Appendix A of Standard No. 109 was not published in numerical order and the minimum size factor for the 8.25–15 tire designation was printed as 37.57 inches whereas the correct value is 35.57 inches. These corrections are included in this amendment.

On the basis of the data submitted by the Rubber Manufacturers Association, the Dunlop Co., Ltd., and Nissan Motor Co., Ltd., indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth Table I, Appendix A of Standard No. 109 is being amended and Table I, Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, section 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 11421) are being amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

These amendments are issued under authority of section 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and delegation from the Secretary of Transportation contained in § 1.4(c) of Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)), and the delegation from the Federal Highway Administration of October 5, 1968 (33 F.R. 14964).

RODOLFO A. DIAZ,
Acting Director, Motor Vehicle Safety Performance Service.

FEBRUARY 26, 1970.

1. The existing Table I–A is deleted and in its place the following revised table I–A is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I–A

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00–13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4	29.37	6.00
6.50–13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.75	6.60
7.00–13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.88	7.10
6.00–14			840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240	4	30.64	6.10
6.45–14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.92	6.60
6.50–14			930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370	4½	31.75	6.60
6.95–14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.96	7.00
7.00–14			1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520	5	32.88	7.10
7.35–14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.92	7.30
7.50–14			1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.19	7.65
7.75–14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	34.09	7.75
8.00–14			1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.17	8.10
8.25–14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.11	8.20
8.50–14			1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960	6	35.91	8.35
8.55–14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.06	8.50
8.85–14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.82	8.95
9.00–14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.91	8.80
9.50–14			1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,260	6½	37.74	9.05
6.00–15			890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4	31.64	6.10
6.50–15			980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440	4½	32.75	6.60
6.70–15			1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,590	1,640	4½	33.95	7.00
6.85–15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.48	6.90
7.00–15	1,170	1,240	1,310	1,380	1,450	1,515	1,580	1,640	1,700	1,760	1,820	1,870	1,930	5	36.02	7.35
7.10–15			1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760	5	34.89	7.40
7.35–15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.86	7.50
7.60–15			1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930	5½	36.05	7.90
7.75–15			1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.53	7.65
8.00–15			1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,860	1,920	1,980	2,040	6	36.84	8.30
8.15–15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.50	8.15
8.20–15			1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170	6	37.50	8.50
8.25–15	1,030	1,190	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.57	8.20
8.45–15			1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.37	8.35

See footnotes at end of table.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-A

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
8.55-15	1,220	1,290	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.57	8.45
8.85-15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.29	8.80
8.90-15			1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,290	2,360	2,430	2,500	6½	39.54	9.30
9.00-15			1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,090	2,150	6	37.45	8.50
9.15-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.92	9.05
6.00-16			1,075	1,135	1,195	1,250	1,300	1,350	1,400	1,450	1,500			4	34.17	6.25
6.50-16	1,090	1,150	1,215	1,280	1,345	1,405	1,465	1,525	1,580	1,635	1,690	1,740	1,790	4½	35.59	6.80
6.70-16		1,185	1,240	1,300	1,355	1,410	1,465	1,525	1,580	1,635	1,690	1,740	1,795	4½	35.60	7.40
7.00-16			1,365	1,440	1,515	1,585	1,650	1,715	1,780	1,840	1,900			5	37.02	7.35
7.50-16			1,565	1,650	1,735	1,810	1,890	1,960	2,035	2,105	2,175			5½	38.78	8.00
6.50-17		1,215	1,275	1,330	1,390	1,450	1,500	1,560	1,620	1,680	1,740	1,795	1,850	5	37.00	7.60
L84-15			1,510	1,606	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6	37.88	8.65

1. The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

2. Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. The existing Table I-J is deleted and in its place the following revised Table I-J is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-J

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
B78-13	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	5	30.72	7.05
C78-13	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.56	7.45
B78-14	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.04	6.65
C78-14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.95	7.05
D78-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.52	7.35
E78-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.29	7.65
F78-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.95	7.90
G78-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.02	8.35
H78-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.06	8.70
J78-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	36.58	8.80
C78-15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	32.45	6.95
D78-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	33.05	7.15
E78-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	33.65	7.35
F78-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.56	7.70
G78-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5½	35.36	8.05
H78-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.50	8.55
J78-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	37.02	8.70
L78-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6	37.73	8.85
N78-15	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	7	39.50	9.80

1. The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

2. Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

3. Delete Table I of Appendix A and insert the following new Table I of Appendix A.

FMVSS No. 110

APPENDIX A—TABLE I

(Alternative Rims)

Tire size	Rim [1]
4.80-10	*3.50D.*
6.40-15	4-JJ, *4½-JJ, 4½-K, 4.50E,* 5.00E, 5-JJ, 5-K, 5½-JJ.
7.00-15	*5.00F, 5-K.*
8.25-15	5-JJ, 5½-JJ, *6-JJ, 6-K, 6-L.*
8.55-15	5½-JJ, *6-JJ, 6-K, 6-L,* 6½-JJ.
8.90-15	6-JJ, *6½-L,* 7-L.
9.15-15	5½-JJ.
L84-15	5½-JJ, *6-JJ,* 6½-JJ, 7-JJ.
G45C-16	*5.*
E50C-16	*3½.*
F50C-16	*3½.*
G50C-17	*3½.*
H50C-17	*3½.*
L50C-18	*3½,* 4.
E60-15	*6-JJ,* 7-JJ.
F60-15	6½-JJ, *7-JJ.*
G60-15	*7-JJ,* 8-JJ.
D70-13	*5½-JJ, 5½-K.*
E70-14	7-JJ.
F70-14	7-JJ.
G70-14	7-JJ.
C70-15	*5½-JJ.*
E70-15	7-JJ.
F70-15	8-JJ.
G70-15	7-JJ.
ER70-15	6-JJ.
165/70 R 13	*4½-JJ,* 5-JJ.
175/70 R 13	*5-JJ,* 5½-JJ.
185/70 R 13	4½-JJ, *5-JJ,* 5½-JJ.
155/70 R 14	*4-JJ.*
175/70 R 15	*5-JJ.*
5.0-15	3.50B, 3.50D, 3½-JJ, *4-JJ, 4.00C.*
5.5-15	3.50D, 3½-JJ. *4-JJ,* 4½-JJ.
145-10	3.50B.
145-13	3½-JJ, 4½-JJ.
165-13	*4½-JJ.*
185-15	4½-JJ.
5.20-13	4½-JJ.
5.60-13	3½-JJ, 4-JJ.
6.00-13	*4-JJ.*
5.60-14	4½-JJ.
5.60-15	5-K.
135 R 13	4½-JJ.
150 R 13	3½-JJ, *4.00B,* 4½-JJ, 5-JJ.
155 R 13	5-JJ.
160 R 13	4.00B, *4½-JJJ,* 5-JJ, 5½-JJ.
165 R 13	4-JJ.
170 R 13	4½-JJ, *5-JJ,* 5½-JJ, 6-JJ.
165 R 14	5½-JJ.
175 R 14	4½-JJ.
165 R 15	5-K.
155-13/6.15-13	5-JJ.
B78-13	*5-JJ.*
C78-13	*5½-JJ.*
B78-14	*4½-JJ, 4½-K,* 5-JJ, 5-K.
C78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
D78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
E78-14	4½JJ, 5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6½-JJ, 7-JJ.
F78-14	5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6-K, 6½-JJ, 7-JJ.
G78-14	5-JJ, 5½-JJ, 5½-K, *6-JJ, 6-K,* 7-JJ.
H78-14	5½-JJ, *6-JJ, 6-K,* 6½-JJ, 6½-K, 7-JJ.
J78-14	*6-JJ, 6-K,* 6½-JJ.
C78-15	4½-JJ, 4½-K, *5-JJ, 5-K.*
D78-15	*5-JJ, 5-K.*
E78-15	4½-K, *5-JJ, 5-K,* 5½-JJ, 5½-K, 6-JJ.
F78-15	4½-K, 5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ.
G78-15	5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6-K, 6-L, 7-JJ.
H78-15	5½-JJ, 5½-K, *6-JJ, 6-K, 6-L,* 6½-K, 6½-JJ, 7-JJ.
J78-15	*6-JJ, 6-K, 6-L,* 6-JJ, 6½-JJ, 7-JJ.
L78-15	*6-JJ, 6-K, 6-L,* 6½-JJ, 7-JJ.
N78-15	6-JJ, *7-JJ.*
BR78-13	*4½-JJ.*
CR78-14	*5-JJ.*
DR78-14	*5-JJ.*
ER78-14	*5-JJ.*
FR78-14	*5½-JJ.*
GR78-14	*6-JJ.*
HR78-14	*6-JJ.*
JR78-14	*6½-JJ.*
BR78-15	*4½-JJ.*
ER78-15	*5½-JJ.*
FR78-15	*5½-JJ.*
GR78-15	*6-JJ.*
HR78-15	*6-JJ.*
JR78-15	*6½-JJ.*
LR78-15	*6½-JJ.*

NOTE: Where JJ rims are specified in the above table, J and JK rim contours are permissible.

[F.R. Doc. 70-2704; Filed, Mar. 5, 1970; 8:45 a.m.]

[1] Italicized designations denote Test Rims.

See footnote at end of table.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Basis and Purpose. Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10–2, 10 BIAM 7.0, §§ 2.70–2.75, notice is hereby given of the intention to modify §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for nondistrict lands of the Flathead Indian Irrigation Project for 1970 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Project Engineer, Bureau of Indian Affairs, Flathead Indian Irrigation Project, St. Ignatius, Mont., within 30 days of publication of this notice in the FEDERAL REGISTER.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $3.49 per acre, for the season of 1970 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½-acre-feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and thirty-three ($2.33) per acre foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Division.

(a) (1) An annual minimum charge of $3.69 per acre, for the season of 1970 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and forty-six cents ($2.46) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $4.22 per acre, for the season of 1970 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to 1½ acre-feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and eighty-one cents ($2.81) per acre foot or fraction thereof.

GEORGE L. MOON,
Project Engineer.

[F.R. Doc. 70–2749; Filed, Mar. 5, 1970; 8:47 a.m.]

National Park Service

[36 CFR Part 7]

CAPE COD NATIONAL SEASHORE, MASS.

Hunting, Trapping, Fishing, Swimming, Camping, Aircraft, Boating, Pets, Horseback Riding, and Indecent Exposure

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the Act of August 6, 1961 (75 Stat. 284; 16 U.S.C. 459b.), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 34 (41 F.R. 4255), Regional Director, Northeast Region Order No. 5 (31 F.R. 8135), as amended, it is proposed to revise § 7.67 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to revoke regulations or portions of regulations concerning hunting, fishing, trapping, swimming, and water skiing, camping and fires, sanitation, litter, dogs, cats, and other pets, horseback riding, and indecent exposure which are no longer needed in view of the provisions of part 2 of Title 36; to restate certain regulations in a clearer and more accurate manner; to designate Provincetown Airport as an authorized landing area as required by § 2.2, paragraph (a); and to add new regulations on vehicular travel on federally owned beaches.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

LESLIE P. ARNBERGER,
Superintendent.

Section 7.67 is revised to read as follows:

§ 7.67 Cape Cod National Seashore.

(a) *Shellfishing.* Shellfishing, by permit from the appropriate town, is permitted in accordance with applicable Federal, State, and local laws.

(b) *Commercial Oversand Vehicle Operations.* (1) The operation of a passenger vehicle for hire in the park area on beaches or on designated oversand routes is permitted only pursuant to a commercial vehicle permit issued by the Superintendent and subject to all regulations listed under paragraph (c) of this section and further subject to all applicable Federal, State, and local regulations covering vehicles for hire.

Each operator of such a passenger vehicle for hire who is engaged in carrying passengers for a fare in the park area along beaches or on designated oversand vehicle routes must, in addition, have a guide permit issued by the Superintendent. Such permit will be issued upon a showing that the applicant possesses adequate knowledge of the Seashore's road system and points of interest, and has complied with all applicable Federal, State, and local regulations. As specified in § 6.3(d) of this chapter, fees will be charged for the issuance of these two permits.

(2) Failure to comply with the provisions of permits issued in connection with the operation of passenger vehicles for hire shall be grounds for immediate cancellation of the permit.

(c) *Private Oversand Vehicle Operation.* (1) Operation of privately owned passenger vehicles not-for-hire, including the various forms of vehicles used

for travel oversand, such as but not limited to "beach buggies", on beaches or on designated oversand routes in the park area without a permit for the Superintendent is prohibited. Such permit will be issued following inspection to assure that each vehicle contains the following equipment to be carried in the vehicle at all times while on the beaches or on designated oversand routes:

(i) Shovel, (ii) Jack, (iii) Tow rope or chain, (iv) Board or similar support for jack, (v) Low pressure tire gauge.

Also operators must show that all applicable Federal and State regulations having to do with licensing, registering, inspecting, and insuring of such vehicles have been complied with prior to the issuance of such permit. Such permits are to be affixed to the vehicles as instructed at the time of issuance.

(2) Only operators of vehicles with self-contained water or chemical toilets and permanently installed holding tanks with a minimum capacity of 3 days waste material may park overnight on the beach for a period not to exceed 72 consecutive hours. A 72 hour period off the beach must intervene between 72 hour periods on the beach.

(3) All Dune Routes are closed to travel between the hours of 10 p.m. and 6 a.m. The use of accesses to and travel on designated beaches, for fishing, is permitted at all hours.

(4) Tents and camping trailers are not permitted on the beaches.

(5) Driving off the designated, marked oversand routes is prohibited.

(6) Driving between the surf and the crest of the beach, except as indicated by the marked, designated route, is prohibited from May 15 through October 15.

(7) Maximum speed shall not exceed 20 miles per hour from May 15 through October 15. Speed at other periods shall be reasonable and proper.

(8) Vehicles shall not be parked in the designated oversand routes or interfere with moving traffic.

(9) When two vehicles meet on the beach, the operator of the vehicle with the water to his left shall yield.

(10) When two vehicles meet on the designated oversand routes, the operator of the vehicle in the best position to yield shall pull out of the track and this operator shall back into the established track before resuming his original direction.

(11) When the process of freeing a vehicle which has been stuck results in ruts or holes, the ruts or holes shall be filled by the operator of such vehicle before it is removed from that area.

(12) Riding on fenders, tailgate, roof or any other position outside of the vehicle is prohibited.

(13) Vehicles shall not be driven across protected swimming beaches at any time when these areas are posted with appropriate signs.

(14) Failure to comply with the provisions of permits issued for the operation of privately owned passenger vehicles not for hire or with regulations listed above under subparagraphs 1 through 13 of this paragraph shall be grounds for immediate cancellation of the permit.

(15) The operation of a motorcycle on an oversand vehicle route or beach is prohibited.

(d) *Aircraft.* (1) Land based aircraft may be landed only at the Provincetown Airport approximately one-half mile south of Race Point Beach in the Provincelands area.

(2) Float equipped aircraft may be landed only on federally controlled coastal water in accordance with Federal, State, and local laws and regulations.

(e) *Motorboats.* Motorboats are prohibited from all federally owned ponds and lakes within the seashore in Truro and Provincetown.

[F.R. Doc. 70-2724; Filed, Mar. 5, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal unanimously recommended by the Prune Administrative Committee to amend paragraph (c) of § 993.150 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Paragraph (c) of § 993.150 currently prescribes procedures, including reporting requirements, for interhandler transfers of prunes within the State of California without inspection. The proposal is to revise these procedures so as to improved reporting in connection with interhandler transfers and the Committee's surveillance over such transfers.

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

The proposal is as follows:

Revise paragraph (c) of § 993.150 to read as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(c) *Interhandler transfers.* With the exception of those prunes held by a handler pending their disposition pursuant to § 993.49(c) and those prunes held by him for the account of the Committee pursuant to § 993.57, a handler may transfer prunes to another handler within the area. Any such interhandler transfer may be without the transferring handler having an inspection made as provided for in § 993.51: *Provided,* That before each such transfer the transferring handler shall: (1) Give written notice of the transfer to the inspection service including the proposed date of the transfer, the names of the handlers and, by plant designation, the present location and the destination of the prunes, the number of containers, variety, size designation, and total net weight of the prunes, and the manifest or billing number; and (2) receive from the inspection service a DFA Form P–5 "Shipping Inspection Report and Certificate" marked "Interhandler Transfer Report" on which the inspection service recorded the information furnished by the transferring handler. The transferring handler shall sign the "Interhandler Transfer Report" including all copies thereof that were received from the inspection service, and forward the signed original and one copy to the receiving handler at the time of the interhandler transfer. Upon receipt of the transferred prunes, the receiving handler shall enter on both the original and the copy the date he received the prunes, sign the original, and immediately forward it to the inspection service. The transferring handler shall cause the inspection service to promptly report the transfer to the Committee. As provided in § 993.50 (f), the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of §§ 993.50 and 993.51.

