FEDERAL REGISTER

VOLUME 35 • NUMBER 86

Saturday, May 2, 1970 • Washington, D.C.

Pages 6995–7046

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—THE PRESIDENT

Proclamation 3982

DAY OF PRAYER

By the President of the United States of America

A Proclamation

One of the cruelest tactics of the war in Vietnam is the Communists' refusal to identify all prisoners of war, to provide information about them and to permit their families to communicate with them regularly. This callous policy is in violation of the Geneva Convention Relative to the Treatment of Prisoners of War, to which North Vietnam acceded in 1957. And it is in contempt of established customs among civilized nations and of ordinary human decency.

The government of the United States of America is making and will continue to make every effort to alleviate the anxiety of the families of these prisoners by working to change this situation. The Congress by a House Concurrent Resolution of April 28, 1970, has resolved that Friday, May 1, 1970, be commemorated as a day for an appeal for international justice for all the American prisoners of war and servicemen missing in action in Southeast Asia and has requested the President to designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Sunday, May 3, 1970, as a National Day of Prayer for all American Prisoners of War and Servicemen Missing in Action in Southeast Asia. I call upon all of the people of the United States to offer prayers on behalf of these men, to instill courage and perseverance in their hearts and the hearts of their loved ones and compassion in the hearts of their captors.

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

Richard Nixon

[F.R. Doc. 70-5490; Filed, May 1, 1970; 11:53 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetles

MISCELLANEOUS AMENDMENTS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), §§ 301.48(b), 301.48–1 (n) and (r), 301.48–3, and 301.48–4 of the regulations under Notice of Quarantine No. 48 (7 CFR 301.48(b), 301.48–1 (n) and (r), 301.48–3, and 301.48–4) relating to the Japanese beetle are hereby revised to read as follows:

§ 301.48 Quarantine; restriction on interstate movement of specified regulated articles.

* * * * *

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State or District any of the articles listed in subparagraph (1) or (2) of this paragraph, except in accordance with the conditions prescribed in this subpart:

(1) When moved from any generally infested area or any area, outside the regulated areas, in a quarantined State or District:

(i) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things;

(ii) Plants with roots, except soil-free aquatic plants, moss, and Lycopodium (clubmoss or ground pine or running pine);

(iii) Grass sod;

(iv) Plant crowns and roots for propagation.

(v) True bulbs, corms, rhizomes, and tubers of ornamental plants, when freshly harvested or uncured.

(vi) Used mechanized soil-moving equipment.

(vii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subdivisions (i) through (vi) of this subparagraph, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle and the person in possession thereof has been so notified.

(2) When moved from any suppressive area in a quarantined State or District:

(i) Bulk soil.

(ii) Used mechanized soil-moving equipment.

(iii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subdivisions (i) and (ii) of this subparagraph, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle and the person in possession thereof has been so notified.

§ 301.48–1 Definitions.

* * * * *

(n) *Regulated articles.* Any articles as listed in § 301.48(b) (1) or (2).

* * * * *

(r) *Suppressive area.* That part of a regulated area where all establishments handling regulated articles, except products being produced on the farm, have been treated for eradication of the Japanese beetle and where eradication of the entire infestation in that part of the regulated area is undertaken as the objective, as designated by the Director under § 301.48–2(a).

* * * * *

§ 301.48–3 Conditions governing the interstate movement of regulated articles from quarantined States and Districts.[2]

(a) Any regulated articles, except soil samples for processing, testing, or analysis, may be moved interstate from any quarantined State or District under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§ 301.48–4 and 301.48–7, if moved;

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive areas; or

(iv) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of spread of the Japanese beetle and the person in possession thereof has been so notified; or

(v) Through or reshipped from any regulated area when such movement is not authorized under subparagraph (2) (v) of this paragraph; or

(2) Without certificate or permit, if moved:

(i) From any generally infested area or any suppressive area, under the provisions of § 301.48–2b which exempts certain articles from certification and permit requirements; or

(ii) From a generally infested area to a contiguous generally infested area; or

(iii) From a suppressive area to a contiguous generally infested area; or

(iv) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the Japanese beetle exists; or

(v) Through or reshipped from any generally infested area or suppressive area if the articles originated outside the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, with a certificate or permit; or without a certificate or permit, if:

(i) The regulated articles are exempt under the provisions of § 301.48–2b; or

(ii) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Director in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved[3] by the Director and so listed by him in a supplemental regulation.[4] A certificate or permit will not be required to be attached to such soil samples except in those situations where the Director has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.48–4 and 301.48–7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of the regulated areas if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.48–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles (except soil samples for processing, testing, or analysis) by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

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[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[3] Pamphlets containing provisions for laboratory approval may be obtained from the Director, Plant Protection Division, ARS, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

[4] For list of approved laboratories, see PPD 639.

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles (except soil samples for processing, testing, or analysis) not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case, he determines that such movement will not result in the spread of Japanese beetle and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles (except soil samples for processing, testing, or analysis) to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles, and certificates or permits to allow the movement of soil samples for processing, testing, or analysis in emergency situations, may be issued by the Director under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments of regulated articles (except soil samples for processing, testing, or analysis) provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Director if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart.

(Secs. 8, 9, 37 Stat 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485)

The foregoing amendments of §§ 301.48(b) and 301.48–1 (n) and (r) change the definitions of regulated articles and suppressive area and specifically designate only bulk soil and used mechanized soil-moving equipment as regulated articles when moved from a suppressive area, although, under the amendments, other articles may be so designated when it is determined that they present a hazard of spreading the Japanese beetle. The amendments of §§ 301.48–3 and 301.48–4 provide that soil samples for processing, testing, or analysis may be moved from the regulated areas (without a certificate or permit) only to approved laboratories, or only in emergencies under authorization from the Director of the Plant Protection Division. The amendment of § 301.48–4(f) clarifies the long-standing administrative interpretation of said section by expressly stating the power of the Director to withdraw certificates or permits.

The amendments of §§ 301.48(b), 301.48–1 (n) and (r), and 301.48–4(f) of the regulations shall become effective upon publication in the FEDERAL REGISTER, when they shall supersede those paragraphs of the regulations effective August 22, 1968. The other amendments of §§ 301.48–3 and 301.48–4 of the regulations shall become effective July 1, 1970, when they shall supersede the corresponding sections of the regulations effective August 22, 1968.

Notice of rule making was published in the FEDERAL REGISTER on November 7, 1969 (34 F.R. 18042), with respect to proposed amendments of the regulations relating to the movement of soil samples. Due consideration has been given to all comments received pursuant thereto and to all other relevant information.

Insofar as the changes in the definitions of regulated articles and suppressive area and in the listing of regulated articles for movement from such an area, imposed more stringent requirements concerning suppressive areas, they should be made effective promptly in order to accomplish their purpose in the public interest. Insofar as those amendments relieve restrictions with respect to such areas, they maybe made effective less than 30 days after publication in the FEDERAL REGISTER. The amendment of § 301.48–4(f) concerning the authority of the Director to withdraw certificates and permits relates to a matter of agency organization and procedure. It does not appear that further public rule-making procedures concerning the amendments would make additional information available to the Department.

Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to the amendments are unnecessary and impracticable, and good cause is found for making the amendments of §§ 301.48(b), 301.48–1 (n) and (r), and 301.48–4(f) effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of April 1970.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-5390; Filed, May 1, 1970; 8:47 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

EXEMPTIONS

Under the authority of § 301.48–2 of the Japanese Beetle Quarantine regulations (7 CFR 301.48–2, as amended), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.48–2b as set forth below. The Director of the Plant Protection Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.48–2b Exempted articles.[1]

The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (c) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized, or compressed.

(b) True bulbs, corms, rhizomes, and tubers (other than clumps of dahlia tubers) of ornamental plants, if free of soil.

(c) Used mechanized soil-moving equipment, if cleaned and repainted.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.48–2)

This list of exempted articles shall become effective July 1, 1970, when it shall supersede the list of exempted articles in 7 CFR 301.48–2b which became effective August 22, 1968.

The purpose of this revision is to delete from the list of exempted articles soil samples of any size if collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States; and soil samples of 1 pound or less which are so packaged so that no soil will be spilled in transit, and are consigned to a laboratory approved by the Director for such purpose.

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

Effective July 1, 1970, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved by the Director and so listed by him.

Done at Hyattsville, Md., this 28th day of April 1970.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[F.R. Doc. 70-5389; Filed, May 1, 1970; 8:47 a.m.]

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

[Lemon Reg. 425]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.725 Lemon Regulation 425.

(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 Agreement 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 April 28, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 3, 1970, through May 9, 1970, are hereby fixed as follows:

(i) District 1: 6,510 cartons;

(ii) District 2: 249,240 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 29, 1970.

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

[F.R. Doc. 70-5408; Filed, May 1, 1970; 8:49 a.m.]

[966.307, Amdt. 5]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because (1) the time intervening between the date when the information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing than would otherwise prevail will be promoted by regulating the handling of tomatoes in the manner set forth in this amendment, (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (6) this amendment affects only tomatoes grown in the Florida production area in that it applies the same regulations to shipments within the regulated area in the State of Florida as are in effect for shipments to points outside such regulated area.

Regulation, as amended. In § 966.307 (34 F.R. 18090, 19746; 35 F.R. 3159, 3798, 4546) the introductory paragraph and paragraphs (a), (b), (c), (d), and (e) are hereby amended to read as follows:

§ 966.307 Limitation of shipments.

During the period from May 4 through July 31, 1970, the following regulations shall be effective with respect to all varieties of tomatoes handled, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes, commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes.

(a) *Grade.* No person shall handle any lot of tomatoes unless they are U.S. No. 3, or better grade.

(b) *Minimum size requirements.* No person shall handle any lot of tomatoes unless they meet the following requirements:

(1) For mature green tomatoes—over $2\frac{2}{32}$ inches in diameter;

(2) For all other tomatoes—over $2\frac{1}{32}$ inches in diameter;

(3) For all tomatoes—not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(c) *Size classifications.* (1) No person shall handle any lot of tomatoes unless they are packed in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
6 x 7	Over $2\frac{26}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{28}{32}$, inclusive.
5 x 6 and larger	Over $2\frac{28}{32}$.

(2) Tomatoes shall be packed separately for each designated size range except that size 6 x 6 and larger may be commingled.

(3) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(d) *Containers.* (1) No person shall handle any lot of tomatoes unless they are packed in one of the following container sizes and the net weights of the tomatoes contained therein are within the specified weight tolerances:

Container weight	Minimum weight	Maximum weight
	Pounds	
20	20	21½
30	30	31½
40	40	41½
60	60	62

(2) To allow for variations incident to proper packing, not more than a total of ten (10) percent of the containers in any lot, by count, may vary from the net weights specified for each such container.

(e) *Inspection.* No person shall handle any lot of tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 966.60.

* * * * *

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

Effective date. Dated April 29, 1970, to become effective May 4, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-5415; Filed, May 1, 1970; 8:45 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, the introductory portion of paragraph (e) is amended by deleting therefrom the name of the State of Connecticut; paragraph (e)(2) relating to the State of Connecticut is deleted; and paragraph (f) is amended by adding the name of the State of Connecticut thereto.

2. In § 76.2, paragraph (e)(8) relating to the State of Mississippi is amended to read:

(8) *Mississippi.* (i) Alcorn, Prentiss, Tippah, and Tishomingo Counties.

(ii) That portion of Itawamba County bounded by a line beginning at the junction of U.S. Highway 78 and the Mississippi-Alabama State line; thence, following U.S. Highway 78 in a generally northwesterly direction to the East Fork Tombigbee River; thence, following the east bank of the East Fork Tombigbee River in a northerly direction to the Itawamba-Prentiss County line; thence, following the Itawamba-Prentiss County line in an easterly direction to the Itawamba-Tishomingo County line; thence, following the Itawamba-Tishomingo County line in an easterly direction to the Mississippi-Alabama State line; thence, following the Mississippi-Alabama State line in a southwesterly direction to its junction with U.S. Highway 78.

(iii) The adjacent portions of Madison and Hinds Counties bounded by a line beginning at the junction of U.S. Highway 49 and State Road 22; thence, following State Road 22 in a generally easterly direction to State Road 463; thence, following State Road 463 in a southeasterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a southwesterly direction to the Hinds-Madison County Line Road; thence, following the Hinds-Madison County Line Road in a westerly direction to U.S. Highway 49; thence, following U.S. Highway 49 in a northerly direction to its junction with State Road 22.

(iv) That portion of Monroe County bounded by a line beginning at the junction of U.S. Highway 278 and State Highway 8; thence, following State Highway 8 in a generally southwesterly direction to the Tombigbee River; thence, following the east bank of the Tombigbee River in a northerly direction to U.S. Highway 278; thence, following U.S. Highway 278 in a southeasterly direction to its junction with State Highway 8.

(v) The adjacent portions of Monroe and Lee Counties bounded by a line beginning at the junction of U.S. Highway 278 and the Tombigbee River; thence, following the west bank of the Tombigbee River in a northeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to State Highway 371; thence, following State Highway 371 in a northerly direction to the Monroe-Itawamba County line; thence, following the Monroe-Itawamba County line in a westerly direction to the Itawamba-Lee County line; thence, following the Itawamba-Lee County line in a northerly direction to U.S. Highway 78; thence, following U.S. Highway 78 in a westerly direction to U.S. Highway 45; thence, following U.S. Highway 45 in a southerly direction to State Highway 45W; thence, following State Highway 45W in a southwesterly direction to the Lee-Chickasaw County line; thence, following the Lee-Chickasaw County line in an easterly direction to the Lee-Monroe County line; thence, following the Lee-Monroe County line in a southerly direction to State Highway 41; thence, following State Highway 41 in an easterly direction to U.S. Highway 278; thence, following U.S. Highway 278 in a southeasterly direction to its junction with the Tombigbee River.

(vi) 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 northwesterly 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)(20) relating to the State of Virginia, a new subdivision (xiv) relating to Charlotte County is added to read:

(20) *Virginia.* * * *

(xiv) That portion of Charlotte County bounded by a line beginning at the junction of Primary Highway 47 and Secondary Highway 666; thence, following Primary Highway 47 in a southeasterly direction to Primary Highway 40; thence, following Primary Highway 40 in a westerly direction to Secondary Highway 645; thence, following Secondary Highway 645 in a generally southwesterly direction to Secondary Highway 619; thence, following Secondary Highway 619 in a northwesterly direction to Secondary Highway 617; thence, following Secondary Highway 617 in a northerly direction to Secondary Highway 675; thence, following Secondary Highway 675 in a generally northeasterly direction to Secondary Highway 727; thence, following Secondary Highway 727 in a northerly direction to Secondary Highway 666; thence, following Secondary Highway 666 in a northeasterly direction to its junction with Primary Highway 47.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–972, 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 Charlotte County, Va.; all of Alcorn County and portions of Tippah, Prentiss, and Tishomingo Counties in Mississippi because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties. All portions of Alcorn, Prentiss, Tippah, and Tishomingo Counties in Mississippi have now been quarantined.

The amendments also exclude Windham County, Conn., 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 area, 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 area excluded from quarantine.

The foregoing amendments also add the State of Connecticut to the list of hog cholera eradication States as set forth in § 76.2(f).

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 28th day of April 1970.

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[P.R. Doc. 70-5388; Filed, May 1, 1970; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

PART 608—ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION

Organization

Part 608 of Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 608.1 (a), (a)(2), (4), (4) (iv), (v), and (vi), (c)(1), (d), (d)(1), and (e), and by adding (a)(4) (vii), to read as follows:

§ 608.1 **Organization.**

(a) *Farm Credit Administration.* The Farm Credit Administration is an independent agency in the executive branch of the Government. It consists of the Federal Farm Credit Board, the Governor, and other officers and employees. The central offices of the Farm Credit Administration are located in the South Agriculture Building, 14th Street and Independence Avenue SW., Washington, D.C. Its mailing address is Farm Credit Administration, Washington, D.C. 20578. The hours of business are 8:15 a.m.–4:45 p.m. Monday through Friday, excluding holidays.

* * * * *

(2) The Governor of the Farm Credit Administration is its chief executive officer. He is appointed by the Federal Farm Credit Board, and serves at its pleasure. During any period in which Government capital is invested in the banks and associations supervised by the Farm Credit Administration, the appointment of the Governor is subject to the approval of the President, and during such period the President has the power to require removal of the Governor. On Decemer 31, 1968, the Government capital then remaining in the banks and associations was retired. Under the general supervision of the Federal Farm Credit Board, the Governor is responsible for the execution of laws creating the powers, functions, and duties of the Farm Credit Administration.

* * * * *

(4) In addition to the three Services, the Farm Credit Administration includes the following: Accounting and Budget Division; Examination Division; Finance Division; Office of the General Counsel; Personnel and Administrative Services Division; Economic Research Division, and Information Division.

* * * * *

(iv) The Office of the General Counsel, headed by the General Counsel, performs legal services for the Federal Farm Credit Board, the Governor, and members of his staff, and consults with and coordinates the work of attorneys employed by the banks.

(v) The Personnel and Administrative Services Division, headed by the Chief thereof, plans and directs the personnel program for the Farm Credit Administration and coordinates and advises in the administration of the personnel programs in the farm credit districts. It also provides administrative services to the Farm Credit Administration.

(vi) The Economic Research Division, headed by the Director, makes studies of economic, financial, and credit factors affecting the gathering of loan funds, and the extension of sound, useful credit.

(vii) The Information Division, headed by the Director, carries on information, member relations, and educational programs to inform farmers of the availability and the use of credit, provides information services for the Farm Credit Administration, and coordinates System wide activities of the banks and associations supervised by the Farm Credit Administration.

* * * * *

(c) *Federal land banks.* * * *

(1) The Federal land bank associations endorse loans made by the Federal land bank and elect the loan applicants to association membership. All of the stock of the Federal land bank associations, is owned by their member-borrowers. The member-borrower purchases capital stock in the Federal land bank association in an amount equal to 5 percent of his loan. The association in turn purchases a like amount of capital stock in the Federal land bank. When the loan is repaid, the capital stock in the bank and the association is retired. Each Federal land bank association is managed by a board of directors elected by and from the membership. Loan applications may be submitted to the manager of the Federal land bank association in the community in which the farm offered as security is located.

(d) *Federal intermediate credit banks.* The 12 Federal intermediate credit banks, one in each farm credit district, were established as permanent institutions under the Federal Farm Loan Act as amended by the Agricultural Credits Act of 1923 (42 Stat. 1454, as amended; 12 U.S.C., Ch. 7, Subch. III). The capital stock of the Federal intermediate credit banks is owned by production credit associations. The Federal intermediate credit banks are primarily banks of discount for agricultural and livestock lending institutions. The banks are authorized to make loans to, and discount agricultural paper for, production credit associations and various other financing institutions, such as State and national banks, agricultural credit corporations, livestock loan corporations and similar lending groups. The interest of such other financing institutions in the Federal intermediate credit banks is evidenced by participation certificates issued by the banks. The Federal intermediate credit banks obtain their loan funds principally from sales to the investing public of their consolidated collateral trust debentures. These debentures are not guaranteed by the Government either as to principal or interest.

(1) Production credit associations are corporations organized under the Farm Credit Act of 1933 (48 Stat. 259, as amended; 12 U.S.C., Ch. 7, Subch. IV, VI). The production credit associations originally were capitalized by the Government. The production credit associations make short- and intermediate-term loans to farmers and ranchers for general agricultural purposes and other requirements of the borrowers. Upon obtaining a loan, the borrower is required to purchase class B capital stock in the production credit association in an amount equal to 5 percent of his loan. The associations do not lend Government funds. They obtain most of their funds by rediscounting farmers' notes with the Federal intermediate credit banks. To obtain a production credit association loan, a farmer or rancher may apply to the local production credit association or one of its field offices.

* * * * *

(e) *Banks for cooperatives.* The banks for cooperatives, one in each farm credit district and a Central Bank for Cooperatives in the District of Columbia, were organized under the Farm Credit Act of 1933 (48 Stat. 257, as amended; 12 U.S.C., Ch. 7, Subch. V, VI). The banks provide credit on a sound business basis to farmer cooperatives. The Central Bank for Cooperatives services district banks for cooperatives by making direct loans to

them and participating in loans that exceed their respective lending limits. The banks for cooperatives originally were capitalized by the Government. Today, however, all of the banks for cooperatives are completely owned by the farmer cooperatives which borrow from them. The banks for cooperatives obtain their loan funds principally from sales to the investing public of their consolidated collateral trust debentures. These debentures are not guaranteed by the Government either as to principal or interest. The banks for cooperatives make loans only to cooperative associations in which farmers act together in marketing farm products, purchasing farm supplies, or furnishing farm business services.

(Sec. 17, 39 Stat. 375, as amended, sec. 2, 42, Stat. 1459, sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665, 831, 1101)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[F.R. Doc. 70-5395; Filed, May 1, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-SW-68; Amdt. 39-983]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive clarifying certain inspection and blade replacement requirements on Bell Model 47 Series Helicopters to supersede Amendment 39-546, AD 68-2-3, was published in 33 F.R. 5587.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Five letters were received in response to the proposal. None of the letters contained objections to the inspections proposed. Four letters contained objections to the 600-hour retirement time, and three of these letters included information concerning the total hours of operation during which a tail rotor blade failure had not occurred or a tail rotor blade crack was not found. One comment suggested that a particular engine model might be a contributing factor in the adverse service history of the metal tail rotor blades. Another comment suggested that an engine model and power setting might be a contributing factor. Both of these factors were considered by the Agency in the original analysis. No correlation was found between tail rotor blade failures or cracks and any particular Model 47 helicopter/engine combination. Service history accumulated as a result of AD 68-2-3 and in response to the proposal does not justify an extension of the 600-hour replacement time.

One letter has been received specifically requesting an increase in the blade retirement time for restricted category helicopter operations. No evidence was submitted to jusify liberalization of the retirement time for restricted category helicopters. Moreover, the service history for normal category helicopter operations would preclude an extension of blade retirement time for more severe usage of the helicopter under restricted category operations.

No comments were received regarding the removal and replacement of all replacement tail rotor blades before these blades accumulate 600 hours time in service. This amendment is adopted as proposed, except for minor editoral changes to include any other helicopter equipped with the metal tail rotor blades and to remove the reference to restricted category helicopters since these particular helicopters are now included in the new applicability statement.

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

BELL. Applies to Model 47 series helicopters, equipped with metal tail rotor blades, P/N 47-642-102 and to any other helicopters equipped with metal tail rotor blades, P/N 47-642-102.

Compliance required as indicated.

To prevent failure of tail rotor blades due to fatigue cracks, accomplish the following:

(a) Before the first flight of each day and before the first flight after each refueling of the helicopter after the effective date of this AD, visually check for cracks and permanent deformation in the tail rotor grips in the area between Blade Station 2.7 and 3.7, in the tail rotor blade trailing edge between Blade Station 5.0 and 8.0, and at the area surrounding the rivets that attach the blade skin to the grip, using a three-power or higher magnifying glass. (Station 0 is the center of the tail rotor yoke.)

(b) Before the first flight of each day and before the first flight after each refueling of the helicopter after the effective date of this AD, visually check blades equipped with tabs, P/N 47-642-114, for deformation of the tabs or check the equivalent strike-detection device in a manner approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(c) Replace tail rotor blades having cracks or permanent deformation on skid-equipped helicopters before further flight.

(d) Replace tail rotor blades having cracks, permanent deformation, bent tabs, or strike indication from equivalent strike-detection device on float-equipped helicopters before further flight, except that blades with bent tabs or a strike-indication from the equivalent strike-detection device only may be flown for a period not to exceed 1.5 hours in accordance with FAR 21.197 to a base where the blade may be replaced.

(e) Within the next 300 blade hours' time in service after November 25, 1966, install tabs, P/N 47-642-114, on metal tail rotor blades, P/N 47-642-102, of float-equipped helicopters in accordance with Bell Service Letter No. 135 dated June 21, 1965, or an equivalent strike-detection device approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(f) Within 10 hours' time in service after the effective date of AD 68-2-3, provide a clear view of the tail rotor blade external critical areas in the manner prescribed in Bell Service Bulletin 143 SB, Revision D, dated January 23, 1968, or in a manner approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(g) The checks in (a) and (b) above may be performed by the pilot.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this AD in the aircraft permanent maintenance record, see FAR 91.173.

(h) Inspect those tail rotor blades having 300 or more hours' time in service on the effective date of AD 68-2-3 within 10 hours' time in service therefrom in accordance with the procedures listed below. Inspect those tail rotor blades having less than 300 hours' time in service before reaching 310 hours' time in service in accordance with the procedures listed below. Accomplish repetitive inspections in accordance with the procedures listed below at intervals of not more than 150 hours' time in service from the last inspection.

(1) Remove the tail rotor blade from the helicopter in accordance with the appropriate model maintenance and overhaul instruction manual.

(2) Remove the metal grease seal in the blade grip. If bonded, remove in the manner prescribed in Bell Service Bulletin 143 SB, Revision D, dated January 23, 1968, or in a manner approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(3) Visually inspect internal surfaces of the blade grip for cracks in the rivet area using a dental mirror and light or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(4) Visually inspect the internal surface of the grip for cracks and tool marks in the bearing relief under-cut radius using a dye penetrant or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(5) Install a new metal grease seal, P/N 47-642-112 as required, in the blade grip in the manner described in Bell Service Bulletin 143 SB, Revision D, dated January 23, 1968, or in a manner approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(6) Reassemble, reinstall, balance and track metal tail rotor blades in accordance with the appropriate model maintenance and overhaul instruction manual.

(i) Remove and replace metal tail rotor blades with 500 or more hours' time in service on the effective date of AD 68-2-3, within 100 hours' time in service therefrom.

(j) Remove and replace metal tail rotor blades with less than 500 hours' time in service on the effective date of AD 68-2-3, prior to accumulating 600 hours' time in service.

(k) Remove and replace all subsequent replacement metal tail rotor blades prior to accumulating 600 hours' time in service.

This supersedes Amendment 39-546 (33 F.R. 2885) AD 68-2-3 which became effective to all known United States operators of Bell Model 47 series helicopters upon receipt of individual copies mailed January 20, 1968, and to all other persons on February 13, 1968.

This amendment becomes effective June 2, 1970.

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

Issued in Fort Worth, Tex., on April 23, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-5377; Filed, May 1, 1970; 8:46 a.m.]

[Docket No. 9631; Amdt. 61-49]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Type Rating for Pilots of Single Pilot Station Airplanes

The purpose of this amendment to § 61.17 of the Federal Aviation Regulations is to provide for the issuance of a type rating not limited to VFR only to pilots of large airplanes, or small turbojet powered airplanes, that have only a single pilot station.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (Notice 69-24) issued on June 2, 1969, and published in the FEDERAL REGISTER on June 7, 1969 (34 F.R. 9080). Due consideration has been given to all comments presented in response to that notice.

