FEDERAL REGISTER

VOLUME 35 • NUMBER 198

Saturday, October 10, 1970 • Washington, D.C.

Pages 15969–16032

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Army Department
Census Bureau
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Education Office
Federal Aviation Administration
Federal Home Loan Bank Board
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Hazardous Materials Regulations Board
Housing and Urban Development Department
Interagency Textile Administrative Committee
Interim Compliance Panel (Coal Mine Health and Safety)
Interstate Commerce Commission
Land Management Bureau
Post Office Department
Public Health Service
Small Business Administration
Transportation Department

Detailed list of Contents appears inside.

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.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Cigar-filler (type 41) and Maryland tobacco; allotment regulations, 1971–72 marketing year... 15975

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Notices

Designation of areas for emergency loans:
- Arizona ... 16010
- South Carolina ... 16010

Meat import limitations; fourth quarterly estimates ... 16010

ARMY DEPARTMENT

Rules and Regulations

Personnel review boards; Army Board for Correction of Military Records ... 15992

CENSUS BUREAU

Notices

Annual surveys in manufacturing area; consideration ... 16011

CIVIL AERONAUTICS BOARD

Rules and Regulations

Fees and charges for special services; filing fees and requests for waiver ... 15986

Protection of customers' deposits made with supplemental air carriers (2 documents) ... 15983, 15985

Proposed Rule Making

Group fares on scheduled services ... 16006

Notices

Hearings, etc.:
- Alitalia-Linee Aeree Italiane-S.p.A. ... 16016
- Kintetsu World Express, Inc ... 16016

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service; Office of Economic Opportunity (2 documents) ... 15975

Notices

Noncareer executive assignments:
- Department of the Interior (2 documents) ... 16016
- Federal Trade Commission (2 documents) ... 16016

COMMERCE DEPARTMENT

See Census Bureau.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Dates, domestic, produced or packed in California; size requirements ... 15981

Grapefruit grown in Arizona and California; shipment limitation ... 15980

Grapefruit grown in Florida; handling limitation ... 15981

Lemons grown in California and Arizona; handling limitation ... 15981

Proposed Rule Making

Milk handling in South Texas and certain other marketing areas; partial recommended decision ... 16000

Tomatoes grown in Florida; shipment limitation ... 15999

Walnuts grown in California, Oregon, and Washington; marketing control percentages for 1970–71 marketing year ... 16000

CUSTOMS BUREAU

Notices

Withholding of appraisement:
- Ceramic wall tile from United Kingdom ... 16009
- Plate and float glass from Japan ... 16009
- Sheet glass from Japan ... 16009

DEFENSE DEPARTMENT

See Army Department.

EDUCATION OFFICE

Notices

Financial assistance for strengthening education in academic subjects in public schools; allotment ratios ... 16013

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Federal airways and segments:
- Alterations (2 documents) ... 15982
- Extension and revocation ... 15983

Reporting points; revocation ... 15983

Restricted areas; revocation and modification ... 15983

Proposed Rule Making

Jet route segment; designation ... 16005

Transition area; alteration ... 16005

Notices

FAA facilities and services for privately owned, public use airports; invitation for comments on study ... 16013

FEDERAL HOME LOAN BANK BOARD

Notices

Applications for approval of acquisition of control of certain savings and loan associations:
- Fidelity Financial Corp ... 16016
- General Ohio S&L Corp ... 16016
- Gibraltar Financial Corporation of California ... 16016

FEDERAL POWER COMMISSION

Rules and Regulations

Just and reasonable rates for natural gas produced in Hugoton-Anadarko area ... 15986

Notices

Hearings, etc.:
- Arkansas-Missouri Power Co ... 16018
- Delmarva Power & Light Co ... 16019
- Industrial Gas Corp ... 16019
- McCulloch Interstate Gas Corp ... 16019
- Midwestern Gas Transmission Co ... 16019
- Sun Oil Co. et al ... 16017
- Texas Eastern Transmission Corp ... 16020

FEDERAL RESERVE SYSTEM

Notices

Bank Securities, Inc.; approval of acquisitions of bank stock by bank holding company (2 documents) ... 16020, 16021

Commerce Bancshares, Inc.; application for approval of acquisition of shares of bank ... 16021

FEDERAL TRADE COMMISSION

Proposed Rule Making

New automobile pricing practices; public hearing and opportunity to submit comments ... 16007

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting on certain national wildlife refuges:
- Illinois; Crab Orchard ... 15998
- North Dakota; Des Lacs ... 15998

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:
- 2 - (*p* - *tert* - Butylphenoxy) cyclohexyl 2-propynyl sulfite; correction ... 15991
- Cellophane ... 15991
- Emulsifiers and/or surface-active agents ... 15992
- Taurine ... 15991

New animal drugs for use in animal feeds; monensin and 3-nitro-4-hydroxyphenylarsonic acid ... 15992

Nuts, packaged; standards of identity and fill of container ... 15989

Pesticide chemical tolerances:
- Amiben ... 15990
- *O*-Ethyl *S*,*S*-dipropylphosphorodithioate ... 15990

(Continued on next page)

Notices

C. M. Bundy Co.; withdrawal of approval of new-drug application regarding Meprobamate Tablets ---- 16012
Drugs for human use; meprobamate; efficacy study implementation; correction ---- 16012
Pesticide chemical petitions:
Chemagro Corp ---- 16012
E. I. du Pont de Nemours & Co. 16012
Merck Sharp and Dohme ---- 16012

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Procurement programs ---- 15995
Uniform Time Act of 1966 ---- 15994

HAZARDOUS MATERIALS REGULATIONS BOARD

Proposed Rule Making

Class A poisons in cylinders; transportation ---- 16005

Notices

Special permits issued ---- 16015

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Public Health Service.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Acting Deputy Area Administrator et al., Commonwealth Area Office (Puerto Rico); designation 16013

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Certain cotton textile products produced or manufactured in Ceylon; entry or withdrawal from warehouse for consumption ---- 16017

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Opportunity for public hearings:
Amigo Smokeless Coal Co. and Peabody Coal Co ---- 16021
Westmoreland Coal Co. et al ---- 16022
Willie Dotson Coal Co. et al ---- 16022

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Minimum charges within the Southwest ---- 16028
Motor carriers:
Temporary authority applications (3 documents) ---- 16022–16027
Transfer proceedings ---- 16027
Nebraska freight rates and charges, 1969; assignment for hearing and directing special procedure ---- 16029
Steel Carriers' Tariff Association, Inc.; petition for approval of amendment to agreement ---- 16030

LAND MANAGEMENT BUREAU

Rules and Regulations

Disaster relief; timber sale contracts, public lands ---- 15996
Public land orders:
Montana ---- 15997
Oregon ---- 15997
Wyoming ---- 15997

Notices

Wyoming; proposed classification of public lands for multiple-use management; correction ---- 16010

POST OFFICE DEPARTMENT

Proposed Rule Making

Sexually oriented advertisements; notice on envelopes or other covers ---- 15999

PUBLIC HEALTH SERVICE

Rules and Regulations

Bristol (Virginia)—Johnson City (Tennessee) interstate air quality control region; designation ---- 15995

SMALL BUSINESS ADMINISTRATION

Notices

San Antonio Capital Corp.; surrender of license to operate as small business investment company ---- 16022

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; Hazardous Materials Regulations Board.