* * * * *

Dated: March 3, 1970.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 70-2761; Filed, Mar. 5, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-9]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Santa Elena, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All

communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

SANTA ELENA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Diamond O Ranch Airport (lat. 26°43'10" N., long. 98°33'25" W.), and within 3.5 miles each side of the 359° bearing from the Santa Elena RBN (lat. 26°43'07" N., long 98°33'37" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed to serve the Diamond O Ranch Airport at Santa Elena, Tex. Additional controlled airspace extending upward from 1,200 feet above the surface will be required; however, it will be included in a separate proposal to consolidate all 1,200-foot transition areas within the State of Texas into one 1,200-foot transition area.

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

Issued in Fort Worth, Tex., on February 24, 1970.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 70-2731; Filed, Mar. 5, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Guymon, Okla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Forth Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Guymon, Okla., transition area is amended to read as follows:

GUYMON, OKLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Guymon Municipal Airport (lat. 36°40'45" N., long. 101°30'30" W.), and within 3.5 miles each side of the 006° bearing from the Guymon RBN (lat. 36°42'19" N., long. 101°30'17" W.) extending from the 8-mile radius area to 11 miles north of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the 006° and 186° bearings from the Guymon RBN extending from 18.5 miles north to 1 mile south of the RBN.

The proposed alteration will provide airspace protection for aircraft executing approach/departure procedures proposed to serve the Guymon Municipal Airport. The present transition area was designated to provide controlled airspace for an instrument approach procedure which has been canceled.

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

Issued in Fort Worth, Tex., on February 24, 1970.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 70-2732; Filed, Mar. 5, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-17]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Atlanta, Ga., Chamblee, Ga., Atlanta, Ga. (Dobbins AFB/NAS Atlanta), and Atlanta, Ga. (Fulton County), control zones, the Atlanta, Ga., transition area and revoke the Atlanta, Ga. (Dobbins AFB/NAS Atlanta), transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The following control zones described in § 71.171 (35 F.R. 2054) would be redesignated as:

ATLANTA, GA.

Within a 5-mile radius of Atlanta Airport (lat. 33°38'42" N., long. 84°25'37" W.); within 2 miles each side of Atlanta ILS Runway 33 localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the LOM; within 2 miles each side of Rex, Ga. VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS runway 9L localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within a 3-mile radius of Morris AAF (lat. 33°37'20" N., long. 84°20'30" W.).

CHAMBLEE, GA.

Within a 5-mile radius of DeKalb-Peachtree Airport (lat. 33°52'30" N., long. 84°18'-10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial, extending from the 5-mile radius zone to 1 mile southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

ATLANTA, GA. (DOBBINS AFB/NAS ATLANTA)

Within a 5-mile radius of Dobbins AFB/NAS Atlanta (lat. 33°55'00" N., long. 84° 31'00" W.); within 2 miles each side of the 105° bearing from Lost Mountain RBN, extending from the 5-mile radius zone to 1 mile southeast of the RBN; within 1.5 miles each side of Norcross VORTAC 265° radial, extending from the 5-mile radius zone to 30 miles west of the VORTAC; within 2 miles each side of Runway 29 extended centerline, extending from the 5-mile radius zone to 6 miles east of the runway end; within 1.5 miles each side of NAS Atlanta TACAN 301° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN;

excluding the portion within Atlanta, Ga. (Fulton County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

ATLANTA, GA. (FULTON COUNTY AIRPORT)

Within a 5-mile radius of Fulton County Airport (lat. 33°46'47" N., long. 84°31'20" W.); within 2.5 miles each side of the 276° bearing from Fulton County RBN, extending from the 5-mile radius zone to 7.5 miles west of the RBN.

The Atlanta transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Atlanta Airport (lat. 33°38'42" N., long. 84°25'37" W.); within 4.5 miles north and 9.5 miles south of the 091° bearing from Bruce RBN, extending from the 15-mile radius area to 18.5 miles east of the RBN; within 9.5 miles southeast and 4.5 southwest of Atlanta ILS Runway 33 localizer southeast course, extending from the 15-mile radius area to 18.5 miles southeast of the LOM; within 9.5 miles south and 4.5 miles north of Atlanta ILS Runway 9R localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM; within a 10-mile radius of Fulton County Airport (lat. 33°46'47" N., long. 84°31'20" W.); within an 11.5-mile radius of Dobbins AFB/NAS Atlanta (lat. 33°55'00" N., long. 84°31'-00" W.); within 4 miles each side of the NAS Atlanta TACAN 301° radial, extending from the 11.5-mile radius area to 11.5 miles northwest of the TACAN; within an 8.5-mile radius of DeKalb-Peachtree Airport (lat. 33°-52'30" N., long. 84°18'10" W.).

The Atlanta (Dobbins AFN/NAS Atlanta) transition area described in § 71.181 (35 F.R. 2134) would be revoked.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to the Atlanta terminal area complex requires the following actions:

1. *Control Zones:*

a. *Atlanta.* (1) Revoke the extension predicated on Atlanta ILS Runway 9L localizer east course.

(2) Reduce the extension predicated on Atlanta ILS Runway 33 localizer southeast course 1 mile in length.

(3) Reduce the extension predicated on Atlanta ILS Runways 9R and 9L localizer west courses 1.5 miles in length.

(4) Increase the extension predicated on Rex VORTAC 271° radial 0.5 mile in length.

(5) Designate an extension predicated on Rex VORTAC 264° radial 4 miles in width and extending to 1 mile west of the VORTAC.

b. *Chamblee.* (1) Reduce the extension predicated on Norcross VORTAC 242° radial 1 mile in width and 1 mile in length.

(2) Increase the basic radius circle from 3 to 5 miles.

c. *Dobbins AFB/NAS Atlanta.* (1) Reduce the extension predicated on the 105° bearing from Lost Mountain RBN 1 mile in length.

(2) Reduce the extension predicated on NAS Atlanta TACAN 301° radial 1 mile in width.

(3) Designate an extension predicated on Norcross VORTAC 265° radial 3 miles in width and extending to 30 miles west of the VORTAC.

(4) Designate an extension predicated on Runway 29 extended centerline 4 miles in width and 6 miles in length.

d. *Fulton County.* (1) Revoke the extension predicated on Fulton County VOR 276° radial.

(2) Designate an extension predicated on the 276° bearing from Fulton County RBN 5 miles in width and 7.5 miles in length.

2. *Transition Areas:*

a. *Atlanta.* (1) Revoke the extension predicated on the 114° bearing from Atlanta ILS Runway 33 LOM.

(2) Revoke the Dobbins AFB/NAS Atlanta extension predicated on Norcross VORTAC 265° radial.

(3) Increase the Dobbins AFB/NAS Atlanta basic radius circle from 7 to 11.5 miles.

(4) Increase the De Kalb-Peachtree Airport basic radius circle from 5 to 8.5 miles.

(5) Increase the Dobbins AFB/NAS Atlanta extension predicated on NAS Atlanta TACAN 301° radial 4 miles in width and 1.5 miles in length.

(6) Designate a 10-mile basic radius circle predicated on Fulton County Airport.

(7) Designate an extension predicated on the 091° bearing from Bruce RBN 14 miles in width and 18.5 miles in length.

(8) Designate an extension predicated on Atlanta ILS Runway 33 localizer southeast course 14 miles in width and 18.5 miles in length.

(9) Designate an extension predicated on Atlanta ILS Runway 9R localizer west course 14 miles in width and 18.5 miles in length.

b. *Dobbins AFB/NAS Atlanta.* Revoke the transition area and incorporate it into the Atlanta transition area.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Atlanta terminal area complex in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

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

Issued in East Point, Ga., on February 19, 1970.

CHESTER W. WELLS,
Acting Director, Southern Region.

[F.R. Doc. 70-2733; Filed, Mar. 5, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-15]

TRANSITION AREA

Proposed Alteration

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

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

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

The instrument approach procedure for Lamar, Colo., has been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPS). Therefore, it is necessary to amend the transition area in accordance with the new criteria. These changes are reflected herein.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (35 F.R. 2134) the description of the Lamar, Colo., transition area is amended to read as follows:

LAMAR, COLO.

That airspace extending upward from 700' above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'25" W.) and within 3.5 miles each side of the Lamar VOR 001° radial, extending from the 6-mile radius area to 10 miles north of the VOR; that airspace extending upward from 1,200' above the surface within 6 miles east and 9.5 miles west of the Lamar 001° and 181° radials extending from 18.5 miles east to 8 miles south of the VOR.

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

Issued in Los Angeles, Calif., on February 20, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-2734; Filed, Mar. 5, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 217]

CONSOLIDATED FEDERAL LAW ENFORCEMENT TRAINING CENTER

Establishment as an Interagency Training Facility

MARCH 2, 1970.

1. *Authority and establishment.* By virtue of the authority vested in me as Secretary of the Treasury, including the authority in the Government Employees Training Act, 5 U.S.C. 4101–4118, as implemented by Executive Order 11348 of April 20, 1967, I hereby establish the Consolidated Federal Law Enforcement Training Center as an organizational entity within the Department of the Treasury to function as an interagency training facility.

2. *Objective.* Establishment of the Center, within the Department of the Treasury, is for purposes of:

a. Providing participating Federal agencies with adequate, modern facilities for conducting law enforcement training in an effective, economical manner;

b. Utilizing the professional support services and administrative mechanisms of a large existing agency, experienced in law enforcement training, to avoid duplicating these capabilities within a new, small, independent organization.

3. *Center mission.* The Consolidated Federal Law Enforcement Training Center shall:

a. Provide necessary facilities, equipment, and support services for conducting recruit, advanced, specialized, and refresher law enforcement training for personnel of participating Federal agencies, including:

(1) Budgeting for and administering funds for construction, maintenance, and operation of the Center;

(2) Housing, feeding, and providing recreation programs and administrative services for students.

b. Provide support, administrative, and educational personnel for common training courses to:

(1) Consolidate requirements of participating agencies and develop proposed curricula;

(2) Develop content and teaching techniques for courses;

(3) Instruct and evaluate students.

c. As an interagency training facility, provide training to other eligible persons.

4. *Center development.* The Secretary of the Treasury will exercise responsibilities prerequisite to initiating Center operations at the earliest date, including the development of detailed plans within the guidelines established by the Congress for the design and construction of Center facilities.

5. *Center operations.* The Department of the Treasury is the Executive Agency for operating the Center and serves as the established point of authority for implementation of Federal regulations and policies having government-wide application. Within this concept:

a. All employees of the Center staff will be appointed under the authority of the Secretary of the Treasury and shall be employees of the Department of the Treasury;

b. Center operations will be financed by a separate appropriation to the Department of the Treasury to be used to pay costs of salaries, equipment, and other expenses in connection with—

(1) Administration.

(2) Maintenance and operation of the physical plant (including dormitories and dining facilities).

(3) Conducting common training courses.

(4) Operation of the laboratories, library, and other support services.

(5) Research conducted in law enforcement curriculum and training methods.

c. Staff offices in the Office of the Secretary will provide support and assistance, related to:

(1) Organizational structure, management systems, and administrative procedures;

(2) Staffing patterns, manpower utilization and control, and personnel administration;

(3) Design, construction, and maintenance of facilities; and

(4) Financial management systems and budgetary processes, including planning, programing, and budgeting.

Dated: March 2, 1970.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 70-2737; Filed, Mar. 5, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK FEATHER WILD AND SCENIC RIVER

Classification, Boundaries, and Development Plan

MARCH, 1970

Pursuant to authority delegated to the Chief, Forest Service, by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), the classification, boundaries, and development plan for the Middle Fork Feather Wild and Scenic River in and adjacent to the Plumas National Forest, Calif., are established as hereinafter set forth. The material which follows is all contained in the River Plan for the Middle Fork Feather River, copies of which were furnished the President of the Senate and the Speaker of the House of Representatives on March 4, 1970, in accordance with subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 908).

EDWARD P. CLIFF,
Chief, Forest Service.

River plan, Middle Fork Feather River, a unit of the National Wild and Scenic Rivers System, Plumas National Forest, California.

Introduction. The Wild and Scenic Rivers Act (16 U.S.C. 1271–1287) of October 2, 1968, designated the entire Middle Fork of the Feather River as a component of the National System of Wild and Scenic Rivers.

The Middle Fork of the Feather River is approximately 108 miles long. The upper limit of Lake Oroville marks the lower limit of the free-flowing river. From this point, the river extends northeasterly through the Plumas National Forest and through the mountain communities of Sloat, Graeagle, Blairsden, Mohawk, Clio, and Portola. A few miles east of Portola, the river becomes difficult to identify because its channels in the broad Sierra Valley meander and separate for a distance of several miles. The upper end of the river, as shown on U.S. Geological Survey maps, and described on page 73 of the Federal Power Commission's 1967 Water Resources Appraisal of the Feather River Basin, is located in the NW¼NW¼ sec. 26 T. 23 N., R. 16 E., MDM, at the mouth of Little Last Chance Creek.

The river area consists of approximately 25,000 acres of carefully identified public and private lands that lie adjacent to the river. These lands are those which must receive special recognition and management in order to carry out the purposes of the Act.

Classification. The river area has been divided into five separate management zones, two are Wild River Zones, two are Scenic River Zones, and one is a Recreational River Zone.

(a) *The Bald Rock Canyon Wild River Zone,* extends from Lake Oroville (900-foot elevation) upstream for a distance of about 5.4 miles through Bald Rock Canyon to the junction with an unnamed drainage on the east side of the river approximately 0.7 mile south of Milsap Bar Campground.

(b) *The Milsap Bar Scenic River Zone,* is about 3.6 miles long, and extends from the upper limit of the Bald Rock Canyon Wild River Zone upstream to the junction with a small unnamed drainage approximately 0.5 mile east of Devil's Gulch.

(c) *The Upper Canyon Wild River Zone,* reaches from the upstream end of the Milsap Bar Scenic River Zone, through Devil Canyon and Franklin Canyon for a distance of about 27.5 miles to the junction of the river and Nelson Creek.

(d) *The English Bar Scenic River Zone,* extends upstream from the junction of Nelson Creek and the river, for a distance of 6.1 miles to the vicinity of the Spring Garden railroad tunnel.

(e) *The Recreational River Zone,* includes the area from the railroad tunnel upstream for a distance of about 65.4 miles past the communities of Sloat, Mohawk, Blairsden, Graeagle, Clio, and Portola; and through Sierra Valley to the junction with Little Last Chance Creek.

Description. The river area can be characterized more accurately by describing the differences which exist between the various portions, than by the similarities that exist. The river gradient varies from gentle at the upper end, to very steep in the deep canyons of the lower reaches. The adjacent lands range from the most primitive imaginable, to manicured golf courses and residential areas. Access to the river is by good oiled roads in the upper portion, and is nonexistent mile after mile in the two Wild River Zones.

Public recreational development (campgrounds, picnic areas, lodges, motels, etc.) within and adjacent to the river area are not adequate to accommodate summer weekend use at present. As public use of the river area increases in future years, more developments will be needed.

Access to the river is generally adequate for present use. Travel routes along the river, however, are inadequate to serve the fishermen and other river users. Improved access to and along the river must be assured in order to make optimum safe utilization of the river area resources. Although some canoeing and float boating is possible in the Recreational River Zone—extended boating is impossible in most of the Scenic River and Wild River Zones because of the rough and plunging water surface.

Virtually all Federal land involved is within either Federal Power Commission Withdrawals or Power Site Reservations.

The 7,590-acre Feather Falls Scenic Area, which was established by the Regional Forester in 1965, includes lands within and adjacent to the downstream part of the river area.

Portions of the river area, and lands adjacent to the river area are key winter range for the Mooretown deer herd. Little hunting occurs here because the deer are at higher elevations during hunting season.

Populations of larged sized rainbow and brown trout are high in the more inaccessable portions of the river area. Bass, catfish, and some trout are present, in lesser numbers, upstream from Portola.

The river-side land in the two Wild River Zones shows little evidence of man's recent presence. The few developed camping places are appropriate and do not dominate the scene. Some evidences of early day mining exist in places, but these are so old that they have become a part of the cultural heritage of the area.

The two Scenic River Zones contain bridges, roads, and a 20-unit campground, all of which are sufficiently noticeable to disqualify these portions for Wild River Zone status. But they are appropriate in the Scenic River Zone.

The Recreational River Zone is characterized by roads, a railroad, resorts, residences, golf courses, and commercial establishments in, or immediately adjacent to, the river area. These current land uses in this zone are generally compatible with the purposes of the Act. It also contains relatively long sections of natural-appearing forest or meadow. If not restrained, future development of the private lands could preclude maximum public use and enjoyment of the Recreational River Zone. This is the zone where the greatest amount of public recreational use is expected. Easements or fee acquisition of selected lands within this zone will be needed.

Management direction. Detailed planning for the Middle Fork of the Feather Wild and Scenic River Area is contained in the Special Area Multiple-Use Management Plan, and related resource protection, management and development plans for the Plumas National Forest. These plans are on file and available for public review at the offices of the Regional Forester, 630 Sansome Street, San Francisco, Calif. 96111, and the Forest Supervisor, Plumas National Forest, Quincy, Calif. 95971.