Five public comments were received on the notice. Four comments concurred with the proposal. One comment asserted that the proposed rule would encourage airplane manufacturers to design airplanes with single pilot stations to be used by air taxi and other commercial operators in operations with passengers for hire. This would not occur so far as Part 121 operations are concerned, since under that part two pilots are required. Nor would this occur under a Part 135 operation with large aircraft, since Part 135 operations with large aircraft are conducted under Part 121.

This amendment adds a new § 61.17 (k), as proposed in the notice, that provides a method of obtaining a type rating not limited to VFR only, for an applicant who cannot show instrument proficiency for a particular airplane during the flight test because there is only a single pilot station. The applicant will be required to hold an instrument rating applicable to airplanes (although not in the particular airplane involved). Also, the applicant will be required to meet the additional class requirements of § 61.17(h), since the flight test under that provision is given under visual flight rules and can be accomplished in a single pilot station airplane.

In consideration of the foregoing, § 61.17 of the Federal Aviation Regulations is amended, effective June 1, 1970, as follows:

By amending the heading of paragraph (j), by redesignating paragraph (k) as paragraph (l), and by inserting a new paragraph (k) to read as follows:

§ 61.17 Type ratings and additional aircraft ratings (other than airline transport and lighter-than-air).

* * * * *

(j) *Type: except single pilot station airplane not limited to "VFR only".* * * *

* * * * *

(k) *Type: single pilot station airplane not limited to "VFR only".* An applicant for an original or additional type rating not limited to "VFR only," for a large airplane or small turbojet powered airplane, with a single pilot station must—

(1) Hold an instrument rating applicable to airplanes;

(2) Meet the requirements of paragraph (h) of this section in the type of airplane for which the type rating is sought; and

(3) Meet subdivision (i) or (ii) of this subparagraph, whichever is applicable.

(i) Have shown proficiency solely by reference to instruments under § 61.37 (c) (2) and (3) (iii), (iv), and (v), in a multiengine airplane for which a type rating is required, if he already holds a type rating for a multiengine airplane.

(ii) If he cannot comply with subdivision (i) of this subparagraph and he seeks a type rating for a single-engine airplane, show proficiency solely by reference to instruments under § 61.37(c) (2) and (3) (iii), (iv), and (v), in any airplane, or have had the recent instrument flight experience set forth in § 61.47(d) before taking the flight test under subparagraph (2) of this paragraph.

* * * * *

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422); sec. 6(c), Department of Transportation Act; (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on April 24, 1970.

G. S. MOORE,
Acting Administrator.

[F.R. Doc. 70-5378; Filed, May 1, 1970; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1720]

PART 13—PROHIBITED TRADE PRACTICES

Ken-Chilla, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* 13.15-125 Individual or private business being: 13.15-125(a) Association; § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1460 *Individual or private business as professional person, association or guild;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ken-Chilla, Inc., et al., Nampa, Idaho, Docket C-1720, Apr. 7, 1970]

In the Matter of Ken-Chilla, Inc., a Corporation, and Chinchilla Producers Association, Inc., a Corporation, and Kenneth R. Sadler and Jeannine E. Sadler, Individually and as Officers of Said Corporations, and Alfred G. Giessing, Individually and as a Former Salesman for Said Corporations

Consent order requiring a Nampa, Idaho, seller of chinchilla breeding stock and its subsidiary located in Portland, Oreg., to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, falsely using the word "association," and misrepresenting its services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Ken-Chilla, Inc., and Chinchilla Producers Association, Inc., corporations, and their officers, and Kenneth R. Sadler and Jeannine E. Sadler, individually and as officers of said corporations, and Alfred G. Giessing, individually and as a former salesman for said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chincillas in homes, basements, garages or spare buildings, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved in spare time or without knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive select or top quality or "Empress" quality chinchillas, or chinchillas which will produce "Empress" quality offspring or offspring yielding "Empress" quality pelts.

5. Each female chinchilla purchased

from respondents and each female offspring will produce at least three live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Female chinchillas purchased from respondents and female offspring thereof will produce two or three litters of one to six offspring per year.

8. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of proposed respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Chinchillas or chinchilla pelts are in great demand, that the demand exceeds the supply, or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

10. Pelts from the offspring of chinchilla breeding stock sell for an average price of $25 per pelt, or that they generally sell for from $15 to $60 each.

11. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless, in fact, the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

12. Purchasers of respondents' breeding stock will realize earnings, profits, or income in any amount or range of amounts, or sufficient for financial independence, retirement, college education or a new home; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless, in fact, the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder, and the identity of the guarantor.

14. The assistance, advice, or guidance furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers successfully to breed or raise chinchillas as a commercially profitable enterprise.

B. Using the word "association" or any other word of similar import or meaning in or as a part of respondents' trade or corporate name, or representing directly or by implication that respondents are an association or group formed for the mutual aid, benefit and protection of chinchilla ranchers, or misrepresenting in any manner the nature or character of respondents' business.

C. Misrepresenting in any manner the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

D. Misrepresenting in any manner the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

E. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of respondents' products or services, and failing to secure from each such individual a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 7, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-5367; Filed, May 1, 1970; 8:45 a.m.]

[Docket No. C-1714]

PART 13—PROHIBITED TRADE PRACTICES

Silver Pride Chinchillas, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Silver Pride Chinchillas, Inc., et al., Nashville, Tenn., Docket C-1714, Mar. 25, 1970]

In the Matter of Silver Pride Chinchillas, Inc., a Corporation, and Jay F. Meyers and I. T. Sturges, Individually and as Officers of Said Corporation

Consent order requiring a Nashville, Tenn., distributor of chinchilla breeding stock to cease making exaggerated earning claims for purchasers of its chinchillas, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Silver Pride Chinchillas, Inc., a corporation, and its officers, and Jay F. Meyers and I. T. Sturges, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, porches, garages, sheds, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive pedigreed or top quality chinchillas.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least four live offspring per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of

numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to five live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $30 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $25 to $45 each.

10. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

11. A purchaser starting with four mated pairs of respondents' chinchilla breeding stock will, from the sale of pelts, recover his purchase money in 3 years or have an annual income, earnings or profits of $7,000 in the fifth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Respondents' chinchillas are guaranteed unless respondents do in fact promptly fulfill all of their obligations and requirements set forth in or represented, directly or by implication, to be contained in any guarantee or warranty applicable to each and every chinchilla.

15. Purchasers of respondents' chinchilla breeding stock will receive advice from a chinchilla expert at any interval or frequency unless purchasers do in fact receive the represented number of service calls at the represented interval or frequency.

16. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

17. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

18. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

B. 1. Misrepresenting, in any manner, the assistance, training, services or advice supplied by respondents to purchasers of their chinchilla breeding stock.

2. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

C. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of the respondents' products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 25, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-5366; Filed, May 1, 1970; 8:45 a.m.]

[Docket No. C-1479]

PART 13—PROHIBITED TRADE PRACTICES

Western Star Beef, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-10 Bait; 13.155-95 Terms and conditions; § 13.175 *Quality of product or service;* § 13.180 *Quantity:* 13.180-35 Offered. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions:* 13.-1905-50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Western Star Beef, Inc., et al., Tewksbury, Mass., Docket C-1479, Apr. 10, 1970]

In the Matter of Western Star Beef, Inc., a Corporation, and Great Western Beef Provisioners, Inc., a Corporation, and Western Star Beef of Worcester, Inc., a Corporation, and James J. Kintigos, and James J. Weldon, Jr., Individually and as Officers of Said Corporations

Order modifying an earlier order dated January 21, 1969, 34 F.R. 2200, prohibiting three Massachusetts meat retailers from using various deceptive practices in the sale of their products, by requiring the respondents to affirmatively disclose by a notice on the face of each installment sales contract that subsequent holders of the instrument shall be subject to all defenses which the customer has against the respondents.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Western Star Beef, Inc., a corporation, Great Western Beef Provisioners, Inc., a corporation, and Western Star Beef of Worcester, Inc., a corporation, and their officers, and James J. Kintigos and James J. Weldon, Jr., individually and as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of beef or any other food product, do forthwith cease and desist from:

1. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents, directly or by implication:

(a) That any products are offered for sale when the purpose of such representation is not to sell the offered products, but to obtain prospects for the sale of other products at higher prices.

(b) That any product is offered for sale when such offer is not a bona fide offer to sell such product.

2. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to clearly and conspicuously disclose:

(a) That under respondents' sales policy, meat advertised as "beef halves" will be sold only as two fore quarters of a beef carcass; that such sections of beef are subject to much waste by way of fat and bone, and contain the least desirable cuts of beef.

(b) Charges for cutting, trimming, wrapping or for any other service or process performed by respondents which are not included in the advertised prices, and which are required to be paid by the purchaser.

(c) That interest and/or carrying charges will be included in the installment payments if an account is not paid within either 105 days, or any other specified period of time, said time period to appear in purchasers' installment contracts.

(d) That beef halves and other untrimmed meats are sold subject to weight loss due to cutting, dressing, and trimming.

(e) That the price charged for such meat is based on the weight thereof before cutting, dressing, and trimming occurs.

(f) The average percentage of weight loss of such meat due to cutting, dressing, and trimming, or, in the alternative, the range of percentages, minimum to maximum, of weight lost due to cutting, dressing, and trimming.

3. Disseminating, or causing the dissemination of any advertisement by means of U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which misrepresents in any manner the price, quantity, or quality of any such products, or the terms, conditions and requirements of installment payment contracts executed by purchasers thereof.

4. Disseminating, or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any meat or other food product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of this order, which fails to comply with the affirmative requirements of paragraph 2 or which contains any of the misrepresentations prohibited in paragraph 3 hereof.

5. Discouraging the purchase of, or disparaging in any manner, any meat or other food products which are advertised or offered for sale in advertisements, disseminated or caused to be disseminated by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act.

6. Failing to deliver a copy of this order to cease and desist to all operating divisions of the corporate respondents and to all officers, managers and salesmen, both present and future, and to any other person now engaged or who becomes engaged in the sale of meat or other food products as respondents' agent, representative, or employee; and to secure a signed statement from each of said persons acknowledging receipt of a copy thereof.

It is further ordered, That respondents Western Star Beef, Inc., a corporation, Great Western Beef Provisioners, Inc., a corporation, Western Star Beef of Worcester, Inc., a corporation and, their officers, and James J. Kintigos and James J. Weldon, Jr., individually and as officers of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of meat or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Failing to include the following legend on the face of any note or other instrument of indebtedness executed by respondents' customers in connection with the purchase of any meat or other food products.

NOTICE

Any holder of this instrument shall take it subject to any and all defenses which the maker hereof has against Western Star Beef, Inc., or any of its affiliates, which arise out of any representations or other conduct in connection with the contract giving rise to this instrument which violates the Federal Trade Commission Act or any other statute administered by the Federal Trade Commission.

It is further ordered, That the respondents herein, shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 10, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70-5365; Filed, May 1, 1970; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. R-376; Order 400]

PART 250—FORMS

Escrow Agreement

APRIL 28, 1970.

On January 6, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 468, 2730, Jan. 14 and Feb. 7, 1970) proposing to amend Part 250 of the regulations under the Natural Gas Act[1] by adding a new § 250.12 prescribing a form of escrow agreement to be used by natural gas companies when ordered by the Commission to retain refundable monies pending further action of the Commission prescribing the disposition of such refund monies.

Comments were invited from interested persons to be submitted by February 20, 1970. In response to the notice, comments were received from Panhandle Eastern Pipe Line Co. (Panhandle) and Transcontinental Gas Pipe Line Corp. (Transco).

Panhandle generally supports the proposal of the Commission, but proposes that whenever the terms "Trustee" and "Trust" are used in the proposed form of escrow agreement, the terms "Escrow Agent" and "Escrow Fund" be used, respectively, therefor. Panhandle states that the use of terms casting the escrow agreement in the form of a trust presents numerous problems, including Federal income tax problems. Additionally, Panhandle suggests certain changes in the proposed subsections 2.02 and 2.03 of the escrow agreement so as to eliminate any question that the funds deposited under the terms of an escrow agreement constitute the corpus of a trust. It is not our intention to create a trust fund of the monies retained in escrow subject to refund pending our further action, and therefore, we shall adopt the modifications proposed by Panhandle.

Transco, also supports the proposal of the Commission, but points out that in addition to the circumstances set forth in the notice which require an escrow arrangement, there may be other instances in which similar arrangements are required. We recognize that there may be other instances than those specifically set forth in the notice where some modification to the form may be warranted. However, such instances will be rare, and due regard will be accorded them when they do arise. The escrowing party may call necessary modifications to the Commission's attention when it files the required escrow agreement. Conversely, if no modification to the form prescribed herein is required, the escrowing party need not file the escrow agreement, but shall file a certificate of execution of such an agreement in the form as provided for in § 250.12(a) below.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code. Since the amendment prescribed here does not prescribe an added duty or restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The amendment of Part 250, regulations under the Natural Gas Act, to add § 250.12 as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications to the amendment prescribed herein which were not included in the notice of this proceeding are of a minor nature, and are consistent with the prime purpose of the

[1] Part 250, Forms, Title 18 of the Code of Federal Regulations.

proposed rulemaking herein, further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f, and 717o) orders:

(A) Effective as of the date of issuance of this order, Part 250, Regulations Under the Natural Gas Act, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations is amended to add § 250.12 to read as follows:

§ 250.12 Escrow agreement.

(a) A natural-gas company which has been ordered by the Commission to retain refundable monies in an escrow account pending further action of the Commission prescribing the disposition of such refund monies, and has executed an escrow agreement in the form prescribed in paragraph (b) of this section, may file, in lieu of filing the agreement with the Commission, an original and two conformed copies of a certificate attesting to the fact that it has executed such an agreement.

(b) Form of escrow agreement:

ESCROW AGREEMENT

(Name of Respondent)
and
(Name of Escrow Agent)

This agreement made between (Name of Respondent) hereinafter called Respondent and (Name of Bank), a banking institution, association, or trust company, used as a depository for funds of the U.S. Government, (Address), hereinafter called "Escrow Agent;"

Witnesseth:

ARTICLE I

DEFINITIONS

SECTION 1.01. As used in this agreement, the following expressions shall have the meanings respectively indicated:

(a) "Commission" means the Federal Power Commission, an agency of the United States of America.

(b) "Secretary" means the Secretary, the Acting Secretary, or the Office of the Secretary of the Commission.

(c) "Proceeding" means the proceeding or proceedings before the Commission entitled: "(Name of Respondent), Docket No. ------."

(d) "Respondent" means the party, whether a producer, seller or jurisdictional pipeline purchaser, who is directed by order of the Commission to place refund monies in escrow.

(e) "Refund monies" means the amounts of revenue, including applicable interest, for gas sales charged and collected by Respondent computed as ordered by the Commission, which are to be placed in escrow under this Escrow Agreement.

ARTICLE II

TERM OF ESCROW AGREEMENT

SEC. 2.01. Respondent hereby transfers and assigns to the Escrow Agent the amount of refund monies ordered to be held in escrow, and to that end, agrees to deposit, or cause to be deposited, such monies within 10 days of the date hereof with the Escrow Agent plus interest as ordered by the Commission.

SEC. 2.02. Respondent, the Escrow Agent, and the successors and assigns of each, shall be, and hereby are bound to the Commission to pay all or any portion of such monies and the interest thereon to such person or persons as may be identified and designated by the Commission and in the manner which it may be directed by the Commission in the proceeding.

SEC. 2.03. The Escrow Agent shall invest and reinvest such monies only in obligations of the United States of America which are due and payable within 1 year or less from the date of purchase.

SEC. 2.04. The Escrow Agent shall be liable only for such interest as the invested funds described in sections 2.01 and 2.03 shall earn, and no other interest may be collected from the Escrow Agent.

SEC. 2.05. The Escrow Agent shall be entitled to such compensation as is fair, reasonable, and customary for its services as such, which compensation shall be paid out of the corpus, and earned interest of the Escrow Fund. The Escrow Agent shall likewise be entitled to reimbursement for its reasonable expenses, necessarily incurred in the administration of this escrow, which reimbursement shall be made out of the corpus, or earned interest of the Escrow Fund.

SEC. 2.06. The Escrow Agent shall report to the Secretary of the Commission annually certifying the amount deposited in escrow, and accounting for any disbursements therefrom for the annual period.

SEC. 2.07. Should Respondent be released by final order of the Commission from any or all obligation with respect to such refundable monies, this Escrow Fund shall be discharged in like amount; otherwise it shall remain in full force and effect.

ARTICLE III

DISTRIBUTION OF FUNDS AND TERMINATION OF ESCROW AGREEMENT

SEC. 3.01. Upon receipt by the Escrow Agent of a copy of an order of the Commission directing disbursement by Respondent of the refund monies, the Escrow Agent shall transfer and deliver to Respondent such monies for payment to the parties ultimately determined by the Commission to be entitled thereto, and to that end the Escrow Agent shall liquidate all securities held in the Escrow Fund necessary to make such payments, and this Escrow Fund shall thereupon cease and terminate.

ARTICLE IV

RESPECTING THE ESCROW AGENT

SEC. 4.01. The Escrow Agent shall be fully protected in acting and relying on any order, certificate, direction, communication, or other document, from the Commission, which the Escrow Agent in good faith believes to be genuine and what it purports to be.

SEC. 4.02. The Escrow Agent may at any time and from time to time consult with legal counsel of its own choice, and shall be fully protected in acting and relying on the advice of such counsel with respect to any matter arising in the administration of this Escrow Fund.

SEC. 4.03. The Escrow Agent shall have no liability for damage resulting from any action or omission of it hereunder, unless it be established that such damage was caused by negligence contributing to such damages, or willful bad faith of the Escrow Agent.

SEC. 4.04. Nothing in sections 4.02 and 4.03 in this Article IV shall be construed as limiting or impairing the obligation of the Escrow Agent under section 2.02 hereof.

SEC. 4.05. The obligations of the Escrow Agent hereunder shall be limited to the amounts deposited with it hereunder, and the interest thereon resulting from investments as herein directed.

SEC. 4.06. The Escrow Agent joins herein for the purpose of evidencing its approval and consent to the terms hereof and its acceptance of the fund hereby created, and the Escrow Agent agrees to hold, invest, administer and dispose of the funds deposited hereunder with it in accordance with the terms hereof.

ARTICLE V

MISCELLANEOUS

SEC. 5.01. This instrument may be amended by an order, letter or other communication of the Commission, provided that no such amendment shall substantially increase the duties or diminish the compensation, privileges, or immunities of the Escrow Agent.

SEC. 5.02. The Escrow Agent may resign at any time upon thirty (30) days' prior written notice given to the Commission. Upon the resignation of the Escrow Agent, a successor bank or trust company used as a depository for funds of the U.S. Government, shall be designated by Respondent. However, resignation of an Escrow Agent shall not become effective until a qualified successor Escrow Agent has indicated its acceptance of the appointment as such. Upon the designation and acceptance of the appointment of the qualified successor Escrow Agent, the resigning Escrow Agent shall transfer and deliver, without charge, all property, funds and accounts then held thereunder to the successor Escrow Agent.

Executed this ------ day of ------ 19--.

(Name of Respondent)

By ---
(Name of Escrow Agent)

Attest:

By ---

Attest:

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-5364; Filed, May 1, 1970; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7039]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Cash in Lieu of Fractional Shares

The following regulations relate to the application of section 305 of the Internal Revenue Code of 1954, as added by section 421(a) of the Tax Reform Act of

1969 (83 Stat. 614). The regulations set forth herein are temporary and are designed to give taxpayers guidance in the case where money is distributed in lieu of fractional shares. More detailed regulations under that section will be issued subsequently.

In order to provide temporary regulations under section 305 of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 13.10 Distribution of money in lieu of fractional shares.

(a) *In general.* (1) Under the general rule of section 305, as amended by section 421(a) of the Tax Reform Act of 1969, gross income does not include the amount of any distribution of the stock (or rights to acquire the stock) of a corporation made by such corporation to its shareholders with respect to its stock. Under an exception to the general rule, a distribution by a corporation of its stock or rights to acquire its stock is treated as a distribution of property to which section 301 applies if the distribution (or a series of distributions of which such distribution is one) has the result of (i) the receipt of money or other property by some shareholders, and (ii) an increase in the proportionate interests of other shareholders in the assets or earnings and profits of the corporation. Also, the Secretary or his delegate is directed to prescribe regulations under which a redemption which is treated as a distribution to which section 301 applies, or any other transaction having a similar effect on the interest of any shareholder, shall be treated as a distribution with respect to any shareholder whose proportionate interest in the assets or earnings and profits of the corporation is increased by such redemption or transaction.

(2) The general rule, and not the exception, applies in the case where cash is distributed in lieu of fractional shares to which the shareholders would otherwise be entitled, provided the purpose in distributing the cash is to save the distributing corporation the trouble, expense, and inconvenience of issuing and transferring fractional shares (or scrip representing fractional shares), or issuing full shares representing the sum of fractional shares, and not to give any particular group of shareholders an increased interest in the assets or earnings and profits of the corporation.

(b) *Illustration.* The application of paragraph (a) of this section may be illustrated by the following example:

Example. Corporation X is a large corporation whose stock is widely held by the public, no one shareholder owning more than 10 percent of the outstanding stock. The stock is listed on a recognized exchange and is currently selling at less than $75 per share. During the year the corporation pays a 3-percent stock dividend. Cash is paid to each shareholder in lieu of a fractional share to which he would otherwise be entitled. The distribution of cash in lieu of fractional shares is not intended to give any particular group of shareholders an increased interest in the assets or earnings and profits of the corporation, but is intended to save the corporation the trouble, expense, and inconvenience of issuing and transferring scrip representing fractional shares. The general rule, and not the exception, applies in this situation.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 305(c) (83 Stat. 614; 26 U.S.C. 305(c)), and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954)

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

Approved: April 29, 1970.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-5407; Filed, May 1, 1970; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Collier	Naples	E 12 021 2150 01, E 12 021 2150 02.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the City Manager, 735 Eighth St. South, Naples, Fla. 33940.	May 8, 1970.
New York	Suffolk	Ocean Beach.	E 36 103 4400 01.	New York State Conservation Department, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Village Office, Bay Walk, Ocean Beach, N.Y. 11770.	Do.
Ohio	Erie	Vermilion	E 39 043 8400 01, E 39 043 8400 02.	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Office of the Clerk of Council, City Hall, Vermilion, Ohio 44089.	Do.
Virginia	City of Alexandria.	.....	E 51 510 0000 02, E 51 510 0000 03.	Division of Water Resources, Seventh Floor, 911 East Broad St., Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Do.
Do	.....	City of Fairfax.	E 51 600 0900 01, E 51 600 0900 02.	....do.....	Department of Public Works, City Hall, Fairfax, Va. 22030.	Do.

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

Effective date: May 2, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-5397; Filed, May 1, 1970; 8:48 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Collier	Naples	H 12 021 2150 01. H 12 021 2150 02.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	Office of the City Manager, 735 Eighth St. South, Naples, Fla. 33940.	May 5, 1970.
New York	Suffolk	Ocean Beach.	H 36 103 4400 01.	New York State Conservation Department, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Village Office, Bay Walk, Ocean Beach, N.Y. 11770.	Do.
Ohio	Erie	Vermilion	H 39 043 8400 01. H 39 043 8400 02.	Ohio Department of Natural Resources, Columbus, Ohio 43215. Ohio Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Office of the Clerk of Council, City Hall, Vermilion, Ohio 44089.	Do.
Virginia	City of Alexandria.	----------	H 51 510 0000 02. H 51 510 0000 03.	Division of Water Resources, Seventh Floor, 911 East Broad St., Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Do.
Do	City of Fairfax.		H 51 600 0900 01. H 51 600 0900 02.	do	Department of Public Works, City Hall, Fairfax, Va. 22030.	Do.

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

Effective date: May 2, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70–5398; Filed, May 1, 1970; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 430–70]

PART 9—REMISSION OR MITIGATION OF CIVIL FORFEITURES

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5, United States Code, and Reorganization Plan No. 1 of 1968, Chapter I of Title 28 of the Code of Federal Regulations is amended by inserting after Part 8 a new Part 9, as follows:

Sec.
9.1 Purpose and scope.
9.2 Definitions.
9.3 Procedure relating to judicial forfeitures.
9.4 Procedure relating to administrative narcotic forfeitures.
9.5 General administrative procedures.
9.6 Provisions applicable to particular situations.
9.7 Terms and conditions of remission.

AUTHORITY: The provisions of this Part 9 issued under secs. 509 and 510, title 28, U.S.C.; sec. 501, title 5, U.S.C.; Reorganization Plan No. 1 of 1968.

§ 9.1 Purpose and scope.

The following definitions, regulations and criteria are designed to reflect the intent of Congress relative to the remission or mitigation of forfeiture of certain property as set out in section 3617(b) of title 18, United States Code, and section 1618 of title 19, United States Code, and are applicable only to those civil forfeitures which arise under the Contraband Transportation Act, customs laws, Federal Alcohol Administration Act and the laws relating to narcotics, gambling, firearms, and liquor (except the Indian Liquor Laws), and which are assigned to the supervision of the Criminal Division or the Bureau of Narcotics and Dangerous Drugs by the Attorney General or his duly authorized delegate (§§ 0.55(d), 0.100 of this chapter).

§ 9.2 Definitions.

As used in this part:

(a) The term "Attorney General" means the Attorney General of the United States or his delegate.

(b) The term "related crime" means any crime similar in nature to that which gives rise to the seizure of property for forfeiture, for example, where property is seized for a violation of the Federal laws relating to liquor, a "related crime" would be any previous offense involving a violation of the Federal laws relating to liquor or the laws of any State or political subdivision thereof relating to liquor.

(c) The term "determining official" means the official who has the authority to grant or deny petitions for remission or mitigation of forfeitures of property incurred under the laws referred to in § 9.1.

(d) The term "net equity" means the actual interest a petitioner has in property seized for forfeiture at the time a petition for remission or mitigation of forfeiture is granted by the determining official: *Provided, however,* That in computing a petitioner's actual interest the determining official shall make no allowances for unearned interest, finance charges, dealer's reserve, attorney's fees or other similar charges.

(e) The term "owner" means the person who holds primary and direct title to the property seized for forfeiture.

(f) The term "person" means an individual, partnership, corporation, joint business enterprise, or other entity capable of owning property.

(g) The term "petition" means the petition for remission or mitigation of forfeiture.

(h) The term "petitioner" means the person applying for remission or mitigation of the forfeiture of seized property.

(i) The term "property" means property of any kind capable of being owned or possessed.