Rules and Regulations

Organizational changes (2 documents) ---- 15996

TREASURY DEPARTMENT

See Customs Bureau.

List of CFR Parts Affected

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

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

5 CFR

213 (2 documents) 15975

7 CFR

723 15975
909 15980
910 15981
913 15981
987 15981

PROPOSED RULES:

966 15999
984 16000
1120 16000
1121 16000
1126 16000
1127 16000
1128 16000
1129 16000
1130 16000

14 CFR

71 (documents) 15982, 15983
73 15983
208 15983
295 15985
389 15986

PROPOSED RULES:

71 16005
75 16005
221 16006
399 16006

16 CFR

PROPOSED RULES:

431 16007

18 CFR

154 15986
157 15986

21 CFR

46 15989
120 (2 documents) 15990
121 (4 documents) 15991, 15992
135e 15992

32 CFR

581 15992

39 CFR

PROPOSED RULES:

125 15999

41 CFR

1-1 15994
101-26 15995

42 CFR

81 15995

43 CFR

1810 15996

PUBLIC LAND ORDERS:

4914 15997
4915 15997
4916 15997

49 CFR

1 (2 documents) 15996

PROPOSED RULES:

173 16005

50 CFR

32 (2 documents) 15998

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Secretary to the Chairman, Planning and Review Committee, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (20) is added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(20) One Confidential Secretary to the Chairman, Planning and Review Committee.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-13633; Filed, Oct. 9, 1970; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the positions of the Human Rights Officer and his Confidential Staff Assistant are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (21) and (22) are added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(21) One Human Rights Officer.

(22) One Confidential Staff Assistant to the Human Rights Officer.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-13632; Filed, Oct. 9, 1970; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER (TYPE 41) AND MARYLAND TOBACCO

Subpart—Cigar-Filler (Type 41) and Maryland Tobacco Allotment Regulations, 1971–72 Marketing Year

The regulations contained in §§ 723.51 through 723.66 are issued pursuant to and in conformity with the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and govern the determination of acreage allotments for Cigar-filler (type 41) and Maryland (type 32) tobacco for the 1971–72 marketing year.

Prior to the issuance of the regulations, public notices for Cigar-filler tobacco (35 F.R. 11494) and for Maryland tobacco (35 F.R. 11494, 11799) were given in accordance with 5 U.S.C. 553. In such notices it was proposed that the regulations for such kinds of tobacco would be substantially the same as regulations in effect for the 1968–69 marketing year, with updating of the periods of years used in determining preliminary acreage allotments. Data, views, or recommendations submitted pursuant to the notices were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended.

In addition to using the most recent period of years for determining preliminary allotments for each such kind of tobacco other changes from the 1968–69 regulations have been made, as follows:

1. Part 723 has been redesignated to include Maryland (type 32) tobacco for the purpose of determining 1971 farm allotments. Part 724 will be redesignated to exclude Maryland tobacco if growers disapprove quotas in the marketing quota referendum of the three marketing years beginning October 1, 1971. For the purpose of establishing acreage allotments, it has been determined that these changes will result in more effective operations of the program.

2. In §§ 723.52, 723.55, and 723.56, the term "history acreage" has been substituted for "harvested acreage" which was used in previous regulations. This constitutes no substantive change.

3. Section 723.55(d) provides that farm tobacco history acreage for years for which no acreage allotments were determined shall be the planted and considered planted acreage. This will be applicable for Maryland tobacco, and continued applicable for Cigar-filler (type 41) tobacco.

4. Section 723.56(b) provides that Maryland tobacco 1971 farm preliminary acreage allotments shall be the larger of the average history acreage in the last 2 years of the base period or the average history acreage for the 5-year base period.

5. Section 723.62, relating to new farm allotments, has been amended to require applicants to obtain 50 percent of their income from farming and to correspond to new farm allotment provisions for other kinds of tobacco.

6. Paragraphs (b) and (d) of § 723.64 have been amended to make the provisions comparable to provisions applicable to other kinds of tobacco and to other commodities. The requirement for allotment notices to bear the actual or facsimile signature of a member of the county committee has been deleted from paragraph (b) and a provision relating to an erroneous notice of allotment has been added to paragraph (d).

7. Paragraphs (a) and (b) of § 723.66 contain necessary amendments to implement the provisions of Public Law 91–284, approved June 19, 1970, which provides permanent authority for the Secretary to permit lease and transfer of tobacco allotments and also provides, beginning with the 1971 crop, for leases up to 5 years. Also, in § 723.66 paragraph (d) is amended by adding a provision requiring that release by lienholders shall be obtained prior to a lease of allotment for a period in excess of 1 year. Subsequent paragraphs were renumbered but remain essentially unchanged.

Part 723 of Chapter VII of Title 7 of the Code of Federal Regulations, now designated "Cigar-Filler (Type 41) Tobacco", is redesignated "Cigar-Filler (Type 41) and Maryland Tobacco".

Revised regulations effective for the 1971–72 marketing year, are as follows:

GENERAL

Secs.
723.51 Basis and purpose.
723.52 Definitions.
723.53 Extent of determinations, computations, and rule for rounding fractions.
723.54 Instructions and forms.

TOBACCO HISTORY ACREAGE, ACREAGE ALLOTMENTS, AND NORMAL YIELDS FOR OLD FARMS

723.55 Determination of tobacco history acreage for old farms.
723.56 Determination of preliminary acreage allotments for old farms.
723.57 Old farm tobacco acreage allotment.
723.58 Correction of errors and adjusting inequities in acreage allotments for old farms.

Sec.
723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.
723.60 Farms divided or combined.
723.61 Determination of normal yields for old farms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.62 Determination of acreage allotments for new farms.
723.63 Determination of normal yields for new farms.

MISCELLANEOUS

723.64 Approval of determinations made under §§ 723.51 through 723.63 and notices of farm acreage allotment.
723.65 Application for review.
723.66 Lease and transfer of tobacco acreage allotments.