Recreation developments within and adjacent to the river area will be consistent with the objectives of the river class on which they are located. They will be so designed, and constructed to harmonize with the environment and to provide opportunities for recreation experiences dependent on or enhanced by the free-flowing nature of the river.

The Forest Service will develop criteria and prepare plans for the optimum use of the various segments of the river area consistent with Wild, Scenic, and Recreational River values. When it becomes necessary, limitations will be placed on the total amount and kinds of recreational use permitted.

Timber will be managed to provide an attractive forest cover. Commercial timber harvest will be employed only to the extent desirable to maintain or enhance attractive conditions of the landscape or prevent serious spread of timber insects or disease.

The fishery will be protected, and enhanced where this is possible whenever consistent with other river values.

No new uses or activities which are inconsistent with maintaining scenic and recreation values, such as garbage dumps, gravel pits, and incompatible commercial developments, will be permitted. Where private lands are involved, this will be accomplished by purchase of scenic easements. Easements will also be acquired where necessary to assure public access to and along the river. Lands needed for recreation development will be acquired by purchase or exchange procedures. Landowners may reserve the right to occupy such lands for a reasonable period where this is consistent with planned use of these lands.

Wild River Management Direction. Objective—To provide opportunities for river oriented recreation in a primitive setting offering considerable physical challenge and requiring well developed outdoor skills.

Recreation developments will be limited to simple facilities to permit safe camping in a primitive environment. Overnight camping at undeveloped places will be permitted within the capacity of the area to provide a recreational experience consistent with wild river objectives. Users will be required to pack out all unburnable refuse; burnable material will be burned or packed out of the area.

No additional public roads will be constructed in the zone and there will be no additional public motorized access to the river. Public vehicular access to the river in this zone will be limited to the four "vehicular ways" shown on the map of the river area.

There will be no new habitation. New structures for other purposes will be permitted only if they can be made inconspicuous and in harmony with the wild river environment.

Available private lands will be acquired in fee. Where this is not possible, rights sufficient to insure management objectives will be acquired by scenic or other easement.

Scenic River Management Direction. Objective—To provide opportunities for river oriented recreation activities in a near-natural setting and to permit other uses only in a manner and to the extent that such uses will contribute or not substantially detract from the principle objective.

The existing Milsap Bar Campground will be enlarged only to the degree consistent with maintaining the level of recreation experience presently provided. Other recreational development within the zone will be done to meet scenic river management objectives. Overnight use of undeveloped places will be permitted.

Utilization of other resources will be permitted only to the extent that scenic values can be protected or enhanced and there will be no significant interference with recreational use.

Private lands within the zone will be acquired in fee if available. Where this is not possible, sufficient rights to assure scenic river management direction will be acquired through scenic or other easements. National Forest lands will be withdrawn from mineral entry or appropriation.

Recreational River Management Direction. Objective—The management objective for this zone is to provide opportunities for engaging in recreation activities dependent on or enhanced by the free-flowing nature of the river.

To meet this objective, developments will be provided to encourage recreation use of the river area. Overnight facilities will not be built immediately adjacent to the river and overnight camping in undeveloped places will not be permitted.

Roads and trails for recreation use will be provided where needed.

Utilization of other resources on National Forest lands will be permited only to the extent that scenic values can be protected or enhanced and there will be no significant interference with recreational use.

Easements will be acquired on private lands where necessary to insure public recreational opportunities in the area. This will include safe access to and along the river, vehicular access to the river at selected locations, and sufficient space to park vehicles in locations where parking is not available within a reasonable distance. The easements will, where necessary, preclude undesirable development of private lands immediately adjacent to the river. National Forest lands will be withdrawn from mineral entry or appropriation.

The upper portion of the Recreational River Zone is substantially different from the rest of the river area. From its source, in the vicinity of Vinton, downstream to the confluence with Grizzly Creek, the river wanders through the broad Sierra Valley. During dry periods there is little or no flow in places. From Grizzly Creek downstream to Humbug Valley the river flows through the communities of Portola and Delleker. The primary management concern for this upper portion of the river is to insure against activities which will pollute or otherwise damage the rest of the river. To accomplish this purpose, the Forest Service will work with local governing bodies, landowners, the State and other Federal agencies.

Development. Coordinated and planned development of some lands adjacent to the Middle Fork of the Feather River is essential if the purposes for which this area was designated are to be accomplished. Development of transportation, recreation, and resource protection facilities will be consistent with the coordinating requirements of the multiple-use management plan for the river area.

The development plan is based on preliminary studies of resource capabilities and anticipated public uses. As additional information becomes available, the plan for development will be revised to reflect the new situation.

The kind and amount of development varies with the different zones, wild, scenic, and recreational. Each zone is discussed separately below. Planned developments illustrate how development objectives will be achieved, but they may be modified in the future as increased knowledge or changing recreation demands may indicate.

The objectives of development within the river area are:

1. To provide sufficient safe access to and along the river to permit proper distribution of public use consistent with multiple-use management objectives for the river.

2. To provide safe places to park cars at selected river crossings.

3. To develop, operate, and maintain sufficient developed sites to accommodate the average July and August weekend recreation use without overcrowding.

4. To provide a variety of developments that offer different recreation experiences compatible with the zones in which they are located.

5. To minimize water pollution and other resource protection problems.

Bald Rock Canyon Wild River Zone. The existing Bald Rock Canyon Trail will be improved and an additional trail will be constructed to permit access to the river from outside the area. Minimum sanitary facilities needed to protect the waters from pollution will be provided.

Milsap Bar Scenic River Zone. As recreation use at Milsap Bar increases, some expansion will be provided at the Milsap Bar Campground. A trail will be constructed north of Milsap Bar to provide access to the river. Where necessary, sanitary facilities will be provided at locations within the zone where public recreation use is concentrated.

Upper Canyon Wild River Zone. Considerable trail construction is needed to permit use of the Wild River Area, including the Pacific Crest Trail from Hartman Bar footbridge to Nelson Creek, the extension of existing trails to connect with the Pacific Crest Trail and provision of suitable river crossings. Minimum sanitary facilities are needed at some areas of concentrated use to protect against water pollution.

English Bar Scenic River Zone. Recreation developments planned for this zone include a moderate size campground in the vicinity of Nelson Point Bridge and a small campground in the vicinity of Spring Garden Tunnel. Parking and sanitation facilities will be provided near Nelson Point Bridge. Some trails are needed to facilitate recreation use of this section of the river, including a trail from Nelson Point Bridge to Sloat. Some sanitary facilities are needed at undeveloped areas where recreation use is concentrated.

Recreational River Zone. A moderate size campground is planned in the vicinity of Sloat, as well as parking and sanitation facilities near the Sloat Bridge. A major campground and recreation vehicle park should be located between Clio and Humbug Valley. Other developments planned include day use facilities near Mohawk, parking and sanitation facilities in the vicinity of Beckworth Bridge and additional roads and trails as needed to insure free and convenient access to and along the river.

RIVER AREA DESCRIPTION

The following lands are included in the River Area:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 21 N., R. 6 E.,
Sec. 1, entire section;
Sec. 2, lots 1 and 2, S½NE¼, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, lots 1, 2, 3, 6, 7, 10, 11, 12, 13, 14, and 15;
Sec. 14, N½NW¼;
Sec. 15, NE¼, S½SW¼NW¼, S½SE¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 16, NE¼SE¼, S½SE¼;
Sec. 21, E½;
Sec. 22, W½W½;
Sec. 27, SW¼SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 28, E½NE¼;
Sec. 34, N½N½NE¼NE¼, N½N½NW¼NE¼.

T. 22 N., R. 6 E.,
Sec. 35, S½SE¼NE¼, SE¼;
Sec. 36, NE¼, E½NW¼, S½SW¼NW¼, S½.

T. 22 N., R. 7 E.,
Sec. 1, S½SW¼, SW¼SE¼, lots 10 and 11;
Sec. 2, SE¼SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, NE¼, E½NW¼, SW¼, W½SE¼;
Sec. 12, lots 1, 2, 3, and 4, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 14, W½NW¼.
Sec. 15, NE¼, SE¼SW¼, SE¼;
Sec. 21, S½NE¼, SE¼NW¼, E½SW¼, S½NW¼SW¼, SW¼SW¼, SE¼;
Sec. 22, lots 2, 3, and 4, N½SW¼NE¼, S½NW¼, N½SW¼, W½SW¼SW¼;
Sec. 28, W½NE¼, NW¼, N½SW¼;
Sec. 29, S½NE¼NE¼, S½SW¼NE¼, SE¼NE¼, S½SW¼, SE¼;
Sec. 31, NE¼, E½NW¼, lots 1 and 2;
Sec. 32, NW¼NE¼, N½NW¼, SW¼NW¼.

T. 22 N., R. 8 E.,
Sec. 2, M.S. 3730, lots 2, 3, and 4;
Sec. 3, lots 1, 2, and 3, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 4, S½;
Sec. 5 (unsurveyed), S½;
Sec. 6 (unsurveyed), S½SE¼;
Sec. 7 (unsurveyed), NE¼, E½NW¼, lots 1, 2, and 3, NE¼SW¼, N½SE¼;
Sec. 8 (unsurveyed), NW¼NW¼.

T. 22 N., R. 12 E.,
Sec. 4, SW¼NW¼SW¼, S½SE¼NW¼SW¼, N½NE¼SW¼SW¼, SE¼NE¼SW¼SW¼, W½NW¼SE¼SW¼, SE¼NW¼SE¼SW¼, SW¼SE¼SW¼;
Sec. 5, W½ lot 2, W½SW¼NE¼, lot 3, SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, S½N½NE¼SE¼, N½S½NE¼SE¼, S½NE¼NW¼SE¼, NW¼NW¼SE¼, N½S½NW¼SE¼;
Sec. 9, N½NW¼NE¼NW¼, SW¼NW¼NE¼NW¼, NE¼NW¼NW¼, W½NW¼NW¼, SW¼SE¼NW¼NW¼, SW¼NW¼, SW¼NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, SE¼NE¼NE¼SW¼, S½SW¼NE¼SW¼, SE¼NE¼SW¼, NW¼SW¼, N½N½SW¼SW¼, N½NW¼SE¼SW¼, S½NE¼SE¼, S½N½NW¼SE¼, N½S½NW¼SE¼, SE¼SE¼NW¼SE¼, NE¼NE¼SE¼SE¼;
Sec. 10, SW¼SW¼NW¼SW¼, S½NE¼SW¼SW¼, NW¼SW¼SW¼, NE¼SW¼SW¼SW¼, N½SE¼SW¼SW¼, SW¼SE¼SW¼SW¼;
Sec. 14, S½SW¼NE¼SW¼, S½S½NW¼SW¼, N½N½SW¼SW¼, W½NE¼SE¼SW¼, SE¼NW¼SE¼SW¼, N½NW¼SE¼SW¼, SE¼NW¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼, W½SW¼SW¼SE¼;
Sec. 15, W½SW¼NE¼NE¼, SE¼SW¼NE¼NE¼, N½NW¼NE¼, NE¼SE¼NW¼NE¼, SW¼NE¼SE¼NE¼, N½NW¼SE¼NE¼, SE¼NW¼SE¼NE¼, E½SW¼SE¼NE¼, W½SE¼SE¼NE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, SE¼SW¼NE¼SE¼, SE¼NE¼SE¼;
Sec. 23, W½NW¼NE¼, NW¼SW¼NE¼, W½SW¼SW¼NE¼, NE¼NE¼NE¼NW¼, SE¼NE¼SE¼NW¼, E½SE¼SE¼NW¼, NE¼NE¼NE¼SW¼, W½SW¼NE¼SE¼, W½NE¼NW¼SE¼, SE¼NE¼NW¼SE¼, N½NW¼NW¼SE¼, SE¼NW¼NW¼SE¼, N½SE¼NW¼SE¼, SE¼SE¼NW¼SE¼, NW¼SE¼SE¼, N½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 25, NE¼NE¼, SE¼SE¼NW¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, NE¼NW¼SW¼NE¼, S½NW¼SW¼NE¼, N½SW¼SW¼NE¼, SW¼SW¼SW¼NE¼, N½N½SE¼NE¼, SW¼NW¼NW¼NW¼, N½SW¼NW¼NW¼, SE¼SW¼NW¼NW¼, W½SE¼NW¼NW¼, SE¼SE¼NW¼NW¼, N½NE¼SW¼NW¼, W½NW¼SE¼NW¼, SE¼NW¼SE¼NW¼, SW¼SE¼NW¼, NE¼SE¼NW¼, S½NE¼SE¼NW¼, S½SE¼SE¼NW¼, N½N½NE¼SW¼, N½NE¼SE¼SW¼;
Sec. 26, NE¼NE¼NE¼, NE¼SE¼NE¼NE¼.

T. 22 N., R. 13 E.,
Sec. 1, NW¼NE¼ lot 4, NW¼ lot 4, NW¼SW¼ lot 4;
Sec. 2, N½ lot 1, N½S½ lot 1, lot 2, lot 3, lot 4, N½N½SW¼NW¼;
Sec. 3, E½ lot 1, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 9, NE¼, E½NW¼, NE¼SW¼, S½SW¼, W½SW¼SE¼, N½SE¼;
Sec. 10, NW¼, NW¼SW¼;
Sec. 16, N½ lot 2, SW¼ lot 2, NW¼SE¼ lot 2, N½NW¼ lot 3, SW¼NW¼ lot 3, W½SW¼ lot 3, W½NW¼ lot 8;
Sec. 17, E½ lot 4, SE¼ lot 7, lot 10, N½ lot 5, SW¼ lot 5, NE¼ lot 6, S½ lot 6, NW¼NE¼ lot 11, NW¼ lot 11;
Sec. 19, S½NE¼, E½SE¼NW¼, E½SW¼, S½ lot 4, NW¼NE¼SE¼, W½SE¼;
Sec. 20, W½NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, SW¼NW¼, W½SE¼NW¼;
Sec. 30, N½NW¼NE¼NW¼, SW¼NW¼NE¼NW¼, lot 1, N½N½ lot 2.

T. 22 N., R. 14 E.,
Sec. 1, lot 1, lot 2, lot 3, lot 4, S½N½;
Sec. 2, E½ lot 1;

T. 22 N., R. 15 E.,
Sec. 1, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 2, W½ lot 2 NE¼, lot 1 NE¼, lot 2 NW¼, lot 1 NW¼, SW¼, SE¼;
Sec. 3, lot 2 NE¼, lot 1 NE¼, E½ lot 2 NW¼, NE¼SE¼;
Sec. 6, lot 2 NW¼, W½ lot 1 NW¼.

T. 22 N., R. 16 E.,
Sec. 5, lot 2 NE¼, lot 2 NW¼, W½ lot 1 NW¼, W½E½ lot 1 NW¼;
Sec. 6, E½ lot 2 NE¼, lot 1 NE¼, lot 1 SW¼, S½ lot 2 SW¼, SE¼;
Sec. 7, N½ lot 2 NW¼, N½ lot 1 NW¼, NW¼NE¼.

T. 23 N., R. 8 E.,
Sec. 25, S½SE¼;
Sec. 34, S½SE¼;
Sec. 35, SW¼, NE¼SE¼, lots 1, 2, and 3, M.S. 3730;
Sec. 36, N½, SW¼.

T. 23 N., R. 9 E.,
Sec. 13, S½SW¼, SE¼;
Sec. 14, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 15, S½SW¼SW¼, S½SE¼SW¼, SE¼;
Sec. 20, E½SE¼;
Sec. 21, S½NE¼, SW¼, N½SE¼;
Sec. 22, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 23, N½N½NE¼, N½N½NW¼;
Sec. 24, NW¼NE¼, N½NW¼.
Sec. 28, W½NW¼;
Sec. 29, (unsurveyed), NE¼, NE¼NW¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 30 (unsurveyed), lot 4, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 31 (unsurveyed), N½NE¼, NE¼NW¼, lot 4;
Sec. 32 (unsurveyed), NW¼NW¼.

T. 23 N., R. 10 E.,
Sec. 10, S½S½SW¼, NE¼SE¼, S½SE¼;
Sec. 11, S½N½NE¼, S½NE¼, S½NE¼NW¼, SE¼NW¼, N½SW¼, NW¼SW¼SW¼, N½NE¼SW¼SW¼, N½N½SE¼SW¼, N½N½SE¼, SW¼NW¼SE¼, N½N½NW¼SW¼SE¼;
Sec. 12, SW¼NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 15, N½NE¼, SW¼NE¼, N½SE¼NE¼, NW¼;
Sec. 16, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 17, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 18, lots 2, 3, and 4, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20, N½N½NE¼, N½N½NW¼.