(j) The term "record" means an arrest followed by a conviction, except that a single arrest and conviction and the expiration of any sentence imposed as a result of such conviction, all of which occurred more than 10 years prior to the date the petitioner acquired its interest in the seized property, shall not be considered a record: *Provided, however,* That two convictions shall always be considered a record regardless of when the convictions occurred: *And provided further,* That the determining official may, in his discretion, consider as constituting a record, an arrest or series of arrests as to which the charge or charges

were subsequently dismissed for reasons other than acquittal or lack of evidence.

(k) The term "reputation" means repute with a law enforcement agency or among law enforcement officers as distinguished from the repute a person may have with the general community or with a single law enforcement officer, other than an officer who is the head of the agency in which he serves.

(l) The term "violator" means the person whose use of the property in violation of the law subjected such property to seizure for forfeiture.

§ 9.3 Procedure relating to judicial forfeitures.

(a) A petition for remission or mitigation of forfeiture shall be addressed to the Attorney General, and shall be sworn to by the petitioner, or by his counsel upon information and belief, and shall be submitted in triplicate to the U.S. attorney for the judicial district in which the property is seized.

(b) Upon receipt of a petition, the U.S. attorney shall direct the seizing agency to investigate the merits of the petition and to submit a report thereon to him. Upon receipt of such report, the U.S. attorney shall forward a copy thereof together with the petition and his recommendation as to allowance or denial of the petition to the Assistant Attorney General, Criminal Division.

(c) Upon receipt of a petition and report thereon, the Assistant Attorney General shall assign it to the appropriate section of the Criminal Division which shall prepare a report based upon the allegations of the petition and the report of the seizing agency. No hearing shall be held. Upon the basis of the report prepared in this section, the Chief of the section shall either grant the petition by remission or mitigation of the forfeiture or shall deny it.

(d) If the Chief of the section grants a petition or otherwise mitigates the forfeiture, he shall cause appropriate notices of such action to be mailed to the petitioner or his attorney and to the appropriate U.S. attorney. The U.S. attorney shall be advised of the terms and conditions, if any, upon which the remission or mitigation is granted and the procedures to be followed in order for the petitioner to obtain a release of the property, or, in the case of a chattel mortgagee and at the petitioner's option, to obtain his net equity in said property. The Chief of the section shall advise the petitioner or his attorney to confer with the U.S. attorney as to such terms and conditions.

(e) If the Chief of the section denies a petition, he shall cause appropriate notices of such action to be mailed to the petitioner or his attorney and to the appropriate U.S. attorney. Such notice shall specify the reason the petition was denied. The notice also shall advise the petitioner or his attorney that a request for reconsideration of the denial of the petition may be submitted to the Assistant Attorney General, Criminal Division, in accordance with paragraphs (j) through (m) of this section.

(f) A petition for restoration of the proceeds of sale or for value of forfeited property, if retained or delivered for official use of a Government agency, may be submitted in cases in which the petitioner: (1) Did not know of the seizure prior to the declaration or condemnation of forfeiture; and (2) was in such circumstances as prevented him from knowing thereof. Such a petition shall be submitted pursuant to paragraph (a) of this section and within 3 months from the date the property is sold or otherwise disposed of.

(g) The Assistant Attorney General shall not accept a petition in any case in which a similar petition has been administratively denied by the seizing agency prior to the referral of the case to the U.S. attorney for the institution of forfeiture proceedings.

(h) The Assistant Attorney General shall accept and the Chief of the section shall consider petitions submitted in judicial forfeiture proceedings under the Internal Revenue liquor laws only prior to the time a decree of forfeiture is entered. Thereafter, District Courts have exclusive jurisdiction over the res.

(i) In all other forfeiture cases, the Assistant Attorney General shall accept and the Chief of the section shall consider petitions until the property is sold or placed in official use or otherwise disposed of according to law.

(j) Within 20 days from the date of the notice of the denial of a petition for remission or mitigation, a request for reconsideration of the denial, based on evidence recently developed or not previously considered, may be submitted to the Assistant Attorney General, Criminal Division, for referral to the appropriate Section Chief. The applicant shall simultaneously submit a copy to the appropriate U.S. attorney.

(k) Upon receipt of a copy of a request for reconsideration of the denial of a petition the U.S. attorney shall withhold further action in the case pending advice from the Assistant Attorney General, Criminal Division, of the action taken on the request by the appropriate Section Chief.

(l) If the U.S. attorney does not receive a copy of a request for reconsideration within the prescribed period he shall proceed with the forfeiture.

(m) Only one request for reconsideration of a denial of a petition shall be considered.

§ 9.4 Procedure relating to administrative narcotic forfeitures.

(a) A petition for remission or mitigation of forfeiture of property seized for narcotic violations that is subject to administrative forfeiture (appraised value of $2,500 or less) shall be addressed to the Director of the Bureau of Narcotics and Dangerous Drugs (BNDD). Such a petition shall be filed in triplicate with the regional director of BNDD for the judicial district in which the seizure occurred.

(b) Upon receipt of a petition for property subject to administrative forfeiture the regional director of BNDD shall have an investigation of the petition conducted. The completed petition investigation and the recommendation of the regional director on the petition will be forwarded to the Director of BNDD.

(c) Upon the receipt of a petition and a report thereon by the Director of BNDD, he shall assign it to the Office of Chief Counsel where a ruling shall be made, based on the petition and the report of investigation. No hearing shall be held. The ruling on the petition shall be made by the Chief Counsel or Deputy Chief Counsel of BNDD.

(d) Notice of the granting or the denial of a petition for property subject to administrative forfeiture shall be mailed to the petitioner or his attorney. If the petition is granted, the conditions of relief and the procedure to be followed in order to obtain the release of the property shall be set forth. If the petition is denied, the petitioner shall be advised of the reasons for such denial.

(e) A request for consideration of the denial may be submitted within 10 days from the date of the letter denying the petition. Such request shall be addressed to the Director of BNDD for referral to the Office of the Chief Counsel and shall be based on evidence recently developed or not previously considered.

(f) Additional information concerning property subject to seizure for narcotic violations is contained in 21 CFR 330.1–330.11.

§ 9.5 General administrative procedures.

(a) Petitions shall be sworn and shall include the following information in clear and concise terms:

(1) A complete description of the property, including serial numbers, if any, and the date and place of seizure.

(2) The interest of the petitioner in the property, as owner, mortgagee or otherwise, to be supported by bills of sale, contracts, mortgages, or other satisfactory documentary evidence.

(3) The facts and circumstances, to be established by satisfactory proof, relied upon by the petitioner to justify remission or mitigation.

(b) The Determining Official shall not consider whether the evidence is sufficient to support the forefeiture since the filing of a petition presumes a valid forfeiture. The determining official shall consider only whether the petitioner has satisfactorily established his good faith and his innocence and lack of knowledge of the violation which subjected the property to seizure and forfeiture, and whether there has been compliance with the standards hereinafter set forth.

(c) The determining official shall not remit or mitigate a forfeiture unless the petitioner:

(1) Establishes a valid, good faith interest in the seized property as owner or otherwise; and

(2) Establishes that he at no time had any knowledge or reason to believe that the property in which he claims an interest was being or would be used in a violation of the law.

(d) If it appears that the interest asserted by the petitioner in seized property arose out of or was in any way subject to any contract or agreement under which any person having a record or reputation for violating laws of the United States or of any State for related crimes has a right with respect to such property, then, in addition to meeting the requirements of paragraph (c) of this section the petitioner must show that he inquired at the headquarters of a law enforcement agency as to that person and was informed that such person had no criminal record or reputation with such agency. The inquiry must be made before the petitioner acquired his interest or such person acquired his right under such contract or agreement, whichever occurred later. Inquiries must be made with respect to every name used by such person and known to the petitioner. It must be made as to both record and reputation. The inquiry must be made at the headquarters of a law enforcement agency in or having jurisdiction over: (1) The locality in which such person then resided; (2) the locality in which such person acquired his right under the contract or agreement; and (3) in each locality in which the petitioner made any other inquiry as to the character or financial standing of such other person.

(e) If a reply to the inquiry required by the provisions of paragraph (d) of this section is that the person about whom the inquiry was made had no such record or reputation with the agency inquired of, the requirement will be deemed satisfied notwithstanding that such person may have had such a record or reputation with other law enforcement agencies. In any event, if, in fact, no such record or reputation existed, failure to make the inquiry will not be a bar to administrative relief.

(f) If such record or reputation existed, a failure to comply with the provisions of paragraph (d) of this section shall constitute an absolute bar to administrative relief unless the existence of such record or reputation was known only to law enforcement agencies which would not respond to such inquiries and the information was not otherwise ascertainable from official public records.

(g) An inquiry concerning the purchaser of property made at a law enforcement agency by an assignor of a conditional sales contract, or an inquiry made by a credit bureau acting on behalf of the petitioner or the assignor of a contract shall be deemed to satisfy the requirements of paragraph (d) of this section.

(h) A conditional vendor or a lending institution, in order to satisfy the inquiry requirement of paragraph (d) of this section must, in applicable cases, make an inquiry as to the person dealt with each time additional credit or credit in subsequent unrelated transactions is extended to such person.

§ 9.6 Provisions applicable to particular situations.

(a) Mitigation: In addition to his discretionary authority to grant relief by way of complete remission of forfeiture, the determining official may, in the exercise of his discretion, mitigate forfeitures of seized property. This authority may be exercised in those cases where the petitioner has not met the minimum conditions precedent to remission but where there are present other extenuating circumstances indicating that some relief should be granted to avoid extreme hardship. Mitigation may also be granted where the minimum standards for remission have been satisfied but the overall circumstances are such that, in the opinion of the determining official, complete relief is not warranted. Mitigation shall take the form of a money penalty imposed upon the petitioner in addition to any other sums chargeable as a condition to remission. This penalty is considered as an item of cost payable by the petitioner.

(b) Rival claimants: If the beneficial owner of property and the owner of a security interest in the same property each files a petition, and if both petitions are found to be meritorious, relief from a forfeiture shall be granted to the beneficial owner and the petition of the owner of the security interest shall be denied.

(c) Leasing agreements: (1) A person engaged in the business of renting property shall be excused from showing compliance with the inquiry requirements of § 9.5(d): *Provided*, That the specified rental period did not exceed 14 days and that he had no reason to believe that the lessee might not be of good character.

(2) In all other leasing arrangements, whether pursuant to a single contract or consecutive contracts, with or without an option to buy the property at the end of the lease period, the lessor shall not be excused from compliance with the inquiry requirements of § 9.5(d).

(3) A lessor who leases property on a long term basis with the right to sublease shall not be entitled to remission or mitigation of a forfeiture of such property unless his lessee would be entitled to such relief.

(d) Voluntary bailments: A petitioner who allows another to use his property without cost and who is not in the business of lending money secured by property or of renting property for profit, shall be granted remission or mitigation of forfeiture upon meeting the requirements of § 9.5(c), notwithstanding a failure to satisfy the inquiry requirements of § 9.5(d), unless the relationship between the owner and user was such that the owner should have known or had reason to believe that the user had a record or reputation for related crimes.

(e) Straw purchase transactions: If a person purchases in his own name property for another who has a record or reputation for related crimes, and if a lienholder knows or has reason to believe that the purchaser of record is not the real purchaser, a petition filed by such a lienholder shall be denied unless the petitioner establishes that he made the inquiry required by § 9.5(d) and received a negative reply as to both the purchaser of record and the real purchaser. This rule shall also apply where money is borrowed on the security of property held in the name of the purchaser of record for the real purchaser.

(f) Notwithstanding the fact that a petitioner has satisfactorily established compliance with the administrative conditions applicable to his particular situation, the Determining Official may deny relief if there are unusual circumstances present which in his judgment provide reasonable grounds for concluding that remission or mitigation of the forfeiture would be inimical to the interests of justice.

§ 9.7 Terms and conditions of remission.

(a) The terms and conditions of remission or mitigation of forfeitures in cases subject to judicial forfeiture proceedings and in which a complaint for forfeiture has been filed in the District Court (property appraised over $2,500 when seized or a claim and cost bond filed) shall, at a minimum, require that a petitioner pay the costs and expenses incident to the seizure of the property including any court costs and accrued storage charges. However, if the petitioner's interest in the property is derived from a lien thereon, the petitioner shall pay an amount equal to all costs and expenses incident to the seizure including any court costs and accrued storage charges or the amount by which the appraised value of the property exceeds the petitioner's net interest therein, whichever is greater. The appraised value at the time of seizure is used for the purposes of these rules.

(b) Where a complaint for forfeiture has been filed with the District Court, a lienholder shall also be required to furnish the U.S. attorney with: (1) An instrument executed by the registered owner and any other known claimant of an interest in the property, if they are not in default, releasing their interest in such property, or (2) if the registered owner or any other known claimant is in default, an agreement to save the Government, its agents and employees harmless from any and all claims which might result from the grant of remission.

(c) Alternatively, a lienholder may elect to permit the litigation to proceed to judgment. In that event, the court shall be advised that the Department has allowed the petition for remission of the forfeiture and shall be requested to order the property sold by the U.S. Marshal at public sale and the proceeds thereof to be distributed as follows:

(1) Payment to the U.S. Marshal, for distribution, of an amount equal to the costs and expenses incident to the seizure, forfeiture and sale, including court costs and storage charges, if any;

(2) Payment to the petitioner of an amount equal to his net lien in the property less an amount equal to the costs and expenses referred to in subparagraph (1) of this paragraph;

(3) Payment of the balance remaining, if any, to the Government.

(d) If a complaint for forfeiture has not been filed, the petitioner, if he is a lienholder, in addition to paying an amount equal to all costs and expenses incident to the seizure, including any court costs and accrued storage charges, or an amount by which the appraised value of the property exceeds his net interest therein, whichever is greater, shall:

(1) Furnish an instrument executed by the registered owner and any other known claimant of an interest in the property releasing their interest in such property, or

(2) Furnish an agreement to hold the Government, its agents and employees harmless from any and all claims which might result from the grant of remission.

(e) The determining official may impose such other terms and conditions as may be appropriate.

(f) Upon compliance with the terms and conditions of remission or mitigation in cases subject to judicial forfeiture proceedings, the U.S. attorney shall take appropriate action to effect the release to the petitioner of the property involved and to dismiss the complaint if one has been filed or otherwise dispose of the matter by forfeiture, sale and distribution of the proceeds therefrom as set forth herein.

(g) In any case, if the owner of record or any other claimant wishes to contest the forfeiture, judicial condemnation of the property shall be consummated, the court shall be apprised of the granting and terms of the remission or mitigation by the Attorney General, and the court shall be requested to frame its decree of forfeiture accordingly.

(h) Where the owner of property elects not to comply with the conditions imposed upon the release of such property to said owner by way of relief, the custodian of such property may be authorized to sell it. From the proceeds of the sale the custodian shall deduct and retain for the account of the Government all costs incident to the seizure and forfeiture plus the costs of sale, and shall pay said owner the balance, if any.

(i) Where the owner of a security interest is eligible to have the property released upon compliance with the prescribed conditions, the property may nevertheless be retained by the Government for official use upon payment by the Government to the owner of the appraised value of the property as of the date of seizure less the amount of all costs incident to the seizure and forfeiture, or less the amount by which the appraised value of the property exceeds said owner's net investment or equity, whichever is larger.

Dated: April 21, 1970.

JOHN N. MITCHELL,
Attorney General.

[F.R. Doc. 70-5375; Filed, May 1, 1970; 8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 8—PREFERENCE IN FEDERAL PROCUREMENT UNDER DEFENSE MANPOWER POLICY NO. 4 AND EXECUTIVE ORDER 10582

Change in Effective Date

On February 3, 1970, certain revisions and amendments of Part 8 of Title 29, Code of Federal Regulations, were published in the FEDERAL REGISTER at 35 F.R. 2387.

These changes were to be effective on May 1, 1970. However, due to extensive revisions required in the Armed Services Procurement Regulations and the Federal Procurement Regulations, it is not possible to implement the changes by that date. The effective date of these changes is therefore postponed until June 1, 1970.

(32A CFR Ch. 1, DMP-4)

Signed at Washington, D.C., this 30th day of April 1970.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 70-5454; Filed, May 1, 1970; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 995]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 27th day of April 1970.

It appearing, that the matter of car service (section 1, paragraphs 10–17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is unable to control freight traffic movements, because car accumulations, threatened congestions, or other interferences of a temporary nature compel restrictions against car movements, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to direct the placement of embargoes; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.995 Service Order No. 995.

(a) Appointment of embargo agents: R. D. Pfahler, Director, and Lewis R. Teeple, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to direct the placement of embargoes by railroads at such points where freight cars are being unduly delayed due to accumulations, congestions, or emergency situations.

(b) Embargoes placed under this order shall be at the direction of the Agents of the Commission and shall be published through the Association of American Railroads, Car Service Division, and in conformity with the Association of American Railroads' "Instructions to Govern the Placing and Handling of Embargoes" and "Code of Car Service and Per Diem Rules—Freight."

(c) Application: The provisions of this order shall apply to cars moving in intrastate and foreign commerce, as well as interstate commerce.

(d) Rules, regulations, and practices suspended: The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

(e) Effective date: This order shall become effective at 11:59 p.m., April 30, 1970.

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

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

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

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-5403; Filed, May 1, 1970; 8:48 a.m.]

[Rev. S.O. 1002]

PART 1033—CAR SERVICE

Car Distribution Directions; Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 27th day of April 1970.

It appearing, that the matter of car service (section I, paragraph 10–17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that, because the existing car service rules, regulations, and practices of the railroads are inadequate, there is an inequitable distribution of freight cars throughout the country, resulting in the inability of certain carriers to furnish a fair supply of freight cars to shippers located on their lines, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1002 Service Order No. 1002.

(a) *Car distribution directions—appointment of agents.* In order to meet the needs of shippers in areas having acute car shortages and to insure an equitable distribution of freight cars in all areas of the country, R. D. Pfahler, Director, and Lewis R. Teeple, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed agents of the Interstate Commerce Commission and vested with authority to issue car distribution directions with respect to the location and relocation of empty cars, and to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers by railroads as in their opinion will best promote the service in the interest of the public and the Commerce of the people.

(b) *Rules, regulations and practices suspended.* The operation of all rules, regulations, and practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 11:59 p.m., April 30, 1970.

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

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

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

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5404; Filed, May 1, 1970; 8:48 a.m.]

[Rev. S.O. 994]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic; Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 27th day of April 1970.

It appearing, that the matter of car service (section 1, paragraphs 10–17, inclusive, of the Interstate Commerce Act) being under consideration, it is the opinion of the Commission that whenever any carrier by railroad, subject to Part I of the Interstate Commerce Act, is, for any reason, unable to transport traffic offered, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to reroute and divert such traffic; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

§ 1034.994 Service Order No. 994.

(a) *Rerouting of traffic—appointment of agents.* R. D. Pfahler, Director, and Lewis R. Teeple, Assistant Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to shipments moving in intrastate commerce, as well as to those moving in interstate commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., April 30, 1970.

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

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

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

By the Commission, Division 3.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5402; Filed, May 1, 1970; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Estuaries

On page 15600 of the FEDERAL REGISTER for October 8, 1969, there was published a notice of proposed rule making, amending Part 80 of Title 50, Code of Federal Regulations.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed revisions. In addition to the notice in the FEDERAL REGISTER, every State fish and game department was notified by letter.

The suggestion that the definition of estuaries should be identical to that used in the Estuary Protection Act (Public Law 90–454) was worthwhile and has been incorporated in the amendment.

There were other comments, which, upon analysis, were found not to be in conflict with the proposed regulations.

Therefore, all comments having been fully considered, and no other changes being deemed necessary, the added section is hereby adopted, incorporating the change described above, and reads as follows:

§ 80.39 Estuaries.

Estuaries including without limitation coastal marshlands, bays, sounds, seaward areas, lagoons, and land and waters of the Great Lakes are vital to fish and wildlife. The States are encouraged to consider the needs and opportunities for protecting and restoring estuaries in their comprehensive planning and in proposals for financial assistance under the Federal Aid acts.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

APRIL 27, 1970.

[F.R. Doc. 70-5394; Filed, May 1, 1970; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 214]

STUDENTS

Admission and Employment

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on March 5, 1970 (35 F.R. 4135), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), and in which there was set out proposed rules pertaining to the authorized period of admission for students and their employment. Several representations were received and considered. In light of the representations received, it has been determined to take no further action with regard to those proposed rules.

Dated: April 28, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-5383; Filed, May 1, 1970; 8:47 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 135]

FOURTH-CLASS MAIL

Notice of Proposed Reformation of Rates and Other Conditions of Mailability

The Postmaster General is currently filing with the Interstate Commerce Commission a request for approval of increased rates and reformation of other conditions of mailability for zone-rate fourth-class parcels and catalogs, pursuant to section 4558 of title 39, United States Code.

Such request was based upon data available to the Department indicating that as a continuing situation the revenue from zone-rate fourth-class mail is less than the cost of the service because of present postage rates for such mail. Data available to the Post Office Department concerning the revenues derived from and the cost of handling, transporting, and delivering zone-rate fourth-class mail for the fiscal year 1969, adjusted to reflect currently authorized changes in revenues and accrued costs, indicate that the revenue deficiency attributable to such fourth-class mail amounts to aproximately $123 million annually. Unless the rates of postage are increased and other conditions of mailability reformed, the present rates of postage for zone-rate fourth-class mail are such that the deficiency will be a continuing one.

Although the procedures of the Department in reforming the rates of postage and certain other conditions of mailability do not come within the rule-making requirements of section 553 of title 5, United States Code, the Postmaster General desires to afford interested persons an opportunity to present data, views, or arguments for consideration by the Department in its formulation of specific reformations to be submitted to the Interstate Commerce Commission.

Accordingly, notice is hereby given that (1) available information with respect to the bases and need for such reformations may be obtained from the Assistant Postmaster General, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, upon request; (2) interested persons may submit in writing (original plus 11 copies) to such Assistant Postmaster General, not later than May 25, 1970, data, views, or arguments for consideration by the Department in formulating specific proposals for increases in rates of postage and reformations in conditions of mailability for zone-rate fourth-class mail to be submitted to the Commission; and, (3) representatives of the Post Office Department will be available for informal conference with respect to such reformations on June 1, 1970, at 9:30 a.m. in Room 5041, Post Office Department, 12th and Pennsylvania Avenue NW., Washington, D.C., at which time interested persons will be afforded an opportunity to present orally, data, views, or arguments for consideration by the Department.

Based on information now available, the Post Office Department is considering the following tentative proposals: (1) A general increase in the rates of postage for zone-rate parcels as set forth in (A) below; (2) a surcharge for parcels which will supersede the surcharge stated in section 4556(b) of title 39 of the United States Code; and (3) a 2-cents-per-piece increase in the rates of postage for zone-rate catalogs as set forth in (B) below.

The new surcharge for hard-to-handle parcels will more substantially offset the costs of handling such parcels. It is proposed that any parcel measuring either over 36 inches in length or over 84 inches in length and girth combined is subject to a 75-cent surcharge in addition to the postage rate for the weight of the parcel to the zone to which the parcel is addressed.

A. SCHEDULE OF PROPOSED RATES OF POSTAGE ON PARCEL POST SUBJECT TO ZONE RATES

Weight, 1 pound and not exceeding (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
2	$0.60	$0.65	$0.70	$0.75	$0.80	$0.90	$1.00	$1.00
3	.60	.75	.80	.85	.95	1.10	1.20	1.35
4	.65	.80	.85	.95	1.10	1.30	1.40	1.60
5	.70	.85	.90	1.05	1.20	1.45	1.65	1.90
6	.70	.95	1.00	1.15	1.35	1.60	1.85	2.10
7	.75	1.05	1.10	1.25	1.50	1.75	2.10	2.35
8	.75	1.10	1.15	1.35	1.60	1.90	2.30	2.60
9	.80	1.15	1.20	1.45	1.75	2.05	2.45	2.85
10	.80	1.20	1.30	1.55	1.90	2.20	2.65	3.10
11	.80	1.25	1.35	1.60	2.00	2.30	2.85	3.35
12	.85	1.30	1.45	1.70	2.10	2.45	3.05	3.55
13	.85	1.35	1.55	1.80	2.20	2.60	3.25	3.80
14	.90	1.40	1.60	1.90	2.35	2.75	3.45	4.00
15	.90	1.45	1.65	2.00	2.45	2.85	3.60	4.20
16	.95	1.55	1.75	2.05	2.55	2.95	3.80	4.40
17	1.00	1.60	1.80	2.15	2.65	3.10	3.95	4.60
18	1.00	1.65	1.90	2.20	2.75	3.20	4.15	4.80
19	1.05	1.70	2.00	2.30	2.85	3.35	4.30	5.00
20	1.05	1.75	2.05	2.40	2.95	3.50	4.50	5.20
21	1.10	1.85	2.10	2.45	3.05	3.65	4.65	5.45
22	1.15	1.90	2.15	2.55	3.15	3.75	4.85	5.60
23	1.15	1.95	2.20	2.60	3.25	3.90	5.00	5.80
24	1.20	2.00	2.25	2.65	3.35	4.05	5.15	6.00
25	1.20	2.05	2.30	2.75	3.45	4.15	5.35	6.20
26	1.20	2.10	2.35	2.85	3.55	4.30	5.50	6.40
27	1.25	2.15	2.40	2.90	3.70	4.45	5.65	6.60
28	1.25	2.20	2.45	2.95	3.80	4.60	5.80	6.80
29	1.30	2.25	2.50	3.05	3.90	4.70	5.95	7.00
30	1.30	2.30	2.55	3.10	4.00	4.85	6.10	7.20
31	1.35	2.35	2.65	3.20	4.10	5.00	6.25	7.40
32	1.40	2.40	2.70	3.30	4.20	5.15	6.45	7.60
33	1.40	2.45	2.75	3.35	4.30	5.25	6.60	7.80
34	1.45	2.50	2.80	3.40	4.40	5.40	6.75	8.00
35	1.45	2.55	2.85	3.45	4.50	5.55	6.90	8.20
36	1.45	2.60	2.90	3.55	4.60	5.65	7.10	8.40
37	1.50	2.65	3.00	3.65	4.70	5.75	7.25	8.60
38	1.50	2.70	3.05	3.70	4.80	5.90	7.45	8.80
39	1.55	2.75	3.10	3.80	4.90	6.05	7.60	9.00
40	1.55	2.80	3.15	3.85	5.00	6.15	7.75	9.20
41	1.60	2.85	3.20	3.95	5.15	6.25	7.95	9.40
42	1.65	2.90	3.25	4.00	5.25	6.40	8.10	9.60
43	1.65	2.95	3.30	4.10	5.35	6.55	8.25	9.80
44	1.70	3.00	3.35	4.15	5.45	6.65	8.40	10.00
45	1.70	3.05	3.40	4.20	5.55	6.80	8.55	10.20
46	1.70	3.10	3.50	4.30	5.65	6.90	8.70	10.40
47	1.75	3.10	3.55	4.40	5.75	7.00	8.90	10.60

A. SCHEDULE OF PROPOSED RATES OF POSTAGE ON PARCEL POST SUBJECT TO ZONE RATES—Con.

Weight, 1 pound and not exceeding (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
48	1.75	3.15	3.60	4.45	5.85	7.15	9.05	10.80
49	1.80	3.20	3.65	4.50	5.95	7.30	9.20	11.00
50	1.80	3.25	3.70	4.60	6.05	7.40	9.35	11.15
51	1.85	3.30	3.80	4.70	6.15	7.50	9.50	11.35
52	1.90	3.35	3.85	4.75	6.25	7.65	9.65	11.55
53	1.90	3.40	3.90	4.80	6.35	7.80	9.80	11.75
54	1.95	3.40	3.95	4.90	6.45	7.90	9.95	11.90
55	1.95	3.45	4.00	4.95	6.55	8.00	10.10	12.10
56	1.95	3.50	4.10	5.05	6.60	8.10	10.25	12.25
57	2.00	3.55	4.15	5.15	6.70	8.25	10.40	12.45
58	2.00	3.60	4.20	5.20	6.80	8.40	10.55	12.60
59	2.05	3.65	4.25	5.25	6.90	8.50	10.70	12.80
60	2.05	3.65	4.30	5.35	7.00	8.60	10.85	12.95
61	2.10	3.70	4.35	5.45	7.05	8.70	11.00	13.10
62	2.15	3.70	4.40	5.50	7.15	8.85	11.15	13.30
63	2.15	3.75	4.45	5.55	7.25	9.00	11.30	13.45
64	2.20	3.80	4.50	5.60	7.35	9.10	11.45	13.65
65	2.20	3.85	4.60	5.70	7.45	9.20	11.60	13.80
66	2.20	3.90	4.65	5.80	7.50	9.30	11.75	13.95
67	2.25	3.95	4.70	5.85	7.60	9.40	11.85	14.15
68	2.25	3.95	4.75	5.90	7.70	9.55	12.00	14.30
69	2.30	4.00	4.80	5.95	7.75	9.65	12.15	14.50
70	2.30	4.05	4.85	6.05	7.85	9.75	12.25	14.65

NOTE: Any parcel measuring either over 36 inches in length or over 84 inches in length and girth combined is subject to a 75-cent surcharge in addition to the postage rate for the weight of the parcel to the zone to which the parcel is addressed.

