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Agencies in this issue—

Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Maritime Commission
Federal Reserve System
Food and Drug Administration
Food and Nutrition Service
International Commerce Bureau
Interstate Commerce Commission
Maritime Administration
Small Business Administration

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1970)

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Title 21—Food and Drugs (Part 147–End)	1. 50
Title 33—Navigation and Navigable Waters (Part 200– End)	1. 75

[A Cumulative checklist of CFR issuances for 1970 appears in the first issue of the Federal Register each month under Title 1]

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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.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3103 is amended to show that professional and technical positions in grades GS-11 through 15 on the staff of the Council on Environmental Quality are excepted under Schedule A, but that no new appointments may be made under the authority after June 30, 1971. Effective on publication in the FEDERAL REGISTER, paragraph (c) is added under § 213.3103 as set out below.

§ 213.3103 Executive Office of the President.

(c) *Council on Environmental Quality.* (1) Professional and technical positions on the staff of the Council in grades GS-11 through 15. No new appointments may be made under this authority after June 30, 1971.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-4158; Filed, Apr. 3, 1970; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one additional position of Special Assistant to the Commissioner of Education is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) of § 213.3316 is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(c) *Office of Education.* (1) Three Special Assistants to the Commissioner of Education.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 70-4106; Filed, Apr. 3, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 9]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Miscellaneous Amendments

The regulations for the operation of the Commodity Distribution Program (31 F.R. 14297), as amended, are hereby further amended to (1) delete references to the Consumer and Marketing Service (C&MS) and to substitute therefor references to the Food and Nutrition Service (FNS) which is now assigned responsibility for the Commodity Distribution Program (34 F.R. 13119), (2) provide for distribution under the Disaster Relief Act of 1969, and (3) require that plans of operation for household distribution shall provide for a fair hearing for aggrieved households.

1. In § 250.1, paragraph (b) is amended by adding a new subparagraph (11), as follows:

§ 250.1 General purpose and scope.

(b) *Legislation.* The legislation under which commodities are distributed for the stated purposes is as follows:

(11) Section 11 of the Disaster Relief Act of 1969, which reads in part as follows:

Sec. 11. (a) Whenever, as the result of a major disaster, the President determines that low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, * * * to make surplus commodities available pursuant to the provisions of section 3 of Public Law 875 of the 81st Congress.

(b) The President is authorized to continue through the Secretary of Agriculture to make such * * * surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(By Executive Order 11495, 34 F.R. 18447, the President authorized the Secretary to determine the need and the duration of the need for distributing surplus commodities as a result of a major disaster, and to distribute them under such terms and conditions as he may prescribe.)

2. "C&MS", whenever it appears in this part, is revised to read "FNS"; and "District Office, Consumer Food Programs," whenever it appears in this part, is revised to read "Food and Nutrition Service Regional Office."

3. Section 250.2 is revised to read as follows:

§ 250.2 Administration.

The Food and Nutrition Service (referred to in this part as FNS) of the U.S. Department of Agriculture shall have responsibility for the program of donation of food commodities under this part.

4. In § 250.3, paragraph (d) is revised to read as follows:

§ 250.3 Definitions.

(d) "Disaster victims" means persons who, because of Acts of God or man-made disasters, are in need of food assistance, whether or not a determination has been made pursuant to Public Law 81-875.

5. In § 250.6, the introductory text of paragraph (e) is revised to read as follows:

§ 250.6 Obligations of distributing agencies.

(e) *Household distribution.* Distributing agencies, prior to making distribution to welfare agencies or households, shall submit a plan of operation for approval by the appropriate Food and Nutrition Service Regional Office. Such plan shall incorporate the procedures and methods to be used in certifying households as in need of food assistance; in making distribution to households; and in providing a fair hearing to households whose claims for food assistance under the plan are denied or are not acted upon with reasonable promptness, or who are aggrieved by an agency's interpretation of any provision of the plan. No amendment to the plan of operation of a distributing agency shall be made without prior approval of FNS, and FNS may require amendment of any plan as a condition of continuing approval. Distributing agencies shall require welfare agencies making distribution to households to conduct distribution programs in accordance with all provisions of the State plan of operation. As a minimum, the plan shall include the following:

6. In § 250.8, paragraph (e) is revised to read as follows:

§ 250.8 Eligible recipient agencies.

(e) *Disaster organizations.* Disaster organizations are eligible to receive commodities under section 416 and section 32 for distribution to disaster victims. Distributing agencies making distribution to such organizations shall immediately in-

form the appropriate Regional Office, FNS, thereof. Such organizations shall be eligible for the duration of the disaster, as determined by the Secretary, but they may make distribution of federally donated food to households in areas where the Food Stamp Program is in operation only so long as the Secretary finds that the commercial channels of food distribution have been disrupted because of an emergency situation caused by a national or other disaster.

7. Section 250.11 is revised to read as follows:

§ 250.11 Where to obtain information.

Interested persons desiring information concerning the program may make written request to the following Regional Offices:

Northeast Region, Food and Nutrition Service, USDA, 26 Federal Plaza, Room 1611, New York, N.Y. 10007 for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1795 Peachtree Road NE., Room 302, Atlanta, Ga. 30309 for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Puerto Rico, and the Virgin Islands.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, Ill. 60605 for the following States: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Southwest Region, Food and Nutrition Service, USDA, 500 South Ervay Street, Room 3-127, Dallas, Tex. 75201 for the following States: Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

Western Region, Food and Nutrition Service, USDA, Appraisers' Building, Room 734, 630 Sansome Street, San Francisco, Calif. 94111 for the following States: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, American Samoa, Guam, and the Trust Territories of the Pacific.

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

ELVIN A. ADAMSON,
Deputy Assistant Secretary.

APRIL 2, 1970.

[F.R. Doc. 70-4199; Filed, Apr. 3, 1970; 9:22 a.m.]

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

[Lemon Reg. 421]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.721 Lemon Regulation 421.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agree-

ment Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 31, 1970.

(b) **Order.** (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 5, 1970, through April 11, 1970, are hereby fixed as follows:

- (i) District 1: 8,370 cartons;
- (ii) District 2: 177,630 cartons;
- (iii) District 3: Unlimited.

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

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

Dated: April 2, 1970.

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

[F.R. Doc. 70-4150; Filed, Apr. 3, 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 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (16) relating to the State of South Carolina, a new subdivision (iii) relating to Williamsburg County is added to read:

(16) *South Carolina.* * * *

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

2. In § 76.2, in paragraph (e) (9) relating to the State of Mississippi, subdivision (i) relating to Calhoun County is deleted, and subdivision (v) relating to Rankin County is amended to read:

(9) *Mississippi.* * * *

(v) That portion of Rankin County bounded by a line beginning at the junction of U.S. Highway 80 and State Highway 468; thence, following U.S. Highway 80 in an easterly direction to State Highway 18; thence, following State Highway 18 in a southeasterly direction to Tumbaloo Creek; thence, following the north bank of Tumbaloo Creek in a generally westerly direction to Richland Creek; thence, following the north bank of Richland Creek in a northwesterly direction to State Highway 468; thence, following State Highway 468 in

a northerly direction to its junction with U.S. Highway 80.

3. In § 76.2, in paragraph (e) (13) relating to the State of North Carolina, subdivision (ii) relating to Lenoir County, and subdivision (v) relating to Wayne and Lenoir Counties are deleted.

4. In § 76.2, in paragraph (e) (19) relating to the State of Virginia, subdivision (iv) relating to Goochland County is deleted.

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

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

The amendments quarantine a portion of Williamsburg County, S.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such county.

The amendments also exclude portions of Calhoun and Rankin Counties in Mississippi; portions of Wayne and Lenoir Counties in North Carolina; and a portion of Goochland County, Va., 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 31st day of March 1970.

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

[F.R. Doc. 70-4125; Filed, Apr. 3, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-WE-92]

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

Alteration of Control Zone and Transition Area

On February 13, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 2997) stating that the Federal Aviation Administration was considering an amendment of Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Spokane, Wash. (Fairchild Air Force Base), control zone and the Spokane, Wash., transition area.

Subsequent to the publication of the notice, it was determined that the dimensions of the portion of the control zone described on the Spokane VORTAC 048° and 228° radials was inadequate and in lieu of " * * * 3 miles each side * * * " should be " * * * within 4 miles northwest and 4.5 miles southeast * * * ". In addition, the notice stated in part " * * * the Spokane, Wash., 700-foot transition area is amended to read * * * " This should have been " * * * the 700-foot portion of the Spokane, Wash., transition area is amended to read." These changes are reflected herein.

Since these changes are minor in nature, notice and public procedures hereon are unnecessary.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following changes.

In the sixth and seventh lines of the description of the Spokane, Wash. (Fairchild Air Force Base), control zone delete "and within 3 miles each side of the Spokane VORTAC * * * " and substitute therefor "and within 4 miles northwest and 4.5 miles southeast of the Spokane VORTAC * * * ".

In the eighth line of the control zone description delete " * * * 2.5 * * * " and substitute " * * * 3 * * * " therefor.

After the FEDERAL REGISTER citation for the Spokane, Wash., transition area, delete "the Spokane, Wash., 700-foot transition area is amended to read:" and substitute therefor "the 700-foot portion of the Spokane, Wash., transition area is amended to read:"

Effective date. These amendments shall be effective 0901 G.m.t., May 28, 1970.

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

Issued in Los Angeles, Calif., on March 25, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (35 F.R. 2054) the Spokane, Wash. (Fairchild AFB), control zone is amended to read as follows:

SPOKANE, WASH. (FAIRCHILD AFB)

Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles southwest of the liftoff end of Runway 23; and within 4 miles northwest and 4.5 miles southeast of the Spokane VORTAC 048° and 228° radials extending from 3 miles northeast to 8 miles southwest of the VORTAC, excluding the portion east of a line extending from latitude 47°40'57" N., longitude 117°36'00" W., to latitude 47°32'45" N., longitude 117°35'00" W.

In § 71.181 (35 F.R. 2134) the 700-foot portion of the Spokane, Wash., transition area is amended to read:

SPOKANE, WASH.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (lat. 47°37'35" N., long. 117°32'05" W.); within a 15-mile radius of Fairchild AFB, Spokane, Wash. (lat. 47°36'55" N., long. 117°39'20" W.); and within 5 miles northwest and 10 miles southeast of the Spokane 228° radial extending from the 15-mile radius area to 18.5 miles southwest of the VORTAC. [F.R. Doc. 70-4094; Filed, Apr. 3, 1970; 8:45 a.m.]

[Airspace Docket No. 70-WE-22]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the effective hours of the Palmdale, Calif., control zone.

With the advent of the Boeing 747 operating at the Los Angeles International Airport, it has been determined that the Air Force Plant 42 Airport at Palmdale, Calif., is the only airport in southern California that is suitable as an alternate airport. For this reason, it is intended to extend the effective hours of the Palmdale, Calif., control zone to a 24-hour zone.

Appropriate agreements will be consummated between the Air Force and the users regarding emergency services and passenger handling.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of the public and that notice and public procedure hereon are impractical and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing in § 71.171 (35 F.R. 2054) the description of

the Palmdale, Calif., control zone is amended to read as follows:

PALMDALE, CALIF.

Within a 5-mile radius of AF Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118°04'54" W.) within 2 miles each side of the Palmdale VORTAC 045° radial, extending from the 5-mile radius zone to 9 miles northeast of the VORTAC and within 2 miles each side of the Palmdale VORTAC 079° radial, extending from the 5-mile radius zone to 6.5 miles east of the VORTAC.

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

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

Issued in Los Angeles, Calif., on March 26, 1970.

ARVIN O. BASNIGHT,
Director, Western Region.

[P.R. Doc. 70-4095; Filed, Apr. 3, 1970;
8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-1, 12th Rev.)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRU- CTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1970, mid-
night, e.s.t., INS-1 is hereby revised to
read as follows:

Sec.

- 1 Purpose.
- 2 Insurer.
- 3 Assured.
- 4 Vessels insured and terms of insurance.
- 5 Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
- 6 Issuance of policies or certificates by Underwriter.
- 7 Insurance premiums.
- 8 Reports of accidents and occurrences.
- 9 Settlement of claims.
- 10 Litigation and employment of counsel.
- 11 Report of claims.
- 12 Application and interpretation of this order.

Authority: Secs. 1 to 12, issued under sec. 204, 49 Stat. 1967, as amended; 46 U.S.C. 1114.

Section 1 Purpose.

Effective as of March 31, 1970, mid-
night, e.s.t., this order prescribes instruc-
tions with respect to the placing of com-
mercial marine protection and indemnity
(referred to as "P & I") insurance and
the handling of claims of a P & I in-
surance nature, required to be followed
by General Agents and Berth Agents un-
der General Agency Agreements and
Berth Agency Agreements, respectively,
with the United States of America, act-
ing by and through the Director, National

Shipping Authority, Maritime Adminis-
tration, Department of Commerce (re-
ferred to as "Owner").