T. 23 N., R. 11 E.,
Sec. 7, lots 5, 6, and 7, S½ lot 8, S½SE¼;
Sec. 8, S½SW¼, S½SE¼;
Sec. 9, S½S½SW¼, S½S½SE¼;
Sec. 10, S½ lot 11, W½SW¼ lot 12, SE¼ SW¼ lot 12, SW¼SE¼ lot 12;
Sec. 13, SW¼SW¼, SW¼NW¼SE¼SW¼, SW¼SE¼SW¼;
Sec. 14, W½SW¼ lot 3, W½NE¼ lot 4, SE¼NE¼ lot 4, W½ lot 4, SE¼ lot 4, NE¼ lot 5, lots 6, 7, and 8;
Sec. 15, N½SW¼NE¼, N½SE¼SW¼NE¼, SW¼NE¼SE¼NE¼, NW¼SE¼NE¼, N½S½SE¼NE¼, S½SE¼SE¼NE¼, E½ lot 2, N½NW¼ lot 2, NE¼ lot 3, NE¼ NE¼ lot 8;
Sec. 16, N½N½NE¼, N½N½NW¼;
Sec. 17, N½N½NE¼, N½N½NW¼;
Sec. 18, N½NE¼, N½ lot 1, N½ lot 2, lot 3;
Sec. 24, W½SE¼NW¼NE¼, SE¼SE¼ NW¼NE¼, N½SW¼NE¼, SE¼NE¼, NE¼NW¼, NE¼NW¼NW¼, N½NE¼ SE¼NW¼.

T. 23 N., R. 12 E.,
Sec. 19, lots 2 and 3, N½ lot 4, NE¼SE¼ lot 4, SW¼NE¼SE¼SW¼, NW¼SE¼ SW¼, N½SW¼SE¼SW¼, SE¼SW¼ SE¼SW¼, SE¼SE¼SW¼;
Sec. 30, W½NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, W½SW¼SE¼NE¼, E½ NE¼NW¼, NE¼SE¼NW¼, N½SE¼ SE¼NW¼, SW¼NE¼NE¼SE¼, W½ NE¼SE¼, W½SE¼NE¼SE¼, NE¼ NW¼SE¼, N½NW¼NW¼SE¼, N½SE¼ NW¼SE¼, E½SE¼SE¼, N½NW¼SE¼ SE¼;
Sec. 31, E½NE¼;
Sec. 32, SW¼NW¼NW¼, SW¼NW¼, SW¼SE¼NW¼, SW¼SE¼SE¼NW¼, N½SW¼, SE¼SW¼, SW¼NW¼NW¼ SE¼, W½SW¼NW¼SE¼, W½W½SW¼ SE¼.

T. 23 N., R. 13 E.,
Sec. 36, S½SW¼SW¼, SE¼NE¼, SW¼ SW¼, NE¼NE¼SE¼SW¼, S½N½SE¼ SW¼, NE¼NE¼SE¼, SE¼NW¼NE¼ SE¼, N½SW¼NE¼SE¼, SW¼SW¼ NE¼SE¼, NW¼SE¼NE¼SE¼, SE¼ NW¼SE¼, E½SW¼NW¼SE¼, SW¼ SW¼NW¼SE¼, NW¼NE¼SW¼SE¼, N½NW¼SW¼SE¼, SW¼NW¼SW¼ SE¼.

T. 23 N., R. 14 E.,
Sec. 26, W½SE¼NW¼, SW¼NW¼, E½ SW¼, E½NW¼SW¼, S½NW¼SE¼, SW¼SE¼;
Sec. 27, S½N½, NE¼SW¼, NW¼SE¼;
Sec. 28, S½NE¼, S½SW¼NW¼, SW¼, W½SE¼;
Sec. 29, S½NE¼, S½NW¼NE¼, S½NW¼, S½NE¼NW¼, N½S½;
Sec. 30, lot 3, lot 4, SE¼SE¼NE¼, SE¼;
Sec. 35, S½NE¼, NW¼NE¼, NE¼NW¼, E½SE¼NW¼, N½SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 36, S½SW¼.

T. 23 N., R. 15 E.,
Sec. 31, S½ lot 1 SW¼, S½ lot 2 SW¼, SE¼;
Sec. 32, S½NE¼, S½;
Sec. 33, S½N½, N½S½, S¼SE¼;
Sec. 34, S½NW¼, SW¼, S½SE¼.

T. 23 N., R. 16 E.,
Sec. 26, W½NW¼;
Sec. 27, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 28, NE¼SE¼, S½SE¼;
Sec. 32, E½NE¼, E½SW¼NE¼, NE¼SW¼, S½SE¼, SE¼.

[F.R. Doc. 70-2791; Filed, Mar. 4, 1970; 1:43 p.m.]

Packers and Stockyards Administration

SPENCER LIVESTOCK SALES, INC., ET AL.

Notice of Changes in Name of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IOWA	
Spencer Livestock Sales, Spencer, Apr. 16, 1958----	Spencer Livestock Sales, Inc., Dec. 1, 1969.
KANSAS	
Central Livestock Sales, Inc., South Hutchinson, Apr. 10, 1950.	Central Livestock Corporation, Jan. 2, 1970.
KANSAS	
The Osborne Livestock Commission Company, Osborne, Apr. 24, 1950.	Osborne Livestock Commission, Inc., Dec. 4, 1968.
NEW YORK	
Willie's Auction Service, Owego, July 11, 1960----	Owego Livestock Sales, Feb. 1, 1970.
TEXAS	
Gilmore's Livestock Commission Company, Bowie, Aug. 14, 1963.	Bowie Livestock Commission Company, Nov. 14, 1969.

Done at Washington, D.C., this 27th day of February 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-2735; Filed, Mar. 5, 1970; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PROPERTY DISPOSITION COMMITTEE AND ASSISTANT SECRETARY FOR RENEWAL AND HOUSING MANAGEMENT

Members; Redelegation of Authority and Assignment of Functions

Correction

In F.R. Doc. 70-2543 appearing at page 4022 in the issue for Tuesday, March 3, 1970, in the ninth and 10th lines delete the words "Director, Housing Provisions, RHM;".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NACA INDUSTRY TASK FORCE ON PHENOXY HERBICIDE TOLERANCES

Notice of Withdrawal 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)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the procedural pesticide regulations (21 CFR 120.8), the National Agricultural Chemicals Association's Industry Task Force on Phenoxy Herbicide Tolerances, 1155 15th Street NW., Washington, D.C. 20005, has withdrawn its petition (PP 8F0669), notice of which was published in the FEDERAL REGISTER of January 17, 1968 (33 F.R. 599), proposing the establishment of tolerances for negligible residues of the herbicide 2,4,5-T(2,4,5-trichloro-phenoxyacetic acid) from application of the herbicide in either the acid form or in the form of certain specified salts or esters in or on the raw agricultural commodities apples, barley, blueberries, corn, oats, rice, rye, sugarcane, and wheat at 0.2 parts per million.

Dated: February 27, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-2723; Filed, Mar. 5, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21770; Order 70-2-123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1970.

There have been filed with the Board, pursuant to section 412 of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations,

agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), adopted at meetings held in Caracas, Venezuela, in November and December 1969. The agreements, which have been assigned the above-designated agreement numbers, would close transatlantic fares for a 13-month period March 1, 1970, through March 31, 1971.

The Board by Order 70–1–84, dated January 16, 1970, established a 10-day period for the receipt of comments in support of or in opposition to the agreements, and it provided for oral argument which was heard on February 4, 1970.[1]

The Caracas agreement contains most of the elements of the predecessor Dallas agreement which the Board approved subject to investigation of the CBIT fares and the discontinuance of the round-trip discount. The principal modifications found in the new agreement extend the 14–21-day excursion fare to 28 days and introduce a lower level 29–45-day excursion fare as well as new fares for affinity groups of 80 or more persons and 100 or more persons.[2] These new features clearly favor the traveling public. Pan American and TWA urge the Board to approve the Caracas agreement on those grounds and also because such approval would terminate the present open-rate period which the carriers argue would result in substantial revenue reductions they cannot afford.

NACA is the only person to ask the Board to disapprove the agreement. The U.S. supplemental carriers, speaking through NACA, renew their earlier objections to the CBIT fares and termination of the round-trip discount. These matters were the subject of investigation in Docket 20781, and the Board's decision therein will also dispose of NACA's contentions in that regard with respect to the instant agreement. NACA also objects to the affinity group fares, incentive group fares, and group inclusive tour fares (GIT) as unreasonable and discriminatory as regards the affinity or tour tie-in requirements.[3] NACA also contends the Board should hold a hearing on the various elements of the Caracas agreement.[3a]

Reasonableness. In contending that the group fares are unreasonably low, NACA proposes that the Board use a fully allocated cost standard or at least fully allocated capacity costs because of the potential diversion of supplemental carrier traffic and because the IATA carriers will add capacity to handle this traffic. NACA computes the yields to the IATA carriers, after commission payments, which these group fares will produce in the New York-London market. In the off season, these yields range from 2.3 cents per passenger mile for the group-of-80 fare to 3.11 cents per passenger mile for the GIT fare. In the peak season, the comparable figures are 3.18 cents and 3.78 cents. NACA compares these yields with TWA's estimate of its fully allocated cost for economy passengers, New York-London, of 4.17 cents per revenue passenger mile as an indication of the unreasonableness of these group fares. NACA also cites Pan American's estimated 1969–70 transatlantic seat-mile cost of 2.69 cents in the same regard. NACA further claims that these group fares are subsidized by unduly high normal fares.

The NACA test of the reasonableness of these fares is too broad. In essence, NACA would apply the same cost standard, i.e., average cost per passenger mile, to each and every discount fare (and presumably to normal fares, too) irrespective of the relative values of service or other features pertaining to those fares. Each fare cannot be expected to meet average fully allocated cost of service. Clearly the fare structure as a whole must produce revenues which in the aggregate cover costs and provide a reasonable profit. Each component fare need only be reasonably related to costs of service but should not burden other farepayers. Where the total market is composed of several segments with different travel characteristics and elasticities of demand the differentiated price structure is fully justified. This type of pricing broadens the market, spreads cost over a greater volume of traffic and permits increased service to every passenger's benefit, and results in lower fares to all.

The proposed and present IATA fare structures are highly differentiated reflecting the substantial proportion of the transatlantic market represented by discretionary travel, variations in elasticity of demand, and extremes of directional and seasonal peaking. The proposed structure is comprised of normal first-class and economy fares for unrestricted one-way and round-trip travel, two levels of individual excursion fares, one level for shorter trips and a lower level for longer trips, affinity group fares for groups of various sizes, fares for purposes of constructing group inclusive tours, and the contract bulk (CBIT) fares on which individual or group tours are based. All of these fares below first class provide for a seasonal differential in which travel during the high traffic, or high demand, season is subject to a higher price than during the rest of the year. All of the fares below the normal economy fare are restricted in various respects, e.g., by length of stay limitations, blackout periods, minimum group size, a tour tie-in, or affinity requirements, so as to tailor each fare to the segment of market for which it is intended, to preclude or limit use during high demand periods, to avoid displacing fullfare passengers, and insofar as possible, to reduce per passenger costs of service. Reductions from the normal economy fares applicable outside the peak season range from 28.6 percent for the individual 14–28-day excursion fare to about 55 percent in the case of the affinity fares for groups of 80 or more and the CBIT fares.[4]

The relationships among the various fares which together comprise the IATA fare structure generally reflect the collective judgment of the carriers as to the relative values of the several services offered, as well as individual and aggregate costs of service. Clearly the unrestricted normal fare service should be and is priced highest. The user of this service is able to obtain service anywhere, anytime without substantial restriction to his travel plans or desires. In these circumstances, it is not unreasonable to expect that such passengers can and should bear a relatively higher proportion of the carrier's total costs of providing the service to which they have unlimited access. The restricted fares are naturally priced lower to attract those who are not willing to pay normal fares but who can limit their travel to certain periods, or who can travel in groups or in conjunction with inclusive tours. Such limitations reduce in some measure the value of such services relative to the unrestricted normal fares. In this regard, it would seem reasonable that the individual excursion fares, whose principal restriction is duration of trip, should be priced somewhat below normal economy service and that the fares which involve traveling in groups or buying a tour or both should be priced still lower. This is essentially the IATA structure.

[1] Appearances were made by: Robert M. Lichtman and Clayton L. Burwell for National Air Carrier Association (NACA); Robert N. Duggan for Pan American World Airways, Inc. (Pan American); Ulrich V. Hoffman for Trans World Airlines, Inc. (TWA); Andrew Frey for Creative Tour Operators Association. In addition, comments were received from the American Society of Travel Agents, Inc., and the Department of Transportation.

[2] The latter are for groups originating westbound from Germany only. Other changes would include a reduction in the peak season eastbound group requirements from 50 to 40 passengers; a limitation on stopovers, heretofore unrestricted, to four exclusive of point of turnaround on the 14–28-day excursion and individual inclusive tour fares, and the termination of the latter on Oct. 31, 1970; and cancellation of the 45-day excursion fares for U.S. military (heretofore available year-round and based on off-season excursion fares) in light of excursion fare revisions.

[3] The questions with respect to the legality of the tour-basing feature of the group inclusive tour fares and the California proportional fares applicable to affinity and incentive groups, as well as NACA's contentions that the group fares constitute charters and the commingling of charter and individually ticketed passengers, are the same questions that are before the Board with respect to the CBIT fares, and our findings with respect to the latter are also applicable here.

[3a] NACA has filed a motion requesting that the record in Docket 20781 be deemed to be part of the record in the present proceeding. We will grant the motion to the extent that evidence presented in that record is pertinent to the issues in this proceeding.

[4] Based on affinity group fares and CBIT fares in shoulder season.

The optimum fare relationships are, of course, not capable of mathematical determination but must reflect judgments based on evaluations of demand and cost considerations. In our view, the best evidence of the reasonableness of the proposed IATA fare structure is to be found in analysis of the volumes of traffic moved at the various fares.

The record in Docket 20781 contains a breakdown by fare class of transatlantic economy-class traffic carried by Pan American and TWA in 1968, and these carriers have submitted estimates of the distribution of their traffic which they expect to occur under the Caracas-agreed fares. The following table summarizes these data.

DISTRIBUTION OF ECONOMY TRAFFIC BY FARE CATEGORY PAN AMERICAN/TWA COMBINED

Fare category	1968		Estimated for Caracas Agreement	
	Number of passengers	Percent of total	Number of passengers	Percent of total
	(000)	*Percent*	(000)	*Percent*
Normal economy	910	51.1	824	34.6
Excursion	422	23.7	904	37.9
Group inclusive tour	130	7.3	185	7.8
Affinity group	78	4.4	204	8.6
Other discount [1]	237	13.5	266	11.1
Total economy	1,777	100.0	2,383	100.0

[1] Includes individual inclusive tour fares, category A fares, military discounts, family fares, and in the case of the Caracas agreement, CBIT and incentive group fares.

It will be noted that in 1968 individual travel represented nearly 75 percent of the total with normal fare passengers outnumbering excursion fare travelers by more than 2 to 1. Conversely, the group travel, including both GIT and affinity fares, amounted to less than 12 percent of total economy passengers. This distribution evolved notwithstanding much larger discounts for group travel (42 percent for GIT, and 33–49 percent for affinity groups below normal economy fares) than for individual excursion trips (25 percent).

Under the newly agreed IATA fare structure, the carriers estimate that individual travel will represent a slightly smaller percentage of total economy passengers, while group travel will increase in relative importance. However, there would be a dramatic shift within the individual travel category, with excursion fare passengers outnumbering the normal fare traffic. This is largely due, the carriers say, to diversion of normal fare passengers to the more liberal and lower excursion fares. The individual excursion fares for trips of 29–45 days are from 12–17 percent below the fares for 14–28-day excursions. The latter permit a one-third longer stay than the previous 14–21-day excursion fares at no increase in price. With respect to group fares, the GIT fares will be higher in 1970 than in 1968. The reduction in affinity fares, however, will be available only when larger groups are assembled than heretofore required. For on-season travel, groups of 80 will have available a 6 percent lower fare than previously. In the shoulder period, the reduction available for larger groups is 9.4 percent and off-season is 15 percent. The average potential price reduction would be about 10 percent but this can be achieved only where groups of 80 or more persons can be assembled. For smaller groups no price reduction is made. The Pan American and TWA estimates show the GIT traffic at about 7.8 percent of total, close to the 1968 proportion, while the affinity groups are expected to increase from about 4.4 percent in 1968 to 8.6 percent in the future under Caracas. The carriers expect that most of the additional affinity group traffic would be diverted from charter services, including those operated by themselves, by other IATA carriers, and by the supplemental carriers. This traffic distribution does not suggest that the group fares are unduly low or that the carriage of such traffic would have to be subsidized by other traffic. On the contrary, and bearing in mind that much of the discount traffic is carried outside the extreme peak periods, when empty seats are plentiful and load factors are likely to be low,[5] we can only conclude that the group and other discount fares benefit normal fare passengers by developing new sources of traffic and revenues to share in the overall costs of service.[6]

The supplemental carriers' objections to the Caracas agreement are grounded in the concern that there will be large-scale diversion of their charter traffic to the IATA carriers. The affinity group fares are undoubtedly directed at the same general markets as the affinity charters, namely, the professional, social, and ethnic group travel market. There is nothing improper in such competition with the supplemental carriers and the latter are no more entitled to any given share of that market than are the IATA carriers. The public benefits of vigorous competition for the affinity travel market is shown by the rapid growth of that market over the past decade.