B. PROPOSED RATES OF POSTAGE ON FOURTH-CLASS CATALOGS

1. RATES FOR BULK MAILINGS OF SEPARATELY ADDRESSED IDENTICAL PIECES IN QUANTITIES OF NOT LESS THAN 300 MAILED AT ONE TIME

Bulk rate	Piece rate	Bulk pound rate
	Cents	
Local	21	2.1
Zones:		
1 and 2	25	3.4
3	25	4.0
4	25	5.0
5	25	6.1
6	25	7.5
7	25	9.1
8	26	10.8

2. SINGLE PIECE RATES FOR INDIVIDUAL MAILINGS OF CATALOGS

Weight (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
1.5	$0.28	$0.34	$0.34	$0.36	$0.38	$0.40	$0.42	$0.46
2	.29	.35	.36	.38	.41	.43	.47	.51
2.5	.30	.37	.38	.41	.44	.47	.51	.56
3	.31	.39	.40	.43	.47	.51	.56	.62
3.5	.32	.40	.42	.46	.50	.55	.60	.67
4	.33	.42	.44	.48	.53	.58	.65	.73
4.5	.34	.44	.46	.51	.56	.62	.69	.78
5	.35	.45	.48	.53	.59	.66	.74	.83
6	.37	.49	.52	.58	.65	.73	.83	.94
7	.39	.52	.56	.63	.71	.81	.92	1.05
8	.41	.56	.60	.68	.77	.88	1.01	1.16
9	.43	.59	.64	.73	.83	.96	1.10	1.27
10	.45	.62	.68	.78	.89	1.03	1.19	1.37

(5 U.S.C. 301, 39 U.S.C. 501, 4558)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-5452; Filed, May 1, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 70-65]

CHICAGO HARBOR, ILL.

Anchorages

1. Notice is hereby given that the Commandant, U.S. Coast Guard, is considering a proposal of the Chicago Park District to change the designation of two existing anchorage grounds in Chicago Harbor to special anchorage areas and to permit this municipal agency to regulate and control these special anchorage areas. The two anchorage grounds are presently described in 33 CFR 110.205(a) (4) and (5) and are known as Anchorage D, Grant Park North and Anchorage E, Grant Park South. The effect of the designation of these two sites as special anchorage areas would be to authorize vessels not more than 65 feet in length to anchor therein without being required to carry or exhibit anchor lights.

2. The Chicago Park District has indicated that in the event their proposal to regulate and control these areas is approved, the following policies concerning the assignment of mooring locations will be observed:

a. Those persons now holding mooring permits issued by the U.S. Coast Guard will receive annual renewals upon request to the Chicago Park District.

b. The present fee for dinghy space adjacent to the anchorage grounds will be eliminated for permit holders.

c. Moorings will be furnished and placed only by the Chicago Park District.

d. Tender service will be available.

3. Copies of the Chicago Park District regulations pertaining to mooring assignments, charges, and related matters may be obtained from the Division of Special Services, Chicago Park District, 425 East 14th Boulevard, Chicago, Ill. 60605.

4. This proposal is made under the authority of Rule 9, section 1 of the Act of February 8, 1895, as amended (28 Stat. 647, 33 U.S.C. 258), section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053, 33 U.S.C. 471), section 6(g)(1)(A) and (C) of the Department of Transportation Act (80 Stat. 937, 49 U.S.C. 1655(g)(1)(A) and (C), and 49 CFR 1.46(c)(1) and (3).

5. It is proposed to amend Part 110 by adding a new § 110.83 to read as follows:

§ 110.83 Chicago Harbor, Ill.

(a) *Grant Park North.* Beginning at a point 2,700 feet south of the south face of the Naval Armory Dock and 100 feet east of the Grant Park bulkhead along the west side of the harbor, said bulkhead at that point being approximately on the harbor line approved by the Department of the Army on August 3, 1940; thence north along a straight line parallel to said harbor line and to the overall alignment of said Grant Park bulkhead between its north and south ends, 1,460 feet to a point which is 100 feet east of said harbor line and 150 feet east of the Grant Park bulkhead; thence east at a right angle, 150 feet; thence north at a right angle, parallel to the first described line, passing 100 feet east of the Chicago Yacht Club dock, 693 feet; thence east at a right angle, 75 feet; thence north parallel to and 375 feet east of aforesaid Grant Park bulkhead, 390 feet; thence east at a right angle, 385 feet; thence north at a right angle, 97 feet to a point 760 feet east of said Grant Park bulkhead (or 710 feet east of said harbor line) and 60 feet south of a line drawn east at a right angle thereto, from the north end of said Grant Park bulkhead at the south face of said Naval Armory Dock; thence east perpendicular to said Grant Park bulkhead, 840 feet; thence southerly 2,415 feet to a point 1,500 feet east of said harbor line and about 1,505 feet east of said Grant Park bulkhead; thence southwesterly 740 feet to a point 700 feet due east, in a direction perpendicular to the west line hereof, from the point of beginning, and thence west to the point of beginning.

NOTE: Commercial vessels operated for profit and measuring more than 50 gross tons

are forbidden to anchor in this area. The Chicago Park District controls the location and type of any moorings placed in this area. Steamers and motor vessels measuring over 5 gross tons are forbidden to use this area as a through channelway.

(b) *Grant Park South.* Beginning at a point 3,000 feet south of the south face of the Naval Armory Dock and 100 feet east of the Grant Park bulkhead along the west side of the harbor, said bulkhead at that point being approximately on the harbor line approved by the Department of the Army on August 3, 1940; thence east, perpendicular to the overall alignment of the Grant Park bulkhead and perpendicular to said harbor line, 700 feet; thence southeasterly 697 feet to a point 1,460 feet east of said Grant Park bulkhead and 225 feet south of an extension of the first described line; thence south perpendicular to the first described line 225 feet; thence southwesterly 2,235 feet along a line generally 150 feet northwesterly from and parallel to the northwesterly face of the narrow section of the U.S. Inner Breakwater; thence northwesterly 190 feet to a point 150 feet east of said Grant Park bulkhead (or 100 feet east of the aforesaid harbor line) and 5,140 feet south of the south face of the Naval Armory Dock; and thence north 2,140 feet to the point of beginning.

NOTE: Commercial vessels operated for profit and measuring more than 50 gross tons are forbidden to anchor in this area. The Chicago Park District controls the location and type of any moorings placed in this area. Steamers and motor vessels measuring over 5 gross tons are forbidden to use this area as a through channelway.

6. It is proposed to amend § 110.205 by revoking paragraph (a) (4) and (5), and by revising paragraph (b) (1) and (4) to read as follows:

§ 110.205 Chicago Harbor, Ill.

(a) * * *

(4) [Revoked]

(5) [Revoked]

* * * * *

(b) *The rules and regulations.* (1) Only commercial vessels operated for profit and measuring 50 gross tons or less and pleasure craft may anchor in the special anchorage areas described in § 110.83, subject to approval of the location and type of mooring by the Chicago Park District. Except in cases of great emergency, no vessel shall be anchored in Chicago Harbor outside of the established anchorage grounds and special anchorage areas.

* * * * *

(4) The maneuvering of a vessel by means of a dragged anchor, except within an established anchorage ground or in stress of weather or to avoid collision, is prohibited. Unnecessary maneuvering in any of the anchorage grounds is prohibited. Steamers and motor vessels measuring over 5 gross tons are forbidden to use the special anchorage areas described in § 110.83 as through channelways.

* * * * *

7. A public hearing on the proposed amendments will be held on June 2, 1970, at Prudential Building Auditorium, 130 East Randolph Street, Chicago, Ill., at 9:30 a.m. Interested persons may present comments, suggestions, or objections orally or in writing at the hearing.

8. Interested persons may also participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before June 2, 1970. All submissions should be made in writing to the Commander, 9th Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

9. To expedite the handling of submissions regarding this proposal, it is requested that each submission be submitted in triplicate and state the subject to which it is directed; the specific wording recommended; the reason for the recommended change, and the name, address and firm or organization, if any, of the person making the submission.

10. Each communication received within the time specified or at the public hearing 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, 9th Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

11. After all interested persons have expressed their views, the Commander, 9th Coast Guard District will forward the record, including the original of all written submissions, and his recommendations with respect to the proposals and submissions received to the Commandant (OLE), U.S. Coast Guard, Washington, D.C. 20591. The Commandant will thereafter make a final determination with respect to this proposal.

Dated: April 30, 1970.

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

[F.R. Doc. 70-5472; Filed, May 1, 1970; 9:49 a.m.]

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 69-AL-12]

JET ROUTE

Withdrawal of Proposed Designation

On October 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15601) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route from King Salmon, Alaska, to Anchorage, Alaska.

Subsequent to publication of the notice, it was determined by a flight check that the proposed jet route would require an unduly high minimum en route altitude. Another jet route and VOR airway configuration which would provide lower MEAs is being considered.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 69-AL-12 (34 F.R. 15601) is withdrawn.

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

Issued in Washington, D.C., on April 27, 1970.

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

[F.R. Doc. 70-5379; Filed, May 1, 1970; 8:46 a.m.]

[14 CFR Part 91]

[Docket No. 10283; Notice 70-19]

TEMPORARY FLIGHT RESTRICTIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to expand the applicability of § 91.91 to permit the establishment by NOTAM of temporary flight restrictions in the vicinity of any incident or event, or any scheduled or impending incident or event, that may generate a high degree of public interest.

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 regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 1, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

At the present time, § 91.91 provides for the issuance of a NOTAM designating a disaster area and implementing temporary flight restrictions in the designated area. This rule was designed to prevent a hazardous congestion of sightseeing aircraft over the site of an aircraft or train accident, forest fire, earthquake, flood, or other disaster of substantial magnitude. The rule is specifically designed to be solely applicable to disasters and it may not be implemented at any time before the disaster occurs.

In recent years there have been incidents wherein hazardous concentrations of air traffic, mostly sightseeing aircraft, have operated above or in the vicinity of unusually large gatherings of persons on the ground, in a situation where no disaster has been involved.

These situations have occurred when the event that caused the public gathering was of such a nature as to encourage viewing from an aircraft. The usual pattern has been for sightseeing aircraft to converge in the vicinity of the incident from various directions and proceed to circle at low altitudes. This unorganized and random flow of traffic is hazardous in itself, but the risk of midair collision is substantially increased when the pilot's attention is diverted by the incident being viewed by him. The hazard to assemblies of persons and property on the ground is also increased because of the activity of the pilots operating above the area.

In the past, and when able to foresee situations of the type described above that involve a probable congestion problem and potential hazard, the FAA has adopted Special Federal Aviation Regulations prescribing temporary flight restrictions similar to those which would apply in a designated disaster area. To cite a few, the berthing of the steamships Queen Elizabeth and Queen Mary, the funeral of President Kennedy, the civil rights demonstrations at the University of Mississippi in 1962, all have prompted the issuance of Special Federal Aviation Regulations to prevent an unsafe confluence of air traffic and to protect the mass of persons expected to be assembled at a given location.

The formal actions necessary in the processing and issuing of Special Federal Aviation Regulations are very time consuming. There have been cases where hazardous traffic situations have developed before the necessary action could be taken to adopt a special rule. During the widespread rioting following the assassination of Dr. Martin Luther King, Jr., for example, emergency action had to be taken to restrict traffic over many riot areas where a hazardous congestion of sightseeing aircraft had already developed.

The number of incidents that have not fallen within the disaster category, but which have created—with little advance warning—enough public interest to cause a hazardous air traffic situation of the type described above, has been sufficient to require the issuance of this type of regulatory action.

In order that such hazardous situations may be avoided in the future, the FAA proposes to amend the regulations to provide for the imposition of necessary traffic restrictions with a minimum of delay whenever conditions warrant. It is proposed to amend § 91.91 to include situations such as those described above so as to establish expeditious means of prescribing such air traffic limitations as may be necessary to fulfill the agency's responsbility to prevent collisions between aircraft and to safeguard persons and property on the ground. In addition to disasters, the rule would apply to certain sporting events, parades, pageants, and similar functions as well as demonstrations, riots, or other civil disturbances. It will be the purpose of this regulation to also cover those situations wherein a scheduled or impending event will likely attract the curious and cause a hazardous congestion of sightseeing aircraft.

The procedures for implementing the revised rule would be the same as those now prescribed for designating a disaster area. The ARTCC Center that controls the affected area would issue the NOTAM. The NOTAM would be issued, designating an area within which temporary flight restrictions apply:

(1) If requested or recomended by Disaster Control Authorities; or,

(2) If information is received from a reliable source indicating that such a designation will best serve aviation safety requirements and prevent a hazardous congestion of aerial sightseeing traffic in the area.

The dimensions of the area would be stated in the NOTAM. Normally, the area would include the airspace below 2,000 feet above the surface within 5 miles of the site of the incident. The size would vary, however, based on the needs as determined by the designating authority.

As is the case with the present rule, the revised rule would contain provisions regarding the operation of essential aircraft in or through the area. The revised rule would not apply to aircraft engaged in airborne relief activities under the direction of the agency responsible for relief activities. It would also permit the operation—under certain conditions—of aircraft by Federal, State, or local authorities on official business concerning the incident; of aircraft on an IFR ATC clearance; of aircraft proceeding to or from an airport within the area; of en route traffic through the area; and, of aircraft engaged in news-gathering activities.

In consideration of the foregoing, it is proposed to amend § 91.91 of the Federal Aviation Regulations to read as follows:

§ 91.91 Temporary flight restrictions.

(a) Whenever the Administrator determines it to be necessary in order to provide a safe environment for the operation of disaster relief aircraft, or to prevent an unsafe congestion of sightseeing aircraft above an incident or event which may generate a high degree of public interest, a Notice to Airmen will be issued designating an area within which temporary flight restrictions apply.

(b) When a Notice to Airmen has been issued under this section, no person may operate an aircraft within the designated area unless—

(1) That aircraft is participating in disaster relief activities and is being operated under the direction of the agency responsible for relief activities;

(2) That aircraft is being operated to or from an airport within the area and is operated so as not to hamper or endanger relief activities;

(3) That operation is specifically authorized under an IFR ATC clearance;

(4) VFR Flight around or above the area is impracticable due to weather, terrain, or other considerations, prior notice is given to the Air Traffic Service facility specified in the Notice to Airmen, and en route operation through the area is conducted so as not to hamper or endanger relief activities; or,

(5) That aircraft is carrying properly accredited news representatives, or persons on official business concerning the incident or event which generated the issuance of the Notice to Airmen; the operation is conducted in accordance with § 91.79; the operation is conducted above the altitudes being used by relief aircraft unless otherwise authorized by the agency responsible for relief activities; and further, in connection with this type of operation, prior to entering the area the operator has filed with the Air Traffic Service facility specified in the Notice to Airmen a flight plan that includes the following information:

(i) Aircraft identification, type and color.

(ii) Radio communications frequencies to be used.

(iii) Proposed times of entry and exit of the designated area.

(iv) Name of news media or purpose of flight.

(v) Any other information deemed necessary by ATC.

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

Issued in Washington, D.C., on April 24, 1970.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 70-5380; Filed, May 1, 1970; 8:46 a.m.]

[14 CFR Part 121]

[Docket No. 9003; Notice 70-18]

PILOT-IN-COMMAND ROUTE AND AIRPORT QUALIFICATION

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to provide new procedures for pilot in command route and airport qualification.

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 31, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Air Transport Association (ATA) has petitioned for an amendment that

would eliminate the current requirement for pilot in command route qualification, except for flights where the pilot must navigate by pilotage. In addition, the ATA has petitioned to amend §§ 121.443 and 121.447 to require only initial airport qualification.

In support of its petition, the ATA cites numerous developments that have place since the adoption of §§ 121.443 and 121.447 in the areas of navigation aids, instrument approach procedures, and communications. Aircraft radio navigation capabilities have been improved. A widespread network of en route and terminal approach navigation aids, particularly VOR and ILS, has been developed. The standardization of en route and terminal procedures makes one route similar to another. Also instrument approach procedures, developed according to United States or ICAO criteria and that limit the need to rely on visual navigation during the approach to landing, apply at most airports used by domestic and flag air carriers. In addition, air traffic control systems within the United States, have been improved with terminal and en route radar now providing flexible routing. Finally, communications between the pilot and the air traffic controller have been improved.

Section 121.443 currently requires that before a pilot may be used as a pilot in command over a particular route he must qualify for that route. Once a pilot has qualified, § 121.447 requires that he make at least one trip as pilot or other member of a flight crew between terminals into which he is scheduled to fly every 12 months. Should a pilot fail to maintain his route qualification, he must reestablish it under the appropriate provisions of § 121.443. Sections 121.443 and 121.447 prescribe similar qualification and reestablishment procedures for pilot in command airport qualification.

The FAA recognizes the developments cited by the ATA and the need to update the requirements and procedures for pilot in command qualification. Therefore, the FAA proposes to eliminate the present route qualification and requalification provisions and adopt a regulation that makes the certificate holder responsible for insuring that the pilot it uses as pilot in command has current knowledge concerning certain information regarding each operation and is qualified with respect to his ability to use it as required of a pilot in command.

As indicated by the above, the concept of routes would be eliminated from these requirements. This action is taken in recognition of the fact that between any two airports there may be numerous routes for which a pilot may be cleared by air traffic control, and reliance on this concept as a qualification requirement is not in keeping with technological advances which have been made. However, the FAA believes that it is not advisable at this time to eliminate all requirements with regard to qualification for particular operations, and that it is in the interest of safety to require that a pilot have adequate knowledge with respect to physical and procedural factors he will encounter on any given operation. The FAA believes that the proposals made herein serve this interest.

In addition, it is proposed to consolidate § 121.443 prescribing pilot in command qualification requirements for flag and domestic air carriers, and § 121.445 prescribing similar qualifications for supplemental air carriers and commercial operators, thus applying the provisions of revised § 121.443 to all Part 121 certificate holders. This consolidation would retain the subject matter currently found in § 121.445(b) and would delete the subject matter currently found in § 121.443(b). The FAA believes that the subject matter in current § 121.445(b) is preferable and better organized than that in current § 121.443 (b), and that this information should be made available to the pilot with regard to all aspects of the operation.

Further, it is proposed to delete the flush paragraph at the end of paragraph (b) of § 121.443. It will be noted that current § 121.445 does not contain a similar provision allowing the requirements relating to holding procedures and instrument approach procedures to be accomplished in a synthetic trainer. The FAA believes that this provision is not necessary inasmuch as it is performance oriented while the subject matter set forth in paragraph (b) is based solely upon a pilot "showing" his familiarity with the information. In deleting this flush paragraph, the intent would be to allow the certificate holder to establish whatever procedures are necessary to enable it to comply with the requirements of the section.

The proposal to eliminate the concept of routes would also apply to § 121.443(e) which currently prescribes the route qualification requirements in situations where the pilot must navigate by pilotage. At the present time, the FAA is studying the feasibility of eliminating current § 121.443(e), and welcomes comments addressed specifically to this point.

The notice also proposes to remove the airport qualification requirements from § 121.443 and place them in a new section, § 121.444. At present, the prohibitive language of § 121.443 appears to refer only to route qualification. By placing airport qualification in a separate section with prohibitive language, it would be made clear that an air carrier could not use a pilot as pilot in command until he is airport qualified. In addition, placing airport qualification requirements in a separate section permits an easier and clearer transfer of those elements of § 121.447 which are to be retained, to the new section on airport qualification.

The notice proposes one substantive change in the current airport qualification requirements. Present § 121.443(c) requires that a qualifying pilot make an entry as a member of a flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. However, under § 121.443(d)(1), a domestic or flag air carrier may use a pilot as pilot in command who has not qualified under § 121.443(c) for a particular airport if that pilot's first entry into the airport is made under VFR weather conditions. This notice proposes to amend § 121.443(d)(1) to allow the first entry to be made without prior airport qualification if the weather conditions at that airport are equal to or better than the weather minimums applicable to that airport for off-route charter operations. The FAA believes that this change would not adversely affect safety inasmuch as the proposed requirement of § 121.443(a) would require the pilot to have adequate knowledge of important information with regard to all phases of an operation.

As indicated above, the proposed changes would result in the revocation of § 121.447. The FAA believes that by revoking § 121.447 and placing those elements of the section to be retained in the revised qualification sections, the entire area of pilot in command qualification will be clarified and updated.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations to read as follows:

1. By amending § 121.443 to read as follows:

§ 121.443 Pilot-in-command qualification: general.

(a) Each certificate holder is responsible for ensuring that the pilot it uses as pilot in command of an aircraft is qualified in accordance with paragraph (b) of this section.

(b) No certificate holder may use any person nor may any person serve as pilot in command of an aircraft unless that person has been provided with current information concerning the following subjects and has adequate knowledge of and the ability to use that information:

(1) Weather characteristics appropriate to the seasons.
(2) Navigation facilities.
(3) Communication procedures.
(4) Kinds of terrain and obstructions.
(5) Minimum safe flight levels.
(6) Pertinent air traffic control procedures including terminal area, arrival, departure, and holding, and all kinds of instrument approach procedures.
(7) Congested areas, obstructions, and physical layout of each airport in the terminal area in which the pilot will operate.

(c) No certificate holder may use any person nor may any person serve as pilot in command of an aircraft in an operation where the pilot must navigate by pilotage and fly at or below the level of terrain that is within 25 miles horizontally of the aircraft, unless, within the preceding 12 months, he has flown at least two one-way trips involving that operation on the flight deck under VFR weather conditions.

2. By adding a new section after § 121.443 to read as follows:

§ 121.444 Pilot-in-command airport qualification: domestic and flag air carriers.

(a) No domestic or flag air carrier may use any person nor may any person

serve as pilot in command unless the pilot has complied with this section during the preceding 12 months.

(b) The pilot shall make an entry as a member of a flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. The entry must include a landing and a takeoff. The qualifying pilot must occupy a seat in the pilot compartment and must be accompanied by a pilot who is qualified for the airport.

(c) Paragraph (b) of this section does not apply if—

(1) The initial entry at the airport involved is made under weather conditions equal to or better than the weather minimums applicable to that airport when used for off-route charter operations as prescribed in the operations specifications of the air carrier;

(2) The air carrier shows that the qualification can be made by using approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to operate at an airport that is near an airport into which the pilot concerned is currently qualified by entry, and the Administrator finds that the pilot is adequately qualified at the new airport, considering at least the pilot's familiarity with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

§ 121.445 [Revoked]

3. By revoking and reserving § 121.445.

§ 121.447 [Revoked]

4. By revoking and reserving § 121.447.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 27, 1970.

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

[F.R. Doc. 70-5381; Filed, May 1, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1006, 1012, 1013]

[Dockets Nos. AO-356-A6, AO-347-A10, AO-286-A18]

MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Holiday Inn South, 4049 South Orange Blossom Trail, Orlando, Fla., beginning at 9:30 a.m., e.d.t., May 7, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid specified marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairy Farmers Mutual, Northeast Florida Milk Producers Association, Independent Dairy Farmers' Association, Inc., and Tampa Independent Dairy Farmers' Association, Inc.:

Proposal No. 1. In § 1013.41(b)(1) of Federal Order 13, § 1012.41(b)(1) of Federal Order 12, and § 1006.41(b)(1) of Federal Order 6, delete the words "and sterilized products in hermetically sealed containers."

Proposal No. 2. Amend § 1013.46 of Federal Order 13, § 1012.45 of Federal Order 12, and § 1006.45 of Federal Order 6, to provide:

(a) That packaged Class I products received at a pool plant from an unregulated supply plant will be deducted from Class I milk at the pool plant to the extent that the nonpool plant received skim milk and butterfat from pool plants or other order plants as Class I; and

(b) That when Class I packaged products received at pool plants from unregulated supply plants, which products are derived from reconstituted skim milk, milk from producer-handlers, or milk from exempt plants, the skim milk and butterfat contained in the products be allocated to the pool plant's utilization in the same manner as the skim milk and butterfat from such sources would be allocated if they were received directly from such sources at the pool plant.

Proposal No. 3. Amend § 1013.62(b) of Federal Order 13, § 1012.62(b) of Federal Order 12, and § 1006.62(b) of Federal Order 6, to provide that Class I products disposed of on routes in the marketing area which contain any fluid milk products received from a producer-handler or an exempt plant be treated in the same manner as Class I products which contain reconstituted skim milk.

Proposal No. 4. Amend § 1006.60(f) of Federal Order 6, § 1012.60(f) of Federal Order 12, and § 1013.70(f) of Federal Order 13, to provide that the Class I price adjusted for location cannot be less than the Class II price.