AUTHORITY: The provisions of this subpart issued under secs. 301, 313, 316, 317, 363, 375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 79 Stat. 118, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended, secs. 106, 112, 70 Stat. 191, 195, as amended, sec. 101, 76 Stat. 606; 7 U.S.C. 1301, 1313, 1314b, 1314c, 1363, 1375, 1377, 1378, 1824, 1836, 16 U.S.C. 590p.

GENERAL

§ 723.51 Basis and purpose.

The regulations contained in §§ 723.51 through 723.66 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm acreage allotments and normal yields for Cigar-filler (type 41) and Maryland tobacco for the 1971–72 marketing year. The material previously appearing in these sections under Subpart—Cigar-Filler (Type 41) Tobacco Allotment Regulations, 1968–69 marketing year remain in full force and effect for the crop to which it was applicable.

§ 723.52 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and amendments now in effect or later issued.

(a) The provision of Parts 718 and 719 of this chapter, including definitions, are hereby incorporated in the regulations of this part unless the context or subject matter or the provisions of the regulations of this part otherwise require.

(b) "Base period" means the 5 calendar years immediately preceding the year for which farm acreage allotments are currently being established.

(c) "Current year" means the calendar year for which acreage allotments are being established, or tobacco history acreage and normal yields are being determined.

(d) "New farm" means a farm for which a tobacco allotment is established in the current year and for which there is no tobacco history acreage in the base period.

(e) "Old farm" means a farm for which there was tobacco history acreage in 1 or more years of the base period.

(f) "Tobacco" means each one or both, as indicated by the context, of the kinds of tobacco listed in this paragraph, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the United States Department of Agriculture.

(1) Maryland tobacco, type 32.
(2) Cigar-filler tobacco, type 41.

§ 723.53 Extent of determinations, computations and rule for rounding fractions.

Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. Computations shall be carried to two decimal places beyond the number of decimal places required, and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1. For example, 2.5536 equals 2.55; 2.5550 equals 2.55; 2.5551 equals 2.56; 2.5582 equals 2.56; and 0.0001 equals 0.01.

§ 723.54 Instructions and forms.

The Director, Commodity Programs Division, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator, State and County Operations of the Agricultural Stabilization and Conservation Service.

TOBACCO HISTORY ACREAGE, ACREAGE ALLOTMENTS, AND NORMAL YIELDS FOR OLD FARMS

§ 723.55 Determination of tobacco history acreage for old farms.

(a) The county committee shall determine from the best available data the tobacco history acreage on each old tobacco farm for each of the 5 years 1966–70. Data for making such determinations shall be taken from county office records, producers' records, producers' reports, estimates of other persons having knowledge of the tobacco production on the farm, and any other source available.

(b) Tobacco history acreage shall be determined pursuant to § 724.55(b) of this chapter for Maryland tobacco for each year for which tobacco allotments were established for such kind of tobacco.

(c) For the year for 1968 Cigar-filler (type 41) tobacco, the 1968 tobacco history acreage shall be the same as the 1968 allotment if as much as 75 percent of the 1968 allotment was planted (or considered planted under conservation programs or conservation practices (Part 719 of this chapter)). If less than 75 percent of the 1968 allotment was planted or considered planted, the 1968 history acreage shall be the acreage planted or considered planted. The tobacco history acreage for 1968 shall be zero for a farm for which no 1968 tobacco acreage allotment was determined.

(d) For years for which no allotments were established for either of such kinds of tobacco, the tobacco history acreage shall consist of (1) the acreage planted to tobacco on the farm, plus (2) the acreage considered planted to tobacco on the farm consisting of (i) tobacco acreage diverted under conservation programs or practices. (If a farm was under a cropland adjustment program agreement during any year of the base period for which no tobacco acreage allotment was established, the tobacco history acreage for such year shall be the larger of: (*a*) the planted acreage, or (*b*) the nonallotment base acreage under Part 751 of this chapter designated under agreement not to exceed the tobacco acreage as determined or computed for the farm for the year immediately preceding the year of the cropland adjustment program agreement), and (ii) the allotment acreage pooled under Part 719 of this chapter.

(e) In determining the tobacco history acreage for each year of the base period, the county committee shall make due allowances for drought, flood, hail, and other abnormal weather conditions and plant bed and other diseases, after application of the provisions of paragraph (c) of this section.

§ 723.56 Determination of preliminary acreage allotments for old farms.

(a) *Cigar-filler (type 41).* The preliminary allotment for an old farm shall be the larger of the following:

(1) The average tobacco history acreage on the farm during the base period (1966–70), or

(2) The average tobacco history acreage on the farm in the 3 preceding years (1968–70).

(b) *Maryland.* The preliminary allotment for an old farm shall be the larger of the following:

(1) The average tobacco history acreage on the farm during the base period (1966–70), or

(2) The average tobacco history acreage on the farm during the 2 preceding years (1969–70).

(c) *Both kinds.* Notwithstanding the foregoing provisions of this section, no 1971 farm tobacco preliminary allotment (or 1971 farm tobacco acreage allotment) shall be determined for any land which the county committee determines has become devoted to commercial or residential development or other nonagricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that did acquire it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land

was not allocated to other land in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.59: *And provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part pursuant to Part 719 of this chapter.

§ 723.57 Old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms pursuant to § 723.56, and including those under § 723.59(a), shall be adjusted uniformly so that the total of such allotments plus the acreage available pursuant to §§ 723.58 and 723.62 shall not exceed the national acreage allotment: *Provided*, That for Cigar-filler (type 41) tobacco if the acreage allotment determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.58 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment for each kind of tobacco established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotment for other old farms in the county in which the farm is located. Not to exceed 1 percent of the national acreage allotment for each kind of tobacco minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and for correcting errors. The amount of the national reserve acreage available for correcting errors and for adjusting inequities will be announced at the same time the national quota is proclaimed. The reserve acreage for old farms will be allocated to each State based on the relation of each State's preliminary acreage allotment to the preliminary allotments for all States.

(b) Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past farm acreage and past farm acreage allotments of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage allocated for such purpose. The sum of adjustments for farms in a county owned, operated, or controlled by the State, county, and community committeemen and the county executive director, shall not be larger in relation to the sum of the preceding year's allotments for such farm than the sum of the adjustments for other farms in such county in relation to the preceding year's allotments for such farms.

(c) The allotment for a farm under a conservation reserve contract or a farm under a cropland conversion program agreement or land under a cropland adjustment agreement shall be given the same consideration under this section as the allotment for any other old farm.

(d) Acreage approved for a farm under this section becomes a part of the farm acreage allotment.

§ 723.59 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotment to a pool and reallocation from the pool shall be administered as provided in Part 719 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.61. For a farm for which allotment acreage was placed in a pool, the allotment remaining in the pool shall be the 1971 preliminary allotment.