In support of its contention that the Caracas agreement would result in very substantial diversion of charter traffic heretofore carried by the supplemental carriers, NACA refers to its claim in Docket 20781 that the CBIT fares would divert 45 percent of the supplementals' transatlantic traffic. NACA now contends that there would be even more diversion as a result of the newly agreed affinity fares for groups of 80 and 100 (westbound) persons.

NACA focuses principally on the new fare for groups of 80 or more passengers. NACA asserts that the IATA fare is so close to the general level of affinity charter prices in the shoulder season that very substantial diversion from them will take place. NACA shows the following comparison:

	New York London	New York Paris	New York Rome	New York Frankfurt
Groups of 80 passengers	$192	$196	$260	$200
Average charter price, 1969	186	192	215	151

It is true that the differentials shown in the New York-London and New York-Paris markets between the groups of 80 fares and the average charter prices are very small. However, these are comparatively minor markets for the U.S. supplemental carriers representing in 1969 only about 7.5 percent of NACA's total transatlantic charter traffic. The fare differentials are much greater at other points as, for example, New York-Rome and New York-Frankfurt. Moreover, the differentials as regards to West Coast-Europe markets are likewise substantial. For example, in the Los Angeles-Frankfurt market the proposed affinity group (80) fare for the shoulder period is $330. This is approximately $58 or 21 percent above the NACA carriers' average 1969 charter price of $272, as shown in NACA's exhibit 203 in Docket 20781. The situation is similar in the Los Angeles-to-London market where the group-of-80 fare in the shoulder season is $322 or 33.3 percent above the NACA carriers' average charter price of $241. It may also be noted from NACA's exhibit 200 in Docket 20781 that its California-Europe charter traffic amounted to 33 percent of its total United States-Europe charter traffic.

We are not persuaded by NACA's comparison of the affinity group fares to the supplementals' average charter price that the former are unreasonably low or will cause undue diversion from those carriers. The affinity-group, affinity-charter market is historically very sensitive to price and the differentials of 20 to 30 percent should prove to be compelling in the market place. We would note in this regard that the supplemental carriers have competed since 1962 with IATA affinity group fares, albeit at a higher level than those proposed for the groups of 80. Notwithstanding the supplementals' contentions with respect to those original affinity group fares, their traffic has grown at a remarkable rate since that time. Moreover, the affinity group traffic has proved to be a minor part of the scheduled carriers' traffic. Data for 1968 for Pan American and TWA show their affinity group travel was

[5] Moreover, travel arrangements for the affinity and GIT fares must be made several weeks in advance of travel which should assist carriers in load planning and load factor enhancement.

[6] The incentive group fares, which are available only in the off and shoulder seasons, are at the same level as the affinity group of 40 fares, and are also found reasonable on the basis of the foregoing considerations.

only 4.4 percent of their total transatlantic economy passenger volume. Under the Caracas agreement Pan American and TWA forecast that this percentage will rise to 8.6. In light of the previously noted fare relationships, this forecast appears reasonable. Assuming that all the additional affinity group traffic represented in the 3.8-percentage-point increase would be diverted from affinity charters, this would amount to 90,000 passengers for Pan American and TWA combined and about 200,000 for the IATA carriers as a group. Since the supplementals carry about 45 percent of the affinity charter market, they should not suffer more than a comparable portion of the total diversion of affinity charter passengers. This total potential loss to the supplemental carriers is less than 10 percent of the 1 million charter passengers they estimated in Docket 20781 for 1970. Even after such diversion, the supplementals' traffic in 1970 would be over 900,000 passengers or 33 percent above the 1969 level. The Board cannot conclude in the light of these data that the establishment of these 80-group fares will result in substantial diversion of supplemental affinity charter traffic.

Finally, we would observe that the U.S. supplemental carriers are free to adjust their charter prices in light of the new IATA fare structure to maintain the differentials which they deem necessary from a competitive standpoint. Their price structure is not frozen as IATA's would be under this agreement. Increasing use of stretched aircraft should increase their economic ability to cut their rates. We would note in this regard from the NACA data that their average charter price to Frankfurt is much lower than those to London and Paris, despite the greater distance to Frankfurt, reflecting presumably their views of the economics of those markets.[7] By the same token, disapproval of this agreement, as the supplemental carriers requests would prevent the group-of-80 fare from being introduced by the IATA carriers and they would be free to establish even lower fares and for even larger groups in the open-rate situation. Moreover, the supplemental carriers have other advantages in terms of their freedom to offer single-plane charter services direct from interior U.S. points to Europe at low point-to-point fares while passengers using transatlantic IATA carriers must connect at gateway points in many instances.

Discrimination. NACA contends that the affinity group, GIT, and incentive group fares are unjustly discriminatory and, therefore, the Caracas agreement must be disapproved. The affinity group fares are said to be unjustly discriminatory because of the requirement for prior affinity among the members of the group. The incentive fares are challenged on the grounds their use is limited to transportation in connection with an organization's incentive award program. Finally, the GIT fares are alleged to be unjustly discriminatory because they are sold only in connection with inclusive tours.[8]

The fact that group fares are restricted to groups with prior affinity does not in itself render them unjustly discriminatory. Affinity charters, which the supplementals desire to be protected from this type of competition, are restricted in the same manner. Both these types of affinity fares have long been part of the air-fare structure. The affinity restriction as to the group fares accomplishes the same purpose as that restriction in charters—i.e., it distinguishes the fare from individually ticketed services and limits the diversion from such services, which could be catastrophic if the fares were available to groups formed from the general public. In our 1962 decision, we found that the group fares were justified by cost and value-of-service considerations and that, in view of heavy public interest considerations, the affinity restriction did not render the group fares unjustly discriminatory.[9] The factors on which we relied at that time were not limited to "the context of an adverse industry economic picture," as alleged by NACA. Indeed, these factors remain relevant considerations at the present time, and to these justifications may be added the competition of the growing number of affinity charters performed by the supplementals themselves. Public interest factors today are the same as obtained in 1962; these low group fares will benefit a substantial portion of the traveling public as well as the scheduled U.S.-flag carriers and will not, in our opinion, be detrimental to normal fare-paying passengers.[10] Furthermore, contrary to NACA's contention, we have not by any subsequent opinion changed our view as to the legality of affinity group fares. While as a matter of policy we might prefer that these fares not be so restricted as to availability,[11] we do not conclude that they are unjustly discriminatory.

Although NACA adverts to the Board's condition on the earlier incentive group fare resolution which would make the fares available to single entity users, whether or not profit-making organizations, it rests its contentions of discrimination on the basis that the resolution maintains the requirements restricting their use to employees or dealers of the user who must travel under an established incentive travel program. We believe it is quite clear that the intention of the Board's condition on its earlier approval of this resolution was to make the fares available for single entity use by both profit and nonprofit organizations, and irrespective of whether the group travels under an established incentive program. This same condition will carry forward under our approval of the Caracas agreement.

The foregoing considerations, together with the circumstance that the affinity group fares are a competitive response to the affinity charter rates and services of both the supplemental and IATA carriers, lead us to conclude that the affinity group fares and incentive group fares, as conditioned, are not unjustly discriminatory. As earlier noted, the affinity travel market is large and growing. There is no reason why it should be confined to charter flights to the potential detriment of the scheduled services. It is well established that competitive necessity may justify rates or fares or conditions of carriage which otherwise might be unlawful.

In summary, the Board finds that the transatlantic passenger fares which comprise the Caracas agreement are not unreasonable, or unjustly discriminatory, or otherwise in violation of the Act or adverse to the public interest. The traveling public is clearly benefited by the proposed fare structure. Not only are lower fares offered for certain types of group travel but the individual traveler will have a much more favorable range of discounts to choose from. The U.S. carrier members of IATA will also be benefited by approval of this agreement in terms of the stability inherent in an agreed rate structure for the next 13 months. It is also likely that the establishment of excursion fares for 29–45-day trips, as well as the new fares for affinity groups of 80 and 100 (westbound from Germany), will provide a basis for a substantial increase in travel by Europeans to the United States thereby mitigating the balance of payments deficit in the travel accounts. Plainly, this result would advance the broad public interest. The supplemental carriers, while subjected to more intensive competition, have the capability to respond effectively, and that competition is not unfair nor destructive. In short, the transatlantic supplemental industry should continue to grow and prosper.

NACA urges the Board to hold an evidentiary hearing before passing on the Caracas agreement. The Board, however, does not find a hearing is required to properly dispose of this agreement. A hearing was held in Docket 20781 concerning certain elements of the preceding Dallas agreement, and those elements are carried forward into the Caracas agreement. The evidence of record in Docket 20781 is pertinent to other aspects of the Caracas agreement. For example, the record contains data submitted by the supplemental carriers as to their charter rates and traffic volumes on

[7] The group-of-100 fare, which IATA proposes at levels somewhat below the group-of-80 fare for westbound Frankfurt-New York service, is 37 percent and 23 percent in the peak and shoulder periods, respectively, above the supplementals' average charter price. Even in the off season the differential is no less than 13 percent above the supplementals' average price.

[8] Our decision in Docket 20781 deals with a similar issue concerning the CBIT fares and our decision there that the inclusive tour requirement does not constitute an unjust discrimination applies equally with respect to the GIT fares.

[9] 36 C.A.B. 33.

[10] Under the Caracas agreement, new excursion fares will also be available to the individual passenger.

[11] See 38 C.A.B. 1062 (1963).

which we have relied herein. Moreover, even were a hearing to be held, the effects of the new features of the Caracas agreement in terms of traffic generated and diverted and revenues realized would remain at best a matter of judgment until the fares are actually used in the market place. We are satisfied that the information on which we have relied herein is as reliable as any that could be developed at a hearing prior to actual use of these fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds that, based on facts presently known, the following resolutions, incorporated in the agreement indicated, do not affect air transportation within the meaning of the Act:

Agreement CAB 21537	IATA No.	Title	Application
R-9	002	Mid-Atlantic Readoption Resolution insofar as it relates to:	
		070v—Mid-Atlantic Excursion Fares—Havana	1/2
		076f—Mid-Atlantic Affinity Group Fares United Kingdom-Caribbean.	1/2
		094a—Mid-Atlantic Emigrant Fares—Caribbean-United Kingdom	1/2
		0760—Mid-Atlantic Affinity Group Fares—Guyana/Surinam/Trinidad/India/Pakistan/Afghanistan/Ceylon/Nepal.	1/2/3
R-11	003	Standard Recission Resolution insofar as it relates to:	
		095a—North Atlantic 45-day Excursion Fares for Canadian Armed Forces.	1/2
R-26	071e	Mid-Atlantic 14/28 Day Excursion Fares—Colombia (New)	1/2
R-33	076ee	North Atlantic Affinity Group Fares—Canada (New)	1/2
R-34	076f	Mid-Atlantic Affinity Group Fares—United Kingdom-Caribbean (Readopting and Amending).	1/2
R-37	077d	JT12 Group Fares for Ships' Crew—Havana-Madrid (New)	1/2
R-39	083	Mid-Atlantic Individual Inclusive Tour Fares—United Kingdom/Germany-Caribbean (Readopting and Amending).	1/2
R-47	094a	Mid-Atlantic Emigrant Fares Caribbean-United Kingdom (Readopting and Amending).	1/2
R-49	095d	North Atlantic Group Fares for Canadian Armed Forces (Amending)	1/2

2. The Board does not find the following resolutions incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act:

Agreement CAB 21537	IATA No.	Title	Application
R-1	001b	North Atlantic Special Effectiveness Resolution (Tie-in)	1/2, 1/2/3.
R-2	001b	Mid-Atlantic Special Effectiveness Resolution (Tie-in)	1/2, 1/2/3.
R-9	002	Mid-Atlantic Special Readoption Resolution insofar as it relates to:	
		079c—Mid-Atlantic Contract Bulk Inclusive Tour Prices—San Juan-Lisbon/Madrid.	1/2.
R-3	001e	Mid-Atlantic Escape for Normal and Special Fares (Readopting and Amending).	1/2, 1/2/3.
R-4	001p	Affinity Group Escape Provision	1/2 (North Atlantic).
R-5	001t	North Atlantic Escape for Boeing 747 (Readopting and Amending).	1/2, 1/2/3.
R-6	001t	Mid-Atlantic Escape for Boeing 747	1/2, 1/2/3.
R-7	001w	North Atlantic Acceleration of Expiry	1/2, 1/2/3.
R-8	002	North Atlantic-Special Readoption Resolution insofar as it relates to:	
		001d—Special Emergency Escape for North Atlantic Agreements.	1/2.
		057a—North Atlantic First Class Fares—JT123	1/2/3.
		060—Economy Class Conditions of Service	1/2, 1/2/3.
		067a—Joint Conference 123 Economy Class Fares	1/2/3.
		083b—North Atlantic Individual Inclusive Tour Fares (Expires Oct. 31, 1970).	1/2/3.
		100—Conditions of Service—In-flight Entertainment	1/2, 1/2/3.
		250—Sleeper Surcharge	1/2, 1/2/3.
R-9	002	Mid-Atlantic-Special Readoption Resolution insofar as it relates to:	
		057a—North Atlantic First Class Fares—JT123	1/2/3.
		060—Economy Class Conditions of Service	1/2, 1/2/3.
		067a—Joint Conference 123 Economy Class Fares	1/2/3.
		100—Conditions of Service—In-flight Entertainment	1/2, 1/2/3.
		250—Sleeper Surcharge	1/2, 1/2/3.
R-10	002b	Revalidation of Baggage Resolutions	1/2, 1/2/3.
R-11	003	Standard Rescission Resolution insofar as it relates to:	
		095—North Atlantic 45-day Excursion Fares for U.S. Military Personnel.	1/2.
R-13	041	Maximum Stay Provision	1/2, 1/2/3.
R-15	050	First Class Conditions of Service (Amending)	1/2, 1/2/3.
R-16	054a	North Atlantic First Class Fares (Readopting and Amending).	1/2.
R-17	054b	Mid-Atlantic First Class Fares (Readopting and Amending)	1/2.
R-18	064a	North Atlantic Economy Class Fares (Readopting and Amending).	1/2.
R-19	064b	Mid-Atlantic Economy Class Fares (Readopting and Amending).	1/2.
R-20	070d	North Atlantic 14/28 and 14/35 Day Excursion Fares (Readopting and Amending).	1/2.
R-21	070e	North America-India/Pakistan/Afghanistan/Ceylon/Nepal 14/35 Day Excursion Fares (Readopting and Amending).	1/2.
R-22	070f	Mid-Atlantic 14/28, 29/45, 14/45 and 14/35 Day Excursion Fares (New).	1/2, 1/2/3.
R-23	070t	North Atlantic Excursion Fares to Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran (Readopting and Amending).	1/2.
R-24	070x	North Atlantic Excursion Fares to Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nicosia, Teheran (Readopting and Amending).	1/2.
R-25	071d	North Atlantic 29/45 Day Excursion Fares (New)	1/2, 1/2/3.
R-38	079a	North Atlantic Contract Bulk Inclusive Tour Rules (Readopting and Amending).	1/2.
R-40	083a	North Atlantic Individual Inclusive Tour Fares (Readopting and Amending).	1/2.
R-46	091c	North Atlantic Family Fares (Amending)	1/2.
R-48	095c	North Atlantic Group Fares for U.S. Military Personnel (Amending).	1/2.