Proposal No. 5. In § 1013.15 of Federal Order 13, delete the words "and not less than 8 days' production of such person is physically received at a pool plant during the current month or was so received during the preceding month."

Proposed by Sunny Brook Dairy, Inc., Tampa, Fla.; Tony's Dairy, Tampa, Fla.; Turner's Plantation Dairy, Inc., Tampa, Fla.; Maddox Dairy, Inc., Lakeland, Fla.; Nickerson's Dairy, Wauchula, Fla.; Perrett's Dairy, Dinsmore, Fla.; Gustafson's Dairy, Inc., Green Cove Springs, Fla.; Holly Hill Dairy, Inc., Jacksonville, Fla.; St. Andrews Bay Dairy, Panama City, Fla.; Register's Dairy, Graceville, Fla.:

Proposal No. 6. Revise §§ 1006.14, 1013.14, and 1012.14, *Producer-handler definitions,* to read as follows:

"Producer-handler" means any person who:

(a) Operates a dairy farm and a distributing plant from which the Class I disposition (except that represented by nonfat solids used in the fortification of fluid milk products) is from his own farm production, except as follows:

(b) Receives from pool plants an amount of milk equal to not more than 5 percent of his own production for which the producer-handler shall pay the Class I price; and

(c) Provide proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all fluid milk products handled in the operation of the processing and packaging business are his personal enterprise and risk.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing. In addition thereto, in consideration of proposal No. 4, review §§ 1006.63, 1012.63, and 1013.61 for possible conforming modifications.

Copies of this notice of hearing and the order may be procured from the Market Administrator, John D. Nord, Post Office Box 4886, Sunrise Professional Building, Fort Lauderdale, Fla. 33304, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on April 28, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-5387; Filed, May 1, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

WARREN FRANCIS KELLERSTEDT

Notice of Granting of Relief

Notice is hereby given that Warren Francis Kellerstedt, Savarese Lane, Burlington, Conn. 06085, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 16, 1952, in the New Britain Police Court, New Britain, Conn., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Warren F. Kellerstedt because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Warren F. Kellerstedt to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Warren F. Kellerstedt's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That, Warren F. Kellerstedt be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-5384; Filed, May 1, 1970; 8:47 a.m.]

Office of the Secretary

[Dept. Circular, Public Debt Series—No. 4-70]

7¾ PERCENT TREASURY NOTES OF SERIES A-1973

Offering of Notes

APRIL 30, 1970.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 7¾ percent Treasury Notes of Series A-1973, at 99.40 percent of their face value, in exchange for the following securities maturing May 15, 1970:

(1) 5⅝ percent Treasury Notes of Series B-1970; or

(2) 6⅜ percent Treasury Notes of Series C-1970.

Cash payments due subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on May 4 through May 6, 1970, for the receipt of subscriptions.

2. In addition, holders of the notes enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 8 percent Treasury Notes of Series A-1977, which offering is set forth in Department Circular, Public Debt Series—No. 5-70, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be identical in all respects with the 7¾ percent Treasury Notes of Series A-1973 issued pursuant to Department Circular, Public Debt Series—No. 7-69, dated September 18, 1969, except that interest will accrue from May 15, 1970. With this exception the notes are described in the following quotation from Department Circular No. 7-69:

(1) The notes will be dated October 1, 1969, and will bear interest from that date at the rate of 7¾ percent per annum, payable on a semiannual basis on May 15 and November 15, 1970, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1973, and will not be subject to call for redemption prior to maturity.

(2) The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

(3) The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

(4) Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

(5) The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as Official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1970, or on later allotment, and may be made only in a like face amount of notes of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. A cash payment of $6 per $1,000 will be made to subscribers on account of the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing notes. In the case of registered notes, the payment will be made in accordance with the assignments on the notes surrendered. When payment is made with notes in bearer form, coupons dated May 15, 1970, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1970, will be paid by issue of interest checks in regular course to holders of record on April 15, 1970, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Registered notes tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for

transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series A–1973"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series A–1973 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 7¾ percent Treasury Notes of Series A–1973 in coupon form to be delivered to _____"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

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

[F.R. Doc. 70-5455; Filed, May 1, 1970; 8:49 a.m.]

[Dept. Circular, Public Debt Series—No. 6-70]

7¾ PERCENT TREASURY NOTES OF SERIES G–1971

Offering of Notes

APRIL 30, 1970.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers $3,500,000,000, or thereabouts, of notes of the United States, designated 7¾ percent Treasury Notes of Series G–1971, at 99.95 percent of their face value and accrued interest, if any. In addition to the amount offered for public subscription, the Secretary of the Treasury reserves the right to allot an additional amount of these notes to Government accounts and Federal Reserve Banks. The following securities, maturing May 15, 1970, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

(1) 5⅝ percent Treasury Notes of Series B–1970; or

(2) 6⅜ percent Treasury Notes of Series C–1970.

The books will be open only on May 5, 1970, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated May 15, 1970, and will bear interest from that date at the rate of 7¾ percent per annum, payable semi-annually on November 15, 1970, and on May 15 and November 15, 1971. They will mature November 15, 1971, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon. Subscriptions from all others must be accompanied by payment (in cash or in notes of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight May 5, 1970.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that they customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for $200,000 or less; and

(2) On a percentage basis to be publicly announced, but not less than $200,000.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.95 percent of their face value and accrued interest, if any, for notes allotted hereunder must be made or completed on or before May 15, 1970, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 10 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of notes of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. A cash adjustment will be made for the difference ($0.50 per $1,000) between the par value of the maturing notes accepted in exchange and the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the notes. In the case of registered notes, the payment will be made in accordance with

the assignments on the notes surrendered. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for not more than 50 percent of the amount of notes allotted to it for itself and its customers. When payment is made with notes in bearer form, coupons dated May 15, 1970, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1970, will be paid by issue of interest checks in regular course to holders of record on April 15, 1970, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Registered notes tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 7¾ percent Treasury Notes of Series G–1971"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 7¾ percent Treasury Notes of Series G–1971 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 7¾ percent Treasury Notes of Series G–1971 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

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

[F.R. Doc. 70-5456; Filed, May 1, 1970; 8:49 a.m.]

[Dept. Circular, Public Debt Series—No. 5–70]

8 PERCENT TREASURY NOTES OF SERIES A–1977

Offering of Notes

APRIL 30, 1970.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 8 percent Treasury Notes of Series A–1977, at par and accrued interest, in exchange for the following securities maturing May 15, 1970:

(1) 5⅝ percent Treasury Notes of Series B–1970; or

(2) 6⅜ percent Treasury Notes of Series C–1970.

The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on May 4 through May 6, 1970, for the receipt of subscriptions.

2. In addition, holders of the notes enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 7¾ percent Treasury Notes of Series A–1973, which offering is set forth in Department Circular, Public Debt Series—No. 4–70, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be identical in all respects with the 8 percent Treasury Notes of Series A–1977 issued pursuant to Department Circular, Public Debt Series—No. 3–70, dated January 29, 1970, except that interest will accrue from May 15, 1970. With this exception the notes are described in the following quotation from Department Circular No. 3–70:

(1) The notes will be dated February 15, 1970, and will bear interest from that date at the rate of 8 percent per annum, payable semiannually on August 15, 1970, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1977, and will not be subject to call for redemption prior to maturity.

(2) The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

(3) The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

(4) Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provisions will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

(5) The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder together with a cash payment of $19.66851 per $1,000 for accrued interest from February 15 to May 15, 1970, must be made on or before May 15, 1970, or on later allotment. Payment for the face amount of the notes allotted may be made only in a like face amount of notes of the issues enumerated in paragraph 1 of section I hereof, which together with the cash payment referred to in the preceding sentence should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with notes in bearer form, coupons dated May 15, 1970, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1970, will be paid by issue of interest checks in regular course to holders of record on April 15, 1970, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Registered notes tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 8 percent Treasury Notes of Series A–1977"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 8 percent Treasury Notes of Series A–1977 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 8 percent Treasury Notes of Series A–1977 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive

payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

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

[F.R. Doc. 70-5457; Filed, May 1, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

GREAT SAND DUNES NATIONAL MONUMENT, COLO.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that public hearings will be held beginning at 9 a.m. on July 1, 1970, in the Carson Room, Adams State College Center, Adams State College, Monterey Avenue, Alamosa, Colo., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 28,350 acres within the Great Sand Dunes National Monument. The proposed wilderness area is located in Saguache and Alamosa Counties, in south-central Colorado.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness area and providing additional information about the proposal may be obtained from the Superintendent, Great Sand Dunes National Monument, Post Office Box 60, Alamosa, Colo. 81101, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, N. Mex. 87501.

A description of the preliminary boundaries and a map of the area proposed for establishment as wilderness are available for review in the above offices, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. 20240. The approved master plan for this national monument, likewise, may be inspected at these three locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Great Sand Dunes National Monument, Post Office Box 60, Alamosa, Colo. 81101, by June 29, 1970, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the hearing officer at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposals by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representatives of the counties in which the proposed wilderness area is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: April 27, 1970.

THOMAS FLYNN,
Acting Director,
National Park Service.

[F.R. Doc. 70-5393; Filed, May 1, 1970; 8:47 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands and Guam

CROSS REFERENCE: For a document issued jointly by the Department of Commerce and Department of the Interior relating to the allocation of duty-free quotas of watches and watch movements for the calendar year 1970 among producers located in the Virgin Islands and Guam, see F.R. Doc. 70-5416, Commerce Department, Office of the Secretary, *infra*.

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order DOO 40-7]

OFFICE OF PUBLIC AFFAIRS FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Functions

The following order was issued by the Secretary of Commerce on April 21, 1970. This material supersedes the material appearing at 29 F.R. 5415 of April 22, 1964.

SECTION 1. *Purpose.* .01 This order prescribes the functions of the Office of Public Affairs for Domestic and International Business (the "Office of Public Affairs-DIB").

.02 This order also effects the abolishment of the Office of Publications and Information for Domestic and International Business and the transfer of its functions.

SEC. 2. *General.* .01 The Office of Public Affairs-DIB is hereby established as a constituent operating unit of the Department of Commerce.

.02 The Office of Public Affairs-DIB shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business.

SEC. 3. *Functions.* The Office shall provide public information services to operating units in DIB and shall advise and assist the Assistant Secretary and other key officials in DIB on public affairs matters. Specifically, the Office shall:

a. Plan and conduct the public information activities of DIB, including coordination of relations with various news media and the furnishing of policy guidance for inquiry services for the general public, as well as specialized users of information on domestic and international business activities;

b. Coordinate domestic and overseas public information plans and actions as needed to further objectives of DIB programs;

c. Prepare news releases; initiate and arrange media interviews with and write speech material for officials within DIB; develop feature articles for publication; and

d. Inform DIB officials of, and arrange for speakers and exhibits at, significant events where the presentation of various DIB activities will aid in accomplishing program objectives associated with the domestic and International business programs of the Department.

SEC. 4. *Organization change.* .01 The Office of Publications and Information for DIB is hereby abolished. Its functions related to information services, including the speaker and exhibit assignments functions, are assigned to the Office of Public Affairs-DIB as provided above. Its functions performed by the

Publications Division and by the International Commerce Staff, are hereby transferred to the Office of Administration for DIB. The Staff of the Graphics Division shall be transferred, as determined by the Assistant Secretary for Administration, to the Departmental Office of Public Affairs and the Departmental Office of Publications and the functions involved shall be merged with the responsibilities of those two offices.

.02 The International Commerce Staff of the Office of Publications and Information for DIB shall subsequently be transferred to the Departmental Office of Public Affairs, effective on a date to be determined by the Assistant Secretary for Administration. The effective date shall be set so as to coincide with termination of the publication, International Commerce, and its coincident replacement with the publication, Commerce and Technology.

.03 The Assistant Secretary for Administration, in consultation with the Assistant Secretary for DIB, shall determine and arrange for the transfer of funds, records, property, and personnel from the Office of Publications and Information for DIB to the organizational elements as provided herein.

SEC. 5. *Saving provision.* Nothing in this order shall affect the departmental procedures and authorities established under and by Department Administrative Order 205–12, "Public Information" (formerly DO 64).

Effective date: April 21, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-5382; Filed, May 1, 1970; 8:46 a.m.]

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1970 Among Producers Located in the Virgin Islands and Guam

On January 16, 1970, the Departments of the Interior and Commerce published a joint notice announcing the formula to be used by the Departments in the allocation of 1970 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in the Virgin Islands and Guam (35 F.R. 603–605, as corrected in 35 F.R. 820, Jan. 21, 1970). This notice provided that annual quotas for calendar year 1970 would be allocated as soon as practicable after April 1, 1970, on the basis of the number of units assembled by each firm in the particular territory and entered by it duty-free into the customs territory of the United States during calendar year 1969, and the total dollar amount of wages subject to FICA taxes paid by such firm in the particular territory during calendar year 1969 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight was assigned to production and shipment history and to wages subject to FICA taxes.

As a temporary measure, pending announcement of final statistics to be issued by the U.S. Tariff Commission on total apparent U.S. watch consumption during 1969 and the verification of data submitted in support of individual quota applications, initial 1970 calendar year quotas were allocated to eligible producers that had received duty-free watch quotas for calendar year 1969.

Representatives of the Departments visited each quota holder in the Virgin Islands and Guam during March and April 1970 to verify the data submitted in support of individual quota applications. The verification indicated that firms had been generally accurate in reporting the number of units which were entered into the customs territory of the United States during calendar year 1969. However, there were some inconsistencies in reporting wages subject to FICA taxes paid during calendar year 1969 to persons whose pay was attributable to Headnote 3(a) watch assembly operations in the territories. These inconsistencies were largely due to the inclusion of wages in excess of the maximum $7,800 taxable as FICA wages and the inclusion of wages paid to individuals whose services were not attributable to watch operations in the territories.

The number of watches and watch movements authorized for shipment on or after January 1, 1970, under initial quotas previously allocated by the Departments are to be applied against the following allocations which are issued for the full calendar year 1970. Adjustments have been made reflecting verification of the data submitted by individual applicants. The annual quotas announced herein are subject to possible reduction or revocation in the case of those firms which failed to enter into the customs territory of the United States at least 30 percent of their initial quota on or prior to April 1, 1970. Such firms will be notified in the near future of any action the Departments propose to take based on their failure to meet this requirement.

VIRGIN ISLANDS

Name of firm	*Number of units*
1. Admiral Time Inc.	165,471
2. Antilles Industries, Inc.	427,180
3. Atlantic Time Products Corp.	534,878
4. Belair Time Corp.	226,172
5. Belmont Industries	69,252
6. Master Time Co., Ltd.	232,155
7. Quality Products Co., Inc.	365,970
8. Roza Watch Corp.	340,616
9. R. W. Summers Time Corp.	225,153
10. Standard Time Co. (formerly Standard Time Corp.)	525,945
11. Sussex Watch Corp.	118,856
12. TMX, Ltd. (formerly Virgo Corp.)	217,728
13. Unitime Corp.	506,404
14. Virgiline Watch Co., Inc.	46,444
15. Watches, Inc.	241,151

GUAM

Name of firm	*Number of units*
1. Hallmark Watch Factory, Inc.	77,945
2. Jun-Lau Watch Corp.	23,072
3. Maro Watch Co., Inc.	85,266
4. Phoenix Industries, Inc.	26,097
5. Stratton Watch Corp.	163,423
6. Westminster Time Corp.	42,446

Assigned quotas may be adjusted at any time during this calendar year in the event it becomes apparent that shipments through December 31, 1970, by any firm will be less than 90 percent of the number of units allocated to it. Those firms which have been notified that their quota application forms are not complete will not be issued an annual license covering the assigned quota until such time as their application forms are completed in all respects.

VIRGIN ISLANDS SET-ASIDE FOR NEW FIRM

Section 4 of the Departments joint notice, published January 16, 1970, provided for setting aside 150,000 units of the 1970 Virgin Islands quota for a new firm in the event that the unused 1969 quota plus any increase (or minus any decrease) in the amount of quota available for 1970, in comparison with that for 1969, equaled or exceeded 150,000 units. As the amount of unused 1969 quota plus the increase in the amount of quota available for 1970, as determined by the U.S. Tariff Commission, did exceed 150,000 units, the Departments have set aside 150,000 units of the 1970 Virgin Islands quota for a new firm. (By "new firm" is meant an entity which is completely separate and unassociated, in terms of ownership and control, with any present quota allocatee in any of the insular possessions of the United States.)

Upon publication of this joint notice in the FEDERAL REGISTER, interested parties are invited to apply for this amount of the 1970 Virgin Islands quota. All applicants are advised that this allocation to a new firm will be based on the information and representations contained in answers to Form BDSAF–764 which has been prepared jointly by the Departments. Copies of this form may be obtained from:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific and Business Equipment Division.

All applications must be filed with the Departments at the above address on or before June 1, 1970. Based on the Departments' evaluation of the information submitted by applicants on Form BDSAF–764, the Departments may allocate the entire 150,000 units of quota to that applicant whose proposal, in the judgment of the Departments, offers the likelihood of the greatest contribution to the economy of the Virgin Islands. While it is the present intention of the Departments to allocate the entire 150,000 units to one new firm, the Departments reserve the right to allocate portions of the set-aside to more than one new firm as may appear best to serve the interests of the Virgin Islands.

The recipient or recipients of the set-aside quota will be required to comply with U.S. Customs regulations concerning those assembly operations which must be performed in the Virgin Islands in order to qualify watch movements for duty-free entry into the customs territory of the United States under General Headnote 3(a), T.S.U.S., and with the general requirements of the territorial

government regarding the establishment and conduct of a business in the Virgin Islands. Failure on the part of the recipient or recipients of the set-aside quota to abide substantially and in a timely fashion with representations made in Form BDSAF–764 may result in cancellation of the quota allocation(s).

Dated: April 29, 1970.

K. N. DAVIS, Jr.,
Assistant Secretary for Domestic and International Business, Department of Commerce.

HARRISON LOESCH,
Assistant Secretary for Public Land Management, Department of the Interior.

[F.R. Doc. 70-5416; Filed, May 1, 1970; 8:49 a.m.]

BLACK WALNUT AND VENEER

Public Hearing To Consider Problems Affecting Supply

Timetable: A. Requests to present oral testimony must be submitted by May 15.

B. Written briefs must be received by May 19.

C. Hearing begins May 25 at 10 a.m.

1. *Notice of public hearing.* In view of reports of shortages of veneer quality walnut in the United States and the impact of exports on these shortages, the Secretary has ordered a public hearing to be held in conjunction with the Departments of Agriculture and the Interior for the purpose of gathering views and comments from interested parties concerning the possibilities of controlling exports and other means of achieving effective conservation of this hardwood.

The general topics or questions on which interested parties might wish to submit views are listed below. This list is not exhaustive, however, and interested parties are invited to submit views on any matter which, in their judgment, should be considered.

(a) To what extent, if any, are restrictions on exports necessary for walnut and walnut veneer?

(b) What maximum level of total consumption, including both domestic use and exports, would be feasible and realistic to achieve meaningful conservation of walnut?

(c) What are your estimates of long range trends in domestic consumption and exports of veneer quality walnut in the event no restrictions are imposed including consumer preferences, substitutability of synthetic materials, etc.?

(d) What kind of mandatory controls would be practicable and effective in reducing domestic consumption of the affected species, e.g., log consumption controls, veneer thickness standards, quotas on veneer and/or lumber production? (It is not contemplated that controls would be placed on methods of cutting or management practices on private forest lands. The participating Departments will not undertake to reach conclusions if material is presented on controls of cutting or management practices.)

(e) What measures have been adopted or strengthened to increase domestic supply of veneer quality walnut? What measures are anticipated in the near future?

(f) In the event export controls on walnut are imposed, what should be the basis for establishing levels and allocation of individual quotas among applicants?

2. *Time and place of public hearing.* The public hearing will commence on Monday, May 25, 1970 at 10 a.m. in the Auditorium of the Department of Commerce, 14th Street between E Street and Constitution Avenue NW., Washington, D.C.

3. *Requests to present oral testimony.* All requests to present oral testimony must be received not later than May 15, 1970, by the:

Business and Defense Services Administration, Room 5099C, U.S. Department of Commerce, Washington, D.C. 20230.
Attn: Director, Forest Products and Packaging Division

A request to present oral testimony shall be submitted in an original and six copies and must be followed by a written brief as set forth below. The written request shall contain the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party, e.g., timber grower, log buyer, manufacturer, exporter, consumer;

(d) The name, address, telephone number, and official position of the person or persons who will present oral testimony, and

(e) Time needed for oral testimony (minutes).

Each party whose request for an oral presentation is approved, shall be given a maximum of one-half hour for his presentation. He may briefly summarize and may supplement the information contained in the written brief, and should be prepared to answer questions relating to such information.

4. *Submission of written briefs.* Any interested party may submit a written brief on the subject of the hearing. Such briefs must be sent to the address noted in paragraph 3 above by May 19, 1970. Each party presenting oral testimony must submit a brief. Written briefs may be, but need not be, supplemented by presentation of oral testimony. A written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position. It shall be submitted in not less than fifteen (15) copies, which shall be legibly typed, printed, or duplicated. Each copy shall be accompanied by a separate single-page summary, including (1) the position taken and (2) principal reasons for such position. The hearing record will be held open for 10 calendar days following the conclusion of the hearing for submission of additional written briefs, or supplemental briefs.

5. *Information exempt from public inspection.* It should be noted that requests to present oral testimony should contain no confidential information, and any requests marked "For Official Use Only" will not be accepted. In addition, every written brief must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief. Appendices to such briefs containing factual company data, which in the opinion of the applicant should be treated as confidential and is so marked, may be tendered. However, the right is reserved not to accept for inclusion in the hearing record any papers containing data as to which confidential treatment is sought. Such material, if rejected, will be returned to the applicant.

6. *Public inspection of written materials.* All nonconfidential written materials filed in connection with the hearing will be open to public inspection, by appointment, at the Office of the Director of the Forest Products and Packaging Division, Business and Defense Services Administration, Room 5099C, U.S. Department of Commerce, Washington, D.C. 20230. Transcripts of the hearing also will be available for inspection, but not for reproduction. Transcripts may be purchased from the Official reporter.

7. *Communications and additional information.* Any communication or request for additional information regarding the coverage of the hearing should be addressed to the office noted in paragraph 6, above.

ROCCO C. SICILIANO,
Acting Secretary of Commerce.

APRIL 30, 1970.

[F.R. Doc. 70-5453; Filed, May 1, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 70-4-142]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority April 28, 1970.

By Order 70-4-73, dated April 15, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). Insofar as it applies in air transportation as defined by the Act, the agreement proposes to establish new group inclusive tour (GIT) fares to apply between New York/Miami and points in the Caribbean, and to establish, within the framework of IATA, new GIT fares

for minimum-size groups of 15 and 50 passengers, applicable between New York and Caracas/Maracaibo.

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 70-4-73 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21703 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-5412; Filed, May 1, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARLISLE CHEMICAL WORKS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2528) has been filed by Carlisle Chemical Works, Inc., New Brunswick, N.J. 08903, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of calcium neodecanoate and zinc neodecanoate as stabilizers in polymers used in the manufacture of articles intended for food-contact use.

Dated: April 22, 1970.

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

[F.R. Doc. 70-5368; Filed, May 1, 1970; 8:45 a.m.]

BACITRACIN-POLYMYXIN B SULFATE-NEOMYCIN SULFATE TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Gammamycin; each tablet contains 800 units of bacitracin, 16,000 units of polymyxin B sulfate, and 6 milligrams of neomycin (present as the sulfate); Pitman-Moore, Division of the Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46077.

The Academy concludes that: (1) This product is probably effective for treating infections of the bovine genital tract and enteric infections susceptible to the drug in dogs and cats; (2) dosage may be low; (3) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; (4) this preparation does not satisfy the condition that each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as an active ingredient; (5) information is needed of a product to be inserted into the uterus with respect to the degree of disintegration within the uterus, the presence of hazardous ingredients that may cause severe irritation, ulceration, perforation, or necrosis, and the chemical compatibility of the vehicle and active agents; and (6) evidence must be provided that the tablet disintegrates in the gastrointestinal tract of the medicated species to produce the desired effect.

The Food and Drug Administration concurs with the above conclusions of the Academy.

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 23, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-5370; Filed, May 1, 1970; 8:46 a.m.]

DIHYDROSTREPTOMYCIN BOLUS WITH SULFONAMIDES, PECTIN, AND ACTIVATED ATTAPULGITE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Wayne Calf Bolus, Karan Boluses, Sul-Mycin Calf Scours Bolus; each bolus contains 250 milligrams of dihydrostreptomycin base (as sulfate), 1.5 grams of sulfathiazole, 1.5 grams of phthalylsulfacetamide, 50 milligrams of pectin, and 2.0 grams of an activated attapulkite; by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502.

The Academy concludes that (1) this product is probably effective for treatment of bacterial diarrhea in calves and colts; (2) the disease claims for this preparation must be restricted to diseases involving the gastrointestinal tract because of the chemical and pharmacologic properties of the active ingredients; (3) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; (4) the drug does not satisfy the condition that each active ingredient in a preparation containing more than one must be effective or contribute to the effectiveness of the preparation to warrant acceptance as a therapeutic ingredient; (5) evidence is needed to show that attapulgite does not interfere with antibacterial action; and (6) the manufacturer of this bolus must provide evidence that it disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs in the above conclusions of the Academy.

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

This announcement is published (1) to inform the holders of antibiotic drug applications for the subject drug of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such

articles to be marketed must be the subject of approved antibiotic drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 24, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5372; Filed, May 1, 1970; 8:46 a.m.]

NEOMYCIN-SULFONAMIDE-KAOLIN-PECTIN WITH OR WITHOUT NEOJEL (COLLOIDAL CALCIUM PHOSPHATE) OR ELECTROLYTES

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Diamond Laboratories, Inc., Post Office Box 863, Des Moines, Iowa 50303:

1. Keosul Suspension with Neojel; each cubic centimeter contains 1.69 milligrams of neomycin base (approximately 2.41 milligrams of neomycin sulfate), 65.7 milligrams of sulfaguanidine, 8.1 milligrams of sulfathiazole, 175.3 milligrams of kaolin, 8.8 milligrams of pectin, and 33.8 milligrams of neojel (colloidal hydrated calcium phosphate).

2. Keosul Tablets with Neojel; each tablet contains 10 milligrams of neomycin sulfate (equivalent to 7 milligrams of base), 7.5 grains of sulfaguanidine, 1.0 grain of sulfathiazole, 5.0 grains of kaolin, 0.8 grain of pectin, and 1.25 grains of colloidal calcium phosphate (equivalent to 12.5 grains of hydrated material).