Sec. 2 Insurer.

Interstate Insurance Co. (hereinafter
referred to as "underwriter"), entered
into an insuring agreement with the
owner covering the period from
March 31, 1970, midnight, e.s.t., to
March 31, 1971, midnight, e.s.t.

Sec. 3 Assured.

The assureds are (a) the United States
of America, acting by and through the
Director, National Shipping Authority,
Maritime Administration, Department of
Commerce, and (b) its General Agents
and Berth Agents, and Subagents acting
on behalf of either.

**Sec. 4 Vessels insured and terms of in-
surance.**

The Underwriter has agreed to pro-
vide P & I insurance with respect to Gen-
eral Agency vessels operated in the em-
ployment of the Military Sea Transpor-
tation Service (referred to as "MSTS"),
for a period of 1 year from midnight,
e.s.t., March 31, 1970, at an annual rate
of \$6.50 per gross registered ton on a
daily pro rata basis, attaching as pro-
vided in section 5 (a), (b), (c), (d), (e),
and (g) and terminating as of midnight,
e.s.t., March 31, 1971, or in accordance
with section 5 (c) and (f). This in-
surance covers the vessel's liability of a
P & I insurance nature except for any
loss, damage or expense in respect to
cargo, including baggage and personal
effects of passengers, if any, or cargo's
proportion of general average or special
charges, or in any other way relating to
cargo which is to be carried, is being car-
ried, or has been carried on board such
vessels. The limit of liability in any claim
shall be \$250,000 for each accident or
occurrence per vessel, with a deductible
of \$1,000 for each accident or occurrence
resulting in personal injury, illness, or
death, and \$500 for each accident or oc-
currence of other types except "putting
in," burial expenses, and damage to
docks, buoys, etc. Claims for "putting
in," burial expenses, and damage to
docks, buoys, etc. are not subject to any
deduction. The Underwriter has agreed
to accept liability not to exceed \$500
for burial expenses.

**Sec. 5 Assumption of risk by owner and
attachment and cancellation dates of
commercial insurance.**

(a) *Vessels allocated and delivered to
General Agents at fleet site under
General Agency Agreement 3-19-51
(Amended 3-69) and Addendum thereto.*
When vessels are allocated and delivered
to General Agents at fleet site, the
Owner will assume the risks of a P & I
insurance nature from the date and hour
of the vessel's delivery to the General
Agent at fleet site to 12:01 a.m. (local
time) of the day the vessel is accepted
by MSTS, or until 12:01 a.m. (local time)
of the date of initial signing on of crew
under articles (not the effective date in
the event articles are dated prior to or
later than the initial signing on), or

until 12:01 a.m. (local time) of the day
the vessel leaves the reactivation yard
for the purpose of undergoing sea trials,
whichever shall occur first. As of that
time, the P & I risks shall be commer-
cially insured with the Underwriter, and
the General Agents shall arrange to have
the insurance so attached.

(b) *Vessels delivered from bareboat
charter and allocated for operation un-
der General Agency Agreement 3-19-51
(Amended 3-69) and Addendum thereto.*
When vessels are delivered from bare-
boat charter and delivered to General
Agents for operation under General
Agency Agreement 3-19-51 (Amended
3-69) and Addendum thereto, the P & I
insurance risks shall be commercially in-
sured with the Underwriter and the Gen-
eral Agents shall arrange to have P & I
insurance attached as of the date and
hour of the vessel's delivery under the
Agreement.

(c) *Vessels transferred from one Gen-
eral Agent to another under General
Agency Agreement 3-19-51 (Amended
3-69) and Addendum thereto.* When a
vessel is withdrawn from operation un-
der one General Agent and allocated to
another for operation, the respective
General Agents shall, unless advised to
the contrary, arrange with the Under-
writer for the termination and reattach-
ment of P & I insurance as of the respec-
tive dates and hours of redelivery and
delivery of the vessel from and to the re-
spective General Agents.

(d) *New vessels allocated and de-
livered under General Agency Agreement
3-19-51 (Amended 3-69) and Addendum
thereto.* When new vessels are allocated
and delivered to General Agents directly
from the builder's yard, the General
Agents shall, unless advised to the con-
trary, arrange for commercial P & I in-
surance with the Underwriter to have
the insurance attach as of the date and
hour of the vessel's delivery under the
Agreement.

(e) *Vessels presently in operation un-
der General Agency Agreement 3-19-51
(Amended 3-69) and Addendum thereto.*
In respect to the vessels in operation on
the effective date of the new P & I in-
surance contract, the General Agents shall
immediately declare such vessels to the
Underwriter, and the insurance shall
attach on each such vessel in accordance
with the new P & I insurance contract as
of midnight, e.s.t., March 31, 1970.

(f) *Vessels redelivered to reserve
fleets.* General Agents shall terminate
the commercial P & I insurance on these
vessels as of midnight (local time) of the
day the vessel is redelivered to the fleet
site, whether in reduced operational
status or for permanent lay up.

(g) *Vessels in reduced operational
status and again delivered to General
Agents for operation.* General Agents
shall reattach the commercial P & I in-
surance on those vessels as of 12:01 a.m.
(local time) of the day that the vessels
are delivered to the General Agents at
fleet site.

(h) *Notice of attachment and termi-
nation of insurance.* General Agents shall
promptly notify the Chief, Division of

Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section.

Sec. 6 Issuance of policies or certificates by Underwriter.

The Underwriter, upon receipt of applications from General Agents, will arrange for execution and delivery of the policies and/or certificates to such General Agents with respect to each vessel named in such applications. The Underwriter will also furnish such copies of policies and/or certificates as may be required by the Owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Department of Commerce, Washington, D.C. 20235. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

Sec. 7 Insurance premiums.

(a) Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to the date of expiration. Brokerage, if any, shall be allowed, but in no event to exceed one-half percent of the annual premiums for each commenced quarter.

(b) Return premiums: Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the Underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the Underwriter; the originals thereof shall be filed in the General Agent's office subject to inspection by the Owner's auditors, and shall be retained until completion of audit. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 8 Reports of accidents and occurrences.

(a) *Reports to Underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance, as provided in section 5 hereof, shall be promptly reported by General Agents to the Underwriter, together with all available information. The General Agents shall also obtain the names of the Underwriter's outport representatives and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assist-

ance as may be required under the circumstances.

(b) *Reports to Owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance, as provided in section 5 hereof, shall be reported to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 9 Settlement of claims.

(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the Underwriter's approval of the proposed settlements and, immediately after payment in full, or of any portion thereof over the applicable deductions, make formal claim for reimbursement from the Underwriter. All claims which do not exceed the deduction in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, or its General Agents and Berth Agents or their Subagents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of vessel operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the Underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the Owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration, as set forth in section 5 hereof, without prior approval, provided the proposed settlement amount of each claim does not exceed \$1,000. If the proposed settlement amount of any such claim exceeds \$1,000, the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office

of Finance, Maritime Administration, Washington, D.C. 20235. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by Underwriters.* Any claim of a P & I insurance nature, which has been declined by this Underwriter, or by any other Underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, for review and further instruction.

Sec. 10 Litigation and employment of counsel.

(a) As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington, D.C. 20235 and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington, D.C. 20530. No General Agent, Berth Agent, or Subagent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the Underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

(b) In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington, D.C. 20235.

Sec. 11 Report of claims.

(a) All General Agents shall submit to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, quarterly reports of all claims, listed separately by vessel, as per the attached form.

(b) The first of such reports shall cover the period from April 1, 1970, through June 30, 1970, and shall be submitted within thirty (30) days after said period. Subsequent reports shall be submitted within thirty (30) days after the conclusion of each quarterly period thereafter. A claim previously reported as closed need not be reported on subsequent statements unless it is reopened.

Vessel	Name of injured or claimant	Nature and date of injury, loss or damage	Amount (s) paid if any	Date and amount of billing to underwriter	Date and amount of reimbursement received from underwriter	Estimated future cost	Status and/or remarks
Insured claims paid or pending during reporting period							
Assumed risk claims paid or pending during reporting period							

By order of the Board of Governors,
March 31, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-4112; Filed, Apr. 3, 1970;
8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1032-A]

PART 1033—CAR SERVICE

Burlington Northern, Inc., Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 31st day of March 1970.

Upon further consideration of Service Order No. 1032 (34 F.R. 12180, 15356, 17805; 35 F.R. 895) as amended, and good cause appearing therefor:

It is ordered, That § 1033.1032 Service Order No. 1032 (Burlington Northern Inc., authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.) be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., March 31, 1970; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-4122; Filed, Apr. 3, 1970;
8:47 a.m.]

Sec. 12 Application and interpretation of this order.

General Agents shall communicate directly with the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, regarding all questions of application, interpretation, or intent of this order.

Since the foregoing, without material change, was sent direct to interested persons it is found, for good cause shown, to be impracticable and unnecessary to delay the effective date; therefore, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 553), this 12th Revision shall be effective as aforesaid.

Approved: March 31, 1970.

DIRECTOR, NATIONAL
SHIPPING AUTHORITY,
By ROBERT J. BLACKWELL,
Deputy Maritime Administrator.

[F.R. Doc. 70-4126; Filed, Apr. 3, 1970;
8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-1]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Additional Invoicing Information; Correction

MARCH 30, 1970.

The definition portion of T.D. 70-1, which was published in the FEDERAL REGISTER on December 30, 1969 (34 F.R. 20334), is corrected as follows:

Metal-cutting machine tools: * * * *
or by electrical of chemical erosion * * * *
is corrected to read * * * * or by electrical or chemical erosion * * * *.

Single-spindle automatic bar or chucking machines: * * * * chuck, face plate of fixture which * * * * is corrected to read * * * * chuck, face plate or fixture which * * * *.

Grinding machines are "machines other than boring or lapping machines * * * *" is corrected to read * * * * machines other than honing or lapping machines * * * *.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 70-4127; Filed, Apr. 3, 1970;
8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Reduction in Annual Percentage Rate

§ 226.817 Reduction in annual percentage rate.

(a) Section 226.8(j) specifies that if any existing extension of credit is refinanced, such transaction shall be considered a new transaction subject to the disclosure requirements of Regulation Z. The question arises as to whether a reduction in the annual percentage rate applicable to an existing extension of credit, when no other credit terms are changed, constitutes a refinancing under § 226.8(j).

(b) When no other credit terms are changed, a reduction in the annual percentage rate applicable to an existing extension of credit does not constitute a refinancing under § 226.8(j), and no disclosures are required.

(Interprets and applies 15 U.S.C. 1638 and 15 U.S.C. 1639)

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 907, 908]

[Dockets Nos. AO-245-A7, AO-250-A5]

NAVEL AND VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Hearing With Respect to Proposed Further Amendment of Marketing Agreements and Orders

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 1540, Courthouse Building, 312 North Spring Street, Los Angeles, Calif., at 9 a.m., local time, Wednesday, May 13, 1970, with respect to proposed further amendment of the marketing agreements and orders (7 CFR Parts 907 and 908) regulating, respectively, the handling of Navel oranges grown in Arizona and designated part of California and the handling of Valencia oranges grown in Arizona and designated part of California. The proposed amendments have not received the approval of the Secretary of Agriculture. The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and Order No. 907, as amended) has submitted the following proposal:

Proposal No. 1. A. Amend § 907.31 *Expenses and compensation* by deleting "\$15" in the first sentence and substituting in lieu thereof "\$25".

B. Amend § 907.53 *Prorate bases* by deleting paragraph (c) and substituting in lieu thereof a new paragraph (c) to read as follows:

§ 907.53 Prorate bases.

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this part, of the oranges described in the application.

C. Amend § 907.57 *Allotment loans* by deleting the first sentence, including the proviso, in paragraph (a) and the

second sentence in paragraph (b), and substituting in lieu thereof new sentences to read as follows:

§ 907.57 Allotment loans.

(a) A person to whom allotments have been issued under general maturity or the short life provisions of this subpart may, in accordance with the provisions of this section, lend such allotments to other persons, within any prorate district, to whom allotments also have been issued. * * *

(b) * * * A person desiring to loan allotment to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans and, failing to do so, may then arrange to offer the loan outside of the district in an equitable manner: *Provided*, That offers to loan short life allotment to persons within any district to whom allotments have been issued under general maturity shall be arranged through the committee. * * *

D. Amend § 907.60 *Early maturity allotments* by revising the fourth sentence to read as follows:

§ 907.60 Early maturity allotments.

* * * Total early maturity allotments approved by the committee for each prorate district shall be allocated in an equitable manner among the requesting handlers who qualify therefor. * * *

E. Amend § 907.61 *Short life allotments* by deleting the sentence reading, "Short life allotments may be used only in the handling of short life oranges".

F. Amend § 907.66 *Prorate districts* by adding a new paragraph (d) to read as follows:

§ 907.66 Prorate districts.

(d) Upon a determination by the committee that such action is necessary and appropriate it may, with the approval of the Secretary, establish a separate district for that part of the production area north of the 38th parallel.