3. The Board does not find the following resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act: *Provided*, That, insofar as air transportation is concerned, approval of the following resolutions shall be subject to the same conditions as previously imposed by the Board:

Agreement CAB 21537	IATA No.	Title	Application
R-8	002	North Atlantic Special Readoption Resolution insofar as it relates to:	
		014a—Construction Rule for Passenger Fares	1/2, 1/2/3
		076i—Affinity Group Fares JT123	1/2/3
R-9	002	Mid-Atlantic-Special Readoption Resolution insofar as it relates to:	
		014a—Construction Rule for Passenger Fares	1/2, 1/2/3
		076n—Mid-Atlantic Affinity Group Bulk Travel Prices—San Juan-Lisbon/Madrid.	1/2
R-12	015	North Atlantic Proportional Fares—North America (Readopting and Amending).	1/2, 1/2/3
R-27	075h	North Atlantic Winter Fares to/from Israel	1/2
R-28	075hh	North Atlantic Winter Group Fares to/from Middle East (Readopting and Amending).	1/2
R-29	075i	North Atlantic Group Fares to/from Israel	1/2
R-32	076e	North Atlantic Affinity Group Fares (Readopting and Amending)	1/2
R-35	076m	North Atlantic Bulk Affinity and Incentive Group Prices—Spain/Portugal (Readopting and Amending).	1/2
R-36	076p	North Atlantic Incentive Group Fares (Readopting and Amending)	1/2, 1/2/3
R-41	084a	North Atlantic Group Inclusive Tour Fares (Version II) (Readopting and Amending).	1/2, 1/2/3
R-42	084c	North Atlantic Winter Group I.T. Fares—Israel (Readopting and amending).	1/2
R-43	084cc	North Atlantic Winter Group I.T. Fares—Middle East (Readopting and Amending).	1/2

4. The Board does not find the following resolutions, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions specified with respect to each:

Agreement CAB 21537	IATA No.	Title	Application
R-30	075r	North Atlantic 21-Day Group Fares to/from Israel (New)	1/2
R-31	075rr	North Atlantic 21-Day Group Fares to/from Amman, Beirut, Cairo, Damascus, Jerusalem, Nicosia (New). *Provided*, That with respect to resolutions 075r and 075rr as they apply in air transportation: (a) That if at departure time the number of passengers is less than that prescribed by the resolutions, the balance of the group may travel at no additional cost, (b) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel. (c) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after the departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from point of origin to point of cancellation.	1/2
R-44	084f	Mid-Atlantic Group Inclusive Tour Fares (Readopting and Amending).	1/2
R-45	084h	North Atlantic Group Inclusive Tour Fares to India/Pakistan (New). Provided that with respect to resolutions 084f and 084h as they apply in air transportation: (a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs. (b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. (c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel. (d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from point of origin to point of cancellation.	1/2/3

5. The Board does not find resolution 087—Version I (North Atlantic Group Inclusive Tour Fares—Readopting and Amending), incorporated in Agreement CAB 21547, to be adverse to the public interest or in violation of the Act: *Provided*, That, insofar as air transportation is concerned, the resolution shall be subject to the same conditions as previously imposed by the Board.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreement CAB 21537, as set forth in finding paragraph 1;

2. Those portions of Agreement CAB 21537, as set forth in finding paragraph 2, be and hereby are approved;

3. Those portions of Agreement CAB 21537, as set forth in finding paragraphs 3 and 4, be and hereby are approved, subject to the conditions stated therein;

4. Agreement CAB 21547, set forth in finding paragraph 5, be and hereby is approved subject to the condition stated therein; and

5. The motion of the National Air Carrier Association that the record in Docket 20781 be deemed to be part of the record in this proceeding is granted to the extent that evidence presented in the record in that Docket is pertinent to the issues in this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

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

[F.R. Doc. 70-2720; Filed, Mar. 5, 1970; 8:45 a.m.]

[Docket No. 21971; Order 70-3-11]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1970.

On February 3, 1970, Capitol International Airways, Inc. (Capitol), filed revisions, effective March 5, 1970, to its military charter tariffs.[1] Reduced rates were proposed for transportation on DC-8-31 and DC-8-55 aircraft at $3 per aircraft mile and on DC-8-63 aircraft at $4.50 per aircraft mile. The current rates for these aircraft are $4, $4.50, and $5 per aircraft mile, respectively. No justification was provided.

On February 13, 1970, Universal Airlines, Inc. (Universal), filed a complaint against Capitol's DC-8-31 and DC-8-55 aircraft rate of $3 per aircraft mile. On the same date a joint complaint against this rate was filed by Modern Air Transport, Inc. (Modern), and Purdue Airlines, Inc. (Purdue). The complaints request the Board to suspend and investigate the reduced rate, alleging that the tariff filing does not contain any statement of reasons for, or economic data or information in support, of the filing, as required by § 221.165 of the Board's regulations. The Modern/Purdue complaint further alleges that the proposed rate is substantially below the total operating cost for this aircraft.

To date, Capitol has not filed any justification for the proposed rates or any answer to the complaints.[2]

Upon consideration of all relevant matters, the Board finds that Capitol's proposed DC-8-31 and DC-8-55 rate for military charter transportation may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. In general, the Board permits considerable latitude in the filing of charter rates. However, the proposed rate of $3 on DC-8-31 and DC-8-55 aircraft raises serious questions as to whether it is economic or properly related to other rates.

The military charter rates of other carriers for DC-8 (standard jet) and for comparable B-707 jet transportation range from $4 to $5 per aircraft mile. The lowering of this rate to $3 will lead to an undermining of the present rate to what appears to be an uneconomic level. The carrier's reported costs for DC-8-31 and DC-8-55 aircraft show the direct aircraft operating costs per aircraft mile for 12 months ended September 30, 1969, are $2.92 and $2.10, respectively, and for the third quarter are $2.81 and $2.13, respectively.

Allowing for the indirect costs at about 50 percent of the direct costs indicated above, which approximates the carrier's recent experience, exclusive of promotion and sales expenses, Capitol's proposed rate of $3 would be less than its total operating cost. With a further allowance to cover income taxes and return on investment, the proposed rate becomes more uneconomic and unreasonable.

In view of the significant question as to the economics of the proposed military charter rates for DC-8-31 and DC-8-55 aircraft, the Board will initiate an investigation of the proposed rate of $3 per aircraft mile and suspend the effectiveness of such tariffs pending investigation.

[12] Statement of members Murphy and Minetti and comparison of North Atlantic fares filed as part of the original document.

[1] Revisions to Capitol International Airways, Inc., Passenger Tariff No. 5, CAB No. 5.

[2] However, the carrier has filed further revisions to the tariff proposing a $3.15 rate for DC-8-31 aircraft and a $3.40 rate for DC-8-55 aircraft, effective Mar. 21, 1970.

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

It is ordered, That:

1. An investigation is instituted to determine whether the charter rates of $3 per mile for DC–8–31 and DC–8–55 aircraft applicable to military traffic, on 40th Revised Page 17 of Capitol International Airways, Inc.'s, CAB No. 5 (Capitol Airways, Inc., series), and rules, regulations, and practices affecting such rates, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, and rules, regulations, or practices affecting such rates;

2. Pending hearing and decision by the Board, the charter rates of $3 per mile for DC–8–31 and DC–8–55 aircraft applicable to military traffic, on 40th Revised Page 17 of Capitol International Airways, Inc.'s, CAB No. 5 (Capitol Airways, Inc., series), are suspended and their use deferred to and including June 2, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of Universal Airlines, Inc., in Docket 21915, and the joint complaint of Modern Air Transport, Inc., and Purdue Airlines, Inc., in Docket 21920, are hereby dismissed;

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

5. Copies of this order shall be filed with the tariffs and served upon Capitol International Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–2757; Filed, Mar. 5, 1970; 8:48 a.m.]

[Docket No. 21869]

JAPAN AIR LINES CO., LTD.

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 16, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person shows reason for further postponement.

Dated at Washington, D.C., March 2, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70–2755; Filed, Mar. 5, 1970; 8:47 a.m.]

[Docket No. 21972; Order 70–3–12]

SATURN AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1970.

On February 3, 1970, Saturn Airways, Inc. (Saturn) filed revisions, effective March 5, 1970, to its military charter tariffs.[1] Reduced rates were proposed for transportation on DC–8F aircraft at $3.50 per aircraft mile and on DC–8–61F aircraft at $4.50 per aircraft mile. The current rates for these aircraft are $4.50 and $5 per mile, respectively. As justification for the reduced rates Saturn states that "certain economies have been effected allowing us to reduce these rates."

On February 13, 1970, Universal Airlines, Inc. (Universal) filed a complaint against Saturn's DC–8F aircraft rate of $3.50 per mile. On the same date a joint complaint against this rate was filed by Modern Air Transport, Inc. (Modern) and Purdue Airlines, Inc. (Purdue). The complaints request the Board to suspend and investigate the reduced rate, alleging that the tariff filing does not contain any statement of reasons for, or economic data or information in support of, the filing, as required by § 221.165 of the Board's regulations. The Modern/Purdue complaint further alleges that the proposed rate is substantially below the total operating cost for this aircraft.

Subsequently, on February 19, 1970, Saturn's agent, Theo. P. Gerth, filed a letter of justification for the reduced rates and on the same date the carrier filed a consolidated answer to the two complaints. Both the letter and the answer state that the proposed rates provide a yield which is in excess of the fully allocated costs and a reasonable return. The answer further states that the rates are substantially higher than the minimum levels established by the Board for Military Airlift Command (MAC) international services and that no significant differences exist between these and Civil Air Movement (CAM) operations.

Upon consideration of all relevant matters, the Board finds that Saturn's proposed DC–8F rate for military charter transportation may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. In general, the Board permits considerable latitude in the filing of charter rates. However, the proposed rate of $3.50 on DC–8F aircraft raises serious questions as to whether it is economic or properly related to other rates.

The military charter rates of other carriers for DC–8 (standard jet) and for comparable B–707 jet transportation range from $4 to $5 per aircraft mile. The lowering of this rate to $3.50 will lead to an undermining of the present rate to what appears to be an uneconomic level. The carrier's justification based upon the minimum rates for MAC international charters is inappropriate absent adjustment for the long haul character of such charters, the lower fuel prices generally available, the ground services and facilities provided by the military, and the high utilization of aircraft reflected in the MAC international cost forecasts. Similarly, Saturn's exhibits filed in the Transatlantic Supplemental Charter Authority Renewal Case (Docket 20569) are forecasts for long haul operations, reflect a 9 percent return on investment with no apparent allowance for income taxes, and assume without support that CAM ground services costs would amount to but 10 percent of those for civil international services.

In justification for the lower rate, Saturn intimates that it expects economies that will stem from more frequent and regular CAM operations than heretofore. However, Saturn presupposes no competitive reaction, which is improbable. There is no assurance that the carrier's penetration in this market will be more than its present infrequent operations.

In view of the significant question as to the economics of the proposed military charter rate for DC–8F aircraft, the Board will initiate an investigation of the proposed rate of $3.50 per aircraft mile and suspend the effectiveness of such tariffs pending investigation.

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

It is ordered, That:

1. An investigation is instituted to determine whether the charter passenger rate of $3.50 per mile for DC–8F aircraft, on Fourth Revised Page 7–B of Agent Theo. P. Gerth's CAB No. 76, and rules, regulations, and practices affecting such rate, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rate, and rules, regulations, or practices affecting such rate;

2. Pending hearing and decision by the Board, the charter passenger rate of $3.50 per mile for DC–8F aircraft on Fourth Revised Page 7–B of Agent Theo. P. Gerth's CAB No. 76 (insofar as such rate is applicable to interstate or overseas air transportation) is suspended and its use deferred to and including June 2, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint of Universal Airlines, Inc., in Docket 21914, and the joint complaint of Modern Air Transport, Inc., and Purdue Airlines, Inc., in Docket 21919, are hereby dismissed;

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

5. Copies of this order shall be filed with the tariffs and served upon Saturn Airways, Inc., which is hereby made a party to this proceeding.

[1] Revisions to Theo. P. Gerth, Agent, Military Charter Tariff No. M–1, C.A.B. No. 76.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-2758; Filed, Mar. 5, 1970; 8:48 a.m.]

[Dockets Nos. 18776; 19164]

SOUTHERN PACIFIC-SANTA FE

Air Freight Forwarder Investigation, Notice of Hearing

Applications for Freight Forwarding Authority and sections 408 and 409 Approvals.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 31, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 30, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 3, 1970.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[F.R. Doc. 70-2756; Filed, Mar. 5, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5762]

EL PASO ELECTRIC CO.

Notice of Application

FEBRUARY 27, 1970.

Take notice that El Paso Electric Co. (applicant), incorporated under the laws of the State of Texas and qualified to do business as a foreign corporation in the State of New Mexico, with its principal place of business at El Paso, Tex., filed an application on February 13, 1970, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, modifying applicant's current authorization to transmit electric energy from the United States to Mexico.

By Commission order issued November 5, 1969, in Docket No. IT-5762, applicant was authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 250 million kw.-hr. per year at a transmission rate not to exceed 40,000 kw. for sale and delivery to Comision Federal de Electricidad, Division Norte (Comision Electricidad), an agency of the Republic of Mexico, over certain 69-kv. facilities of applicant located at the international border between the United States and Mexico and covered by applicant's Presidential Permit signed by the President of the United States on May 21, 1946, as amended by Amendment signed by the Chairman of the Federal Power Commission on November 26, 1958, all in the above-entitled proceeding.

Applicant now requests that the authorization granted by Commission order issued November 5, 1969, referred to above, be modified so as to authorize applicant to export electric energy in an amount not in excess of 450 million kw.-hr. per year to Comision Electricidad at a transmission rate not to exceed 80,000 kw. over the above-mentioned facilities.

Included with the filing of its application for a supplemental order in Docket No. IT-5762, applicant, pursuant to Executive Order No. 10485, dated September 3, 1953, filed a request for modification of the Presidential Permit as amended, referred to above, so as to authorize applicant to construct and operate certain additional 69-kv. facilities at the United States-Mexican border to serve Comision Electricidad for the purpose of increasing its exported power and energy.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2742; Filed, Mar. 5, 1970; 8:46 a.m.]

[Project No. 2221]

EMPIRE DISTRICT ELECTRIC CO.

Notice of Issuance of Annual License

FEBRUARY 27, 1970.

On August 21, 1967 The Empire District Electric Co., licensee for the Ozark Beach Project No. 2221, located on the White River in Missouri, filed an application for license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1–16.5 then in effect. In accordance with section 15, as amended August 3, 1968 (82 Stat. 616), and the Commission's new takeover and relicensing regulations providing for a single proceeding to determine whether a project should be relicensed or recommended for Federal takeover, licensee is required to supplement its application by March 2, 1970.

The license for Project No. 2221 was issued effective September 1, 1958, for a period ending August 31, 1968. On December 9, 1968, an annual license was issued to licensee for the period September 1, 1968, to August 31, 1969. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Empire District Electric Co. for continued operation and maintenance of Project No. 2221.

Take notice that an annual license is issued to The Empire District Electric Co. (licensee) under section 15 of the Federal Power Act for the period September 1, 1969, to August 31, 1970, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ozark Beach Project No. 2221, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-2743; Filed, Mar. 5, 1970; 8:46 a.m.]

[Docket No. RI70-1216 etc.]

JOHN L. MAY ET AL.

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

FEBRUARY 27, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules [2] for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

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

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

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

[2] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 394 issued Jan. 6, 1970. Where the words "supplements" or "rate schedule" appear in this order, they refer to the notices of change in rate filed by the small producers herein.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[3]

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 15, 1970.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Docket No.*	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-1216	John L. May	CS66-90 [5]	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	$35	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1217	Clayton W. Williams, Jr.	CS66-91 [5]	do	35	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1218	Betty M. Williams	CS66-92 [5]	do	35	2-7-20	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1219	W. R. Weaver	CS66-93 [5]	do	69	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1220	Shirley H. Weaver	CS66-94 [5]	do	69	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1221	Edward H. Leede	CS66-39 [5]	Northern Natural Gas Co. (Lockridge Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	38	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1222	The Midland National Bank, Trustee.	CS68-40 [5]	do	267	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1223	Dorothy W. Zoller	CS68-25 [5]	do	38	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	
RI70-1224	Victor H. Zoller	CS66-38 [5]	do	38	2-2-70	[4] 2-2-70	[5] 2-3-70	16.5	[6][7] 16.5619	

[4] The stated effective date is the date of filing pursuant to the Commission's Order No. 390.
[5] The suspension period is limited to 1 day.
[6] Tax reimbursement increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] No rate schedule on file—pertains to contract dated Sept. 13, 1965.
[9] No rate schedule on file—pertains to contract dated Jan. 3, 1968.
*Respondent issued a Small Producer Certificate in Docket Number indicated.

The producers herein are holders of small certificates and have filed rate increases reflecting partial reimbursement for the increase in Texas Production Tax from 7.0 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. The proposed rates exceed the applicable area base ceiling rate determined in Opinion No. 468 for the Permian Basin Area.

Since the producers' proposed rate increases relate solely to reimbursement for the increase in the Texas production tax we believe that the proposed rate increases should be suspended for 1 day from the date of filing in accordance with Order No. 390 issued October 10, 1969, since the filings involved were made after October 31, 1969.

[F.R. Doc. 70-2747; Filed, Mar. 5, 1970; 8:47 a.m.]

[Project No. 2301]

MONTANA POWER CO.

Notice of Issuance of Annual License

FEBRUARY 27, 1970.

On December 23, 1968, The Montana Power Co., Licensee for the Mystic Lake Project No. 2301 located on Mystic Lake and West Rosebud Creek in Stillwater County, Mont., and affecting lands of the United States within the Custer National Forest, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1–16.5 then in effect. Licensee, on December 23, 1969, filed an amended application pursuant to section 15, as amended August 3, 1968 (82 Stat. 616), and the Commission's new takeover and relicensing regulations. Under new procedures the Commission, in a single proceeding, will determine whether a project should be relicensed or recommended for Federal takeover.

The license for Project No. 2301 was issued effective December 1, 1961, for a period ending December 31, 1969. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Montana Power Co. for continued operation and maintenance of Project No. 2301.