3. NM–660 Suspension and Trans-Sul-N Suspension; each fluid ounce contains 50 milligrams of neomycin base (equivalent to approximately 71.4 milligrams of neomycin sulfate), 7.7 grains of sulfathiazole, 25.0 grains of sulfaguanidine, 80.0 grains of kaolin, and 4.0 grains of pectin.

4. Keosul Boluses with Neojel; each bolus contains 50 milligrams of neomycin base (equivalent to approximately 71.4 milligrams of neomycin sulfate), 30 grains of sulfaguanidine, 3.7 grains of sulfathiazole, 15 grains of kaolin, 4.0 grains of pectin, and 1.0 gram of neojel (colloidal hydrated calcium phosphate).

5. NM–660 Boluses with Electrolytes, and Trans-Sul-N Boluses with Electrolytes; each bolus contains 50 milligrams of neomycin base (equivalent to approximately 71.4 milligrams of neomycin sulfate), 25 grains of sulfaguanidine, 10 grains of kaolin, 2 grains of pectin; the electrolytes contain 160 milligrams of calcium gluconate, 18 milligrams of magnesium chloride, 680 milligrams of sodium chloride, 448 milligrams of sodium bicarbonate, and 100 milligrams of potassium chloride.

The Academy concludes that: (1) These oral preparations for individual therapy in their various dosage forms are probably not effective for the treatment and prevention of bacterial diarrhea (scours) and enteritis in large and small animals and for the treatment of other inflammatory conditions of the gastrointestinal tract of dogs and cats; (2) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; (3) these preparations (especially those containing electrolytes) do not satisfy the condition that each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as a therapeutic ingredient; (4) claims made regarding the prevention of disease should be deleted, or as appropriate, replaced with claims for control of the disease; (5) dosage is inconsistent and inadequate; (6) there is a possibility of colloidal hydrated calcium phosphate interfering with the antibiotic or the sulfonamide activity; (7) additive or potentiative efficacy has not been demonstrated for the combination of active ingredients; and (8) the manufacturer of these drugs in bolus or tablet form must provide evidence that they disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs with the conclusions of the Academy.

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

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

Manufacturers of these drugs are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The manufacturer of the subject drugs has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to these drugs or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 23, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-5369; Filed, May 1, 1970; 8:46 a.m.]

OXYTETRACYCLINE-BENZETHONIUM CHLORIDE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Terramycin Poultry Formula with Anti-Germ 77; each pound represents 25 grams of oxytetracycline hydrochloride and 25 grams of benzethonium chloride; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy concludes that: (1) This product is effective for hexamitiasis claims and is probably not effective for oral water medication for prevention, control, or treatment of enteric or systemic infections in poultry; (2) the manufacturer's label should warn that treated animals must actually be consuming enough medicated water to provide a therapeutic dosage under the conditions that prevail; (3) as a precaution, the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective usage of preparation in drinking water;

(4) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease cannot be so qualified, the claim must be dropped; (5) the preparation may aid in maintaining egg production under appropriate conditions by controlling pathogenic micro-organisms; (6) this preparation does not satisfy the condition that each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as a therapeutic ingredient; (7) claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; (8) noninfectious disease claims are disallowed; and (9) there is no in vivo support for "antigerm 77"—quaternary ammonium compounds and oxytetracycline may act as antagonists for pseudomonas infections—proof of efficacy for "antigerm 77" is lacking.

The Food and Drug Administration concurs with the above conclusions of the Academy.

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 23, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-5371; Filed, May 1, 1970; 8:46 a.m.]

[DESI 90-028 NV]

PENICILLIN, DIHYDROSTREPTOMYCIN, AND DIETHYLSTILBESTROL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following preparation: Estro-Biotic containing 1.25 grams of dihydrostreptomycin sulfate, 1 million units of crystalline penicillin G potassium, and 20 milligrams of diethylstilbestrol per 28 cubic centimeters; by Alexander-Shaw Corp., 192 Worcester Street, Wellesley Hills, Mass. 02181.

The Academy evaluated this product as probably effective for the treatment of low grade intrauterine bacterial infections in cows and certain preputial bacterial infections in bulls. The Academy stated the package insert should show that the product is effective for use against organisms sensitive to the active ingredients. The academy also stated that because of possible incompatibilities in the mechanism of action of antimicrobial ingredients in a product containing more than one, it is suggested that the manufacturer reconsider the formula. The addition of one antibiotic to another may result in a less than additive action with regard to inhibition of bacterial multiplication, or with regard to the fraction of a bacterial population killed.

The Food and Drug Administration concurs with the findings of the Academy and in addition concludes that substantial evidence should be presented to establish that each ingredient designated as active make a contribution to the total effect claimed for the drug combination.

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

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

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

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

Dated: April 24, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5374; Filed, May 1, 1970; 8:46 a.m.]

SULFANILAMIDE - SULFATHIAZOLE - PHENACAINE HYDROCHLORIDE-GENTAIN VIOLET-TYROTHRICIN WITH NEOMYCIN SULFATE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparation: Pinkeye Powder with Neomycin; contains 78.05 percent sulfanilamide, 20.00 percent sulfathiazole, 1.00 percent phenacaine hydrochloride monohydrate, 0.50 percent gentain violet, 0.40 percent neomycin sulfate (equivalent to neomycin 0.25 percent), and 0.05 percent tyrothricin; by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502.

The Academy concludes that: (1) This drug is probably not effective for topical treatment of ocular infections; (2) the dosage schedule is inadequate; (3) this drug is not effective against the psittacoid organism of pink-eye in sheep; (4) phenacaine should be deleted from the formula; (5) references should be updated; and (6) powder should not be used in the eyes.

The Food and Drug Administration concurs with the above conclusions of the Academy.

This announcement is published (1) to inform manufacturers of the drug of

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

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

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The manufacturer of the subject drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may also obtain a copy by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 23, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-5373; Filed, May 1, 1970; 8:46 a.m.]

Office of the Secretary

ASSISTANT SECRETARY (EDUCATION)

Statement of Organization, Functions, and Delegations of Authority

Section 2–120 of Part 2 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is revised to read as follows:

SEC. 2–120–00 *Mission.* The Assistant Secretary (Education) serves as the principal advisor to the Secretary on educational policy matters and assists the Secretary in the direction and coordination of activities related to education within and outside the Department.

SEC. 2–120–10 *Organization.* A. The Assistant Secretary (Education) reports directly to the Secretary.

B. The Office of the Assistant Secretary (Education) includes:

1. Deputy Assistant Secretary (Education).
2. Deputy Assistant Secretary for Planning Research and Evaluation.
3. Deputy Assistant Secretary (Intradepartmental Educational Affairs).
a. Office of African American Affairs.
b. Office of American Indian Affairs.
c. Office of Business-Industry Relations.
d. Office of Manpower Training.
e. Office for Nutrition and Health Services.
f. Office for Spanish Speaking American Affairs.
g. Office of Special Studies.
h. Office of Student and Youth Affairs.

SEC. 2–120.20 *Functions.* A. The Assistant Secretary (Education):

1. Assists and advises the Secretary in coordinating DHEW programs, and the Federal education programs in accordance with Executive Orders 11185 (29 F.R. 14399) and 11260 (30 F.R. 15395).

2. Advises and represents the Secretary in the development of Federal education policy.

3. Performs the statutory functions of the Secretary in the Department's relationships with certain federally aided corporations:

a. American Printing House for the Blind.
b. Gallaudet College.
c. Howard University.

B. Deputy Assistant Secretary (Education) serves as the chief advisor, assistant to, and full deputy to the Assistant Secretary (Education).

C. Deputy Assistant Secretary for Planning, Research, and Evaluation advises and represents the Assistant Secretary (Education) on these aspects of education within and outside the Department.

D. Deputy Assistant Secretary (Intradepartmental Educational Affairs) coordinates the activities of the diverse staffs below, which will be operating individually in their particular client or function-oriented spheres. Advises the Assistant Secretary on matters relating to these varied activities. Coordinates dealings with other components of DHEW in the respective subject matter areas.

1. Office of African-American Affairs: Identifies problem areas in education of the constituent populations; devises plans for combating these problems through use of on-going authorities or by developing new legislation; works with program officials to assure a coordinated approach to use of current authorities; and provides liaison with, and information to target groups.

2. Office of American Indian Affairs: Identifies problem areas in education of the constituent population; devises plans for combating these problems through on-going authorities or by developing new legislation; works with program officials to assure a coordinated approach to use of current authorities; and provides liaison with, and information to target groups.

3. Office of Business-Industry Relations: Strengthens the relationship between the business and educational communities by utilizing the education experience of business and industry; and promotes the use of applicable methodology in educational administration.

4. Office of Manpower Training: Participates in development of manpower policies inside and outside the Department; works with agencies on manpower problems related to health, education, and welfare delivery systems; participates in manpower research.

5. Office for Nutrition and Health Services: Provides technical assistance to model school programs; acts as coordinating link between the planning and program activities of the Office of Education and other agencies; works with program officials to implement priority in nutrition and health services for disadvantaged children.

6. Office of Spanish Speaking American Affairs: Identifies problem areas in education of the constituent population; devises plans for combating these problems through use of on-going authorities or by developing new legislation; works with program officials to assure a coordinated approach to use of current authorities; and provides liaison with, and information to target groups.

7. Office of Special Studies: Provides a flexible staff resource for analysis, research, representation, and coordination; furnishes staff assistance to the Policy Advisory Group and in development of position papers on educational policy issues; and participates or provides leadership in the work of task forces or other groups in special problem-solving assignments.

8. Office of Student and Youth Affairs: Provides a communications medium between the student community and Federal program officials; acts as student advocate; works to establish a model work environment for young employees in the Office of Education.

SEC. 2–120.30 *Committee Assignments.* A. The Assistant Secretary (Education) serves as:

1. Chairman of the Federal Interagency Committee on Education.
2. Cochairman of the Department of Health, Education, and Welfare and the Department of Labor Coordinating Committee for the Manpower Development and Training Act.
3. Secretary's delegate to the Board of Directors, Gallaudet College.
4. The Secretary's alternate on the Board of Trustees, National Cultural Center.
5. Member, Department Committee on Children and Youth.
6. Member, Council on International Educational and Cultural Affairs.

Approved: April 15, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-5414; Filed, May 1, 1970; 8:49 a.m.]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (33 F.R. 5828 et seq., Apr. 16, 1968, as amended), is hereby amended by adding the following new subsection to section 8–D.1., *Delegations of authority to the Commissioner of Social Security:*

f. The authority vested in the Secretary under title IV of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, Dec. 30, 1969), which relate to the payment of benefits to coal miners who are totally disabled due to pneumoconiosis, and to the surviving widows of miners whose death was due to such disease. In accordance with the functions of the Assistant Secretary for Health and Scientific Affairs, as set forth in section 2-110-20 of this Statement (35 F.R. 1124, Jan. 28, 1970), the Assistant Secretary for Health and Scientific Affairs will provide Department health policy direction and coordination in the formulation of standards required by section 411(b) of the Act.

Part 8 is further amended by adding the following new subdivision under subsection a. of section 8-D.2., *Delegations of authority to the Bureau of Hearings and Appeals:*

(5) By individuals from determinations made under title IV of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, Dec. 30, 1969);

(Sec. 6, Reorganization Plan No. 1 of 1953)

Dated: April 23, 1970.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 70-5413; Filed, May 1, 1970; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 67]

EMPIRE FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of San Gorgonio Savings and Loan Association

APRIL 29, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Empire Financial Corp., Van Nuys, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the San Gorgonio Savings and Loan Association, Banning, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by Empire Savings and Loan Association, a subsidiary of Empire Financial Corp., of the stock of San Gorgonio Savings and Loan Association from Budget Industries, a multiple savings and loan holding company which controls San Gorgonio Savings and Loan Association. Following said acquisition it is proposed that Empire Savings and Loan Association will be merged into San Gorgonio Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 70-5406; Filed, May 1, 1970; 8:48 a.m.]

[H.C. No. 66]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Mutual Savings and Loan Association

APRIL 29, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Gibraltar Financial Corporation of California, Beverly Hills, Calif., a multiple savings and loan holding company for approval of acquisition of control of the Mutual Savings and Loan Association, Pasadena, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the merger of Wesco Financial Corp., which controls Mutual Savings and Loan Association, into Gibraltar Financial Corporation of California. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary.
Federal Home Loan Bank Board.

[F.R. Doc. 70-5405; Filed, May 1, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-11; Tariff No. FMC 14]

PACIFIC COAST EUROPEAN CONFERENCE

Amended Order of Investigation

By order served February 27, 1970, the Commission instituted this proceeding to investigate the lawfulness of certain practices of the Pacific Coast European Conference and its member lines with respect to the limitation of loading berths in the San Francisco Bay area. Because of the need for the speedy resolution of the issues here involved, we ordered that all phases of this proceeding be expedited (see order denying respondents' motion for dismissal served Apr. 3, 1970).

The Examiner in this proceeding has called to our attention the fact that the transcript of the hearing will not be available to the parties and to the Examiner before May 4, 1970. Because of this fact and the need for adequate time to allow the parties to brief their positions before the Examiner, the June 9 date set forth in the Order of Investigation as a deadline for the initial decision can no longer be reasonably met. Under the circumstances, we will eliminate our requirement for a deadline for the initial decision, knowing that the Examiner will exercise his best efforts to expedite this proceeding in every way possible. The Examiner himself has indicated that he is confident that, if the briefing schedule he established at the hearing in this proceeding is carried out, he will be able to issue his decision by July 1, 1970.

Therefore, it is ordered, That the words "in no event later than June 9, 1970" be deleted from the first sentence of the last ordering paragraph on page 4 of the Order of Investigation herein; and

It is further ordered, That the Order of Investigation in all other respects remain the same.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APRIL 29, 1970.

[F.R. Doc. 70-5411; Filed, May 1, 1970; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 913]

S. A. INNOCENTE MAGILI ADRIATICA, INC.

Order of Revocation

By letter dated April 21, 1970, S. A. Innocente Magili Adriatica, Inc., 30 Church Street, New York, N.Y. 10007, advised that it had ceased operations as an independent ocean freight forwarder and was voluntarily returning its License No. 913 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, section 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 913 of S. A. Innocente Magili Adriatica, Inc., be and is hereby revoked effective April 23, 1970, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon S. A. Innocente Magili Adriatica, Inc.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 70-5410; Filed, May 1, 1970; 8:49 a.m.]

SEA-LAND SERVICE, INC., AND SEAWAY LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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 on unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9786-1, between Sea-Land Service, Inc., and Seaway Lines, Inc., amends the basic transshipment agreement by deleting therefrom in its entirety Clause 8 which presently reads as follows:

Neither party hereto shall enter into an agreement with any other party with respect to transportation of cargo within the scope of this agreement on terms at variance with those stated herein.

Dated: April 29, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5409; Filed, May 1, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5716, etc.]

NORTHERN NATURAL GAS PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 23, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. All certificates of public convenience and necessity granting applications for sales from the Permian Basin area will be issued at rates not exceeding the applicable area ceiling rates established in Opinion Nos. 468 and 468-A, 34 FPC 159 and 1068, or the contractually authorized rates, whichever are less, unless at the time of filing of such certificate applications or within the time fixed for filing protests and petitions to intervene applicants indicate in writing that they are unwilling to accept such certificates.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5716..... D 3-17-70	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, Tex. 77001.	Northern Natural Gas Co., Hugoton Field, Stevens County, et al., Kans.	(2)	.....
G-11961..... D 4-8-70	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Phillips Petroleum Co., Guymon-Hugoton Field, Texas County, Okla.	Assigned	.....
G-12363..... C 4-6-70	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	13.0	15.025
G-15424..... C 4-2-70	Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103.	West Lake Natural Gasoline Co., South Lake Trammell and Nena Lucia Fields, Nolan County, Tex.	9.5	14.65
G-15470..... C 7-14-58	Nortex Oil & Gas Corp. (Operator) et al., 1900 Life of America Bldg., Dallas, Tex. 75202.	United Gas Pipe Line Co., West Wecsatche Field, Goliad County, Tex.	7.596	14.65
G-16872..... C 11-3-58	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Tobasco Field, Hidalgo County, Tex.	12.12268	14.65
CI61-593..... D 3-18-70	PetroDynamics, Inc. (Operator) et al., Post Office Box 1006, Amarillo, Tex. 79106.	Transwestern Pipeline Co., Smith Perryton Field, Ochiltree County, Tex.	Depleted	.....
CI63-226..... E 2-20-70 [3]	National Cooperative Refinery Association (Operator) et al. (successor to Tommy Ward Drilling Co. (Operator) et al.), c/o Robert G. Braden, attorney, 200 East First Street, Wichita, Kans. 67202.	Northern Natural Gas Co., Carthage Field, Texas County, Okla.	[3] 15.0	14.65
CI64-834..... C&D 3-30-70	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla.	16.0	14.65
CI67-818..... A 12-28-66 as amended 10-2-67 C 2-7-68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Gomez Field, Pecos County, Tex.	[4] 16.5	14.65
CI67-954..... A 2-1-67 C 4-11-68....	Perry R. Bass (Operator) et al., 1210 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Transwestern Pipeline Co., Hamon-Ellenberger Field, Reeves County, Tex.	[4] 16.5	14.65
		Transwestern Pipeline Co., Halley Field Area, Winkler County, Tex.	[4] 20.5	14.65
CI67-994..... A 2-3-67	Sun Oil Co. (Southwest Division), 1608 Walnut Street, Philadelphia, Pa. 19103.	Transwestern Pipeline Co., Hamon-Ellenburger Field, Reeves County, Tex.	16.5	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C167-1028..... A 2-10-67	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, Tex. 77001.	Transwestern Pipeline Co., Hansen Field, Reeves County, Tex.	16.5	14.65
C167-1030..... A 2-10-67	do.....	do.....	16.5	14.65
C167-1275..... A 3-17-67 C 7-12-68	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Gomez Field, Pecos County, Tex.	16.5	14.65
C167-1454..... A 4-17-67 C 5-29-68	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	do.....	16.5	14.65
C168-92..... A 7-28-67	Atlantic Richfield Co.....	do.....	16.5	14.65
C168-1336..... C 3-26-70	Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.	Southern Natural Gas Co., Logansport Houston Field, De Soto Parish, La.	13.82	15.025
C169-598 [1] (C170-911) C 4-8-70	Star Gas Co., 800 Kanawha Valley Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
C169-833..... C 4-7-70 [2]	Phillips Petroleum Co., Bartlesville, Okla. 74003.	United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La.	16.5	15.025
C170-211 [3]..... E 3-10-70 [4]	Geodynamics Oil and Gas Inc. (successor to Palm Petroleum Corp. (Operator) et al.), Vaughn Plaza Bldg., Corpus Christi, Tex. 78401.	United Gas Pipe Line Co., Pearl Shelly et al. Fields, Goliad and Refugio Counties, Tex.	[5] 16.04	14.65
C170-882..... (CS66-32) F 3-23-70 [6]	Reading and Bates, Inc. (successor to Thornton Petroleum Corp. (Operator), et al.), 1100 Philtower Bldg., Tulsa, Okla. 74103.	El Paso Natural Gas Co., Spraberry Trend Area, Upton and Reagan Counties, Tex.	14.5	14.65
C170-883..... (CS66-49) F 3-23-70 [6]	Reading and Bates, Inc. (successor to Thornton Oil Co.).	El Paso Natural Gas Co., Spraberry Trend Area, Upton County, Tex.	14.5	14.65
C170-884 (CS66-32) F 3-23-70 [6]	Reading and Bates, Inc. (successor to Thornton Petroleum Corp. (Operator), et al.).	El Paso Natural Gas Co., Spraberry Trend Area, Midland and Reagan Counties, Tex.	14.5	14.65
C170-891 (CS66-32) F 3-23-70 [6]	do.....	Transwestern Pipeline Co., Crawar Field, Ward County, Tex.	14.12	14.65
C170-899..... A 4-3-70	Shenandoah Oil Corp., (Operator) et al., 1018 Commerce Bldg., Fort Worth, Tex. 76102.	Northern Natural Gas Co., acreage in Beaver County, Okla.	[7] 17.0	14.65
C170-900..... A 4-3-70	Hays and Co., agent for Ferrell L. Prior, et al.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	27.0	15.325
C170-902..... B 4-2-70	Phillips Petroleum Co.....	Transcontinental Gas Pipe Line Corp. Tigre Lagoon Field, Vermilion Parish, La.	Depleted	.....
C170-903..... B 4-2-70	do.....	El Paso Natural Gas Co., Noelke Field, Crockett County, Tex.	Depleted	.....
C170-904..... A 4-6-70	Gulf Oil Corp. (Operator) et al.....	Wm. W. Wiley, West Reydon Field, Roger Mills County, Okla.	[8] 15.0	14.65
C170-905..... A 4-6-70	Raymond Oil Co., Inc., Olive W. Garvey Bldg., 200 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Mullinville Southeast Field, Kiowa County, Kans.	[7] 17.0	14.65
C170-906..... A 4-6-70	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Coon Point Field, Offshore (Zone 1), La.	21.25	15.025
C170-907..... A 4-6-70	Coastal States Gas Producing Co. (Operator), Post Office Box 521, Corpus Christi, Tex. 78403.	Transcontinental Gas Pipe Line Corp., Lucille Field, Live Oak County, Tex.	[9] 16.0	14.65
C170-908..... A 4-6-70	Apache Corp. (Operator) et al., Post Office Box 2269, Tulsa, Okla. 74101.	Northern Natural Gas Co., South Goodwin Field, Ellis County, Okla.	20.0	14.65
C170-909..... A 4-6-70	Union Drilling, Inc., Post Office Box 241, Washington, Pa. 15301.	Cumberland and Allegheny Gas Co., Meade District, Upshur County, W. Va.	25.0	15.325

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C170-910..... B 4-7-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., South Greenough Field, Beaver County, Okla.	Depleted	.....
C170-912..... A 4-7-70	Braden Drilling, Inc., 200 East First St., Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Stanton and Hamilton Counties, Kans.	16.0	14.65
C170-913..... A 4-1-70	Ocean Drilling & Exploration Co., c/o H. Y. Rowe, attorney, 200 Jefferson Avenue, El Dorado, Ark. 71730.	Transcontinental Gas Pipe Line Corp., South Half, Block 361 Field, Vermilion Area, Gulf of Mexico.	21.25	15.025
C170-914..... A 4-8-70	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	Kansas-Nebraska Natural Gas Co., Inc., Northwest Tyrone Field, Texas County, Okla.	[10] 18.7	14.65
C170-915..... A 4-9-70	Eason Oil Co., Post Office Box 18733, Oklahoma City, Okla. 73118.	Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla.	[10] 15.0	14.65
C170-916..... (C161-940) F 4-6-70	White Shield Oil and Gas Corp. (successor to Transwestern Production Co.), Post Office Box 2120, Tulsa, Okla. 74101.	El Paso Natural Gas Co., Ingham Field, Crockett County, Tex.	14.24	14.65
C170-918..... A 4-3-70	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Southern Union Gathering Co., acreage in San Juan County, N. Mex.	[11] 13.0	15.025
C170-919..... A4-9-70	Johnny M. Myers, 901 Zuni Drive, Farmington, N. Mex. 87401.	Southern Union Gathering Co., Fulcher Kutz Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.025
C170-920..... B 4-9-70	A. L. Abercrombie, Inc. (agent), 801 Union Center Bldg., Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., East Camrick Field, Beaver County, Okla.	Depleted	.....
C170-921..... A 4-10-70	Glenn L. Haught & Sons, c/o Eldon J. Haught, agent, Smithville, W. Va. 26178.	Equitable Gas Co., Otter District, Braxton County, W. Va.	27.0	15.325
C170-922..... A 4-8-70	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Block 51 Field, East Cameron Area, Offshore, La.	22.25	15.025
C170-923..... A 4-9-70	do.....	Northern Natural Gas Co., Vacuum Field, Lea County, N. Mex.	[12] 15.0234	14.65
C170-924..... (G-20062) F 4-6-70	Clarke Oilfield Service, Inc. (successor to Sun Oil Co.), 107 West Fowler, Medicine Lodge, Kans. 67104.	Cities Service Gas Co., North Rhodes Gas Field, Barber County, Kans.	[13] 14.0	14.65

[1] Deletes nonproductive lease.
[2] Amendment to certificate filed to reflect change in Operator.
[3] Subject to upward and downward B.t.u. adjustment. Predecessor had filed a rate increase from a base rate of 14 cents to 15 cents per Mcf, which was suspended in Docket No. R167-314 until 8-16-67 or until made effective. Concurrently with certificate application National Cooperative Refinery Association filed to make the 15 cents rate effective subject to refund.
[4] Subject to upward and downward B.t.u. adjustment.
[5] Application was erroneously assigned Docket No. C170-911 as an initial service. Docket No. C170-911 is canceled and application will be processed as a petition to amend certificate in Docket No. C169-598.
[6] Adds acreage acquired from Humble Oil & Refining Co.
[7] No permanent certificate issued—temporary authorization granted only.
[8] As amended by application filed Mar. 20, 1970 and letter filed Apr. 3, 1970.
[9] Rate in effect subject to refund in Docket No. R170-642.
[10] Predecessor is making sales pursuant to a small-producer certificate.
[11] Subject to upward and downward B.t.u. adjustment. Contract provides for rate of 20 cents per Mcf, plus B.t.u. adjustment; however, applicant states its willingness to accept certificate at 15 cents per Mcf.
[12] Contract provides for rate of 17.5 cents per Mcf; however, applicant states its willingness to accept certificate at 15 cents per Mcf.
[13] Includes 1.7 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[14] Contract provides for rate of 15 cents per Mcf; however, applicant states its willingness to accept certificate at initial rate of 15 cents.
[15] Contract provides for rates of 15.0636 cents per Mcf for Dakota formation gas and 13.0552 cents per Mcf for Pictured Cliffs formation gas; however, applicant states its willingness to accept certificate conditioned to a rate of 13 cents per Mcf for all formations.
[16] Rate in effect subject to refund in Docket No. R168-444.

[F.R. Doc. 70-5326; Filed, May 1, 1970; 8:45 a.m.]

[Docket No. RI70-1551, etc.]