The Valencia Orange Administrative Committee (established pursuant to the amended marketing agreement and Order No. 908, as amended) has submitted the following proposal:

Proposal No. 2. A. Amend § 908.31 *Expenses and compensation* by deleting "\$15" in the first sentence and substituting in lieu thereof "\$25".

B. Amend § 908.53 *Prorate bases* by deleting paragraph (c) and substituting in lieu thereof a new paragraph (c) to read as follows:

§ 908.53 Prorate bases.

(c) Such application shall include a certification by the handler that he has control, for all purposes relating to this marketing order, of the oranges described in the application.

C. Amend § 908.57 *Allotment loans* by deleting the first sentence, including the proviso, in paragraph (a) and the second sentence in paragraph (b), and substituting in lieu thereof new sentences to read as follows:

§ 908.57 Allotment loans.

(a) A person to whom allotments have been issued under general maturity or the short life provisions of this subpart may, in accordance with the provisions of this section, lend such allotments to other persons, within any prorate district, to whom allotments also have been issued. * * *

(b) * * * A person desiring to loan allotment to persons outside his own district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to persons within the district who file requests for such loans and, failing to do so, may then arrange to offer the loan outside of the district in an equitable manner: *Provided*, That offers to loan short life allotment to persons within any district to whom allotments have been issued under general maturity shall be arranged through the committee. * * *

D. Amend § 908.60 *Early maturity allotments* by revising the fourth sentence to read as follows:

§ 908.60 Early maturity allotments.

* * * Total early maturity allotments approved by the committee for each prorate district shall be allocated in an equitable manner among the requesting handlers who qualify therefor. * * *

E. Amend § 908.61 *Short life allotments* by deleting the sentence reading, "Short life allotments may be used only in the handling of short life oranges".

The Fruit and Vegetable Division, Consumer and Marketing Service, as proposed that consideration be given, at the hearing, to the following proposal:

Proposal No. 3. A. Revise the text in § 907.40 *Expenses* to read as follows:

§ 907.40 Expenses.

The Navel Orange Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year.

B. Revise the text in § 908.40 *Expenses* to read as follows:

§ 908.40 Expenses.

The Valencia Orange Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year.

C. Make such other changes in the marketing agreements and orders as may be necessary to make each entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Warren C. Noland, Los Angeles Marketing Field Office, 312 North Spring Street, Los Angeles, Calif. 90012.

Dated: April 1, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-4123; Filed, Apr. 3, 1970;
8:47 a.m.]

[7 CFR Part 910]

[Docket No. AO-144-A12]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Notice of Hearing With Respect to Proposed Further Amendment of Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 1540, Courthouse Building, 312 North Spring Street, Los Angeles, Calif., beginning at 1 p.m., local time, Wednesday, May 13, 1970, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona.

The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments of the amended marketing agreement and order have been proposed by the Lemon Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. In § 910.9 *Carton* delete "828.23" and insert "43615" in lieu thereof, and delete "39½" and insert in lieu thereof "38".

2. Revise § 910.10 *Season and fiscal year* by substituting "August 1" and "July 31" for "November 1" and "October 31", respectively.

3. Delete § 910.12 *Lemons available for current shipment*.

4. Amend § 910.20 *Establishment and membership* to read as follows:

§ 910.20 Establishment and membership.

There is hereby established a Lemon Administrative Committee consisting of 13 members. For each member there shall be an alternate member, and for each grower member an additional alternate, and the provisions of §§ 910.20 through 910.26, unless they specifically provide otherwise, shall apply to members and alternate members and additional alternates in like manner. Eight of the members shall be growers and shall be referred to in this part as "grower" members; four of the members shall be handlers or employees of handlers or employees of central marketing organizations and shall be referred to in this part as "handler" members. One member and an alternate member of the committee shall be persons who shall not be growers or handlers, or employees, agents or representatives of a grower or handler (other than an educational institution which is a grower or handler), or of a central marketing organization. Such person shall be referred to in this part as a "nonindustry" member. The grower members of the committee shall be nominated in accordance with the schedule shown below:

LEMON ADMINISTRATIVE COMMITTEE
(Grower members only)

	Co-op more than 60%	Other co-op	Inde- pendents
District 1 (1).....	1	0	0
District 2 (4).....	2	2	0
District 3 (3).....	1	1	1

Alternate grower members and additional alternate grower members shall be from the same groups as members but need not be from the same district.

5. Revise § 910.21 *Term of office* to read as follows:

§ 910.21 Term of office.

The term of office of committee members and alternate members shall be a period of 2 years beginning on August 1 of each even-numbered year, except that the term ending on July 31, 1972, shall begin on the date designated by the Secretary. Members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

6. Amend § 910.22 *Nominations* to read as follows:

§ 910.22 Nominations.

(a) The time and manner of nominating members and alternate members of the Lemon Administrative Committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization or the growers affiliated therewith which markets more than 60 percent of the total volume of lemons during the fiscal year during which nominations for members are submitted shall nominate, in conformity with § 910.20, four grower members and two handler members.

(c) All cooperative marketing organizations or the growers affiliated therewith which market lemons and which are not qualified under paragraph (b) of this section shall nominate, in conformity with § 910.20, three grower members and one handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets lemons shall nominate, in conformity with § 910.20, one grower member and one handler member.

(e) When voting for nominees each grower shall be entitled to one vote only which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. Votes of marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the current fiscal year to the end of the month preceding the month in which such nominations are made.

(f) The members of the Lemon Administrative Committee selected by the Secretary pursuant to § 910.23 shall, by concurring vote of at least seven members, nominate the nonindustry member and alternate who will serve throughout the term.

(g) The grower members nominated under paragraphs (b), (c), and (d) of this section shall be in such number and from such districts and groups as provided pursuant to § 910.20. The Secretary, upon recommendation of the Lemon Administrative Committee, or other information, may reapportion the number of grower members or handler members nominated pursuant to § 910.22 and may realign the number of grower members in any district. Any such change shall be based, insofar as practicable, upon the proportionate amount of lemons handled by the respective types of organizations and/or production within any district: *Provided*, That each district shall be entitled to at least one grower member and each marketing group described in § 910.22 shall be entitled to at least one handler member and one grower member.

7. Amend § 910.23 *Selection* to read as follows:

§ 910.23 Selection.

The Secretary shall select members and alternate members of the Lemon Administrative Committee from persons nominated pursuant to § 910.22 or, at his discretion, from other qualified persons.

8. Revise § 910.27 *Alternate members* by inserting following the end of the first sentence, the following: "If another alternate member is not so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the additional alternate shall so act."

9. Revise paragraph (k) of § 910.31 *Duties* to read as follows:

§ 910.31 *Duties.*

(k) With the approval of the Secretary, to reapportion pursuant to § 910.22 (g) the number of grower members or handler members on the Lemon Administrative Committee who are nominated pursuant to § 910.22.

10. In § 910.41 *Assessments* add the following sentence after the last sentence in paragraph (a): "If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary."

11. In § 910.51 *Recommendations for regulations* delete from the end of the second sentence of § 910.51(a) the words "in each district defined in § 910.64."

12. In § 910.52 *Issuance of regulations* delete "in each district, as aforesaid" and "in each such district" in the first sentence of the section.

13. Amend paragraph (a) of § 910.42 *Accounting* to read as follows:

§ 910.42 *Accounting.*

(a) If, at the end of the fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one-half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (i) for all expenses authorized pursuant to § 910.40 and (ii) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

14. Amend § 910.53 *Prorate bases* to read as follows:

§ 910.53 *Prorate bases.*

(a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the

first handler thereof; and each such handler shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 910.56, such application to be substantiated by such information as the committee may require.

(b) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and may make such compensating adjustments as are appropriate or necessary, and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(c) Each week the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(d) The prorate base for each handler of lemons shall be computed as follows:

(1) Compute the total quantity of lemons which has been picked and delivered to each handler during the handler's prorate base period immediately preceding the week in which the prorate base is determined. The number of weeks in the prorate base period for each district shall be as provided in paragraph (e) of this section. Such quantities of lemons picked and delivered in such period will then be divided by the number of weeks in the handler's prorate base period for the purpose of arriving at an average weekly pick.

(2) For any handler who has no picks during the preceding period of a number of consecutive weeks equal to the weeks in his prorate base period, such average weekly pick shall be:

(i) The total quantity picked and delivered to the handler in the first week;

(ii) The total quantity picked and delivered to the handler in the first and second weeks divided by two.

(iii) The total quantity picked and delivered to the handler in the first 3 and succeeding weeks (until such number of weeks equals the total weeks in such handler's prorate base period) divided by the total weeks so included.

(3) On the basis of the computation of the handler's average weekly pick, the committee shall fix a prorate base for each handler who is entitled thereto. Such prorate base shall represent the ratio between such average weekly pick for each applicant and the total of such average weekly picks for all applicants.

(e) In recognition of the differences between the several districts in production and marketing conditions, the number of weeks in the prorate base period shall be specified by districts and such respective base periods shall apply to lemons produced in such district, even though packed or handled in another district. Until changed in the manner provided in paragraph (h) of this sec-

tion, the prorate base periods for the several districts shall be:

- District 1, 8 weeks.
- District 2, 16 weeks.
- District 3, 4 weeks.

(f) (1) At the request of any handler of lemons produced in Districts 1 or 3, the committee shall adjust the average weekly pick of such handler by increasing it in the amount requested by the handler, but not exceeding 50 percent of such average as computed without such adjustment. Such adjustment may be requested for any one or more weeks, not exceeding 8 weeks, in a period beginning not later than the third week for which such handler's average is computed, and ending not later than the middle week of such handler's picking season, as determined by the committee, based upon the historical picking performance of such handler. Any adjustment so added shall be deducted from such handler's average weekly pick as computed for subsequent weeks, as selected by the handler, beginning in the week following such middle week, but not earlier than the second week ending in December for District 3 or in January for District 1. The deductions from such handler's average weekly picks shall be made for the same number of weeks for which upward adjustments were made, and shall be subtracted in the same ratio during the weeks of the pay back period as the upward adjustments were added. Such adjusted average weekly picks shall be used in computing the prorate base as provided in paragraph (d) of this section.

(2) Any handler of lemons produced in District 2 whose picks are interrupted for a period of 8 successive weeks or more, may apply to the committee for permission to begin anew his prorate base period count with the first week of picks after such interruption, pursuant to the provisions of paragraph (d) of this section applicable to a handler who has no picks for a number of consecutive weeks equal to the weeks in his base period. Any such handler shall also be entitled to request and receive starting adjustments of a character similar to those described in subparagraph (1) of this paragraph (f). Any such application shall be granted subject to such conditions with respect to dates and periods of upward adjustment and pay back as may be necessary or appropriate to avoid or mitigate undue hardship and to preserve equity among handlers.

(3) In any period of 2 consecutive weeks beginning with the first week of picks, a handler may handle lemons in anticipation of the allotments he will receive in succeeding weeks on account of such picks. Such future allotments shall be reduced by the advance shipments so made.

(g) Any handler of lemons produced in any district under production or marketing conditions substantially differing from those generally prevailing in the same district, may apply to the committee for a different prorate base period, shorter or longer, than that specified for the district, but in no event less than 4

weeks nor more than 16 weeks. Such application shall be granted to the extent necessary or appropriate to give due recognition to such differences.

(h) On recommendation of the committee, with the approval of the Secretary, the number of weeks in the several time periods, the dates referred to in this § 910.53, and the percentage of starting adjustment specified in subparagraph (1) of paragraph (f) of this section may be changed; and in like manner rules and regulations, with the approval of the Secretary, may be established to effectuate the provisions of this section and to modify the method or manner of making the computations herein provided.

15. Amend § 910.56 *Allotments* by deleting the phrase "in a district" from the first sentence, and deleting the phrase "in such district" from the second sentence.

16. Amend § 910.57 *Overshipments*:
1. By inserting the following after the first proviso of such section: "And provided further, That if allotment is forfeited in any prorate district during any prorate period, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such prorate period unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment, and such forfeitures shall be first applied to handlers within such district in which the forfeiture occurred and second to qualified handlers in the other districts. Allocation of forfeitures to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision."

2. And by adding the following sentence at the end of such section: "The committee, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this section."

17. Amend § 910.59 *Allotment loans* to read as follows:

§ 910.59 Allotment loans.

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided*, That such loan is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within 1 year of the date of the loan.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) A person desiring to loan all or part of his allotment within his own district may do so direct or may request the committee to act in his behalf. A person desiring to loan to persons outside his own district shall request the committee to arrange the loan on his behalf with

the committee first offering the loan to persons within the district who have previously filed request for such loans; and failing to so arrange may then offer the loan outside of the district in an equitable manner.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

(e) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 910.59.

18. Delete § 910.61a *Early availability allotments*.

19. Amend § 910.64 *Districts* to read as follows:

§ 910.64 Districts.