Take notice that an annual license is issued to The Montana Power Co. (Licensee) under section 15 of the Federal Power Act for the period January 1, 1970 to December 31, 1970, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mystic Lake Project No. 2301, subject to the terms and conditions of its license.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-2745; Filed, Mar. 5, 1970; 8:46 a.m.]

[Project No. 2056]

NORTHERN STATES POWER CO.

Notice of Application for Amendment of License for Constructed Project

FEBRUARY 27, 1970.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Northern States Power Co. (correspondence to: D. W. Angland, Vice President-Operation, 414 Nicollet Avenue, Minneapolis, Minn. 55401) for the St. Anthony Falls Project No. 2056, located on the Mississippi River, at the Upper Lock and Dam at St. Anthony Falls in Hennepin County, Minn.

The application: (A) Seeks to eliminate from the license for the project the following project works which have been retired as no longer economically feasible to repair and continue in operation: (1) The Main Street Hydro Plant, including sluice, consisting of (a) generating units No. 2 and 3, each composed of a horizontal turbine rated at 1,000 h.p. and a 480 kw. generator together with appurtenant electrical equipment, and (b) a tailrace and steel penstock with a timber slide headgate, serving each turbine; and (2) wasteways No. 1 and 2 at the Upper Dam, except the wasteway headwork structures, which form a part of the water-retaining structure of the

Upper Dam; (B) requests permission to make the following alterations: (1) To replace with concrete cores the two timber slide headgates serving the penstocks to be removed; (2) to replace with permanent concrete closures the present headworks of Wasteways No. 1 and 2 presently consisting of wooden gates; (3) to increase the height of the headworks of the nonoverflow sections of the Upper Dam to elevation 805.0 m.s.l. for flood protection by means of a concrete cap placed above masonry sections of the dam, and extending from the northwest corner of the Main Street Hydro Plant building to section No. 8 of the Upper Dam; and (4) to convert the controls for the Hennepin Island and Lower Dam Hydro Plants from remote control presently located at Main Street Hydro Plant to automatic pond level control, and to remove the present remote control equipment; (C) requests that the following described revised exhibits be included in the license and the license exhibits superseded thereby be excluded from the license: (1) Exhibit B, filed January 2, 1970, supplementing license Exhibit B for Project No. 2056; (2) Exhibit K, sheet 1 (FPC No. 2056–24) superseding license Exhibit K, sheet 1 (FPC No. 2056–15) to reflect the elimination of lands from the project area which are currently occupied by the tailraces and sluice at Main Street Hydro Plant and by Wasteways No. 1 and 2 at the Upper Dam Development, to be removed from the license pursuant to this amendment; (3) Exhibit L, sheets 2 and 3 (FPC Nos. 2056–25 and 26) superseding license Exhibit L, sheets 2 and 3 (FPC Nos. 2056–17 and 18) in order to reflect the elimination of the Main Street Hydro Plant and related equipment, Wasteways No. 1 and 2, the increased height of the headworks, and the change in crest elevation of the Upper Dam as reconstructed by the Licensee in accordance with Article 24 of the License; (4) Exhibit L, sheets 5, 6, 7, and 8 (FPC Nos. 2056–27, 28, 29, and 30) showing structural details of headworks at the Upper Dam development; (5) Exhibit M, filed January 2, 1970, a statement of 3 sheets, superseding license Exhibit M for Project No. 2056, to reflect the elimination of electrical and mechanical features of the project works described herein; and (D) requests that the Commission make such other license changes as may be necessary to effect the amendment, including revision of the annual charge article in the license.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–2744; Filed, Mar. 5, 1970; 8:46 a.m.]

[Project No. 619]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

FEBRUARY 27, 1970.

On December 27, 1967, Pacific Gas and Electric Co., licensee for Bucks Creek Project No. 619 located in the vicinity of Quincy in the county of Plumas, Calif., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1–16.5 then in effect. In accordance with section 15, as amended August 3, 1968 (82 Stat. 616), and the Commission's new takeover and relicensing regulations providing for a single proceeding to determine whether a project should be relicensed or recommended for Federal takeover, licensee is required to supplement its application by March 2, 1970.

The license for Project No. 619 was issued effective April 14, 1926, for a period ending December 31, 1968. On August 20, 1969, an annual license was issued to Licensee for the period January 1, 1968, to December 31, 1969. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Co. for continued operation and maintenance of Project No. 619.

Take notice that an annual license is issued to Pacific Gas and Electric Co. (licensee) under section 15 of the Federal Power Act for the period January 1, 1970, to December 31, 1970, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Buck Creek Project No. 619, subject to the terms and conditions of its license.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–2746; Filed, Mar. 5, 1970; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by First Florida Bancorporation, which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Liberty National Bank of St. Petersburg, St. Petersburg, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 2d day of March 1970.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70–2748; Filed, Mar. 5, 1970; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

FEDERALLY-INVOLVED CONSTRUCTION IN NEWARK, N.J. AREA

Notice of Hearing

Notice is hereby given that, pursuant to section 208(a) of Executive Order 11246 (30 F.R. 12319), a public hearing is to be held by the Office of Federal Contract Compliance, U.S. Department of Labor on Wednesday, March 18, 1970, and Thursday, March 19, 1970, in Room 807 A and B, Federal Office Building, 970 Broad Street, Newark, N.J., in order to afford interested persons an opportunity to submit in writing and orally data, views, or arguments to be considered by the Office of Federal Contract Compliance in implementing the requirements and objectives of Executive Order 11246 in federally-involved construction in the

Newark, N.J. area. The hearing will begin at 9:30 a.m. e.s.t. on Wednesday, March 18, 1970. The presentations will be made before a panel designated for this purpose by the Director of the Office of Federal Contract Compliance. Interested persons are encouraged to appear and present their views before the panel.

Specific information and data is requested to include, but not necessarily be limited to:

(1) The current extent of minority group participation in each construction trade, and the full employee complement of each trade;

(2) A statement and evaluation of present employee recruitment methods, as well as the assistance and effectiveness of any employer or union programs to increase minority participation in the trades;

(3) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades, etc.,

(4) An evaluation of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs, etc.,

(5) An analysis of the number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade; projected employer turnover, etc.

(6) The desirability and extent, including the geographical scope of possible Federal action to ensure equal employment opportunity in the construction trades.

Interested persons wishing to present orally their views before the panel should notify the Office of Federal Contract Compliance, 110 East 45th Street, Room 533, New York, N.Y. 10017 (telephone: 212–573–6066) of their intention to appear as early as possible, and of the approximate amount of time which they expect their presentations to take, so as to facilitate an orderly scheduling of witnesses. All persons desiring to file written statements and pertinent information relative to this hearing may do so by filing the same with the Office of Federal Contract Compliance on or before Friday, March 20, 1970.

Executive Order 11246 prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex, or national origin, and further requires that the employer or prospective employer take affirmative action to insure equal employment opportunity.

It is the responsibility of the Secretary of Labor and his Department to implement the purposes of Executive Order 11246 throughout the country on federally-involved construction. The Department recognizes that circumstances and problems in the field of equal employment opportunity vary from one area of the country to another, and that those living and working in a specific area are in a unique position to assist the Department with facts and ideas as to the most effective way to implement the Executive order. It is this assistance which is sought at the above noticed hearing.

Copies of the Executive Order 11246 can be obtained from the Office of Federal Contract Compliance, Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, or from the Office of Federal Contract Compliance Area Coordinator at the address contained above.

Signed at Washington, D.C., this 4th day of March, 1970.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[F.R. Doc. 70–2822; Filed, Mar. 5, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 3, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 41911—*Sulphur from Wills Point, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–128), for interested rail carriers. Rates on sulphur, in carloads, as described in the application, from Wills Point, Tex., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 62 to Southwestern Freight Bureau, agent, tariff ICC 4795.

FSA No. 41912—*Phosphatic fertilizer solution to points in Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B–132), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the applications, from Houston and East Baytown, Tex., to specified points in Wyoming.

Grounds for relief—Market competition and modified short-line distance formula.

Tariff—Supplement 88 to Southwestern Freight Bureau, agent, tariff ICC 4780.

FSA No. 41913—*Sulphur (brimstone) from Rustler Springs, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–138), for interested rail carriers. Rates on sulphur (brimstone), crude, unground, and unrefined, in carloads, as described in the application, from Rustler Springs, Tex., to points in eastern territory.

Grounds for relief—Market competition.

Tariff—Supplement 62 to Southwestern Freight Bureau, agent, tariff ICC 4795.

FSA No. 41914—*Clay to points in Minnesota.* Filed by Western Trunk Line Committee, agent (No. A–2621), for interested rail carriers. Rates on clay, in carloads, as described in the application, from specified points in Wyoming, to specified points in Minnesota.

Grounds for relief—Rate relationship.

Tariff—Supplement 6 to Western Trunk Line Committee, agent, tariff ICC A–4768.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–2752; Filed, Mar. 5, 1970; 8:47 a.m.]

[No. 11761]

INTRASTATE PASSENGER FARES IN IOWA AND TEXAS

JANUARY 28, 1970.

Notice is hereby given that The Atchison, Topeka and Santa Fe Railway Co., Chicago, Burlington & Quincy Railroad Co., Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., Chicago, Rock Island and Pacific Railroad Co., Norfolk and Western Railway Co., Missouri Pacific Railroad Co., St. Louis Southwestern Railway Co., Southern Pacific Transportation Co., and The Texas and Pacific Railway Co., through the attorneys named below, have filed a petition with the Interstate Commerce Commission praying that the outstanding orders in this proceeding be modified to allow the petitioners to cancel station-to-station round-trip 6 months limit first-class and coach fares on basis of 180 percent of the one-way fare, to cancel station-to-station round-trip 12 months limit first-class and coach fares on basis of double the one-way fare, and establish 6 months limit station-to-station round-trip first-class and coach fares on basis of double the one-way fare, to become effective February 1, 1970.

Petitioners point out that in Iowa and Texas maximum intrastate passenger fares are fixed by State statutes, and fares in excess thereof are not subject to the jurisdiction of the State regulatory bodies. Since many difficulties would arise if intrastate passenger fares are lower than the prevailing level of interstate passenger fares, it is urgent that the orders in this proceeding be modified.

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of 2 copies upon either J. D.

Feeney or James W. Nisbet, 280 Union Station Building, Chicago, Ill. 60606. Thereafter, the Commission will proceed to dispose of the instant petition.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2753; Filed, Mar. 5, 1970; 8:47 a.m.]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice 37]

MARCH 3, 1970.

The followng 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 30837 (Sub-No. 387 TA), filed February 26, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass vacation houses*, in truckaway service, from Pleasantville, N.J., to points in the United States including Alaska, but excluding Hawaii, for 180 days. Supporting shipper: Futuro Corp., Post Office Box 143, Rural Delivery No. 3, Pleasantville, N.J. 08232 (J. D. Scott, Vice President, Production and Development). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 51146 (Sub-No. 157 TA), filed February 26, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Gaylord, Mich., to points in Illinois, Indiana, Ohio, and Wisconsin, for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge, Hamilton, Ohio 45011 (D. A. Kloes, Traffic Analyst). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 78786 (Sub-No. 276 TA) (Correction), filed January 26, 1970, published in the FEDERAL REGISTER issue of February 3, 1970, and republished in part, as corrected, this issue. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: B. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. NOTE: The purpose of this partial republication is to show regular routes in lieu of irregular routes. The rest of the application remains as previously published.

No. MC 119755 (Sub-No. 3 TA), filed February 26, 1970. Applicant: JOHNSTON TERMINALS, LIMITED, 2020 Yukon Street, Vancouver, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the United States-Canada boundary at or near Blaine, Wash., to points in Snohomish, King, Pierce, and Skagit Counties, Wash., for 150 days. Supporting shipper: Pacific Overland Timber, Ltd., 1758 West Eighth Avenue, Box 4214 Station D, Vancouver 9, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 119895 (Sub-No. 21 TA), filed February 25, 1970. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of John Morrell & Co. located at or near Sioux Falls and Madison, S. Dak., and Estherville, Iowa, to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57103. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123067 (Sub-No. 101 TA), filed February 26, 1970. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, and in bags, from plantsite of Farmers Chemical Association, Inc., Hamilton County, Tenn., to points in Georgia and South Carolina, for 180 days. Supporting shipper: Farmers Chemical Association, Inc., Post Office Box 87, Harrison, Tenn. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 123067 (Sub-No. 102 TA), filed February 26, 1970. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from plantsite of Farmers Chemical Association, Inc., Hamilton County, Tenn., to points in Georgia, Kentucky, North Carolina, and South Carolina, for 180 days. Supporting shipper: Farmers Chemical Association, Inc., Post Office Box 87, Harrison, Tenn. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 128573 (Sub-No. 1 TA), filed February 26, 1970. Applicant: BARNETT TRUCK LINES, INC., 3404 Wheat Street, Kinston, N.C. 28501. Applicant's representative: James B. Barnett, 3404 Wheat Street, Kinston, N.C. 28501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Hartsville, S.C., to points in North Carolina, on and east of U.S. Highway 220, with authority to return *rejected shipments*, for 180 days. Supporting shipper: Bryan J. Rogers, Area Sales Manager, International Minerals & Chemical Corp., Post Office Box 4145, Winston-Salem, N.C. 27105. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 134163 (Sub-No. 1 TA), filed February 25, 1970. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, Pa. 19405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities utilized by Pet Inc., Frozen Foods Division, at or near Allentown, Pa., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, West Virginia, and that part of Virginia east of U.S. Highway 220. Restriction: The above authority is restricted to the transportation of traffic originating at the above specified origins and destined to the above destination States, for 180 days. Supporting shipper: Pet Inc., Frozen Foods Division,

St. Louis, Mo. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commisson, Bureau of Operations, 900 U.S. Customhouse, 2d and Chestnut Street, Philadelphia, Pa. 19106.

No. MC 134301 (Sub-No. 1 TA), filed February 26, 1970. Applicant: AIRLINE SERVICES (CANADA) Ltd., Indian Line and Elm Bank, Malton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment parts*, limited to shipments of 1,000 pounds or less, from ports of entry on the Niagara River, on the international boundary line between the United States and Canada, to Buffalo, N.Y., for 150 days. Supporting shipper: International Business Machines Co.Ltd., 1150 Eglinton Avenue, Toronto, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 134364 TA, filed February 25, 1970. Applicant: A. F. & SONS, INC., 509 Liberty Street, Syracuse, N.Y. 13204. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products and articles distributed by meat packinghouses*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs*, except meat and meat products as described above, when transported in mixed truckloads with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., at Austin, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912; Attention: K. O. Petrick, Manager, Transportation Services. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West, Syracuse, N.Y. 13202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2751; Filed, Mar. 5, 1970; 8:47 a.m.]

[Ex Parte No. MC-1 (Sub-No. 3)]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Credit Regulations; Household Goods

FEBRUARY 5, 1970.

Notice is hereby given that the American Movers Conference has filed a petition with the Interstate Commerce Commission for modification of the Commission's rules and regulations pertaining to the credit regulations applicable to shipments by motor common carriers of household goods. Specifically the petitioner requests the Commission to amend 49 CFR § 1322.1 by adding (in substance) the following:

except that motor common carriers of household goods may provide in their tariffs that (1) the aforesaid credit period of 7 calendar days shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7 day period and (2) such shipper will be assessed a service charge by the carrier equal to 2 percent of the amount of said freight bill for such extension of the credit period.

The petitioner asserts that in Payment of Rates and Charges of Motor Carriers, 110 M.C.C. 79 (1969), the Commission found that there was no justification for extending the time allowed for credit to shippers of household goods solely for the purpose of auditing and verifying freight bills presented by the carriers. Nevertheless, credit shippers allegedly have continued in their practices regardless of the Commission's regulations because there are no sanctions against such abuses. The petitioner states that the carriers are placed in an untenable competitive position because of the shippers' practices. The charge sought is primarily to protect the revenue position of those carriers which must borrow operating funds because of such deferred payments, there being no question of the shippers' ability to meet the charges.