CHARLES J. RICHARD ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 24, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 10, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI70-1551	Charles J. Richard et al., 1329 First National Bldg., Oklahoma City, Okla.	[3]	1	Cities Service Gas Co. (Southwest Wakita Field, Grant County, Okla.) (Oklahoma "Other" area).	$2,848	4-3-70	[4] 5-4-70	[5] 5-5-70	[6] 14.0	[7] [8] 15.0	
RI70-1552	Ferguson Oil Co., Inc., et al., Suite 1115, 100 Park Ave. Bldg., Oklahoma City, Okla. 73102.	[9] 2	1	Cities Service Gas Co. (Deerhead North Field, Barber County, Kans.).	1,200	3-31-70	[4] 5-1-70	[5] 5-2-70	[6] 14.0	[7] [8] 15.0	
RI70-1553	H. H. Fullilove (Operator), et al., 1616 West Loop, South-Houston, Tex. 77027.	1	4	Trunkline Gas Co., Sabine Tram Field, Newton County, Tex.) (R.R. District No. 3).	6	3-31-70	[10] 3-31-70	[4] 4-1-70	[11] 15.0	[7] [11] 15.05625	
RI70-1554	Shell Oil Co. (Operator), 50 West 50th St., New York, N.Y. 10020.	10	[11] 32	Texas Eastern Transmission Corp. (Providenti City Field, Lavaca County, Tex.) (R.R. District No. 2).	4,519	3-31-70	[10] 3-31-70	[4] 4-1-70	[12] 16.0	[7] [11] 16.07	
RI70-1555	Southwestern Development Co.	[11] 8	[11] 9	Consolidated Gas Supply Corp. (Union District, Richie County, W. Va.).	2,614	3-26-70	[13] 4-26-70	[4] 4-27-70	[11] 27.0	[11] [13] 28.0	

[3] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and increased rate does not exceed the area initial rate ceiling of 15 cents per Mcf.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and increased rate does not exceed the initial area rate ceiling.
[10] The stated effective date is the date of filing pursuant to Commission's Order No. 390.
[11] Tax reimbursement increase.
[12] Second amendment 15 cents life-of-contract settlement rate.
[13] Pertains to gas well gas which qualifies for the area initial service ceiling per Opinion No. 567.
[14] Initial service rate for gas well gas produced from reservoirs discovered after Sept. 28, 1960, per Opinion No. 567.
[15] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[16] Includes letter from buyer agreeing to increase from 2 cents to 3 cents for amortization of gathering facilities.
[17] The stated effective date is the effective date requested by respondent.
[18] Renegotiated rate increase.
[19] Pressure base is 15.325 p.s.i.a.
[20] Includes 3 cents per Mcf for amortization of gathering facilities.
[21] Includes 2 cents per Mcf for amortization of gathering facilities.

Charles J. Richard et al. (Richard) request a retroactive effective date of January 1, 1970, for their proposed rate increase. Ferguson Oil Co., Inc. (Ferguson), also requests a retroactive effective date of December 29, 1969. Shell Oil Co. (Operator) (Shell), requests an effective date of November 1, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Richard, Ferguson, and Shell's rate filings and such requests are denied.

The contracts related to the proposed rate increases filed by Richard, Ferguson, and Southwestern Development Co. (Southwestern), were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, Richard, Ferguson and Southwestern's proposed rate filings should be suspended for 1 day from May 4, 1970 (Richard), May 1, 1970 (Ferguson), and April 26, 1970 (Southwestern), the expiration dates of the statutory notice period.

The proposed rate increases filed by H. H. Fullilove (Operator) et al. (Fullilove), and Shell reflect partial reimbursement of the recent increase in the Texas production tax from 7 percent to 7.5 percent. Fullilove and Shell's proposed rates exceed the applicable area ceiling rate for the areas involved as set forth in the Commission's Statement of General Policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing pursuant to the Commission's Order No. 390 issued October 10, 1969, since the filings involved were made after October 31, 1969.

[F.R. Doc. 70-5327; Filed, May 1, 1970; 8:45 a.m.]

[Docket No. RI70-1535, etc.]

SARKEYS, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 24, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 10, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1535	Sarkeys, Inc., 4400 North Lincoln Blvd., Oklahoma City, Okla. 73105.	4	9	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" area).	$8,960	3-26-70	[2] 4-26-70	9-26-70	[3] [4] 16.265	[3] [4] [5] 22.265	RI68-386.
RI70-1536	Excelsior Oil Corp. et al., 300 North St. Joseph Ave., Hastings, Nebr. 68901.	8	3	Kansas-Nebraska Natural Gas Co., Inc. (Buffalo Wallow Field, Hemphill County, Tex.) (RR. District No. 10).	186,640	3-26-70	[7] 4-26-70	9-26-70	[8] [9] 17.05712	[6] [8] [9] 18.06384	RI70-535.
RI70-1537	Diamond Shamrock Corp. et al., Post Office Box 631, Amarillo, Tex. 79105.	51	4	Arkansas Louisiana Gas Co. (Pittsburgh and Le Flore Counties, Okla.) (Oklahoma "Other" area).	3,000	3-30-70	[7] 4-30-70	9-30-70	[10] 15.0	[3] [10] 16.0	
RI70-1538	Diamond Shamrock Corp. (Operator) et al.	46	3	Arkansas Louisiana Gas Co. (Sebastian County, Ark.).	11,000	3-27-70	[7] 4-27-70	9-27-70	15.9	[3] [4] 16.9	
	....do	26	2	Colorado Interstate Gas Co., (Keyes Field, Cimarron County, Okla.) (Oklahoma "Other" area).	3,200	3-26-70	[7] 4-26-70	9-26-70	[4] 17.0	[3] [4] [5] 18.0	R164-409.
RI70-1539	Diamond Shamrock Corp.	40	2	Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle Area).	1,350	3-31-70	[7] 5-1-70	10-1-70	[10] 17.0	[3] [10] 18.5	
	....do	30	16	Panhandle Eastern Pipe Line Co., (Meade and Seward Counties, Kans.).	37,450	3-27-70	[7] 4-27-70	9-27-70	[4] [11] 18.19	[3] [4] [11] 19.26	RI65-494.
	....do	31	4	Panhandle Eastern Pipe Line Co. (Meade and Seward Counties, Kans.).	3,000	3-30-70	[7] 4-30-70	9-30-70	[10] 16.0	[3] [10] 17.0	
	....do	38	2	Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle area).	165	3-30-70	[7] 4-30-70	9-30-70	[10] 17.0	[3] [10] 18.5	
	....do	39	2	....do	150	3-30-70	[7] 4-30-70	9-30-70	[10] 17.0	[3] [4] [10] 18.5	
	....do	42	1	....do	1,465	3-30-70	[7] 4-30-70	9-30-70	[10] 17.0	[3] [4] [10] 18.5	
	....do	43	1	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle area).	700	3-30-70	[7] 4-30-70	9-30-70	[10] 17.0	[3] [4] [10] 18.0	
	....do	45	2	Northern Natural Gas Co. (Hansford County, Tex.) (RR. District No. 10).	267	3-30-70	[7] 4-30-70	9-30-70	[10] 17.0	[3] [4] [10] 18.0675	
	....do	53	1	Colorado Interstate Gas Co. (Wamsutter Field, Sweetwater County, Wyo.).	9,765	3-30-70	[7] 4-30-70	9-30-70	[10] 16.875	[3] [4] [11] 17.360	
RI70-1540	Diamond Shamrock Corp. (Operator).	41	1	Western Gas Interstate Co. (McKee Plants (Ochiltree County, Texas Production), Moore County, Tex.) (RR. District No. 10).	628	3-30-70	[7] 4-30-70	9-30-70	[10] 17.0	[3] [4] [10] 18.5694	
RI70-1541	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	88	[10] 11	Arkansas Louisiana Gas Co. (Wilburton Field, Haskell, Latimer, Le Flore and Pittsburgh Counties, Okla.) (Oklahoma "Other" area).	64	3-27-70	[7] 4-27-70	9-27-70	15.0	[3] [4] 16.015	
RI70-1542	Alkman Bros. Corp. (Operator) et al., 311 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	7	1	Michigan Wisconsin Pipe Line Co. (North Quinlan Field, Woodward County, Okla.) (Oklahoma "Other" area).	3,600	4-2-70	[2] 5-3-70	10-3-70	[4] 17.0	[4] [5] [10] 19.5	
RI70-1543	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	196	8	Panhandle Eastern Pipe Line Co. (Greenwood Field, Morton County, Kans.).	144	3-26-70	[7] 4-26-70	9-26-70	[4] [10] 17.51	[3] [4] [10] 18.84	RI69-319.
	....do	212	8	Panhandle Eastern Pipe Line Co. (Northwest Kismet Field, Seward County, Kans.).	151	3-26-70	[7] 4-26-70	9-26-70	[4] [10] 18.275	[3] [4] [10] 19.350	RI69-319.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1544..	Pan American Petroleum Corp. (Operator) et al.	223	10	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle area).	$123	3-26-70	[7] 4-26-70	9-26-70	18.0	[4] [17] 18.01025	RI69-413.
	....do.....	349	6	Michigan Wisconsin Pipe Line Co. (Laverne Gas Area, Harper County, Okla.) (Panhandle area).	61	3-26-70	[7] 4-26-70	9-26-70	[19] 19.3	[4] [19] [20] 20.81556	RI69-350.
RI70-1545..	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	358	2	Northern Natural Gas Co. (Northeast Dower Field, Beaver County, Okla.) (Panhandle area).	700	3-26-70	[7] 5-1-70	10-1-70	[19] 17.0	[4] [19] 18.0	
RI70-1546..	Walters Drilling Co. (Operator) et al., 400 Insurance Bldg. Wichita, Kans. 67202.	1	3	Cities Service Gas Co. (Northwest Sharon Field, Barber County, Kans.).	1,200	3-30-70	[7] 4-30-70	9-30-70	[19] 14.0	[4] [19] 15.0	RI65-51[2].
RI70-1547..	Petroleum Corp. of Texas, Post Office Box 911, Breckenridge, Tex. 76024.	21	16	United Gas Pipe Line Co. (North McFaddin Field, Victoria County, Tex.) (RR. District No. 2).	1,150	3-26-70	[7] 4-26-70	9-26-70	15.6	[4] 16.6	RI65-477.
RI70-1548..	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex.	1	[20] 12	Trunkline Gas Co. (Hidalgo Field, Hidalgo County, Tex.) (RR. District No. 4).	73,765	4-1-70	[7] 5-2-70	10-2-70	[21] 14.6	[4] [21] 15.65736	
RI70-1549..	Pennzoil Producing Co. 900 Southwest Tower, Houston, Tex. 77002.	274	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (South Divis Field, Zapata County, Tex.) (RR. District No. 4).	2,800	4-2-70	[7] 5-3-70	10-3-70	[22] 16.0	[4] [23] 17.8668	
RI70-894...	Texaco Inc. (Operator) et al.	211	1-15	El Paso Natural Gas Co. (Le Barge Field, Lincoln and Sublette Counties, Wyo.).	7,073	3-30-70	[24] 5-25-70	Accepted—subject to refund in RI70-894.	[25] [26] 20.5	[27] [28] 20.8075	
RI70-1091..	Texaco Inc. (Operator) et al.	211	1-16	.....do.....	37	3-30-70	[24] 7-2-70	Accepted—subject to refund in RI70-1091.	[27] [28] 20.5	[27] [28] 20.8075	
RI70-1550..	Robinson Bros. Oil Producers.	1	4	El Paso Natural Gas Co. (Caprock Area, Chaves County, N. Mex.) (Permian Basin area).	8,063	[29] 3-31-70	[7] 5-1-70	10-1-70	15.4	[4] 17.6398	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 1.25 cents upward B.t.u. adjustment (1,125 B.t.u. gas) and 0.015 cents tax reimbursement.
[6] Subject to upward and downward B.t.u. adjustment.
[7] The stated effective date is the effective date requested by respondent.
[8] Respondent is filing to initial contract rate.
[9] Includes 0.5712 cent tax reimbursement before increase and 0.06384 cent tax reimbursement after increase. Taxes computed on net rate to buyer and downward B.t.u. adjustment for 896 B.t.u. gas
[10] Subject to a downward B.t.u. adjustment.
[11] Includes base rate of 17 cents before increase and base rate of 18 cents after increase. Plus upward B.t.u. abjustment.
[12] Includes 1.36 cents per Mcf upward B.t.u. adjustment.
[13] Previously reported as 15 cents per Mcf exclusive of B.t.u. adjustment.
[14] Notice of change applicable to acreage added by Supplement No. 9.
[15] Respondent is filing from certificated rate to initial contract rate.
[16] Includes base rate of 17 cents before increase and 18 cents after increase plus upward B.t.u. adjustment.
[17] Tax reimbursement increase.
[18] "Fractured" rate increase.
[19] Subject to upward B.t.u. adjustment. Rate shown includes 1.3 cents upward B.t.u. adjustment.
[20] Pertains to gas other than gas well gas which qualifies for area initial service ceiling per Opinion No. 567.
[21] Subsect to a 0.25 cent dehydration charge.
[22] Respondent is filing to initial contract rate of 17.8 cents plus tax reimbursement.
[23] Initial certificated rate.
[24] Pressure base is 15.025 p.s.i.a.
[25] Not applicable to acreage added by Supplement No. 13.
[26] Rate suspended in Docket No. RI70-894 until May 25, 1970.
[27] Applicable to acreage added by Supplement No. 13.
[28] Rate suspended in Docket No. RI70-1091 until July 2, 1970.
[29] Corrected by filing of April 8, 1970.
[30] The stated effective date is the date the suspended rate is placed in effect in the manner prescribed by the Natural Gas Act.

Sarkeys, Inc., requests waiver of the statutory notice period to permit an April 15, 1970 effective date for its proposed rate increase. Aikman Bros. Corp. (Operator) et al., request an effective date of May 1, 1970 for their proposed rate increase. Petroleum Corp. of Texas requests an effective date of April 1, 1970. Texaco Inc. (Operator) et al., request that their proposed tax increases be permitted to become effective as of January 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Diamond Shamrock Corp. (Operator) et al. (Diamond), proposes a rate increase (Supplement No. 3 to Diamond's FPC Gas Rate Schedule No. 46) for a sale of gas in the Arkoma Area of Arkansas where no formal ceiling rates have been established. Since the proposed 16 cents per Mcf rate exceeds the 11 cents per Mcf rate established for adjacent Oklahoma "Other" area which has previously been applied for increased rates filed in this area of Arkansas, we conclude that Diamond's proposed rate increase should be suspended for five months from April 27, 1970, the proposed effective date.

Texaco Inc.'s (Texaco), proposed rate increases reflect a double amount of the contractually due reimbursement of a severance tax enacted in 1969 by the State of Wyoming to provide for reimbursement of taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. The proposed tax reimbursements are calculated on rates currently suspended in Dockets Nos. RI70-894 and RI70-1091, respectively, until May 25, 1970, and July 2, 1970, respectively. Consistent with prior Commission action on similar Wyoming tax reimbursement increases, we conclude that Texaco's proposed rate increases should be accepted for filing subject to the existing suspension proceedings in Dockets Nos. RI70-894 and RI70-1091, respectively, to be effective on the dates the suspended rates are placed into effect in the manner prescribed by the Natural Gas Act.

After the amount of tax reimbursement applicable to past production has been recovered, Texaco shall file an appropriate rate decrease under its FPC Gas Rate Schedule No. 211 to reduce the rate proposed herein so as to provide for tax reimbursement for future production only. Texaco will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 70-5328; Filed, May 1, 1970; 8:45 a.m.]

[Docket No. E-7513]

DUKE POWER CO.

Order Regarding Rate Schedule Supplements

APRIL 21, 1970.

Order permitting change of rate schedule supplements during suspension period, accepting for filing superseding rate schedule supplements, denying motion to terminate proceeding and request for oral argument, suspending for

1 day superseding rate schedule supplements, and permitting those superseding rate schedule supplements to become effective as hereinafter ordered.

This order permits Duke Power Co. (Duke) to change its wholesale rate schedules and supplements thereto during the period of suspension, accepts for filing the amendment tendered by Duke to its rate schedule supplements, denies a motion to terminate the proceeding and request for oral argument, suspends for 1 day superseding rate schedule supplements, and permits those superseding supplements to become effective.

By order issued November 20, 1969, in the above-entitled proceeding, the Commission suspended and ordered a hearing on Duke's proposed supplements to its jurisdictional rate schedules for service to 58 municipally owned, cooperatively owned, and investor-owned wholesale for resale customers. By those supplements, Duke proposed to insert a fuel cost adjustment clause in its wholesale rate schedules which provides for an automatic increase in charges when fossil fuel costs exceed 28 cents per million B.t.u. and an automatic decrease when those costs drop below 26 cents.

On March 23, 1970, Duke tendered for filing an amendment to its suspended fuel clause.[1] By that tender, Duke proposes to amend its suspended fuel clause supplements by adjusting the neutral zone to 30 cents and 28 cents per million B.t.u. levels rather than the previous 28-cent and 26-cent levels. As noted in our order of November 20, 1969, Duke's present fuel costs are approximately 32 cents per million B.t.u. Consequently, the rate increase that would have resulted from the suspended supplements will be reduced under the proposed adjustment by 50 percent or about $825,000. Duke requests an effective date of April 23, 1970, for its superseding rate schedule supplements—the date that the presently suspended supplements would become effective under our November 20, 1969, order.

On March 30, 1970, ElectriCities of North Carolina, et al.,[2] (ElectriCities) filed a motion requesting summary dismissal of this proceeding. In support of their motion, ElectriCities state that the proposed amendment alters the proceeding in such a manner as to require its dismissal. They further state that the amendment should be treated as a new rate schedule change under section 205 of the Federal Power Act, suspended, and an investigation initiated into its lawfulness. ElectriCities request oral argument on their motion. Oral argument will not assist us in this matter. We believe that the motion should be denied and Duke's request to place the superseding supplements into effect should be granted. We are, however, suspending for one day the operation of the superseding rate schedules and directing that the lawfulness of those rate schedules be included as an issue in the hearing in this docket, which is already in progress. Since this issue is substantially the same as that already involved in this hearing, deviation from the procedural schedules previously set by the Examiner in this hearing should not be necessary.

The Commission further finds:

(1) Good cause exists for permitting Duke to change its existing rate schedule supplements during the suspension period and to accept for filing the tendered superseding rate schedule supplements.

(2) Good cause exists for denying the motion filed by ElectriCities and their request for oral argument thereon.

(3) It is necessary and appropriate for purposes of the Federal Power Act that the operation of the superseding rate schedule supplements (as identified in Appendix A) be suspended and the use thereof deferred, all as hereinafter provided.

The Commission orders:

(A) Duke is hereby permitted to change its jurisdictional rate schedule supplements during the period of suspension.

(B) Duke's tender of the superseding rate schedule supplements (identified in Appendix A) is hereby accepted for filing.

(C) The motion filed by ElectriCities and their request for oral argument thereon are denied.

(D) The superseding rate schedule supplements (identified in Appendix A) are hereby suspended and the use thereof deferred until April 24, 1970. On that date, those supplements shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission in Docket No. E-7513, subject to Duke's keeping an accurate account in detail of all amounts received by reason of such change in rates and charges, and subject to such refund as the Commission may order with interest at 8 percent per annum, all in accordance with section 205(e) of the Federal Power Act.

(E) The lawfulness of the rate schedules identified in Appendix A shall be determined on the basis of the record to be made in the above-entitled proceeding.

(F) Unless otherwise ordered by the Commission, Duke shall not change the terms or provisions of the superseding rate schedule supplements as identified in Appendix A or its wholesale rate schedules until this proceeding has been terminated or until the period of suspension has expired.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] That tender is designated in Appendix A below.

[2] The group consists of ElectriCities, North Carolina EMC, Haywood EMC, Blue Ridge EMC, Piedmont EMC, and the municipalities of Drexel, Granite Falls, Huntersville, Landis, Statesville, Lexington, Albermarle, Cherryville, Newton, Malden, Morganton, N.C.; Gaffney, Rock Hill, Union, Easley, S.C.

APPENDIX A

Duke Power Co.

AMENDMENT TO FUEL ADJUSTMENT CLAUSES

Rate Schedule Designation—
Dated: Nov. 1, 1969.
Filed: Mar. 23, 1970.
Effective: Apr. 24, 1970.

Supplement No.	Supersedes supplement No. to—	Rate schedule FPC No.	Name of customer
4	3	27	Town of Huntersville, N.C.
3	2	28	City of High Point, N.C. (Main).
3	2	29	City of High Point, N.C. (Prospect Road).
4	3	32	City of Lexington, N.C. No. 1.
4	3	55	Town of Westminster, S.C.
11	10	131	Blue Ridge EMC (N.C.).
15	14	133	Cornelius EMC (N.C.).
6	5	134	Davidson EMC (N.C.).
19	18	135	Davie EMC (N.C.).
6	5	136	Haywood EMC (N.C.).
11	10	137	Pee Dee EMC (N.C.).
6	5	138	Piedmont EMC (N.C.).
19	17	139	Rutherford EMC (N.C.).
12	11	140	Surry-Yadkin EMC (N.C.).
9	5	141	Union EMC (N.C.).
22	20	142	Blue Ridge Electric Co-op., Inc. (S.C.).
18	16	143	Broad River Electric Co-op., Inc. (S.C.).
32	30	144	Laurens Electric Co-op., Inc. (S.C.).
8	6	145	Little River Electric Co-op., Inc. (S.C.).
22	20	146	York Electric Co-op., Inc. (S.C.).
3	2	147	Lockhart Power Co. (Union) S.C.
5	4	155	Town of Bostic, N.C.
4	3	245	City of Concord, N.C.
4	3	163	Town of Due West, S.C.
3	2	169	Lockhart Power Co. (Pacolet, S.C.).
2	1	172	Town of Granite Falls, N.C.
2	1	173	City of Lexington, N.C. No. 2.
3	2	174	Town of Malden, N.C.
3	2	176	City of Morganton, N.C. No. 1
2	1	178	City of Newton, N.C.
5	4	240	City of Statesville, N.C.
8	5	241	City of Easley, S.C.
6	5	242	Town of Prosperity, S.C.
3	2	185	The Electric Co. (Fort Mill), S.C.
2	1	186	Town of Dallas, N.C.
2	1	197	S.C. Electric & Gas Co. (For town of Chappels, S.C.).
2	1	198	Kershaw Oil Mill (Kershaw, S.C.).
2	1	201	Town of Seneca, S.C.
2	1	202	City of Clinton, S.C.
5	4	243	Commissioners of Public Works, Gaffney, S.C.
2	1	212	City of Kings Mountain, N.C.
2	1	213	University of N.C., Chapel Hill, N.C.
4	3	215	Town of Drexel, N.C.
3	2	216	City of Morganton, N.C. No. 2.
2	1	218	City of Newberry, S.C.
2	1	220	The Electric Co., Inc. (Fort Mill), S.C., "Hessley Road Delivery".
2	1	221	Clemson University, Clemson, S.C.
8	7	244	Commission of Public Works, Laurens, S.C. (Royal and Hampton).
2	1	224	Town of Cherryville, N.C.
4	3	225	City of Albemarle, N.C.
7	5	226	City of Greer, S.C.
11	10	227	City of Gastonia, N.C., Del. Nos. 1-8.
10	8	228	City of Rock Hill, S.C., Del. Nos. 1 and 2.
4	3	229	Town of Lincolnton, N.C.
4	3	230	Town of Landis, N.C.
7	5	231	City of Abbeville, S.C.
4	3	232	Town of Cornelius, N.C.

APPENDIX A—Continued

Supplement No.	Supersedes supplement No. to—	Rate schedule FPC No.	Name of customer
4	3	233	Town of Davidson, N.C.
4	3	234	Town of Pineville, N.C.
9	8	235	City of Shelby, N.C., Del. Nos. 1-6.
4	3	236	Heath Springs Light and Power Co. (S.C.).
5	4	237	Town of Forest City, N.C., Del. Nos. 1 and 2.
5	4	238	City of Monroe, N.C., Del. Nos. 1 and 2.
14	12	239	Commissioners of Public Works, Greenwood, S.C., Del. Nos. 1, 3, 4, and 6.

[F.R. Doc. 70-5363; Filed, May 1, 1970; 8:45 a.m.]

[Docket No. E-7535]

MINNESOTA POWER & LIGHT CO.

Notice of Application

APRIL 28, 1970.

Take notice that on April 21, 1970, Minnesota Power & Light Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time prior to December 31, 1971, of promissory notes to evidence bank borrowings and commercial paper up to $22,500,000 in aggregate principal amount.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minn., and is engaged in the electric utility business within the State of Minnesota.

Bank notes will be issued in an amount not to exceed $16,500,000 principal amount and will bear interest at a rate not to exceed the prime commercial bank rate in effect at the time of issue. The commercial paper will be issued in an amount not to exceed $6 million, will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent on the terms of the notes and the money market conditions at the time of issuance.

According to the application, proceeds from the Bank Notes to be issued will provide funds to refund $2,270,000 principal amount of Notes presently outstanding and to meet expenditures in connection with the Company's construction program which will require an estimated $17,700,000 in 1970 and approximately $34,900,000 in 1971, the bulk of which will be spent on generation, transmission, and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5361; Filed, May 1, 1970; 8:45 a.m.]

[Docket No. E-7400 etc.]

MUNICIPAL LIGHT BOARDS OF READING AND WAKEFIELD, MASS., ET AL.

Order Denying Motion To Reject Submission of Rate Change, Suspending Proposed Change in Rate Schedules, Instituting Investigation, Consolidating Proceeding, Providing for Hearing, and Granting Motion To Withdraw Motion To Review Boston Edison Company's Service

APRIL 29, 1970.

Municipal Light Boards of Reading and Wakefield, Mass., complainants, v. Boston Edison Co., respondent, Docket No. E-7400; Norwood Municipal Light Department, Norwood, Mass., complainant, v. Boston Edison Co., respondent, Docket No. E-7517; Boston Edison Co., Dockets Nos. E-7845 and E-7533.

This order denies a motion to reject proposed change in rates schedules, suspends for 1 day proposed rate schedule changes, institutes investigation of rates, charges, terms and conditions of jurisdictional rate schedules, provides for hearing, consolidates proceedings for purposes of hearing and decision, and grants a motion to withdraw a previously filed motion requesting review of electric service rendered by a public utility.

Boston Edison Co. (Edison), a public utility subject to the jurisdiction of this Commission, on January 29, 1970, tendered for filing its rate schedule, General Service For Resale, consisting of (1) general terms and conditions, (2) rate for all requirements service, and (3) definition and special conditions of all requirements service.[1] In its tender, Edison stated that Rate S-1 was to supersede its Wholesale Electric Utility Rate M (Rate M) and to supersede its submission on March 11, 1968, of High-Tension Wholesale Municipal Utility Rate N-1, General Terms and Conditions for Sales for Resale, Miscellaneous Charges Nos. 1 and 2 (Rate N-1). Edison requested that Rate S-1 be made effective April 1, 1970. However, Edison's tender was deficient under our regulations and was not completed until March 30, 1970. At that time, Edison requested that Rate S-1 be made effective 30 days after completion of filing, i.e., April 30, 1970. By its Rate S-1 filing, Edison proposes to increase its annual billings by approximately $2,733,000 or 15.7 percent based upon the 12-month period immediately following the proposed effective date.