For the purpose of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of lemons between certain geographical sections of the production area, the production area shall be divided into three prorate districts as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Turlock, Calif., and north of a line drawn due east and west through the present post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the present post office in White Water, Calif., by excluding San Luis Obispo and Santa Barbara Counties.

(b) "District 2" shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, Calif., and south of a line drawn due east and west through the present post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) "District 3" shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the present post office in White Water, Calif.

The following amendment of the amended marketing agreement and order has been proposed by the Central California Citrus Exchange, the Mid-California Citrus Exchange, the Tulare County Fruit Exchange, the Visalia Fruit Exchange, and the Tulare Kern Citrus Exchange.

1. Add a new § 910.16 *Week* as follows:

§ 910.16 Week.

"Week" means any period of seven (7) consecutive days which the committee, with the approval of the Secretary, may establish for purposes of prorate allocation or statistical reporting.

The following amendments of the amended marketing agreement and order have been proposed by Riebe Ranch Corp., submitted by N. J. Riebe, and by Arizona Groves, Inc., submitted by D. L. Gunter, Manager.

1. Add to § 910.4 the following: "When used with the word Quality or Merchantable Quality Lemon means the best

lemons of this Marketing Area, as defined by the Lemon Administrative Committee, for the fresh Domestic Market."

2. Delete the provisions of § 910.7 and substitute in lieu thereof the following:

§ 910.7 Handle.

"Handle" means to buy, sell, consign, transport, or ship lemons (except as a common or contract carrier of lemons owned by another person), or in any other way to place lemons in the normal channels of commerce. "Handle" also includes the transactions between handlers whereby the right to place lemons in such normal channels of commerce is exchanged.

3. Delete § 910.25 and substitute in lieu thereof the following:

§ 910.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written statement and acceptance with the Secretary within 10 days after being notified of such selection to establish that he meets the qualifications for membership as established in the order and will serve to the best of his ability and within the best interest of the industry, and has read and understands the order as amended.

4. Delete § 910.27 and substitute in lieu thereof the following:

§ 910.27 Alternate members.

An alternate member shall act in the place and stead of the member for whom he is an alternate, during such member's absence or incapacity: *Provided, however*, That alternate members shall act without reference to member status when so required under the requirements of § 910.20.

5. Delete the last sentence of paragraph (a) of § 910.28.

6. Delete § 910.29 (as amended) and substitute in lieu thereof the following:

§ 910.29 Expenses and compensation.

The members of the Lemon Administrative Committee and all alternates when acting in their respective capacities shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 910.30 and shall receive compensation at a rate of \$5 per hour therefor, computed from the time of leaving their home or business establishment, as they preelect, by most direct available commercial transportation or such transportation as they preelect as approved by the committee.

7. Delete the word "may" in § 910.33 and substitute therefor the word "will".

8. Add to § 910.50(c) the following sentence: "In making this recommendation the consideration shall be solely the market condition, grower return and actual current availability."

9. Delete paragraph (d) of § 910.50 and substitute in lieu thereof the following: "(d) level and trend of consumer income and level and trend of grower return;"

10. Delete the second sentence of § 910.51(a) and substitute in lieu thereof

the following: "Whenever the Lemon Administrative Committee finds that an imbalance exists in either grower return or orderly and proper marketing conditions, or finds that such is likely to occur or that other conditions make it advisable to regulate, pursuant to § 910.52, the handling of lemons, during any week of the fiscal year, it shall recommend to the Secretary the quantity of merchantable quality of lemons which it deems advisable to be handled during such week in each district as defined in § 910.64. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary."

11. Delete § 910.51(b) and substitute in lieu thereof the following:

(b) In making such recommendations, the Lemon Administrative Committee shall give due consideration to the following factors: (1) The current and prospective crop; (2) lemons on hand in and en route to the principal markets; (3) the relative amount of lemons, in terms of the percentage of available fresh fruit, to be shipped from each district, into the domestic market; (4) trend in consumer income; (5) trend and current condition of grower return; (6) present and predicted weather conditions; (7) present and prospective prices of lemons; and (8) other relevant factors.

12. Revise the provisions of § 910.51(c) as follows: Wherever the word "quantity" appears it shall be followed by the words "and quality", as may be appropriate.

13. Revise the provisions of § 910.52 by adding after the word "quantity" in lines 5, 9, and 11, the words "and/or quality".

14. Delete § 910.56 and substitute in lieu thereof the following:

§ 910.56 Allotments.

Whenever the Secretary has fixed the quantity of merchantable quality lemons which may be handled during any week in a district, based upon a reasonably equitable overall percentage of fresh fruit to be allotted to each district, the Lemon Administrative Committee shall calculate the quantity of merchantable quality lemons which each handler may handle during such week. The said quantity shall be the allotment of each such handler and shall be in an amount equal to the product of the handler's prorate base and the quantity of lemons fixed by the Secretary as the quantity which may be handled during such week in such district. The committee shall give adequate notice to each handler of the allotment computed for him pursuant to this section.

15. Delete from § 910.57 the figure "20 percent" and substitute therefor "10 percent".

16. Revise §§ 910.52, 910.56, 910.57, 910.58, and others that may be in conflict by adding the words "and/or quality" after the word "quantity" wherever same appears therein, as may be appropriate.

17. Add to § 910.64 the following: "Any handler who feels conditions in his particular locality are more harmonious with those of another district may petition the Secretary and upon recommendation of the Lemon Administrative Committee may be included in and be governed by the regulations and rules applicable within the said district of his election."

18. Revise the title of § 910.65 to read: "Recommendation for size and quality regulation."

19. Revise the provisions of §§ 910.65 and 910.66 as follows: Wherever the word "size" or "sizes" appears in § 910.65 or § 910.66, such shall be followed by the words "and/or quality" as may be appropriate.

20. Revise the title of § 910.66 to read: "Issuance of size and quality regulations."

21. Revise the title of § 910.67 to read: "Exemptions from size and quality regulations."

22. Remove from § 910.80 the following: Paragraphs (a) and (b) and the last sentence.

23. Delete § 910.59 and substitute in lieu thereof the following:

§ 910.59 Allotment loans.

(a) A handler for whom a prorate base has been established may lend or sell his allotment to other handlers: *Provided*, That such loan or sale is reported to the Lemon Administrative Committee not later than 48 hours after the loan or sale agreement has been consummated; and provided further that any loan shall provide for repayment within 1 year of the date of the loan: *And provided further*, That transfers by sale shall be individual transactions wherein the amount of prorate sold shall be removed from the sellers allotment.

24. New section:

The Lemon Administrative Committee shall forthwith, appropriate funds for and engage a three man Board of knowledgeable men of unimpeachable character from the business, or professional community, preferably:

(a) A qualified expert of professor caliber, from one of the eminent California universities.

(b) A qualified expert of professor caliber, from one of the eminent Arizona universities.

(c) A qualified expert, selected by the two above, from one of the eminent western universities.

whose duties it shall be to render a yearly report to the committee, expressing its studied recommendations for and opinions of:

(1) The status of the lemon industry as it applies to the area covered by Order No. 910.

(2) Changes in the order.

(3) Inequities between the districts or individual growers by virtue of the operation or administration of the order and suggested remedies.

- (4) Betterments in administration.
- (5) Betterment of the industry under long range projections.
- (6) Other pertinent matters.

25. Add a new section entitled, "Quality regulation":

(a) The Lemon Administrative Committee shall adopt procedures under which only the top quality lemons of its jurisdiction may be placed in domestic channels. To do this the characteristics of fruit that will satisfy the market shall be defined from time to time, and such definition shall include, but not be limited to, minimum tolerances of texture, rind thickness, acid content, juice composition, discoloration, comparative size, skin damage, scarring, and life expectancy. Except that it meet these minimum standards, all acceptable lemons may be marketed under normal trade conditions.

(b) The committee shall appoint an inspection staff whose duties it shall be to observe and spot check shipments for compliance with these quality specifications. Inspectors, who shall be appointed in the ratio of approximately one to every 50 carloads of weekly allocated fruit, shall report any violations to the shipper concerned, to the Lemon Administrative Committee and to the Department of Agriculture for appropriate action. It shall not be the duty of inspectors to certify shipments.

(c) Combining lemon inspection services with those of grapefruit or any other related commodity is authorized.

The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to the following proposals:

1. Revise § 910.40 *Expenses* to read as follows:

§ 910.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 910.41.

2. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Warren C. Noland, Los Angeles Marketing Field Office, 312 North Spring Street, Los Angeles, Calif. 90012.

Dated: April 1, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-4124; Filed, Apr. 3, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-37]

NEWTON CREEK, N.Y.

Drawbridge Operation

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g) (2) of the Department of Transportation Act (49 U.S.C. 1655(g) (2) and 49 CFR 1.4(a) (3) (v)) is considering a request by the City of New York to amend the special operation regulations for its bridge across Newton Creek at Grand Street.

2. Accordingly, it is proposed to amend § 117.165(b) to read as follows:

§ 117.165 Newton Creek, N.Y.

(b) *City of New York highway bridge across East Branch at Grand Street.* The draw of this bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at anytime, day or night except between 6:45 and 7 a.m., 7:15 and 7:30 a.m., 7:45 and 8 a.m., 4:30 and 4:45 p.m., and 5 and 5:15 p.m. on all days other than Sundays and holidays. This drawbridge shall not be required to open for navigation on Saturdays, Sundays, national holidays, and between the hours of 6 p.m. to 6 a.m. Monday through Friday except on 24-hour advanced notice.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before April 30, 1970. All submissions should be made in writing to the Commander, 3d Coast Guard District, Governors Island, New York, N.Y. 10004.

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

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 3d Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, 3d Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Wash-

ington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: March 27, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-4098; Filed, Apr. 3, 1970;
8:45 a.m.]

[33 CFR Part 117]

[CGFR 70-24]

CHEESEQUAKE CREEK, MORGAN,
SOUTH AMBOY, N.J.

Drawbridge Operation

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g) (2) of the Department of Transportation Act (49 U.S.C. 1655(g) (2) and 49 CFR 1.4(a) (3) (v)) is considering a request by New Jersey Department of Transportation to provide special operation regulations for the Route 35 drawbridge across Cheesequake Creek at Morgan, South Amboy, N.J.

2. Accordingly, it is proposed to amend § 117.215(j) to include subparagraph (4) which shall read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

(j) * * *

(4) Route 35 drawbridge across Cheesequake Creek at Morgan, South Amboy, N.J.: The draw shall be opened promptly on signal at all times, except that between the hours of 7 a.m. to 7 p.m. from May 15 through October 15 the draw need be opened only on the hour.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before April 30, 1970. All submissions should be made in writing to the Commander, 3d Coast Guard District, Governors Island, New York, N.Y. 10004.

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

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 3d Coast Guard

District, Governors Island, New York, N.Y. 10004.

6. After the time set for the submission of comments by the interested parties, the Commander, 3d Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: March 10, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-4148; Filed, Apr. 3, 1970;
8:48 a.m.]

[33 CFR Part 117]

[CGFR 70-20]

DORSET AVENUE BRIDGE,
ATLANTIC CITY, N.J.

Drawbridge Operation

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g) (2) of the Department of Transportation Act (49 U.S.C. 1655(g) (2) and 49 CFR 1.4(a) (3) (v)), is considering a request by the county of Atlantic, N.J., to revise the operation regulations for the Dorset Avenue bridge across Inside Thoroughfare, New Jersey Intracoastal Waterway.

2. Accordingly, it is proposed to amend § 117.220(d) by changing in lines 6 and 7 and also in lines 15 and 16 the words "provided in paragraphs (m) and (n) of this section to the words "provided in paragraphs (m), (n), and (o) of this section."

3. It is further proposed to amend § 117.220 by adding a new paragraph (o) to read as follows:

§ 117.220 New Jersey Intracoastal Waterway and tributaries; bridges.

(o) The draw of the Dorset Avenue bridge shall be opened promptly on signal at all times except that from June 1 through September 30, between the hours of 9:15 a.m. to 9:15 p.m., the draw need be opened only on the quarter and three-quarter hour for the passage of vessels. However, the draw shall be opened promptly at any time for the passage of public vessels responding to emergency calls or for vessels in distress, the signal for such opening being four or more short blasts sounded in rapid succession on a whistle, horn, or siren. Once opened, the draw shall remain open for the passage of all waiting vessels and approaching vessels which have signaled for its opening.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before April 30, 1970. All submissions should

be made in writing to the Commander, 3d Coast Guard District, Governors Island, New York, N.Y. 10004.

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

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 3d Coast Guard District, Governors Island, New York, N.Y. 10004.

6. After the time set for the submission of comments by the interested parties, the Commander, 3d Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: March 10, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-4149; Filed, Apr. 3, 1970;
8:48 a.m.]

[33 CFR Part 117]

[CGFR 70-6]

ATLANTIC INTRACOASTAL WATERWAY NEAR LITTLE RIVER, S.C.