Any persons interested in the matters involved in this petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission, and service of 2 copies must be made upon Mr. Russell S. Bernhard, attorney for the petitioner, 1625 K Street, Washington, D.C. 20006.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-2754; Filed, Mar. 5, 1970; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

3 CFR

Page

PROCLAMATIONS:

2761A (see Proc. 3967) 3975
2929 (see Proc. 3967) 3975
3140 (see Proc. 3967) 3975
3455 (see Proc. 3967) 3975
3458 (see Proc. 3967) 3975
3548 (see Proc. 3967) 3975
3762 (see Proc. 3967) 3975
3816 (see Proc. 3967) 3975
3951 (see Proc. 3967) 3975
3967 3975

EXECUTIVE ORDERS:

11035 (superseded by EO 11512) 3979
11512 3979
11513 4113

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDER:

Letter of Dec. 9, 1969 4193

7 CFR

52 3981
601 4041
907 4132
908 4132
909 4041
910 3982
945 4195
1016 4042
1034 4042
1041 4043
1443 4132

PROPOSED RULES:

993 4216
1001 4056
1015 4056
1030 4064

8 CFR

PROPOSED RULES:

103 4135
214 4135

9 CFR

74 4195
76 4043, 4115, 4196
78 4196

10 CFR

30 3982
31 3982

PROPOSED RULES:

3 4056

12 CFR

1 4197
265 4044
544 4044
563 4044

PROPOSED RULES:

204 4080
217 4080

14 CFR

Page

39 4198, 4199
71 4116, 4199, 4200
73 4053
91 4116
95 3982
97 3988

PROPOSED RULES:

71 4216–4218

16 CFR

13 3993, 4116–4120
15 3993

17 CFR

200 4121
211 4121
231 4121
239 4122
249 4122

18 CFR

2 3993, 4133
157 4133

PROPOSED RULES:

141 4080
154 4008, 4080, 4141
157 4080
201 4008, 4080, 4141
260 4008, 4080, 4141

21 CFR

135b 4133

PROPOSED RULES:

191 4001

23 CFR

PROPOSED RULES:

255 4080

24 CFR

1909 4201
1910 4202
1911 4204
1912 4206
1914 4207
1915 4208

25 CFR

PROPOSED RULES:

221 4215

26 CFR

13 3995

PROPOSED RULES:

1 4054

28 CFR

0 3994, 4210

29 CFR

PROPOSED RULES:

204 3996
1425 4007

30 CFR

Page

PROPOSED RULES:

501 4238

31 CFR

500 4045

32 CFR

591 4123
592 4126
593 4127
594 4130
596 4130
599 4131
600 4131
601 4131
807a 4210
907 4211

32A CFR

BDSA (Ch. VI):

Reg. 2, Div. 12 4211
Reg. 2, Div. 12 4211

33 CFR

25 4045
74 4045

PROPOSED RULES:

110 4136

36 CFR

PROPOSED RULES:

7 4215

39 CFR

PROPOSED RULES:

155 4054

41 CFR

9–1 3994

45 CFR

PROPOSED RULES:

Ch. IX 4180

46 CFR

272 4048

47 CFR

PROPOSED RULES:

73 4138
89 4079
97 4138

49 CFR

371 4213
1307 4052

PROPOSED RULES:

371 4136

50 CFR

33 3995
258 4052

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PART II

INTERIM COMPLIANCE PANEL

Coal Mine Health and Safety

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Respirable Dust Standards

Proposed Procedures for Obtaining Permits for Noncompliance

INTERIM COMPLIANCE PANEL

Coal Mine Health and Safety

[30 CFR Part 501]

RESPIRABLE DUST STANDARD

Proposed Procedures for Obtaining Permits for Noncompliance

Notice is hereby given that the Interim Compliance Panel, established by section 5 of the Coal Mine Health and Safety Act of 1969 (Public Law 91–173, 83 Stat. 742) proposes to establish a new Chapter V in Title 30, Code of Federal Regulations and to issue regulations therein setting forth the procedure for obtaining permits for noncompliance with the first respirable dust standard, prescribed in section 202(b) of said Act.

The Federal Coal Mine Health and Safety Act of 1969, in section 202(b), requires that, commencing June 30, 1970 for a period of 2½ years the operator of each underground coal mine shall maintain an average concentration of respirable dust in the mine atmosphere during each shift at or below 3 milligrams of respirable dust per cubic meter of air. The respirable dust level must be reduced to 2 mg. by December 31, 1972. Respirable dust is defined as "dust particulates 5 microns or less in size." The Act also provides that the Interim Compliance Panel, established by section 5, on application filed no later than May 1, 1970, which application meets detailed requirements set forth in section 202(c) of the Act and in section 501.4 of these regulations, may issue a permit for noncompliance with the 3 mg. respirable dust standard provided that no permit may authorize a respirable dust level in excess of 4.5 mg./m³. This regulation covers only procedures for applying for, consideration of, and issuance or denial of applications for permits for noncompliance with the 3 mg. standard. Additional regulations relating to other provisions of the Act which will become effective at later dates will be issued in time to provide guidance for coal mine operators and miners affected thereby.

The Federal Coal Mine Health and Safety Act in section 202(c) requires that applications for permits for noncompliance must among other things contain "the results of an engineering survey by a certified engineer of the respirable dust conditions of each working place of the mine with respect to which such application is filed * * *." The term "certified engineer" is defined in § 501.2(i) of this regulation. It means an engineer having certain special training in the measurement of respirable dust levels. In addition, special equipment specified in section 202(e) of the Act is required to take accurate samples of the concentration of respirable dust in the mine atmospheres. The Panel recognizes that there may not be enough approved dust measuring instruments or a sufficient number of certified engineers to conduct acceptable engineering surveys, as defined in § 501.2(k) of this regulation, of all coal mines in time for every operator to file a complete application for a permit for noncompliance. These regulations therefore provide that the Panel will accept for consideration applications which do not contain the requisite engineering surveys of the respirable dust conditions if the applicant shows that despite diligent effort he has been unable to secure sufficient approved dust concentration measuring instruments or the services of certified engineers or both and he gives an estimate of the date on which such engineering surveys will be completed.

The permits for noncompliance authorized by the Act apply to "working places" as defined in section 318(g)(2) of the Act and applications for such permits must identify the working places for which permits are requested. Since working places move every time a new cross cut is made or an old one closed, they can be identified only in terms of the mining section in which they are located and these regulations so provide.

Every coal mine operating with an average concentration of respirable dust in the active workings of the mine no greater than 3 milligrams per cubic meter of air on and after June 30, 1970, will be in violation of the Act unless the operator has a permit for noncompliance. No permit for noncompliance will be issued or renewed until an acceptable application, complete in all material respects, has been received by the Panel. No permit will be issued or renewed in response to any application which shows a dust level greater than 4.5 milligrams on the date the engineering survey is made until proof is furnished that the dust level has been reduced to 4.5 milligrams or less.

The Bureau of Mines "Technical Progress Report" No. 19, dated October 1969, shows a ventilation system which in some circumstances has resulted in reduction of the dust level at the working places below the minimum standard established by section 202(b). Where an application contains a representation that the applicant is unable to comply with the standard among other reasons because "the technology for reducing the concentration * * * is not available," proof will be required as stated in § 501.4 of these regulations that such technology is or would be ineffective at the working places for which a permit is sought.

Section 202(d) of the Act directs the Secretary of Health, Education, and Welfare, beginning December 30, 1970, and from time to time thereafter, to establish a schedule reducing the permissible average concentration of respirable dust in coal mines below the levels set by section 202(b) (1) and (2). The reduced levels, to be promulgated as improved mandatory health standards in accordance with section 101 of the Act, will supersede in whole or in part the standards specified in section 202(b). The Interim Compliance Panel is authorized to issue permits for noncompliance with the Interim Mandatory Health Standard only. Accordingly, at such time as this standard is superseded, any outstanding permit for noncompliance will terminate.

Section 5(f) of the Act states that the operator of any coal mine or the representative of the miners of such mine may request the Panel for a public hearing. The Panel will consider "representative of the miners" to include an individual or organization that represents any group of two or more miners at a given mine. The term does not require that the representative be a recognized representative under other labor laws.

Procedures for requesting hearings on applications for renewal permits are specified in §§ 501.8 and 501.9 of these regulations. No public hearings will be held on applications for initial permits since the Act in section 202(b)(3) requires that such a permit be issued where the application is timely filed and meets the requirements of section 202(c).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Interim Compliance Panel, 801 19th Street NW., Washington, D.C. Since failure promptly to adopt necessary procedures for filing applications for permits for noncompliance with the respirable dust standard prescribed by section 202(b)(1) would work to the detriment of those coal mine operators affected, the Panel finds that it is in the public interest to limit the time available for submitting such comments to 15 days following publication of these proposed regulations in the FEDERAL REGISTER.

Chapter V and Part 501 would provide as follows:

Chapter V—Interim Compliance Panel (Coal Mine Health and Safety)

PART 501—PERMITS FOR NONCOMPLIANCE WITH THE FIRST RESPIRABLE DUST STANDARD

Sec.

AUTHORITY: The provisions of this Part 501 issued under sec. 508, Public Law 91–173, 83 Stat. 803.

§ 501.1 Application of part.

This part applies to applications for permits and renewals thereof for noncompliance with the Interim Mandatory Health Standard prescribed in section 202(b)(1) of the Federal Coal Mine Health and Safety Act of 1969 and to the request for and conduct of hearings with reference thereto.

§ 501.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given to them in the Act.

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173).

(b) "Panel" means the Interim Compliance Panel established by section 5 of the Act.

(c) "Applicant" means any operator of an underground coal mine who files an application with the Panel for an initial or renewal permit for noncompliance with the respirable dust standard.

(d) Unless otherwise specified, "Permit" means an initial or renewal permit for noncompliance issued to an operator to exceed the respirable dust standard in specific working places.

(e) "Respirable dust" means only dust particulates 5 microns or less in size.

(f) "Respirable dust standard" means the standard prescribed by section 202(b)(1) of the Act, namely an average concentration of respirable dust in the mine atmosphere not greater than 3 milligrams per cubic meter during any one shift.

(g) "Working place" means those areas in a single mining section which are at any given time inby the last open crosscut.

(h) "Mining section" means all areas from the main or cross entry from which the section extends and includes all contiguous working places.

(i) A "certified engineer" means an engineer certified or registered by the State in which the coal mine is located to perform duties prescribed by title II of the Act, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary of the Interior, such certification or registration shall be by the said Secretary.

(j) "Respirable dust level" means the average concentration, in milligrams per cubic meter of air, of respirable dust maintained in the mine atmosphere during each shift to which a miner in the active workings of the mine is exposed.

(k) "Engineering survey" means measurement of dust levels in a manner prescribed by regulation of the Secretary of the Interior and the Secretary of Health, Education and Welfare pursuant to section 202(a) of the Act.

§ 501.3 Filing procedures.

(a) Applications for initial permits shall be filed on or before May 1, 1970, with the Interim Compliance Panel, 801 19th Street NW., Washington, D.C., in the form and content prescribed in § 501.4.

(b) An original and five copies of each application shall be filed signed by the applicant or his duly authorized agent.

(c) An application should cover all mining sections for which a permit for noncompliance is requested.

(d) Not later than the date of submission thereof, a notice that an application for a permit has been filed and is available at the mine office for inspection by any person during usual working hours, shall be posted on the mine bulletin board prescribed by section 107(a) of the Act.

(e) A copy of each application filed shall be available at the office of the Panel in Washington, D.C., for inspection by any person during usual working hours.

(f) At the time any application is submitted to the Panel a copy shall be supplied by the applicant to the union or other representative of the miners of the mine which is the subject of such application.

(g) Every applicant should be prepared to substantiate any statement in his application on inquiry by the Panel or the Panel staff.

§ 501.4 Contents of applications for initial permits.

Every application for an initial permit shall contain—

(a) A representation by the applicant and the certified engineer conducting the survey referred to in paragraph (d)(4) of this section, that the applicant is unable to comply with the respirable dust standard at those working places which are the subject of the application because:

(1) Technology for reducing the respirable dust level at such places is not available; or

(2) Because of the lack of other effective control techniques or methods; or

(3) Because of any combination of any such reasons.

(b) Where a stated reason for such noncompliance is due to the unavailability of the technology needed to meet the standards, the applicant shall explain wherein known technology is deficient or inapplicable.

(c) Where a stated reason for such noncompliance is due to the lack of other effective control techniques, the applicant shall give the reasons for such lack.

(d) Each application shall include the following information:

(1) Identification of each mining section in which are located the working places for which a permit is requested;

(2) The number of men regularly employed on each production shift and the number of production shifts per day;

(3) The type and method of mining, including haulage;

(4) The results of an engineering survey by a certified engineer of the respirable dust conditions of the working places with respect to which such application is filed;

(5) A description of the ventilation system of the mining section and its capacity;

(6) The quantity and velocity of air regularly reaching the working faces;

(7) The amount and pressure of water, if any, reaching the working faces;

(8) The number, location and type of sprays, if any;

(9) A description of any other action taken to reduce the respirable dust level;

(10) A description of the means and methods to be employed to achieve compliance with the respirable dust standard, the progress made to date, and an estimate of the date when compliance can be achieved.

(f) Provided that an application for an initial permit is timely filed, such application shall not be rejected by the Panel as incomplete where the results of the required engineering survey of the respirable conditions in every working place for which a permit is sought cannot be obtained in time for inclusion in the application due to the inability of the applicant to obtain the necessary approved dust sampling equipment or the services of a certified engineer or both. Every claim of such inability shall be supported by a statement of the efforts made to obtain the instruments or services or both and a statement of the date on which the results of such engineering survey will be submitted.

(g) No application which lacks the results of an engineering survey or is otherwise deficient shall be acted upon by the Panel. Applicants for initial permits may submit the results of such engineering surveys at any time on or before June 15, 1970: *Provided*, That this time may be extended by the Panel for good cause shown.

§ 501.5 Issuance of initial permits.

(a) The Panel will issue an initial permit for the working places within a mining section based upon an application which is timely filed and complete in all material respects in accordance with §§ 501.3 and 501.4.

(b) No initial permit will be issued for any working place where, according to the application, the average concentration of respirable dust in the mine atmosphere at such place exceeds 4.5 mg/m^3 as measured in accordance with regulations prescribed by the Secretary of the Interior pursuant to section 202(a) of the Act.

(c) No initial permit will be issued for any working places in a mining section that is not in existence on the date the application is received by the Panel.

(d) Each initial permit will be issued for the period specified by the Panel but in no case for more than 1 year. Each permit will specify the respirable dust level which the applicant is permitted to maintain but in no case shall such level be greater than 4.5 mg/m^3.

(e) If a permit is issued, such permit will be forwarded to the applicant. If a permit is denied, the Panel will advise the applicant in writing of the reasons therefor and give the applicant an opportunity to submit written argument as to why the permit should be issued.

(f) A copy of every permit for noncompliance shall be posted in the manner and place prescribed by section 107(a) of the Act.

(g) No initial permit or renewal thereof shall be valid beyond June 30, 1971, or the date on which section 202(b)(1) is superseded by improved mandatory health standards, whichever first occurs.

§ 501.6 Applications for renewal permits.

(a) To be considered by the Panel, every application for a renewal permit must be:

(1) Filed with the Panel not more than 90 days, nor less than 30 days prior to the expiration date of a permit;

(2) Submitted on the form and in the manner prescribed in § 501.4, supported

by information and evidence specified therein;

(3) Complete in all material respects.

(b) When an application is received which meets the conditions specified in paragraph (a) of this section, the Panel will cause to be published in the FEDERAL REGISTER a notice giving any interested person an opportunity to file with the Panel a request for a public hearing on the issuance of the renewal permit.

§ 501.7 Issuance of renewal permits.

(a) If no hearing is requested or if a request for hearing is denied, the Panel will issue a renewal permit based upon an application filed in accordance with § 501.6 under the following circumstances:

(1) Where a reason for the applicant's noncompliance is that the technology for reducing the concentrations of respirable dust at the working places is not available, and the Panel is satisfied that because the requisite technology is still not available applicant will be unable to comply with the standard for a further specified period; or

(2) Where a reason for the applicant's noncompliance is that other effective control techniques are lacking and the Panel is satisfied that applicant has made diligent efforts to develop and introduce adequate control means including purchase of necessary equipment, and that applicant is still unable to comply with the respirable dust standard.

§ 501.8 Request for hearing on renewal permit by interested persons.

(a) On or before the 15th day after publication of notice in the FEDERAL REGISTER that an application for renewal has been accepted for consideration, any interested person may file a request with the Panel for a public hearing.

(b) Requests for hearing shall be submitted in triplicate to the Panel, shall be in writing, and signed by the person making the request.

(c) A request for hearing shall be accepted only if:

(1) It states the interest in the application of the person making the request.

(2) It states specific grounds which raise a substantial issue. The request must be supported by a statement of facts which, if established at the hearings, would result in the denial or modification of the permit.

(d) If the request for hearing is denied, the Panel shall inform the person making the request of the reasons therefor.

§ 501.9 Request for hearing on renewal permit by applicant.

(a) Where the Panel has not received a timely and sufficient request for hearing by an interested person and has reason to believe that it will deny a renewal permit on the terms contained in the application, it will, prior to the denial of such permit, give reasonable notice to the applicant in writing and opportunity to request a public hearing. The notice shall specify the grounds on which the permit is proposed to be denied.

(b) On or before the 15th day after such notice, the applicant may file a request with the Panel for a public hearing.

(c) Requests for hearing shall be submitted in triplicate to the Panel, shall be in writing, and signed by the applicant or its duly authorized agent.

(d) A request for hearing shall be accepted only if it states specific facts which, if established, would result in the issuance of the renewal permit on the terms contained in the application.

Dated: March 2, 1970.

CHARLES F. BROWN,
Chairman,
Interim Compliance Panel.

[F.R. Doc. 70-2702; Filed, Mar. 5, 1970; 8:49 a.m.]