(b) The displaced owner of a farm may, not later than May 1 of the current year, release in writing to the county committee for the year 1971 all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for 1971 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than June 1 of the current year, the released acreage or any part thereof to other farms in the county on the basis of the past farm acreage and past farm acreage allotments of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical factors affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall be reduced, where applicable, so as not to exceed the acreage by which the 1971 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1971 allotment prior to being increased by reapportionment.

§ 723.60 Farms divided or combined.

Allotments for farms reconstituted for 1971 shall be determined in accordance with Part 719 of this chapter.

§ 723.61 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the period, not less than the base period, for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.62 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 723.59(a), for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provision of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm shall be operated by the owner thereof. A person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner of the farm if the farm is jointly owned by such husband and wife.

(2) The farm covered by the application shall be the only farm in the U.S. owned or operated by the farm operator for which a tobacco acreage allotment for any kind of tobacco is established for the current crop year.

(3) The farm shall not have an allotment for the current year for any kind of tobacco, other than the allotment requested in the application.

(4) The available land, type of soil, and topography of the land on the farm

for which the allotment is requested is suitable for the production of the kind of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(5) The operator shall own, or otherwise have readily available, adequate equipment and other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(6) (i) The operator (each partner where the farm operator is a partnership) expects to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products. In making this computation of income from farming, no value will be allowed for estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income from farming. Dividends and salary from the corporation shall be considered as income from farming.

(ii) Where the farm operator is a low income farmer,

(a) The county committee may waive the income provision in subdivision (i) of this subparagraph provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action.

(b) The county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to those who qualify.

(c) In making their determination the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individuals ability to provide a reasonable standard of living for himself and family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing the kind of tobacco requested in the application either as a sharecropper, tenant, or farm operator, during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. If the applicant was in the Armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. The production of tobacco during any year which tobacco allotments were established for the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(8) The farm shall not include land returned to agricultural production after being acquired by an agency having the right of eminent domain if the entire tobacco allotment for the land was pooled pursuant to Part 719 of this chapter, until after a date 5 years from the date the former owner was displaced from the land acquired by eminent domain.

(9) A written application is filed by the farm operator at the office of the county committee on or before February 15 for Maryland tobacco or March 10 of the current year for Cigar-filler (type 41) tobacco.

(10) A farm which includes land which has no tobacco acreage allotment because the owner did not designate a tobacco allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, shall not be eligible for a new farm tobacco allotment for a period of 5 years beginning with the year in which the farm reconstitution becomes effective.

(11) The farm operator must not have been approved for a new farm allotment during the preceeding 3 years.

(c) The acreage allotments established as provided in this section for such kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. A reserve acreage of not more than 1 percent of the national acreage allotment for the current year, minus that part of such reserve acreage set aside for adjusting inequities in acreage allotments for old farms, and for correcting errors in old farm allotments, shall be available for establishing allotments for new farms.

(d) Any new farm allotment approved under this section which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 723.63 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.64 Approval of determinations made under §§ 723.51 through 723.63 and notices of farm acreage allotment.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under §§ 723.51 through 723.63. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases resulting from reconstitutions that do not involve the use of additional acreage.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of the farm, or (3) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1 of the current year.

(d) If the county committee determines with the approval of the State executive director that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and the operator, relying upon such notice and acting in good faith materially changes his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparations, additional equipment and labor) or has planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year: *Provided*, That for future allotment purposes, the 1971 allotment shall be considered fully planted if the acreage planted is as much as 75 percent of the

smaller of the acreage shown on the correct notice or the acreage shown on the erroneous notice.

§ 723.65 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the county ASCS office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter.

§ 723.66 Lease and transfer of tobacco acreage allotments.

(a) For the 1971 and subsequent crop years, notwithstanding the provisions of §§ 723.51 through 723.65, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage is established for the current year may lease and transfer all or any part of the farm acreage allotment established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for such kind of tobacco for use on such farm. The allotment established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the 3-year life of the pooled allotment. The lease and transfer of acreage allotments shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) The lease and transfer of a farm acreage allotment or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than May 1 of the current year, except that a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than May 1 of the current year, and (2) the terms of the lease, in writing, are filed with the county committee not later than July 31 of the current year. The approval herein required by the county committee shall not be redelegated.

(d) No transfer of allotment other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(e) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.61 in the case of old farms and § 723.63 in the case of new farms, for each farm to which a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than 10 percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(f) The amount of allotment acreage which is leased from a farm (prior to any reduction made under this section) shall be considered for the purpose of determining future allotments (and tobacco history acreage) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(g) The total acreage allotted to any farm after the transfer by lease of tobacco acreage allotment to the farm (the sum of its own allotment and the acreage leased and transferred to it after any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(h) A new farm allotment shall not be leased or transferred.

(i) Tobacco allotment acreage shall not be leased and transferred to or from any farm under a conservation reserve contract or cropland conversion program agreement in excess of the total number of acres which could be devoted to nonconserving or soil bank base crops under the terms of such contract or agreement, less, in the case of a farm to which a tobacco allotment acreage is leased and transferred, the tobacco allotment acreage for such farm without regard to the lease and transfer. For possible effects of a lease and transfer of tobacco allotment acreage on such conservation reserve contract or cropland conversion program agreement, see the regulations issued with respect to the conservation reserve program (Part 750 of this chapter) and the cropland conversion program (Part 751 of this chapter).

(j) Allotments established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the time it is in the pool.

(k) Any leased allotment acreage shall not be subleased.

(l) A revised notice showing the allotment acreage after lease and transfer shall be issued by the county committee to each of the operators of all farms from which or to which tobacco allotment acreage is leased under this section.

(m) If a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before the final date for reducing allotments for violations, the lease may be approved by the county committee. In any case, if after a lease and transfer of a tobacco acreage allotment has been approved by the county committee, it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(n) Except with respect to the erroneous allotments notice provisions in § 723.64 and the provisions for review in § 723.65, the term "tobacco acreage allotment" as used in §§ 723.51 through 723.65 shall mean the allotment without regard to the application of the provisions of this section.

(o) If the allotment for a farm for the current year is reduced to zero, no tobacco allotment acreage for such kind of tobacco may be leased to such farm for the current year.

(p) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing an application for review, as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(q) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment for such farm for the current year only for the purpose of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption or carryover penalty tobacco (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm. Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(r) If the county committee obtains evidence that the conditions applicable to any transfer of allotment under this section have not been met, the committee on the basis of such evidence shall determine whether such conditions have been met and if not met, shall cancel the transfer of allotment. Where the transfer of an allotment is canceled, the county committee shall issue revised notices of allotment showing the reasons for the cancellation. Any cancellation made with respect to a farm's acreage allotment for the current year shall be

made no later than May 1 of the current year. If the cancellation is not made by such date for the current year, the cancellation shall be made with respect to the acreage allotment next established for the farm. An agreement to transfer an allotment may be dissolved or revised at the request of all parties to the agreement by so notifying the county committee in writing not later than the close of business on May 1 of the current year, except that the dissolution or revision of a lease made pursuant to this section shall be effective if (1) the county committee, with the approval of the State executive director, finds that such dissolution or revision was agreed upon no later than May 1, and (2) the terms of the dissolution or revision are reduced to writing and filed no later than July 31 of the current year in the county office for the county in which the farms involved are located. In such case, an official revised notice of the farm acreage allotment, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request is made after the above specified dates, the acreage allotments resulting from the lease and transfer shall remain in effect.