Drawbridge Operation

1. Notice is hereby given that the Commandant, U.S. Coast Guard, under authority of section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g) (2) of the Department of Transportation Act (49 U.S.C. 1655(g) (2) and 49 CFR 1.4(a) (3)(v)) is considering a request by the South Carolina State Highway Department to set forth special operation regulations for the U.S. 17 Highway drawbridge across the Atlantic Intracoastal Waterway near Little River, Horry County, S.C.

2. Accordingly, it is proposed to amend Part 117 by adding § 117.360 to read as follows:

§ 117.360 U.S. 17 Bridge across Atlantic Intracoastal Waterway near Little River, S.C.

The draw shall be opened promptly on signal, except from 11 a.m. to 5 p.m. on Sundays during June, July, and August the draw need be opened only on the hour to all vessels waiting to pass. This re-

striction shall not apply to tugs or public vessels of the United States which shall be passed on signal at any time.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before April 30, 1970. All submissions should be made in writing to the Commander, 7th Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130.

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

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 7th Coast Guard District, Room 1018 Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130.

6. After the time set for the submission of comments by the interested parties, the Commander, 7th Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: March 10, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-4147; Filed, Apr. 3, 1970;
8:48 a.m.]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 70-OE-3-AD]

CONTINENTAL MODEL TSIO-520-C ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to affected Continental Model TSIO-520-C engines installed in Cessna Model TU206, TP206, and T210 airplanes. There have been instances of failures of these model engines caused by excess prime fuel being drawn into the forward cylinders and forming a hydraulic lock. This condition can cause bent connecting rods in the engine which fall during flight, resulting in complete engine power loss.

Since this condition is likely to exist or develop in other engines of the same type design, to prevent these failures the proposed AD would require, within 12 months after the effective date of this AD, rework of presently installed Teledyne Continental Motors Part No. 633125 balance tube per Teledyne Continental Motors Service Bulletin M70-5 or installation of a new Teledyne Continental Motors Part No. 635645 balance tube and addition of associated aircraft installation drainage provisions in accordance with Cessna Service Kit SK206-10.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of the Notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

CONTINENTAL. Applies to Continental Model TSIO-520-C (Serial Nos. 140001 through 140678) engines installed in Cessna Model TU206, TP206, and T210 airplanes.

Compliance: Unless already accomplished, within the next 12 months after the effective date of this AD, accomplish the following:

To prevent hydraulic lock and resulting engine damage and power loss:

Rework the presently installed Teledyne Continental Motors Part No. 633125 balance tube in accordance with Teledyne Continental Motors Service Bulletin M70-5 dated February 2, 1970, or replace with new Teledyne Continental Motors Part No. 635645 balance tube and install associated aircraft installation drainage provisions in accordance with Cessna Service Kit SK206-10, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, Kansas City, Mo.

Issued in Kansas City, Mo., on March 26, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-4096; Filed, Apr. 3, 1970;
8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (35 F.R. 2895 and 4976) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Cribbs Sausage Co., Establishment 7424, and the reference to swine with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mule
Wilson Beef and Lamb Co.	20-HF	(*)						
Loeb and Gottfried, Inc.	232	(*)						
Packers Outlet	746	(*)		(*)		(*)		
Stouff-Preme Packing Co.	5537					(*)		
William Sausage Co.	7455					(*)		
Merwin Packing Co.	7600	(*)		(*)		(*)		
New establishments reported:								
Hygrade Food Products Corp.	12-FW		(*)	(*)				
Watkins Packing Co.	209			(*)		(*)		
Arena Dressed Beef Co.	853			(*)				
C and C Packing Co.	2633			(*)				
G and C Packing Co.	2302			(*)				
Dixie Packing Co.	2271					(*)		
Wells Meat Co.	2289			(*)				
Hatch Packing Co., Inc.	7621					(*)		
Species Added: 10.								

Done at Washington, D.C., on April 1, 1970.

G. H. Wise,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 70-4103; Filed, Apr. 3, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Files Nos. 23(68)-12, 22(69)-13]

HANS BORKMANN

Order Temporarily Denying Export Privileges

In the matter of Hans Borkmann, Postfach 548, 2 Hamburg 52, Federal Republic of Germany, respondent; Files Nos. 23(68)-12, 22(69)-13.

This order against the above respondent temporarily denying export privileges supersedes the order of October 21, 1969, against him denying export privileges for an indefinite period (34 F.R. 17395). The order of October 21, 1969, was issued pursuant to § 388.15 of the Export Control Regulations because respondent failed to furnish responsive answers to interrogatories and to furnish documents requested and had not shown good cause for such failure. The respondent has now furnished responsive answers to certain of the interrogatories and has shown good cause for failure to answer other interrogatories and to furnish the documents requested. Accordingly, the said order denying export privileges for an indefinite period is hereby terminated.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, pursuant to the provisions of § 388.11 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above-named respondent. The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for 45 days.

The above-mentioned order of October 21, 1969, among other things, prohibited respondent from participating, directly or indirectly, in any transaction involving commodities or technical data exported or to be exported from the United States. The participation prohibited included participation in carrying on negotiations with respect to, or in on negotiations with respect to, or in receiving, ordering, buying, or selling of any commodities exported or to be exported from the United States and in the financing or other servicing of such commodities.

On the evidence presented there is reasonable basis to believe that notwith-

standing the prohibitions of the indefinite denial order of October 21, 1969, and with full knowledge of said prohibitions, the respondent, in violation of said order: Carried on negotiations with a U.S. supplier for the purpose of receiving electronic commodities previously ordered by respondent; urged said supplier to export said commodities to respondent in West Germany; sought to evade the prohibitions by dealing with the U.S. supplier through an intermediary; participated in the financing of such commodities to be exported from the United States; and ordered from a second U.S. supplier commodities to be exported from the United States.

In view of respondent's disregard of the prohibitions of the order of October 21, 1969, and his violations of said order and of the possibility of his participating in transactions whereby U.S.-origin commodities might be reexported and diverted to unauthorized destinations, I find that it is reasonably necessary for the protection of the public interest that an order be issued against the respondent temporarily denying all U.S. export privileges for 45 days.

Accordingly, it is hereby ordered:

I. This order supersedes the indefinite denial order issued against the above respondent on October 21, 1969 (34 F.R. 17395).

II. The respondent is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent but also to his assigns, representatives, agents, and employees and to any person, firm, corporation, or business organization with which he now or hereafter may

be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of 45 days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any said respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: March 24, 1970.

RAUER H. MEYER,
Director, Office of Export Control.

[P.R. Doc. 70-4110; Filed, Apr. 3, 1970;
8:46 a.m.]

[File No. 22(69)-5]

KARL LANDAU

Notice of Related Party Determination

In the matter of Karl Landau, Wien 4, Wohllebengasse 15, Vienna, Austria; File No. 22(69)-5.

An order dated April 6, 1964, effective April 10, 1964, was entered by the Office of Export Control, Bureau of International Commerce, against Anna Wellems trading as Stemege Handel mit Steuerungstechnik und Messgerate of Vienna, Austria, denying respondent all privileges of participating in any manner or capacity in exportations from the United

States of commodities or technical data for an indefinite period. This order was published in the FEDERAL REGISTER on April 15, 1964 (29 F.R. 5178).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control, Bureau of International Commerce, that within the purview of said section, Karl Landau, located at the above address, is a related party to said Anna Wellems trading as Stemege Handel mit Steuerungstechnik und Messgerate. Under this determination the terms and restrictions of the order of April 6, 1964, are effective against said related party.

The said related party has been notified of this determination and has been advised that if he contends that the ruling is not justified he may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: April 1, 1970.

RAUER H. MEYER,
Director, Office of Export Control.

[P.R. Doc. 70-4111; Filed, Apr. 3, 1970;
8:46 a.m.]

Maritime Administration

[Docket No. S-248]

UNITED STATES LINES, INC.

Notice of Application

Notice is hereby given of the application, dated December 22, 1969, of United States Lines, Inc., which seeks written permission pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1223), to make calls on a maximum of 55 sailings per calendar year in the domestic commerce of the United States between U.S. Atlantic and Hawaiian ports with any of its vessels operating on Trade Route No. 12, U.S. Atlantic/Far East Service.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room 4098, Department of Commerce, Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit a written statement with reference to the application must, by close of business on April 16, 1970, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of in-

terest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure (46 CFR Part 201), petitions for leave to intervene received after the close of business on April 16, 1970, will not be considered in this proceeding.

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

In the event petitions regarding the relevant section 805(a) issues are received from parties withstanding to be heard, a hearing has been tentatively scheduled for April 27, 1970, at 10 a.m., in Room 4892, Department of Commerce, Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: April 2, 1970.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[P.R. Doc. 70-4195; Filed, Apr. 3, 1970;
9:07 a.m.]

[Docket No. S-244]

CARRIAGE OF COMMERCIAL CARGOES AND PREFERENCE CARGOES

Supplemental Notice of Fact-Finding Hearing

In F.R. Doc. 69-14377 appearing in the FEDERAL REGISTER issue of December 3, 1969 (34 F.R. 19149), reference was made to the fact that by petition to the Secretary of Commerce dated July 1, 1969, the American Maritime Association (AMA) applied, pursuant to § 201.61 of the rules of practice and procedure (46 CFR Part 201) for the issuance of three rules governing award of operating-differential subsidy contracts. In addition, a memorandum of law dated October 22, 1969, asserting that no statutory authority exists for 2- and 3-year charters to MSTs of vessels built with construction-differential subsidy was filed with the Maritime Subsidy Board. Copies of the memorandum are available in the Office of the Secretary, Maritime Subsidy Board, Room 3099B, Department of Commerce Building, Washington, D.C.

All parties to the proceeding designated as Docket No. S-244 have stated that the issue raised in the memorandum of October 22, 1969, is a question of law not dependent on any contested factual issue. Therefore, interested parties are invited to submit comments, in the form

of legal briefs, addressed to the statutory authority for the charter of vessels built with construction-differential subsidy to MSTs for 2- and 3-year periods.

All such comments should be submitted to the Secretary, Maritime Subsidy Board, by close of business on April 24, 1970, after which ten (10) days will be allowed for the filing of reply briefs. After all briefs have been filed, the Maritime Subsidy Board will decide whether it desires to hear oral argument on the issues raised therein.

Dated: April 3, 1970.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70-4216; Filed, Apr. 3, 1970;
10:24 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN PETROLEUM INSTITUTE

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020, has withdrawn its petition (FAP 9B2357), notice of which was published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 272), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of paraffinic hydrocarbons in the production of food-contact articles and proposing certain amendments of existing regulations.

Dated: March 27, 1970.

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

[F.R. Doc. 70-4090; Filed, Apr. 3, 1970;
8:45 a.m.]

MONSANTO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, has withdrawn its petition (FAP 8B2308), notice of which was published in the FEDERAL REGISTER of July 11, 1968

(33 F.R. 9968), proposing an amendment to § 121.2536 *Filters, resin-bonded* (21 CFR 121.2536) to provide for the safe use of phenol-formaldehyde resins chemically modified with cyanoguanidine and urea as resins which may be used during fabrication of resin-bonded filters intended for filtering food.

Dated: March 27, 1970.

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

[F.R. Doc. 70-4091; Filed, Apr. 3, 1970;
8:45 a.m.]

VELSICOL CHEMICAL CORP.

Notice of Filing of Pesticide and Food Additive Petition

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 409(b) (5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d) (1), 348(b) (5)), notice is given that a petition (PP 0F0935) has been filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611, proposing establishment of tolerances (21 CFR Part 120) for the combined residues of the insecticide heptachlor and its epoxide in or on the raw agricultural commodities blackberries, blueberries, boysenberries, dewberries, raspberries, forage of field corn, peaches, pineapple, and tomatoes at 0.01 part per million; cottonseed, foliage of pineapple, and grains of barley, field corn, oats, rye, sorghum, and wheat at 0.02 part per million; citrus fruit, fodder of field corn, forage of soybeans, and in poultry eggs at 0.03 part per million; soybeans at 0.05 part per million; peppers at 0.1 part per million; and in fat of milk, poultry, cattle, sheep, goats, horses, and hogs at 0.3 part per million.

The petitioner was notified of the recommendations of the Secretary's Commission on Pesticides and Their Relationship to Environmental Health and requested that the petition be filed.

Notice is also given that the same firm has filed a related petition (FAP 0H2520) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million for the combined residues of the insecticide and its epoxide in the crude oil of soybeans resulting from application of the insecticide to growing soybeans.

The analytical method proposed in the pesticide petition for determining residues of the insecticide is an electron-capture gas chromatographic technique.

Dated: March 27, 1970.

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

[F.R. Doc. 70-4092; Filed, Apr. 3, 1970;
8:45 a.m.]