In support of its filing, Edison states that the continuing inflation of costs has made it necessary to increase its charges under Rate M and the proposed Rate N-1. Additionally, Edison asserts that Rate S-1 is designed to distribute its costs of service more equitably between resale customers and ultimate consumers and to provide revenues commensurate with its requirements and responsibilities. Edison further states that the new rate schedule is designed to eliminate to some extent the objections raised by some of its customers to its proposed Rate N-1.

Protests and objections to Rate S-1 were filed by Boston Gas Co. (Boston Gas) and the towns of Concord, Norwood, Wellesley, Reading, and Wakefield, Mass.[2] In general, the protesting customers request suspension and investigation of Rate S-1 and question certain items in the cost study submitted by Edison including, among other things, the use of an 8 percent rate of return, 10 percent Federal income tax surcharge, allocation of costs between wholesale and retail customers and the inclusion of a fuel clause. Additionally, the municipal customers question the validity of the proposed general terms and conditions for resale service and the definition and conditions of all-requirements service alleging that the notice requirement on installing generating equipment or purchasing from other sources is unduly restrictive. Further, the municipal customers contend that the purposed increase in charges to them cannot be absorbed and will have to be passed on to their retail customers.

On February 24, 1970, the towns of Reading and Wakefield filed a motion requesting rejection of Rate S-1 on the basis of the initial incompleteness of Edison's filing under our regulations. On March 6, 1970, Edison filed its answer in opposition to that motion asserting that it had complied with our regulations. As noted above, Edison's filing at first was deficient, but was completed on March 30, 1970. Thus, we will deny the motion to reject.

Edison's contentions in support of its filing and the protest of its customers raise questions which can best be resolved through a public hearing. Thus, we are ordering a hearing to resolve those questions and we shall suspend for 1 day the rate schedule filing in Docket No. E-7533 in accordance with section 205(d) of the Federal Power Act.

Rate N-1 was submitted for filing by Edison on March 11, 1968, for 115-kv.

[1] The tender is designated in Appendix A attached hereto and is the subject of the proceeding in Docket No. E-7533. For brevity, this filing shall be referred to as "Rate S-1" throughout this order.

[2] New England Power Co. stated that the new rate should be permitted to go into effect without suspension reserving its right, however, to participate in any future proceedings if formal investigation is ordered by the Commission.

service to its five municipal wholesale customers.[3] At present, Edison's only wholesale rate applicable to 115-kv. service is its Rate M, under which Edison presently provides 13.8-kv. service to its wholesale customers as well as 115-kv. service to part of the requirements of New England Power Co.[4]

The proceeding in Docket No. E-7400 involves a filing by the Municipal Light Boards of the towns of Reading and Wakefield, Mass., on March 13, 1968, of an application and complaint against Edison, their supplier of power. Complainants request an interconnection order under section 202 (b) and (c) [5] of the Act, assertion of Commission jurisdiction over Edison's rates and charges for sales of energy to the town,[6] and an investigation into Edison's rates, charges, classifications, practices, efficiencies, regulations, rules, contracts, and services under Rate M and the proposed Rate N-1.

Several conferences were held between the parties and our staff before the filing of Edison's answer to the complaint. No settlement was reached on the rate level of the present 13.8-kv. and proposed 115-kv. service nor on the terms and condition of service. However, it was agreed that Reading would apply for, and Edison would arrange for, a 115-kv. interconnection at a point mutually agreed upon. The application has been filed by Reading and accepted by Edison. It is anticipated that 115-kv. service to Reading will commence by November 1970.

The complaint requests an investigation into the lawfulness of Rate M and Rate N-1. Complainants allege that Edison's rates are unreasonable due to, among other things, excessively high administrative and general expenses, as well as the incurrence of excessive costs allegedly due to imprudent operation of obsolete plants. They also object to numerous terms and conditions in those rate schedules including, among other things, Edison's alleged distinction between municipally owned and investor-owned distributors, restraints on their purchase and resale of energy, removal of the fuel adjustment clause, and imposition of certain Miscellaneous Charges.

Edison, in its answer, asserts that its rate level and the terms and conditions for 115-kv. service are just, reasonable, and lawful. Edison further states that any investigation or hearing on its wholesale rates should be deferred until actual experience has been obtained on 115-kv. service to Reading. We disagree. Several of the terms and conditions opposed by these Complainants relate to the conditions under which 115-kv. service is to be made available. Accordingly, any delay in ascertaining the proper terms and conditions of 115-kv. service (whether under Rate M, N-1, S-1, or any deviation from those rate schedules) would be both unwarranted and unreasonable.

The proceeding in Docket No. E-7517 involves a complaint filed on December 23, 1969, by the Norwood Municipal Light Department, town of Norwood, Mass. In that complaint, Norwood requests the Commission to institute a formal investigation into Edison's jurisdictional rates, charges, classifications, practices, and services for 115-kv. service and to fix the same. Additionally, Norwood requests the Commission to order Edison to account for amounts collected under that service and to refund any portion found unjustified with interest.

In support of its complaint, Norwood states that it has entered into an agreement with Edison for 115-kv. service and has sold bonds in the amount of $2,300,000, solicited bids, and executed contracts for construction of its portion of the facilities necessary for making the interconnection. Norwood states that under the normal course of events it would have its 115-kv. facilities ready by May of 1971, but, as Edison has known for some time, the existing 13.8-kv. facilities are inadequate to meet Norwood's anticipated peaks for the summer of 1970. Norwood states that Edison asserted that installation of additional 13.8-kv. facilities to meet the anticipated load was too expensive and insisted that Norwood should meet those requirements by early construction of the new 115-kv. line. Based on an understanding that Edison would provide it with a 115-kv. transformer, Norwood agreed to an early construction date of its 115-kv. lines. However, under this arrangement, Edison seeks to charge its Rate M rates for this service, but Norwood wants service under Rate N-1, which Edison would agree to if Norwood would rent two 115-kv. transformers from it. Norwood states that, under Edison's proposal to rent transformers, it will lose the savings of Rate N-1 despite its substantial investment in the early construction of those lines and the savings to Edison by this early construction. Additionally, Norwood alleges that certain terms and provisions of Rate N-1 are unjust and unreasonable as to it.

On February 16, 1970, Edison filed its answer to Norwood's complaint stating that its proposed Rate N-1 was submitted to this Commission but was not accepted for filing and has not become effective. Edison further states that, on January 29, 1970, Edison withdrew Rate N-1 when it filed its proposed Rate S-1 amending Rate M. Edison states that Rate S-1 is now applicable to all of its total requirements wholesale for resale customers and contains provisions for both high- and low-tension service. Edison further denies responsibility for the delay by Norwood in obtaining 115-kv. transformer for its 115-kv. service. Thus, Edison asserts that, under its proposal to let Norwood use its transformer, it will in essence be rendering low-tension service for which it must be properly compensated until Norwood's facilities will be ready in May 1971. Edison further denies that it realizes any savings on Norwood's early construction of these facilities and denies that it insisted on such early construction.

The complaints and answers filed in Dockets Nos. E-7400 and E-7517 raise questions of fact and law which can best be resolved by an investigation and a full public hearing wherein all parties may produce witnesses and adduce evidence on the record before an Examiner of this Commission. Accordingly, we are ordering investigations and hearings on those complaints.

In Docket No. E-7485, Edison tendered for filing a notice of termination of an agreement between it and Boston Gas which was suspended and a hearing ordered thereon by our order issued March 27, 1970. The proposed notice of termination seeks to eliminate the special provisions of Rate M that was applied to Boston Gas. By its elimination, Boston Gas will receive service under Rate M unmodified or Rate S-1, when that rate becomes effective. Boston Gas, however, has challenged the validity of Edison's filing of both the notice of termination in Docket No. E-7485 and Rate S-1 in Docket No. E-7533.

The complaints filed in Dockets Nos. E-7400 and E-7517, the suspension proceeding in Docket No. E-7485, and the filing in Docket No. E-7533 contain common questions of law and fact that can best be resolved in a consolidated hearing. Accordingly, we are consolidating the proceedings in Dockets Nos. E-7400, E-7517, E-7485, and E-7533 for purposes of hearing and decision.

In the consolidated proceeding, the Examiner should permit evidence and legal argument on the issue of the status of Rate N-1. In its Rate S-1 filing, Edison stated that Rate N-1 was thereby superseded. In its answer to Norwood's complaint, Edison stated that its Rate N-1 submittal was withdrawn by its Rate S-1 filing. On the other hand, Norwood and Reading have filed for high-tension service under Rate N-1 and have issued bonds on that basis. Rate N-1 is a lower rate than Rate M, and, consequently, Rate N-1, if effective, may be relevant to

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[3] That submittal is designated as follows:

Customer	Designation
Concord, Mass.	Rate Schedule FPC No. 36.
Norwood, Mass.	Rate Schedule FPC No. 37.
Reading, Mass.	Rate Schedule FPC No. 38.
Wakefield, Mass.	Rate Schedule FPC No. 39.
Wellesley, Mass.	Rate Schedule FPC No. 40.

With that submittal, Edison notified the Commission that it was withdrawing Rate N and that Rate N-1 was submitted in lieu thereof. Rate N was submitted for filing on Dec. 21, 1967, and has not been formally acted upon by the Commission.

[4] Rate M service is rendered to municipals under Edison's Rate Schedule FPC Nos. 13 through 17; to New England Power Co. under Rate Schedule FPC No. 10; and to Boston Gas Co. under Rate Schedule FPC No. 3.

[5] The issue raised by the request for interconnection under section 202(c) was resolved by the parties in the manner set forth in Complainants' letter of Nov. 26, 1968, to the Secretary of this Commission.

[6] Edison, in its answer to the complaint, stated that it will not contest this Commission's jurisdiction over its sales to the towns.

contentions involving refunds, if any, which might be ordered. Thus the issue of the status of Rate N–1 should be probed and a decision rendered thereon.

On March 27, 1970, Reading and Wakefield filed a motion requesting this Commission to investigate the alleged deterioration of electric service supplied by Edison. On March 31, 1970, those towns filed a motion to withdraw their motion of March 27, 1970, without prejudice to their refiling a revised motion. We shall grant the motion to withdraw. On April 22, 1970, Reading and Wakefield filed a revised motion to reject the proffered rate submittal restating the general position of the municipalities. We do not reject Edison's filing. To the extent that the motion seeks other relief, it will be considered by the Commission following opportunity for answer by Edison.

The Commission further finds:

(1) Good cause exists to deny the motion filed by Reading and Wakefield on February 24, 1970, requesting rejection of Edison's submittal of Rate S–1 and to accept for filing Rate S–1.

(2) The proposed increased rates and charges contained in Rate S–1 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the rates and charges and other provisions contained in Edison's proposed Rate S–1 and that Rate S–1 be suspended and the use thereof deferred as hereinafter ordered.

(4) It is necessary and appropriate for the purposes of the Federal Power Act to enter upon an investigation of the issues raised in the complaints filed by Reading and Wakefield in Docket No. E–7400 and by Norwood in Docket No. E–7517 and the answers to those complaints.

(5) Good cause exists for consolidating the proceedings in Dockets Nos. E–7400, E–7517, E–7485, and E–7533 for purposes of hearing and decision.

(6) Good cause exists for granting the motion by Reading and Wakefield to withdraw without prejudice a previously filed motion seeking an investigation into the alleged deterioration of electric service supplied by Edison.

The Commission orders:

(A) The motion to reject Edison's submittal of Rate S–1 is hereby denied and Rate S–1 is hereby accepted for filing.

(B) An investigation is hereby ordered into the issues raised by the complaints and answers filed in Dockets Nos. E–7400 and E–7517.

(C) The proceedings in Dockets Nos. E–7400, E–7517, E–7485, and E–7533 are hereby consolidated for purposes of hearing and decision.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened to commence with a prehearing conference to be held on May 19, 1970, at 10 a.m., e.d.t., at the offices of the Federal Power Commission in Washington, D.C., concerning all of the issues raised in the proceedings consolidated by this order.

(E) Pending such hearing and decision thereon, Rate S–1 is hereby suspended and the use thereof deferred until May 1, 1970. On that date, Rate S–1 shall take effect in the manner prescribed by the Federal Power Act, and Edison, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in Rate S–1 for all power sold and delivered thereunder.

(F) Edison shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in the consolidated proceeding not justified, together with interest at the rate of 8 percent per annum, from the date of payment to Edison until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of May 1, 1970, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under Rate S–1, and the revenues resulting therefrom as computed under the rates in effect immediately prior to May 1, 1970 (including Rate N–1, if appropriate), and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(G) Unless otherwise ordered by the Commission, Edison shall not change the terms or provisions of Rate S–1 until this consolidated proceeding has been terminated or until the period of suspension has expired.

(H) Reading and Wakefield are hereby permitted to withdraw their motion filed on February 24, 1970, without prejudice to their refiling that or a revised motion.

(I) Notices of intervention and petitions to intervene in the consolidated proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 18, 1970, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.*

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

BOSTON EDISON CO.

Rate Schedule Designations Filed: Mar. 30, 1970.

Instruments: General Service for Resale, General Terms and Conditions, General Service for Resale, Rate for All Requirements Service, Rate S–1 General Service for Resale, Definition and Special Condition of All Requirements Service.

Rate schedule designation	*Customer*
FPC No. 45 (Supersedes FPC No. 3 as supplemented).	Boston Gas Co.
FPC No. 46 (Supersedes FPC No. 10 as supplemented).	New England Power Co.
FPC No. 47 (Supersedes FPC No. 13).	Town of Concord.
FPC No. 48 (Supersedes FPC No. 14).	Town of Norwood.
FPC No. 49 (Supersedes FPC No. 15).	Town of Reading.
FPC No. 50 (Supersedes FPC No. 16).	Town of Wakefield.
FPC No. 51 (Supersedes FPC No. 17).	Town of Wellesley.

[F.R. Doc. 70–5418; Filed, May 1, 1970; 8:49 a.m.]

* Dissenting statement of Commissioner Carver filed as part of original document.

[Docket No. CP70–9]

WEST TENNESSEE PUBLIC UTILITY DISTRICT OF WEAKLEY, CARROLL AND BENTON COUNTIES, TENN., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Continuance of Hearing

APRIL 21, 1970.

The West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tenn., applicant, and Michigan Wisconsin Pipe Line Co., Respondent; Docket No. CP70–9.

Take notice that the hearing set to commence on May 5, 1970, by notice issued March 24, 1970, in the above-designated matter, is hereby continued until further notice.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–5362; Filed, May 1, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

MERRILL BANKSHARES CO.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Merrill Bankshares Co., Bangor, Maine, for approval of acquisition of all of the voting shares of the successor by merger to Federal Trust Co., Waterville, Maine.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Merrill Bankshares Co., Bangor, Maine, a registered bank holding company, for the Board's prior approval of the acquisition of all of the voting shares of the successor by merger to Federal Trust Co., Waterville, Maine.

As required by section 3(b) of the Act, the Board notified the Maine Bank Commissioner of receipt of the application and requested his views and recommendation. The Commissioner interposed no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 5, 1969 (34 F.R. 17931), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] April 27, 1970.

KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-5392; Filed, May 1, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 27, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41944—*Sand, crushed stone and related articles from, to, and between points in southern, official and southwestern territories.* Filed by Southwestern Freight Bureau, agent (No. B-152), for interested rail carriers. Rates on sand, crushed stone, and related articles, in carloads, as described in the application, from, to, and between points in Tennessee and Mississippi, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, to the extent provided in the application.

Grounds for relief—Revised minimum weights.

Tariff—Supplement 73 to Southwestern Freight Bureau, agent, tariff ICC 4797.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-5290; Filed, May 1, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 29, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41946—*Acetone, NOIBN, from Haverhill, Ohio.* Filed by O. W. South, Jr., agent (No. A6168), for interested rail carriers. Rates on acetone, NOIBN, in tank carloads, as described in the application, from Haverhill, Ohio, to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 32 to Southern Freight Association, agent, tariff ICC S-832.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-5399; Filed, May 1, 1970; 8:48 a.m.]

[Notice 69]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 29, 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. 4964 (Sub-No. 38 TA), filed April 22, 1970. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: J. S. Cessna (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kid tractors*, from Tyler, Tex., to Houston, Tex., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Kinetics International Division, LTV Aerospace Corp., Post Office Box 493, Tyler, Tex. 75701. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 7228 (Sub-No. 36 TA), filed April 24, 1970. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, Oreg. 97214. Applicant's representative: Nick I. Goyak, 1408 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach, Calif., and Seattle, Wash., to points on the United States-Canada international boundary at or near Blaine, Wash., for 180 days. NOTE: Applicant intends to tack with MC 7228 Sub 6. Supporting shipper: Canada Safeway, Ltd., 840 Cambie Street, Vancouver 3, British Columbia, Canada. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 13134 (Sub-No. 26 TA), filed April 23, 1970. Applicant: GRANT TRUCKING, INC., Post Office Box 266, Star Route 93, North, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Micronutrients* (except bulk liquids in tank vehicles), from St. Albans, W. Va., and points in the St. Albans, W. Va., commercial zone, to points in Ohio, Indiana, and Michigan, for 180 days. Supporting shipper: Emcee Industries, Inc., 100 State Street, Teaneck, N.J. 07666; Attention: Elvin D. Thomas, Vice President-General Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 59488 (Sub-No. 31 TA), filed April 20, 1970. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston. Dissenting Statement of Governors Robertson, Maisel, and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane and Sherrill. Voting against this action: Governors Robertson, Maisel, and Brimmer.

bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Texarkana, Tex., south for approximately 11 miles over U.S. Highway 59, thence approximately 4½ miles over unnumbered highways and access roads to Texarkana Mill Plantsite of International Paper Co., South Kraft Division, Cass County, Tex.; and return over the same route, serving no intermediate points, for 180 days. NOTE: Applicant states that there will be interlining at all gateways authorized. Supporting shipper: International Paper Co., Post Office Box 2328, Mobile, Ala. 36601. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 106400 (Sub-No. 77 TA), filed April 22, 1970. Applicant: KAW TRANSPORT COMPANY, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representative: H. D. Holwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, flakes, granulars, lumps, pellets, powder or solid mass*, in bulk, in tank vehicles, from Kansas City and Randolph, Mo., to Omaha, Nebr., for 180 days. Supporting shipper: Gulf Oil Co.—U.S. (Chemicals Department), Dwight Building, Kansas City, Mo. 64105. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114004 (Sub-No. 84 TA), filed April 23, 1970. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat parts*, from Anderson and Redding, Calif., to points in the United States, excluding Alaska and Hawaii, for 180 days. Supporting shipper: Sidewinder Marine, Inc., 3545 El Camino Real, Palo Alto, Calif. 94306. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 117615 (Sub-No. 8 TA), filed April 24, 1970. Applicant: BOYER VALLEY COMPANY, Post Office Box 100, Charter Oak, Iowa 51439. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal blood*, in bulk, in tank vehicles, from Wahoo, Nebr., to Sioux City, Iowa, for 150 days. Supporting shipper: Pacific Adhesives Co., Inc., 619 Southwest Wood Street, Hillsboro, Oreg. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 118989 (Sub-No. 41 TA), filed April 24, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, accessories and incidental parts thereof including covers, caps, closures and cartons*, from the facilities of Horizon Plastics, Inc., at Chicago, Ill., to Terre Haute, Indianapolis, Evansville, Muncie, Fort Wayne, and South Bend, Ind., for 150 days. Supporting shipper: Crown Plastics, Inc., 2345 West Hubbard Street, Chicago, Ill. 60612 (Irving N. Silkin). 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 126472 (Sub-No. 7 TA), filed April 22, 1970. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Iowa, Minnesota, and South Dakota, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Fort Madison, Iowa 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128761 (Sub-No. 2 TA), filed April 22, 1970. Applicant: RICHARD M. GODFREY, 1358 East 6400 South Street, Salt Lake City, Utah 84121. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, flavored or phosphated, in cans, from the plantsite of Shasta Beverages in Salt Lake County, Utah, to Cortez, Denver, Durango, Glenwood, and Grand Junction, Colo.; Boise, Idaho Falls, Pocatello, and Twin Falls, Idaho; Anaconda, Billings, Bozeman, Butte, Glasgow, Glendive, Havre, Helena, Kalispell, Lewiston, Miles City, Missoula, Sidney, Plentywood, and Roundup, Mont.; Casper, Cheyenne, Cody, Laramie, Rock Springs, Sheridan, Worland, and Rawlins, Wyo.; Elko, Wells, and Winnemucca, Nev., for 180 days. Supporting shipper: Shasta Beverages, Division of Consolidated Foods Corp., 2370 South Eighth West Street, Salt Lake City, Utah 84119 (Terry Dickerson, Plant Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5400; Filed, May 1, 1970; 8:48 a.m.]

[Notice 529]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71776. By order of April 28, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Henry Zellmer, doing business as Zellmer Truck Lines, Granville, Ill., of the operating rights in certificates Nos. MC-110875 (Sub-No. 1) (Corrected) and MC-110875 (Sub-No. 5) issued September 27, 1961, and February 28, 1962, respectively, to Gould and Talbot, Inc., Streator, Ill., authorizing the transportation of grain elevators, farm machinery, hog waterers, wagon running gears, storage cribs, mechanical loaders, truck hoists, farm implements, and glass containers, from and to specified points in Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Colorado, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Wisconsin, and Wyoming; inedible grease and tallow, in bulk, in tank vehicles, rendered tankage, and green salted hides, from points in Indiana, Missouri, and Iowa, to Mason City, Ill., and points within 1 mile thereof, and inedible grease, from Belleville, Decatur, Springfield, Danville, Galesburg, Bloomington, and Streator, Ill., and points within 5 miles of each, to Hammond, Ind., St. Louis, Mo., and Cincinnati, Ohio, and points within 5 miles of each. Max G. Gulo, 124 South Monroe Street, Streator, Ill. 60364, attorney for applicants.

No. MC-FC-71989. By order of April 24, 1970, the Motor Carrier Board approved the transfer to Edwin L. Payne and Ruth M. Denison, a partnership, doing business as Pittsburg Transfer & Storage Co., 205 North Locust, Pittsburg, Kans. 66762; of certificate in No. MC-76452, issued October 5, 1967, to Edwin L. Payne, Ruth M. Spann and Martha Payne, a partnership, doing business as Pittsburg Transfer and Storage Co., Pittsburg, Kans., authorizing the transportation of: Household goods and imigrant movables, between points in Kansas and Missouri within 25 miles of Pittsburg, Kans., including Pittsburg, on the one hand, and, on the other, points in Missouri, Kansas, and Oklahoma, and; mining machinery and parts, between

Pittsburg, Kans., on the one hand, and, on the other, points in Missouri and Oklahoma.

No. MC–FC–72085. By order of April 24, 1970, the Motor Carrier Board, approved the transfer to Robert Heath Trucking, Inc., Lubbock, Tex., of certificates in Nos. MC–118089, MC–118089 (Sub-No. 6), and MC–118089 (Sub-No. 8), issued November 15, 1965, November 1, 1965, and December 31, 1968, respectively, to Jack H. Dwenger, Inc., Weatherford, Tex., authorizing the transportation of: Bananas, from Galveston, Houston, and Freeport, Tex., New Orleans, La., and Gulfport, Miss., to points as specified in Texas, New Mexico, Arizona, and Colorado. Austin L. Hatchess, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC–FC–72090. By order of April 28, 1970, the Motor Carrier Board approved the transfer to W. Howard Pinkett, Denton, Md., of the operating rights in certificate No. MC–85173, issued April 30, 1942, to Charles E. Cornish, Cambridge, Md., authorizing the transportation of passengers and their baggage, in charter service from Cambridge, Md., and points within 35 miles thereof to the District of Columbia, New York, N.Y., and points in Virginia, Maryland, Delaware, Pennsylvania, and New Jersey within 250 miles of Cambridge. Charles Ephrai, 1411 K Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC–FC–72100. By order of April 28, 1970, the Motor Carrier Board approved the transfer to Donald E. Zody, Waynesboro, Pa., of the operating rights in certificates Nos. MC–106487 and MC–106487 (Sub-No. 5) issued October 14, 1947, and December 16, 1949, respectively, to Edwin D. Zody, Waynesboro, Pa., authorizing the transportation of various commodities from, to, and between specified points and areas in New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. LeRoy S. Maxwell, Wayne Building, Waynesboro, Pa. 17268, attorney for applicants.

No. MC–FC–72107. By order of April 28, 1970, the Motor Carrier Board approved the transfer to Booth Delivery Service, Inc., Fargo, N. Dak., of the operating rights in certificates Nos. MC–123124, MC–123124 (Sub-No. 1), and MC–123124 (Sub-No. 3) issued June 27, 1961, May 29, 1963, and January 6, 1966, respectively, to W. A. Booth, doing business as Booth Delivery Service, Fargo, N. Dak., authorizing the transportation of meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except such commodities in bulk, in tank and hopper-type vehicles), from Fargo, N. Dak., to points in specified counties in North Dakota and Minnesota. Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70–5401; Filed, May 1, 1970; 8:48 a.m.]

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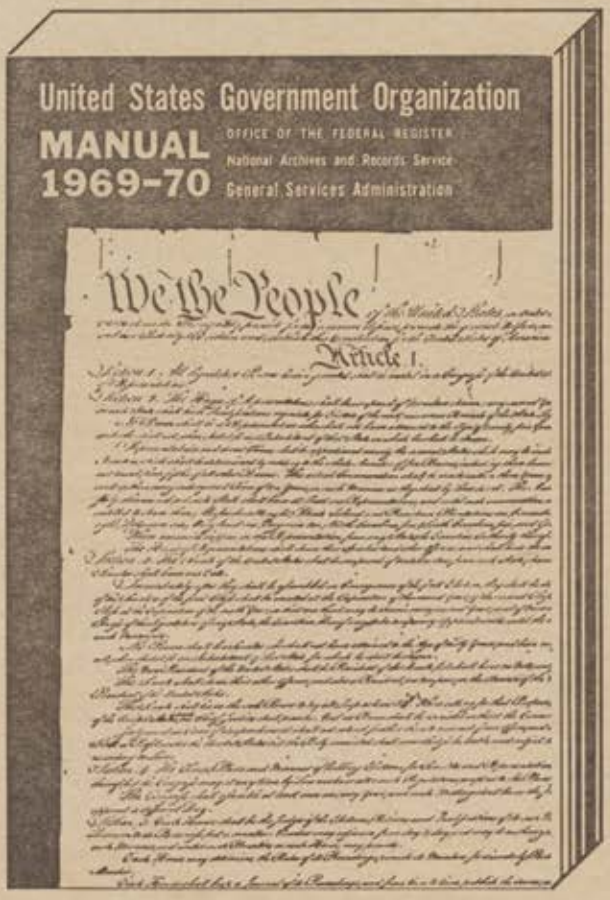

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