(s) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after lease and transfer has been made. For the following year, that part of the acreage allotment leased shall revert to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate the leased acreage involved to the division as the farm operators interested in such tracts agree in writing.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 5, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-13640; Filed, Oct. 9, 1970; 8:48 a.m.]

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

[Grapefruit Reg. 37]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to Marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafater provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Administrative Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about October 11, 1970. The grade and size requirements provided herein are necessary to prevent the handling, on and after October 11, 1970, of any grapefruit of lower grades and smaller sizes that those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation 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 date. The Administrative Committee held an open meeting on September 23, 1970, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received on October 1, 1970; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this regulation, including the effective time hereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

§ 909.337 Grapefruit Regulation 37.

(a) Order:

(1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period October 11, 1970, through August 31, 1971, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement the requirement that the fruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the tolerances provided for the U.S. No. 2 grade the following tolerances, by count, shall be allowed for the defects listed:

(*a*) 10 percent for fruit which is not at least fairly well colored;

(*b*) 15 percent for fruit affected by scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface; and

(*c*) 10 percent for defects other than color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay and not more than one-half, or 5 percent, shall be allowed for any single defect caused by broken skins, sunburn, scars, or peel that is more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3$\frac{1}{4}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3$\frac{1}{4}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3$\frac{1}{4}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4$\frac{7}{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3$\frac{11}{16}$ inches in diameter directly to a destination in Zone 6, Zone 5, or Zone 4; and if the grapefruit is so handled directly to Zone 4 the grapefruit does not measure less than 3$\frac{9}{16}$ inches in diameter: *Provided*, That a tolerance of 5 percent, by count, of grapefruit smaller than 3$\frac{9}{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determing the percentage of grapefruit in any lot which are smaller than 3$\frac{9}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in

such lot which are 3 13/16 inches in diameter and smaller.

(b) As used herein, "handler," "grapefruit," "handle," "Zone 4," "Zone 5," "Zone 6," shall have the same meaning as when used in said amended marketing order; the terms "U.S. No. 2," "fairly well colored," "slightly colored," and "fairly well formed" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

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

Dated: October 8, 1970.

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

[F.R. Doc. 70-13714; Filed, Oct. 9, 1970; 8:51 a.m.]

[Lemon Reg. 448]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.748 Lemon Regulation 448.

(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 October 6, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 11, 1970, through October 17, 1970, are hereby fixed as follows:

(i) District 1: 1,000 cartons;

(ii) District 2: 76,000 cartons;

(iii) District 3: 98,000 cartons.

(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: October 8, 1970.

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

[F.R. Doc. 70-13715; Filed, Oct. 9, 1970; 8:51 a.m.]

[Grapefruit Reg. 40]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.340 Grapefruit Regulation 40.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913; 34 F.R. 12428), regulating the handling of grapefruit grown in the Interior District in Florida, 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 Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, 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 Interior grapefruit, 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 Interior grapefruit; 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 October 6, 1970.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period October 12, 1970, through October 18, 1970, is hereby fixed at 300,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: October 7, 1970.

ARTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-13676; Filed, Oct. 9, 1970; 8:49 a.m.]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Size Requirements

The Date Administrative Committee has unanimously recommended that § 987.204(a) of Subpart—Grade and Size Regulations be amended to revise that the size (weight) requirements for hydrated Deglet Noor whole dates from 6.9 grams to 6.5 grams. The subpart is effective pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement

and order are effective under the Agricultural Marketing Agreemeng Act of 1937, as amended (7 U.S.C. 601–674).

Section 987.204(a) specifies size requirements for dry, natural, and hydrated Deglet Noor whole dates. Such requirements are that each date in the representative samples of a lot of dates weigh not less than 6.5 grams if dry or natural dates, or not less than 6.9 grams if hydrated dates, except that 10 percent, by weight, of the dates in such samples may be below the specified weights if they are free dates, and 25 percent, by weight, of the dates in such samples may be below the specified weights if they are dates withheld from handling (as marketable dates) to meet a restricted obligation pursuant to § 987.45.

Date handlers are hydrating Deglet Noor dates to a lower moisture content than in prior years. As a result, the hydrated dates weigh less, and an unduly large proportion of these dates fail to meet the size (weight) requirements for whole dates prescribed in § 987.204(a). The amendment of paragraph (a) would change the weight for whole hydrated Deglet Noor dates which may be handled as free dates or withheld to meet restricted obligation from 6.9 grams to 6.5 grams recognizing that dates processed to the lower moisture content tend to spoil less readily than when processed to the higher moisture content. The amendment would permit hydrated dates which are suitable for human consumption to be used for this purpose either as dates or in date products and provide an opportunity for higher returns to producers.

Based on the foregoing, the unanimous recommendation of the Date Administrative Committee, the information submitted therewith, and other available information, it is hereby found that the amendment of § 987.204(a), as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 987.204(a) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.204) is hereby amended by revising subparagraphs (1) and (2) thereof to read as follows:

§ 987.204 Additional size regulations.

(a) *Whole dates*—(1) *Free dates.* Dry, natural, or hydrated whole dates of the Deglet Noor variety shall not be handled as free dates unless the individual dates in the representative samples of the lot weigh not less than 6.5 grams, except not more than 10 percent, by weight, of the dates in the samples of the lot may consist of individual dates that weigh less than the specified weight.

(2) *Dates withheld to meet restricted obligation.* Subject to any requirements prescribed pursuant to § 987.55, dry, natural, or hydrated Deglet Noor dates shall not be eligible to be withheld from handling (as marketable dates) to meet a restricted obligation pursuant to § 987.45, unless the individual dates in the respresentative samples of the lot weigh not less than 6.5 grams, except that not more than 25 percent, by weight, of the dates in the samples of the lot may be below the specified weight.

* * * * *

It is further found that it is impracticable, unnecessary and contrary to public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making this action effective as hereinafter specified and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves current restrictions on handlers; (2) handlers are aware of the Date Administrative Committee's unanimous recommendation to relax the size requirements, which are the same as those prescribed herein, and need no additional notice or time for preparation to comply with the reduced requirements; (3) dates of the 1970 production are now being processed and inspected, and the handling of free dates and the withholding of dates to meet restricted obligation are imminent; and (4) this amendment should become effective promptly so that it will be applicable to as much of the 1970 production as possible and thus tend to maximize returns to producers.