WESTON CHEMICAL CO., INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the Weston Chemical Co., Inc., Morgantown, W. Va. 26505, has withdrawn its petition (FAP 9B2372), notice of which was published in the FEDERAL REGISTER of December 27, 1968 (33 F.R. 19860), proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of 4,4'-isopropylidene dicyclohexanyl pentaerythrityl diphosphite as an antioxidant and/or stabilizer in vinyl resins intended for food-contact use.

Dated: March 27, 1970.

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

[F.R. Doc. 70-4093; Filed, Apr. 3, 1970;
8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-50]

SOUTHERN PACIFIC CO. RAILROAD AND MARE ISLAND CAUSEWAY BRIDGES, NAPA RIVER

Notice of Public Hearing of Proposed Bridge Alterations

Notice is hereby given that a public hearing will be held on May 6, 1970, regarding the Southern Pacific Co. railroad drawbridge across the Napa River at Brazos Crossing near Napa, Calif., and the Mare Island Causeway bridge at Vallejo, Calif., by the authority of section 3 of the Act of June 21, 1940 (Truman-Hobbs Act), 54 Stat. 498, 33 U.S.C. 513; section 6(g) (3), 80 Stat. 937, 49 U.S.C. 1655(g) (3); 33 CFR 116.20 and 49 CFR 1.46(c) (6). The hearing will be held in the City Council Chambers, City Hall, 955 School Street, Napa, Calif., beginning at 10 a.m. on May 6, 1970. A number of complaints have been received alleging that the Brazos bridge is obstructive. Because the traffic through the Brazos Crossing bridge must also pass through the Mare Island Causeway bridge, consideration will be given to the possible requirement for alteration of both bridges. The purpose of the hearing is to determine whether an alteration is needed for either or both bridges, and if so what alterations are needed, having due regard to the necessity of free and unobstructed water navigation and to the necessities of the rail and highway traffic. The existing bridges at Brazos Crossing and Mare Island provide for horizontal clearances of 69 and 75 feet respectively, when measured normal to the axis of the channel.

The purpose of the public hearing is to obtain information so the Commander, 12th Coast Guard District, may

submit to the Commandant of the Coast Guard a full report as to whether these bridges unreasonably obstruct navigation; whether watercraft have difficulty in passing the draw openings or draw-spans; the changes necessary to render navigation through or under the bridges reasonably free, easy, and unobstructed; the character and the approximate amount of commerce affected by the obstructive features of the bridges; and whether the commerce affected is sufficient to justify the proposed changes in one or both bridges.

A chart section showing the location of the drawbridges is on file in the Office of the Commander, 12th Coast Guard District, 630 Sansome Street, San Francisco, Calif. 94126.

All interested parties are invited to be present or to be represented at the hearing. They will be given an opportunity to express their views concerning the alteration of the bridges and to suggest any changes that may be considered desirable.

Each person who wishes to make an oral statement should notify the Commander, 12th Coast Guard District, 630 Sansome Street, San Francisco, Calif. 94126 not later than May 4, 1970, indicating the amount of time required for initial statement. Depending on the number of scheduled statements, it may be necessary to limit the amount of time allocated to each speaker. Persons requesting time to present oral statements will be notified if such allocation is necessary. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of hearing. Such statements and exhibits may be delivered at the hearing on May 6, 1970, or mailed prior to that date to the Commander, 12th Coast Guard District, 630 Sansome Street, San Francisco, Calif. 94126.

Dated: March 31, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70-4099; Filed, Apr. 3, 1970;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-166]

UNIVERSITY OF MARYLAND

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on March 4, 1970 (35 F.R. 4082), the Atomic Energy Commission ("the Commission") has issued Construction Permit No. CPRR-108 to the University of Maryland. The Construction Permit authorizes the installation of a new reactor console and a TRIGA Mark III control and instrumentation (C&I) system as a re-

placement for the present reactor console and C&I system in the existing reactor.

The Commission has found that the application for construction permit, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I.

The Construction Permit is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or copies may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 25th day of March 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Reactor
Licensing.

[F.R. Doc. 70-4120; Filed, Apr. 3, 1970;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22065; Order 70-3-160]

FUR PICKUP AND DELIVERY SERVICE AND RATES

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of March 1970.

Cancellation of pickup and delivery service and rates for furs at New York and Newark proposed by various airlines; Docket 22065.

By tariff revision filed March 2, 1970, and marked to become effective April 1, 1970, various airlines¹ propose to cancel their pickup and delivery service, rates, and charges for furs at New York and Newark. One carrier, The Flying Tiger Line Inc., is proposing to cancel only its pickup, but not its delivery, service, rates, and charges.

Complaints requesting suspension and investigation were received from the Associate Fur Manufacturers, Inc., the National Retail Merchant Association, and American Fur Merchants' Association, Inc. The complaints assert, in summary, that the proposal would unjustly deprive fur shippers of the same service offered to shippers of other commodities also subject to high claim payments and that airlines are not providing proper secu-

¹ Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Air Canada, Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., New York Airways, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Northwest Airlines, Inc.

rity for shipments. In addition, numerous letters and telegrams were received protesting the proposal.

In support of their proposal and in answer² to the complaints, the airlines state, inter alia, that, in view of the very sharp increase in losses of furs in the New York-Newark area, and of other articles transported in the same trucks, the airlines were advised that insurance coverage for that area would be continued at current limits only if fur shipments were eliminated from terminal service in that area; that, the airlines have attempted unsuccessfully to find separate coverage applicable to furs; and that such efforts are being continued. The airlines add that they are not required by law to provide pickup and delivery service for air freight shipments; that a number of other articles³ have been excluded from pickup and delivery service because such articles are of extraordinary value and thereby create an undue risk of robbery; that the other exclusions have not been regarded by the Board as unjustly discriminatory; that to continue insurance coverage for furs would require such high premium rates as to place an excessive burden ultimately upon shippers of other commodities; and that, until the airlines' ordinary pickup and delivery service becomes adequate for furs in the New York-Newark area, the airlines cannot provide terminal service for such shipments.

Upon consideration of all relevant factors, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended pending investigation.

Section 404 of the Federal Aviation Act requires air carriers to provide, inter alia, adequate service in connection with air transportation.⁴ Shippers of furs have been afforded pickup and delivery service in the New York-Newark area for many years and the abrupt cancellation of this

² The answer was filed on behalf of Airlift International, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Southern Airways, Inc., and Trans World Airlines, Inc.

³ Rule 20(g)1 of Airline Tariff Publishers, Inc., Tariff CAB No. 19, excludes accounts; art works; bills; bullion or precious metals; currency; deeds; dore bullion; evidences of debt; gold bullion, coined, uncoined, cyanides, dust or sulfides; jewelry (other than costume jewelry); money; notes; platinum; securities, negotiable; silver bullion, coined concentrates, cyanides, precipitates or sulfides; (applicable to Air Canada and Canadian Pacific Airlines, Ltd.) any article not listed above with a declared value of \$100 per pound or more; (not applicable to Air Canada and Canadian Pacific Airlines, Ltd.)—other articles of extraordinary value.

⁴ The administration of air freight pickup and delivery service for the airlines is performed by Air Cargo, Inc. (ACI), a wholly owned subsidiary of the scheduled certificated airlines. The actual service is performed by independent local companies, as agents for the airlines. The pickup and delivery tariffs are filed as airline tariffs.

service may be unjust and unreasonable. Moreover, the failure to provide this service may unjustly discriminate against these shippers vis-a-vis shippers in other areas where the service is provided.

The airlines assert that they "have undertaken only to make available a motor carrier pickup and delivery service, using ordinary motor vehicles with customary protective devices for such service, and with only one driver, who must leave his truck when making pickups and deliveries. This is the normal, usual, customary pickup and delivery service rendered by common carriers. It is not adequate for fur shipments." The airlines conclude that "Until such time as the airlines' ordinary pickup and delivery vehicles can transport fur shipments over the streets and highways of the New York-Newark area and incur only the normal incidence of hijacking and theft characteristic of the rest of the nation, the airlines simply cannot provide pickup and delivery service for fur shipments."

We recognize the security problems associated with the handling of furs but we see no valid reason why the airlines should not provide special service for those articles involving whatever security precautions may be necessary at charges covering the cost of such service. In fact, the airlines state that, if they are successful in obtaining the necessary insurance coverage, pickup and delivery of furs will require special service, similar to the armored car service for highly valuable commodities.

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 provisions of Rule No. 20(g) (4) and the exception thereto, on 11th Revised Page 6-B of Airline Tariff Publishers, Inc., Agent's CAB No. 19 (Agent J. Aniello series), and rules, regulations, or practices affecting such provisions, 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 provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of Rule No. 20(g) (4) and the exception thereto, on 11th Revised Page 6-B of Airline Tariff Publishers, Inc., Agent's CAB No. 19 (Agent J. Aniello series), insofar as they apply in connection with interstate or overseas air transportation, are suspended and their use deferred to and including June 29, 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 complaints by Associate Fur Manufacturers, Inc., in Docket 21997; National Retail Merchant Association, in Docket 22003; and American Fur Merchants'

Association, Inc., in Docket 22007 are 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 in the tariffs and served upon Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Air Canada, Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., New York Airways, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Associate Fur Manufacturers, Inc., National Retail Merchant Association, and American Fur Merchants' Association, Inc., which are hereby made parties 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. 70-4119; Filed, Apr. 3, 1970;
8:46 a.m.]

[Docket No. 20291; Order 70-3-145]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority
March 30, 1970.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters; Docket 20291, Agreement CAB 21614, Agreement CAB 21633.

By Order 70-3-66, dated March 13, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA).

The agreements amend provisions of the construction rules by (1) permitting routings between Johannesburg and Tananarive via Durban and via Blantyre at the direct route fares, and (2) adding the routings Minneapolis/St. Paul-Boston and Minneapolis/St. Paul-Montreal to the list of exceptions under which any services operated with two-engined aircraft or Boeing 727 aircraft may be used at through economy-class fares in international air transportation.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative con-

* Dissenting statement of Members Adams and Murphy filed as part of original document.

clusions in Order 70-3-66 will herein be made final.

Accordingly, it is ordered, That: Agreements CAB 21614 and CAB 21633 be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.
[F.R. Doc. 70-4115; Filed, Apr. 3, 1970;
8:46 a.m.]

[Docket No. 20291; Order 70-3-150]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority
March 30, 1970.

Agreement adopted by Traffic Conferences 1 and 2 and Joint Conference 1-2 of the International Air Transport Association relating to fare matters; Docket 20291, Agreement CAB 21634.

By Order 70-3-77, dated March 16, 1970, action was deferred with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by Traffic Conferences 1 and 2 and Joint Conference 1-2 of the International Air Transport Association (IATA).

The agreement would extend through March 31, 1971, for application within the Western Hemisphere, within Europe/Africa/Middle East, and via the Atlantic, the effectiveness of a resolution governing the offering of free and reduced fare or rate transportation by carriers pursuant to Government request.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-3-77 will herein be made final.

Accordingly, it is ordered, That: Agreement CAB 21634 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.
[F.R. Doc. 70-4116; Filed, Apr. 3, 1970;
8:46 a.m.]

[Docket No. 20993; Order 70-3-154]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority
March 31, 1970.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 20993, Agreement CAB 21380, R-25.

By Order 70-3-73, dated March 16, 1970, action was deferred, with a view

toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In referring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-3-73 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21380, R-25, be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-4117; Filed, Apr. 3, 1970;
8:46 a.m.]

[Docket No. 20993; Order 70-3-155]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rate Matters

Issued under delegated authority March 31, 1970.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to rate matters; Docket 20993, Agreement CAB 21663.

By Order 70-3-74, dated March 16, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement amends the resolutions governing rounding-off of cargo rates by the inclusion of the currency of the German Democratic Republic not heretofore specified.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-3-74 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21663 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-4118; Filed, Apr. 3, 1970;
8:46 a.m.]

[Docket No. 22034]

WRIGHT AIR LINES, INC., ET AL.

Notice of Prehearing Conference

Joint application of Wright Air Lines, Inc., WAL Corp., and TAG Airlines, Inc.,

for approval of a merger agreement, an exemption, and for other relief.

Notice is hereby given that a pre-hearing conference in the above-entitled matter is assigned to be held on April 21, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

Bureau Counsel's request for information and a proposed statement of issues should be submitted to the Examiner and the applicants on or before April 14, 1970.

Dated at Washington, D.C., March 31, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-4114; Filed, Apr. 3, 1970;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary General, Atlantic Passenger Steamship Conference, 139 Sandgate Road, Folkestone, Kent, England.