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

Dated October 7, 1970, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 70-13677; Filed, Oct. 9, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-CE-53]

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

Alteration of Federal Airway Segment

On August 13, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 12847) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 233.

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

Subsequent to the issuance of the notice, it was noted that the similarity of V-233 and V-332 could lead to pilot/controller confusion. To eliminate this similarity of numbers, V-233 can be extended from Lansing, Mich., to Traverse, Mich., via Mount Pleasant, Mich., to replace V-332 in its entirety. Action is taken herein to show this change.

Since this action is editorial in nature and neither assigns nor reassigns controlled airspace, further notice and public procedure thereon are unnecessary.

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

Section 71.123 (35 F.R. 2009) is amended as follows:

1. V-233 is amended to read as follows:

V-233 From Roberts, Ill., Knox, Ind.; Goshen, Ind.; Litchfield, Mich.; Lansing, Mich.; Mount Pleasant, Mich.; to Traverse City, Mich.

2. V-332 is revoked.

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

Issued in Washington, D.C., on October 5, 1970.

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

[F.R. Doc. 70-13625; Filed, Oct. 9, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-59]

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

Alteration of Federal Airway Segment

On July 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 11700) stating that the Federal Aviation Administration was proposing an amendment to Part 71 of the Federal Aviation Regulations that would revoke the segment of VOR Federal airway No. 316 from Thunder Bay, Ontario, Canada, to Marquette, Mich., and designate a new segment of V-316 from Ironwood, Mich., to Marquette.

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

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

Section 71.123 (35 F.R. 2009, 3659) is amended as follows: In V-316 "From Thunder Bay, Ontario, Canada; 65 miles 26 MSL, Houghton, Mich.;" is deleted and "From Ironwood, Mich.;" is substituted therefor.

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

Issued in Washington, D.C., on October 5, 1970.

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

[F.R. Doc. 70-13626; Filed, Oct. 9, 1970; 8:47 a.m.]

[Airspace Docket No. 70-CE-102]

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

Extension of VOR Federal Airway and Revocation of VOR Federal Airway Segment

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to extend VOR Federal airway No. 251 and revoke VOR Federal airway No. 191 east alternate segment. V-191 east alternate is presently designated from Decatur, Ill., via Champaign, Ill., to Roberts, Ill. The portion between Champaign and Roberts overlies V-429 segment as a common segment. Action is being taken herein to revoke V-191 east alternate between Decatur and Roberts and extend V-251 airway from Champaign to Decatur as a replacement for V-191 east alternate.

These airway amendments are made to facilitate flight planning and to provide route continuity.

Since these amendments are editorial in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

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

Section 71.123 (34 F.R. 19969, 35 F.R. 2009, 7694) is amended as follows:

a. In V-191 all between "Decatur, Ill.;" and "INT of Roberts 008°" is deleted and "Roberts, Ill.;" is substituted therefor.

b. In V-251 "From Champaign, Ill.;" is deleted and "From Decatur, Ill., via Champaign, Ill.;" is substituted therefor.

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

Issued in Washington, D.C., on October 5, 1970.

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

[F.R. Doc. 70-13627; Filed, Oct. 9, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WA-37]

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

Revocation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the Harriet, Alaska, high and low altitude reporting points.

By Airspace Docket No. 70-AL-2, Jet Route No. 115 and VOR Federal airway No. 456 will be realigned effective December 10, 1970. The Harriet reporting points will no longer be needed when these realignments are effective. Action is taken herein to revoke these reporting points.

Since these amendments relieve a burden on the public, notice and public procedure thereon are unnecessary.

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

1. In § 71.211 (35 F.R. 2305) the Harriet INT and Harriet DME INT reporting points are revoked.

2. In § 71.213 (35 F.R. 2306) the Harriet DME INT reporting point is revoked.

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

Issued in Washington, D.C., on October 5, 1970.

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

[F.R. Doc. 70-13628; Filed, Oct. 9, 1970; 8:47 a.m.]

[Airspace Docket No. 70-WE-74]

PART 73—SPECIAL USE AIRSPACE

Revocation and Modification of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to revoke the Whidbey Island, Wash., restricted area R-6713 and reduce the altitudes of the Admiralty Inlet, Wash., restricted area R-6701.

The Department of the Navy has advised the Federal Aviation Administration that R-6713 is not currently required for Navy operations and requested that its designation be rescinded. The Navy also advised that R-6701 was no longer required above 5,000 feet MSL and requested that the ceiling be lowered from 10,000 feet MSL to 5,000 feet MSL.

Since these amendments restore airspace to the public use and relieve restrictions, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 73.67 (35 F.R. 2354) is amended as follows:

1. R-6713 Whidbey Island, Wash., is revoked.

2. R-6701 Admiralty Inlet, Wash., is amended by deleting "Designated altitudes: Surface to 10,000 feet MSL" and substituting therefor "Designated altitudes: Surface to 5,000 feet MSL."

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

Issued in Washington, D.C., on October 5, 1970.

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

[F.R. Doc. 70-13629; Filed, Oct. 9, 1970; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-649; Amdt. 6]

PART 208 — TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Protection of Customers' Deposits Made With Supplemental Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1970.

By circulation of EDR-180 (Docket 22094), dated April 9, 1970, and publication at 35 F.R. 6153, the Board gave notice that it proposed to amend Parts 208 and 295 [1] of the economic regulations (14 CFR Parts 208, 295) so as to require supplemental air carriers under certain circumstances to provide security protection of customers' deposits made with air carriers as advance payment for air transportation. The rule proposed a single test for determining when a supplemental carrier's financial situation is presumed to be so marginal as to require the taking of security measures for the protection of the public—the so-called net worth test which requires that carriers place in escrow the amount of deposits which exceeds 25 percent of the carrier's net worth. Also, the proposed rule would permit a performance bond in lieu of maintaining a cash escrow for the protection of customers' deposits.

Four comments were filed: One comment from a travel agency [2] supports the rule and three from supplemental carriers [3] oppose it. The supplemental carriers, although generally in favor of the principle of the rule, oppose the form in which it was presented.

Upon consideration of the comments filed, we have determined to adopt the rule as proposed with the following modifications: We shall (1) authorize a trust agreement as an alternative to the cash escrow or performance bond provided for in the notice; (2) provide that the escrow funds or other security arrangement can be used only for the payment of claims for refund of customers' deposits for failure to perform air transportation; and (3) make clear that the settlement of disputed claims for refunds of deposits, if beyond the parties' abilities to resolve, shall be brought about by

---

[1] Transatlantic Supplemental Air Transportation.

[2] WYO Travel Service.

[3] Capitol International Airways, Inc.; Trans International Airlines, Inc. (TIA); World Airways, Inc.

resort to the courts rather than to the Board. Therefore, except as modified herein, the tentative findings made in EDR–180 are incorporated herein by reference and made final.

TIA, Capitol and World object to the rule mainly because, in their view, it singles out supplemental carriers as a class and imposes on them the stigma of irresponsibility.[4] World would have the Board impose these rules on the foreign supplemental air carriers for competitive reasons.[5] TIA asks that they be made applicable to all certificated air carriers. According to TIA, if the Board adopts the proposed rule, it should impose the same rule on all carriers providing charter services (including such bulk services as GIT and CBIT services for blocks of 40 or more passengers). Capitol asks that the Board continue to monitor the financial condition of the supplementals on an individual carrier basis and, if it determines that safeguards of customers' deposits are required, take appropriate measures on an ad hoc basis.

In the first instance, whether or not the rule should be imposed on carriers other than supplemental carriers is an issue which is beyond the scope of this proceeding. However, on the merits, we are not prepared, at this time, to extend this rule to other classes of carriers. In the first place the statute imposes special responsibilities on the Board with respect to the fitness of the supplemental carrier.[6] Secondly, the problem which this regulation is intended to resolve has arisen only with respect to carriers which specialize in charter operations. Insofar as the foreign charter carriers are concerned, there is no practical way of enforcing such a regulation against them since we do not require this class of carriers to file financial data with the Board. Moreover, there is no reason to believe that the failure to impose a similar requirement on the foreign supplemental carriers will result in an undue competitive advantage to them. Rather, the protection which the regulation affords customers with respect to their charter deposits should give a competitive advantage to the supplementals in marketing services to U.S. charterers.

With regard to the route air carriers (U.S. and foreign), there does not appear to be a compelling need to safeguard their charter customers' deposits. These carriers have other sources of revenue which are far greater than their charter revenues.[7] The relatively small amount of money represented by customers' charter deposits and the constant and rapid flow of their other revenue sources provide safeguards for these deposits and eliminate the need for the specific measures set forth in EDR–180.

In addition, we shall not grant Capitol's request that the Board continue to scrutinize the supplementals' financial condition on an ad hoc basis. Since it is Board policy to interfere as little as possible in the day-to-day operations of individual carriers, we shall adopt a rule of general applicability which will be self-executing as to all carriers of a particular class, rather than monitor the day-to-day financial operations of the supplementals, as Capitol appears to suggest.

Capitol further maintains that the rule will impose an unreasonable burden on its operations and that as a transatlantic supplemental carrier involved in a complex international operation which severely peaks during 4 summer months representing the bulk of its commercial revenues, it would have a difficult if not impossible task in complying with the rule. It asserts that customer deposits of unearned transportation revenue are usually the highest for a charter carrier during the peak summer travel season; that, in its case, 80 percent of its total commercial revenues is earned during that season; and that the rule, if in effect in 1969, would have required it to maintain a cash escrow during the 4 summer months. These contentions do not persuade us to modify the rule. The explanatory statement indicated that the rule is not intended to, nor do we believe it will impose an unwarranted burden on any supplemental carrier. Moreover, where special cases do exist they can be resolved by waiver on a showing by the carrier of peculiar or unusual circumstances.

World suggests an alternative standard that would eliminate from the rule a carrier with a strong profit record, irrespective of its net worth position. Thus, it would have the Board exclude from the rule an operator which had a net profit after tax in the prior calendar year of not less than one-half of the average deposits for that year, the exclusion to be effective for the following year. Similarly, TIA suggests that the rule not apply to those carriers which have a net worth of $25 million or more.

We are not persuaded to modify the rule in the manner suggested. The rationale behind these suggestions appears to be that there is a point where a carrier is so strong financially that there is no need for any specific protection of its customers' deposits. But the proposed rules does take into account the financial strength of individual carriers since the requirement to provide security is triggered by a percentage relationship of customer deposits to net worth of the carrier. Thus, the rule as proposed and as adopted herein is grounded on the premise that the stronger a carrier is, the less money, relatively, it should be required to place in escrow. Moreover, World's suggestion to exempt a carrier from the rule for a whole year based on a profit level during the previous year disregards the possibility that a year of profit could be followed by a year of fast decline.

World also asks that the security fund be specifically limited to claims for refund of deposits for failure of the air carrier to perform air transportation and for no other purpose. It asserts that it would be unfair if the security fund created by the rule could be used by customers for claims arising from cancellation charge disputes, delays, personal injuries, lost baggage and the like.

This suggestion has merit and will be adopted. Thus, the escrow account or similar security arrangement can be used only for the payment of claims for refund of customer deposits based upon failure to provide air transportation and the rule so provides. (See § 208.40(c), infra.)

In addition, World suggests that as an alternative to the escrow arrangement the carriers be permitted to have a trust with the same standards as provided for in the escrow arrangement. We shall adopt this proposal since it will extend additional flexibility to the carriers without diminishing the protection to the public for refunds of customer deposits.

Finally, World asks that the regulation make clear that any disputes between the carrier, the institution holding the fund and the carrier's customers with respect to repayments of deposits from the security fund should be determined under general principles of law by the courts and not by the Board. We agree that disputes of this nature should be resolved by the parties, in judicial proceedings if necessary, and the rule does not contemplate that the Board itself would adjudicate such disputes. No amendment to this effect appears necessary.

Accordingly, the Civil Aeronautics Board amends Part 208 of the Economic Regulations (14 CFR Part 208) effective December 1, 1970, as follows:[8]

1. Amend the table of contents by adding a new division of Subpart A to read as follows:

PROTECTION OF CUSTOMERS' DEPOSITS

Sec.
208.40 Escrow of cash or trust for protection of customers' deposits.
208.41 Performance bond in lieu of escrow of cash or trust.
208.42 No priority in payment of claims.

2. Amend § 208.3 by adding the definition of "net worth" as follows:

§ 208.3 Definitions.

For the purposes of this part:

* * * * *

(v) "Net worth" means the net stockholder equity as specified in Form 41

---

[4] Capitol states that the supplemental carrier industry on balance is at least as viable as the overall air transport industry.

[5] World asserts that the rule, if adopted by the Board, should be made applicable to foreign supplemental air carriers as to all deposits made with respect to foreign air transportation, in order to maintain equality in competition between U.S. supplementals and their foreign carrier counterparts.

[6] Section 401(n) of the Act, 49 U.S.C. 1371(n).

[7] For example, between 1960 and 1968 scheduled passenger revenues for the certificated route carriers ranged from 80 percent to 86 percent of their total revenues (Handbook of Airline Statistics, Table 72).