Agreement No. 7840-77 between members of the Atlantic Passenger Steamship Conference modifies Agreement No. 7840,

as amended, by amending the first sentence of Article 1(b) concerning the scope of the agreement to read as follows:

Scope. This Agreement shall govern all Atlantic passenger traffic carried by the Member Lines. No Member Line, Allied Member or Associate Member shall represent directly or indirectly any vessel whose owner or operator does not apply for the appropriate class of membership in the Atlantic Passenger Steamship Conference. Each Member Line or Allied Member shall ensure that where any affiliated company or owner or operator (which terms include parent, subsidiary or associated companies) engages in the carriage of passengers across the Atlantic by sea such company or owner or operator shall apply for admission to the appropriate class of membership of the Atlantic Passenger Steamship Conference and shall thereafter abide by all the rules and conditions of the Atlantic Passenger Steamship Conference. If a Line is unable to comply with the foregoing it shall itself assume all the liabilities of parent, subsidiary or associated companies. The foregoing does not prohibit an affiliated or a subsidiary of a Member Line or Allied Member or Associate Member acting as port or stevedoring agent for a nonconference operator.

Dated: March 30, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-4101; Filed, Apr. 3, 1970;
8:45 a.m.]

SPAIN/U.S. NORTH ATLANTIC WEST- BOUND FREIGHT CONFERENCE AND SPANISH OLIVE CONFERENCE

Notice of Proposed Cancellation of Agreement

Notice is hereby given that the following agreement will be canceled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER.

Notice of intent to cancel filed by:

Mr. Guy L. Retournat, Secretary, Spain/U.S. North Atlantic Westbound Freight Conference, Spanish Olive Conference, 10, Place de la Joliette, Marseille 2, France.

Agreement No. 9796, a preliminary agreement leading to the consolidation of the Spain/U.S. North Atlantic Westbound Freight Conference and the Spanish Olive Conference, was approved on June 20, 1969. Now that the consolidation and all attendant requirements have been accomplished, the parties have re-

quested that this agreement be terminated. Accordingly, Agreement No. 9796 will be canceled as of April 30, 1970.

Dated: March 30, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[P.R. Doc. 70-4102; Filed, Apr. 3, 1970;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

NOTICE OF REDESIGNATION OF MIDDLE ATLANTIC AREA AND OF BOUNDARY CHANGES

Notice is hereby given of the redesignation of the Middle Atlantic Area as Region III and of changes in boundaries, Regions III and V and the Southeastern Area.

1. The designation "Middle Atlantic Area" is changed to Region III. The Middle Atlantic Area Office located in Philadelphia, Pa., also is hereby redesignated as the Region III Office and contains within its jurisdiction the District of Columbia and the following States: Delaware, Maryland, Pennsylvania, Virginia, and West Virginia. Regional offices within the States comprising Region III are redesignated as district offices and are under the jurisdiction of the Region III regional office located in Philadelphia, Pa.

2. The boundary of Region V is changed to include the State of Ohio (formerly under the jurisdiction of the Middle Atlantic Area Office). Regional offices within the State of Ohio are redesignated as district offices and are under the jurisdiction of the Region V regional office located in Chicago, Ill.

3. The boundary of the Southeastern Area is changed to include the State of Kentucky (formerly under the jurisdiction of the Middle Atlantic Area Office). The regional office within the State of Kentucky is under the jurisdiction of the Southeastern Area Office located in Atlanta, Ga.

Effective date: April 13, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[P.R. Doc. 70-4113; Filed, Apr. 3, 1970;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 52]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 1, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14552 (Sub-No. 37 TA), filed March 24, 1970. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul P. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Iron and steel pipe, conduit, metallic tubing and fittings therefor*, from the plantsites of Youngstown Sheet & Tube Co. at Youngstown, Struthers, and Campbell, Ohio; The Edward Corp. at Warren, Ohio; and The VanHuffel Tube Co. at Warren, Ohio, to points in Missouri; (B) *steel mill equipment materials, and supplies used in the manufacture of the commodities listed in (A) above*, from St. Louis, Mo., and the plantsite of Youngstown Sheet & Tube Co. at Youngstown, Struthers, and Campbell, Ohio; The Edward Corp. at Warren, Ohio, and The VanHuffel Tube Co. at Warren, Ohio. Restriction: Service shall be restricted to the transportation of shipments which are to be unloaded by trailer mounted mechanical devices furnished by applicant, for 180 days. Supporting shipper: Youngstown Sheet & Tube Co., 7655 Market Street, Youngstown, Ohio. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 111467 (Sub-No. 22 TA), file March 24, 1970. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1381 Rockdale Road, Dubuque, Iowa 52001. Applicant's representative: William L. Faribank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Prairie du Chien, Wis., to points in Illinois and

Iowa, for 150 days. Supporting shipper: Fs Services, Inc., 1701 Towanda Avenue, Bloomington, Ill. 61701. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 112617 (Sub-No. 271 TA), filed March 24, 1970. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40220. Applicant's representative: James S. Holloway (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk (except dump vehicles), from Rockport, Ind., to points in Illinois, Indiana, and Kentucky, for 180 days. Supporting shipper: E. C. Ross, Director of Distribution, Swift Agricultural Chemicals Corp., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Wayne L. Merillatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 11607 (Sub-No. 290 TA) (Correction), filed March 6, 1970, published FEDERAL REGISTER, issue of March 21, 1970, and republished as corrected this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Note: The purpose of this republication is to show that applicant seeks to operate for 180 days in lieu of 190 days, as set forth in previous notice. The rest of the notice remains as previously published.

No. MC 124078 (Sub-No. 427 TA), filed March 24, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevetie (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt cake (crude sulphate of soda)*, in bulk from Utica, N.Y., to Paterson, N.J., for 150 days. Supporting shipper: Beaunit Corp., Transportation Department, 202 Remount Road, Gastonia, N.C. 28052 (William H. Owen, Traffic Manager). 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 124328 (Sub-No. 41 TA), filed March 25, 1970. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Currency and coin*, between Lambertville, Ida, Dundee, Milan, and Monroe, Mich., and Toledo, Ohio, for 150 days. Supporting shipper: Seaway Food Town, Inc., 1020 Ford Road, Maumee, Ohio. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124489 (Sub-No. 4 TA), filed March 24, 1970. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West

Homer Street, Chicago, Ill. 60639. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail food service businesses*, from Chicago, Ill., to points in Milwaukee, Kenosha, Racine, and Rock Counties, Wis., and Lake County, Ind., under continuing contract with Dore Popcorn Co., for 150 days. Supporting shipper: Dore Popcorn Co., 1601 South Laffin Street, Chicago, Ill. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133713 (Sub-No. 2 TA), filed March 24, 1970. Applicant: UELAND TRUCKING, INC., Route 1, Box 25B, Shakopee, Minn. 55379. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer*, from the plantsite and storage facilities utilized by St. Paul Ammonia Products, Inc., and Occidental Chemical Co., at Savage, Roseport, Pine Bend, and Minneapolis-St. Paul, Minn., to points in Minnesota, Iowa, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shippers: St. Paul Ammonia Products, Inc., Post Office Box 418, South St. Paul, Minn. 55075; Occidental Chemical Co., Post Office Box 1185, Houston, Tex. 77001.

Send protests to: District Supervisor A. N. Spath, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 134433 TA, filed March 23, 1970. Applicant: FRITZ-WAY MESSENGER SERVICE, INC., 9561 Berwyn, Rosemont, Ill. 60018. Applicant's representative: Eugene L. Cohn, 10 Northeast La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, drugs, cleaning, scouring, and washing compounds, soap powder, soap, clothing, toys, greeting cards, and premiums and prizes*; and (2) *materials, equipment, and supplies used in connection with commodities described in Item 1 above*; and (3) *returned shipments of commodities described in Items 1 and 2 above*; between points in Indiana embraced within an area connecting the Indiana-Illinois State line along U.S. Highway 30 to the junction with Indiana Highway 13, thence north on Indiana Highway 13 to the Indiana-Michigan State line, including points on the indicated highway, points in Michigan embraced within an area connecting in Ludington, Mich.; thence along U.S. Highway 10 to the junction with Michigan Highway 25; thence along Michigan Highway 25 to the junction with U.S. Highway 94; thence along U.S. Highway 94 to the

junction with U.S. Highway 75; thence along U.S. Highway 75 to the Michigan-Ohio State line including points on the indicated highway, points in Ohio embracing within an area connecting at the Ohio-Indiana State line; thence along U.S. Highway 224 to the junction with U.S. Highway 30; thence along U.S. Highway 30 to the junction with U.S. Highway 30N; thence along U.S. Highway 30N to the junction with U.S. Highway 30; thence along U.S. Highway 30 to the junction with Ohio Highway 60; thence along Ohio Highway 60 to the junction with Ohio Highway 58; thence along Ohio Highway 58 to Lorain including points on the indicated highways. Restriction: The above-described operations will be limited to the transportation services to be performed under a continuing contract or contracts with Avon Products, Inc., for 180 days. Supporting shipper Patrick J. Conlon, Transportation Manager, Avon Products, Inc., 175 Progress Place, Springdale, Cincinnati, Ohio 45246. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, Chicago, Ill. 60604.

By the Commission.

[SEAL]

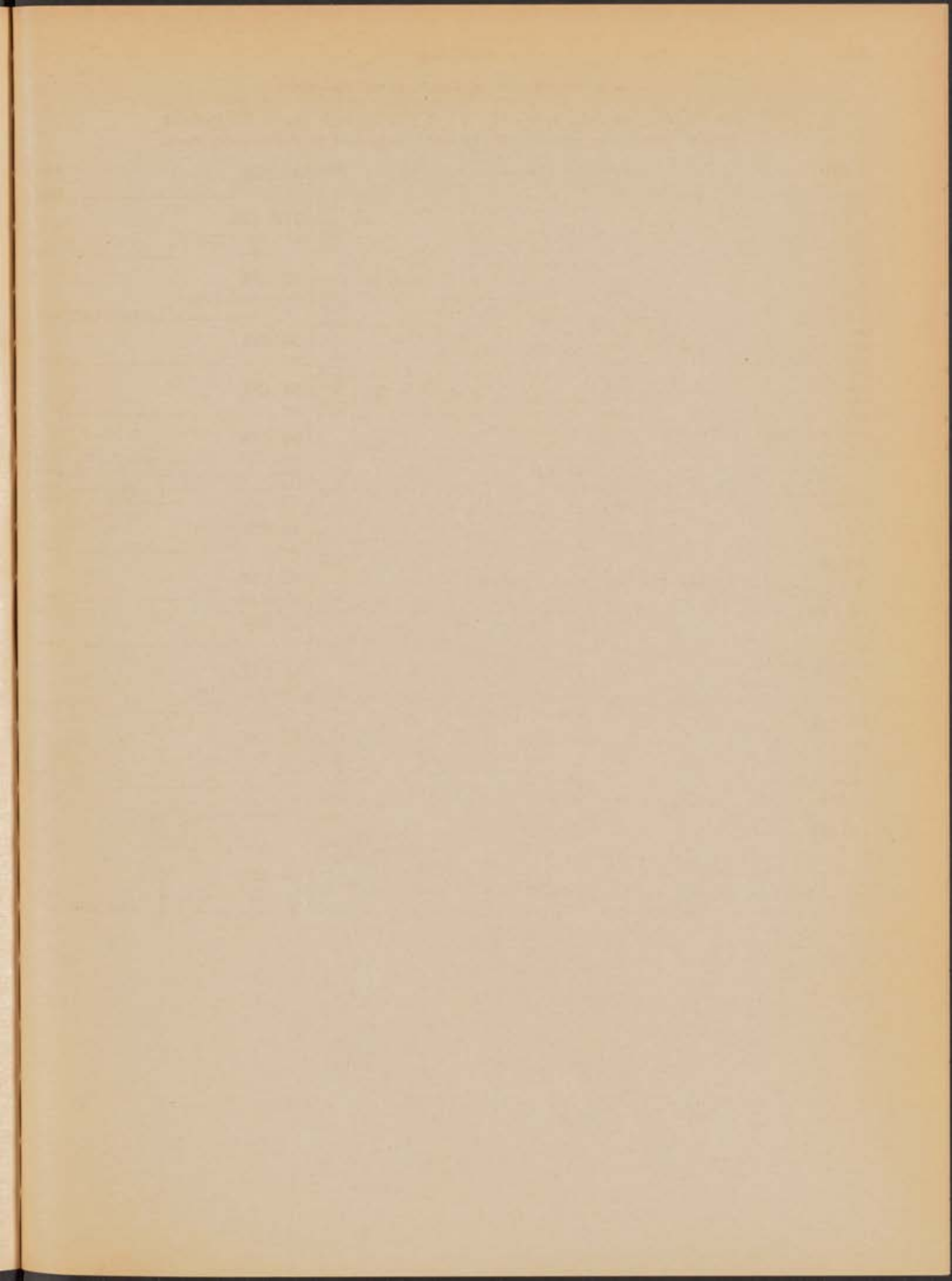
H. NEIL GARSON,
Secretary.

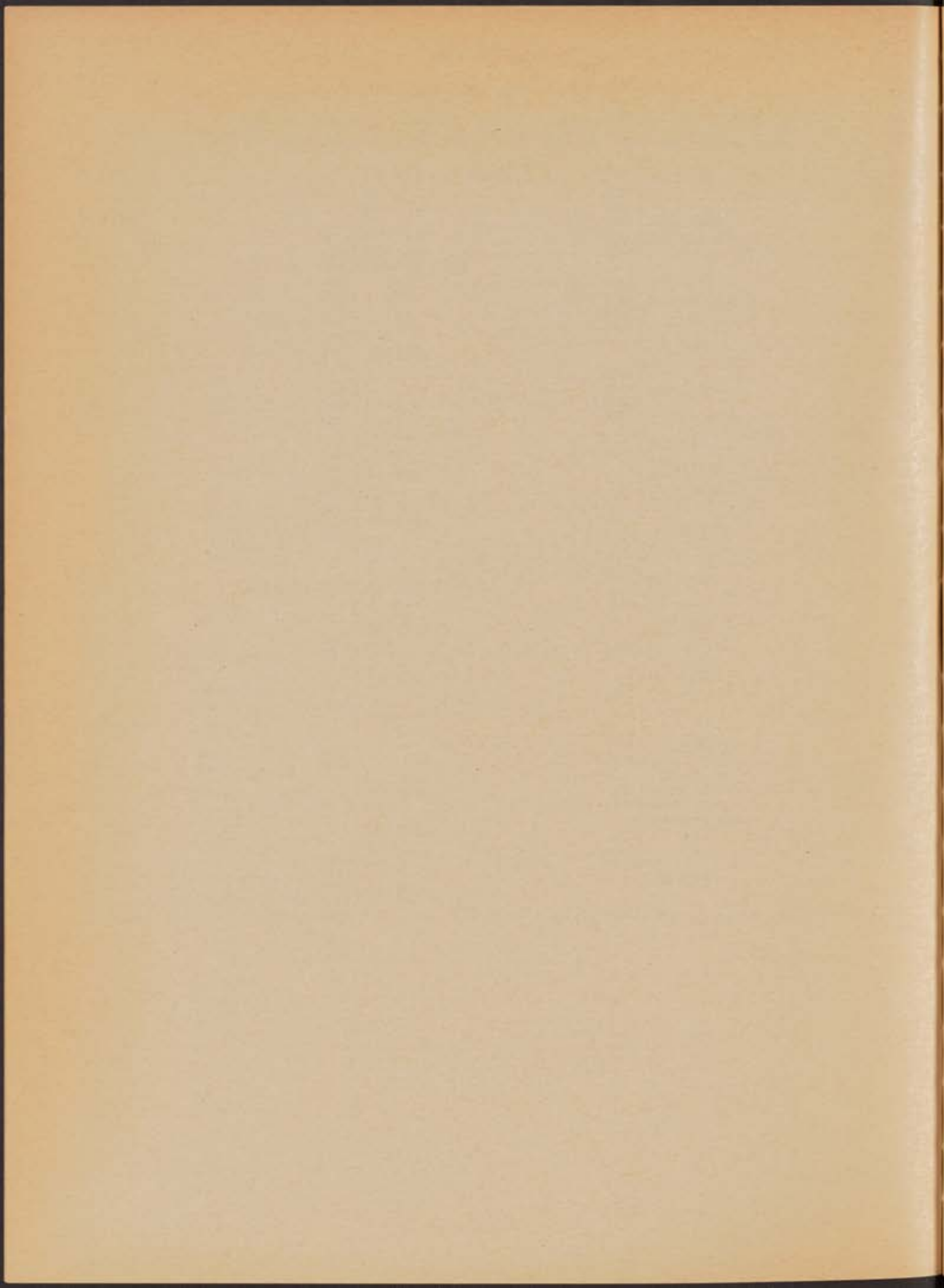
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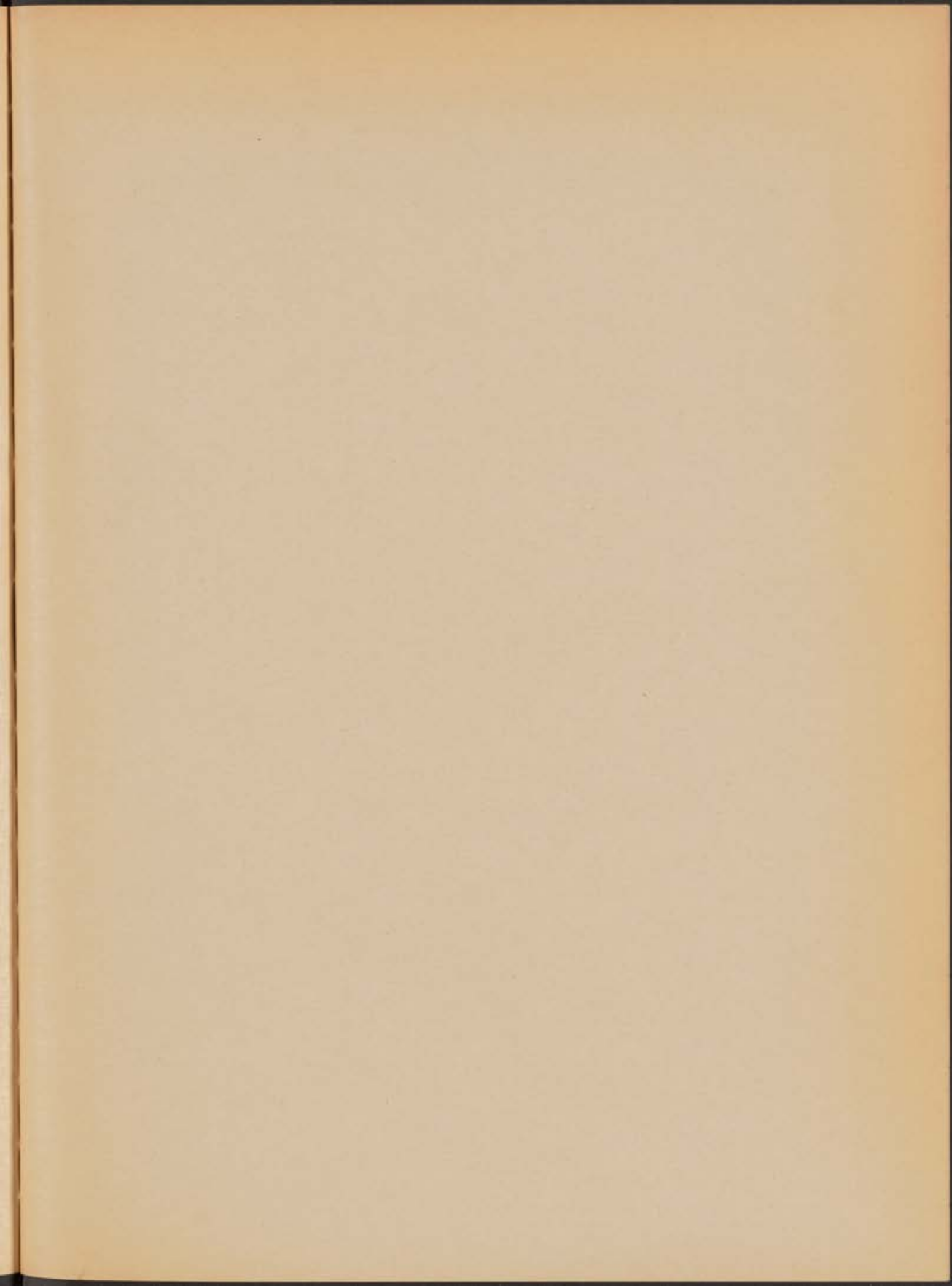
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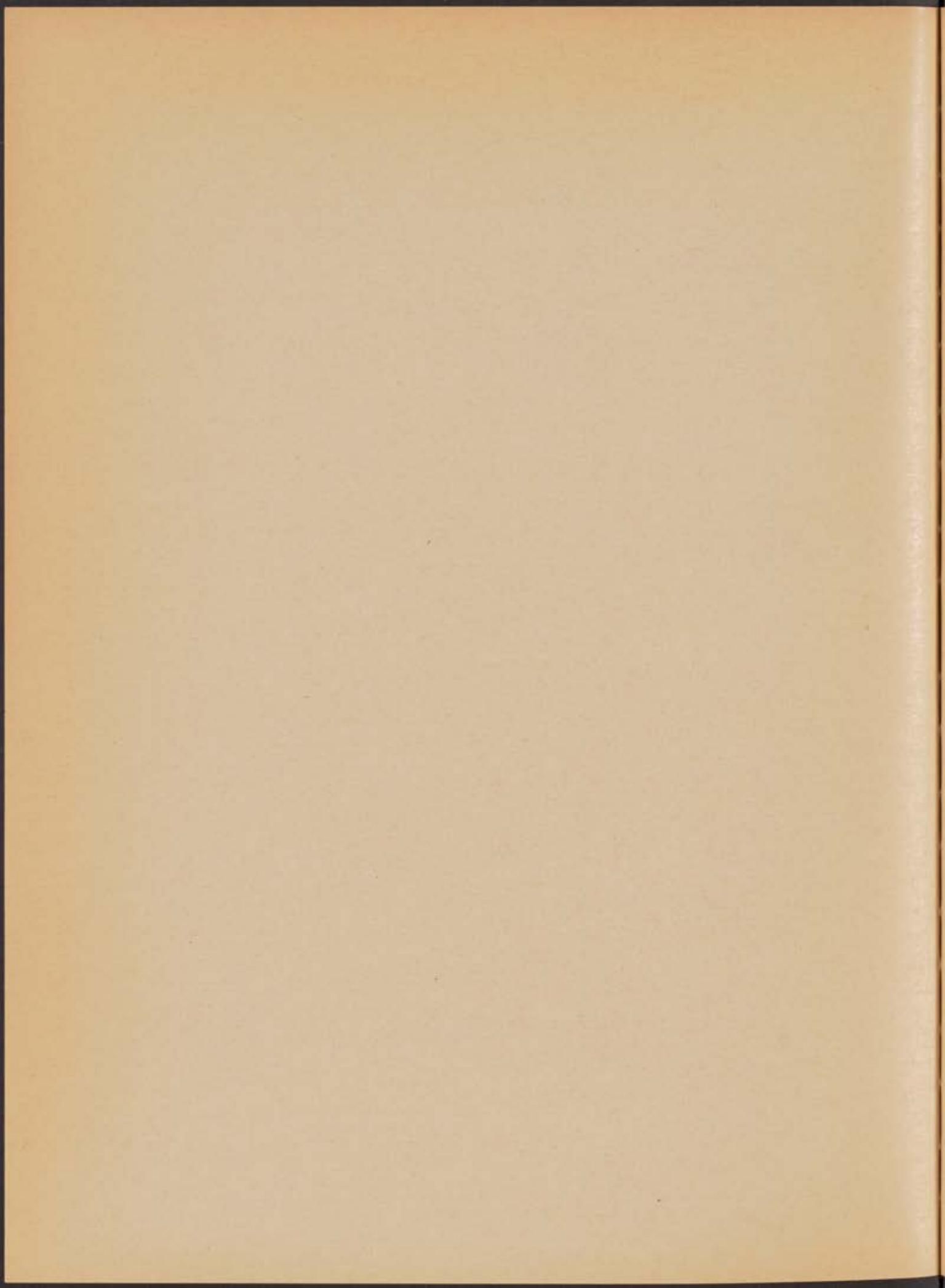
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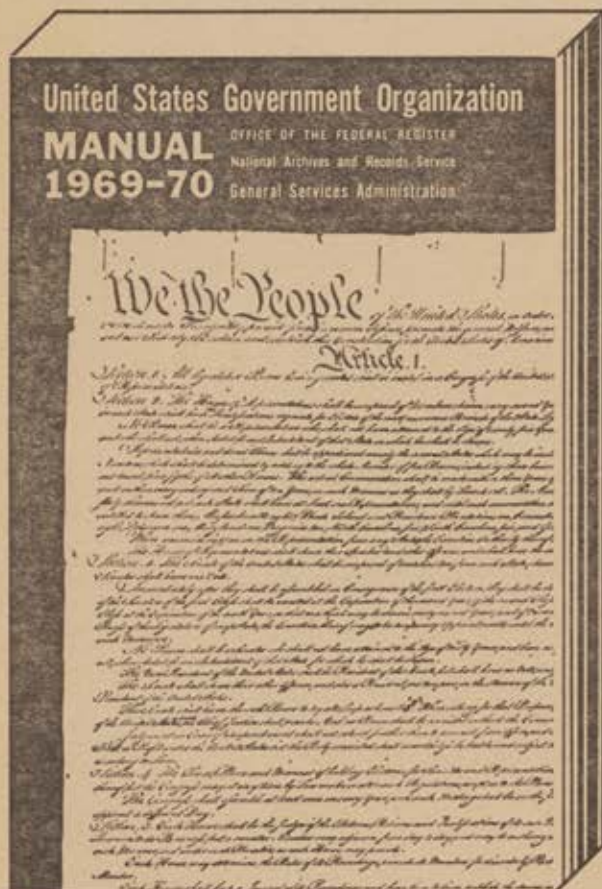


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