[8] We are also making an editorial change in § 208.32(f) so as to clarify the last sentence of the paragraph by conforming the language to the parallel provisions in §§ 214.14(c) and 295.14(f). In addition, we are extending the time for placing funds in escrow from 15 to 30 days after the end of the month for which the computation is made, as suggested by World. Further, we shall provide for the placing of negotiable securities in lieu of cash in the escrow account. See §§ 208.40(b) and 295.7(b), infra.

balance sheet account 2995 of the Uniform System of Accounts and Reports.

3. Amend § 208.32(f) to read as follows:

§ 208.32 Tariffs and terms of service.

* * * * *

(f) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload group or less than planeload group as defined in § 208.3(s)(2)(ii), shall move as a unit in both directions.

4. Add a new division of Subpart A to read as follows:

PROTECTION OF CUSTOMERS' DEPOSITS

§ 208.40 Escrow of cash or trust for protection of customers' deposits.

(a) Except as provided in § 208.41, no supplemental air carrier shall engage in air transportation unless it maintains, in accordance with the following standard, an escrow of cash or a trust as security for customers' deposits with the carrier for prepayment of air transportation.

(b) Whenever the gross amount of customers' deposits exceeds 25 percent of the carrier's net worth, as defined herein, computed as of the last day of each month, the carrier shall, on or before the 30th day of the succeeding month, place in escrow or in trust with a bank, cash in an amount at least equal to the amount by which such deposits exceed 25 percent of its net worth: *Provided*, That negotiable securities may be substituted for cash, but the market value thereof shall at all times be not less than the amount of cash for which they are substituted.

(c) The escrow agreement or the trust agreement between a bank and the air carrier shall not be effective until approved by the Board. Claims against the escrow or trust may be made only with respect to the nonperformance of air transportation. As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

§ 208.41 Performance bond in lieu of escrow of cash or trust.

The carrier may elect, in lieu of placing cash in escrow or creating a trust pursuant to § 208.40, to file with the Board's Bureau of Operating Rights, in a form satisfactory to the Bureau, a performance bond which guarantees to the United States Government the performance of air transportation pursuant to contracts entered into by such carrier, but to be performed, in whole or in part, after the date of execution of the bond. The amount of such bond shall be not less than the amount of cash that would be required to be placed in escrow or in trust by the carrier pursuant to § 208.40. Claims under the bond may be made only with respect to the nonperformance of air transportation.

§ 208.42 No priority in payment of claims.

If an air carrier is required to maintain cash in escrow or in trust for the protection of customers' deposits pursuant to § 208.40, there shall be no priority in the payment of claims against such funds held in escrow or in trust or against the bonding company in the event that a performance bond is filed by the carrier in lieu of placing cash in escrow or in trust, but such claims shall be processed and paid on a pro rata basis.

(Secs. 204, 401, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867); 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-13683; Filed, Oct. 9, 1970; 8:50 a.m.]

[Reg. ER-650; Amdt. 7]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Protection of Customers' Deposits Made With Supplemental Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1970.

In a notice of proposed rule making dated April 9, 1970 (EDR-180, 35 F.R. 6153), the Board proposed to amend Parts 208[1] and 295 so as to require supplemental air carriers under certain circumstances to provide security protection of customers' deposits made with air carriers as advance payment for air transportation.

In light of the comments received and the findings set out in Regulation ER-649, published simultaneously herewith, the Board hereby amends Part 295 of the Economic Regulations (14 CFR Part 295) effective December 1, 1970, as follows:

1. Amend the table of contents by adding new §§ 295.7, 295.8, and 295.9 as follows:

[1] Terms, Conditions and Limitations of Certificates to Engage in Supplemental Air Transportation.

PROTECTION OF CUSTOMERS' DEPOSITS

Sec.
295.7 Escrow of cash or trust for protection of customers' deposits.
295.8 Performance bond in lieu of escrow of cash or trust.
295.9 No priority in payment of claims.

2. Amend § 295.2 by adding the definition of "net worth" as follows:

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

(n) "Net worth" means the net stockholder equity as specified in Form 41 balance sheet account 2995 of the Uniform System of Accounts and Reports.

3. Add new §§ 295.7 through 295.9 to read as follows:

PROTECTION OF CUSTOMERS' DEPOSITS

§ 295.7 Escrow of cash or trust for protection of customers' deposits.

(a) Except as provided in § 295.8, no supplemental air carrier shall engage in air transportation unless it maintains, in accordance with the following standard, an escrow of cash or a trust as security for customers' deposits with the carrier for prepayment of air transportation.

(b) Whenever the gross amount of customers' deposits exceeds 25 percent of the carrier's net worth, as defined herein, computed as of the last day of each month, the carrier shall, on or before the 30th day of the succeeding month, place in escrow or in trust with a bank, cash in an amount at least equal to the amount by which such deposits exceed 25 percent of its net worth: *Provided*, That negotiable securities may be substituted for cash, but the market value thereof shall at all times be not less than the amount of cash for which they are substituted.

(c) The escrow agreement or the trust agreement between a bank and the air carrier shall not be effective until approved by the Board. Claims against the escrow or trust may be made only with respect to the nonperformance of air transportation. As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

§ 295.8 Performance bond in lieu of escrow of cash or trust.

The carrier may elect, in lieu of placing cash in escrow or creating a trust pursuant to § 295.7, to file with the Board's Bureau of Operating Rights, in a form satisfactory to the Bureau, a performance bond which guarantees to the U.S. Government the performance of air transportation pursuant to contracts entered into by such carrier, but to be performed, in whole or in part, after the date of execution of the bond. The amount of such bond shall be not less than the amount of cash that would be required to be placed in escrow or in trust by the carrier pursuant to § 295.7. Claims under the bond may be made only with

respect to the nonperformance of air transportation.

§ 295.9 No priority in payment of claims.

If an air carrier is required to maintain cash in escrow or in trust for the protection of customers' deposits pursuant to § 295.7, there shall be no priority in the payment of claims against such funds held in escrow or in trust or against the bonding company in the event that a performance bond is filed by the carrier in lieu of placing cash in escrow, or in trust, but such claims shall be processed and paid on a pro rata basis.

(Secs. 204, 401, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, as amended by 76 Stat. 143, 72 Stat. 867; 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-13684; Filed, Oct. 9, 1970; 8:50 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-50; Amdt. 9]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Filing Fees and Requests for Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1970.

In Regulation OR-35, adopted March 17, 1969, effective April 24, 1969, 34 F.R. 5597, the Board amended § 389.25(j) so as to eliminate fees for requests under Part 295 of the economic regulations for permission to return passengers who have missed the return flight of their charter group because of unavoidable and unforeseen circumstances. Section 389.25(j) was not, however, amended so as to eliminate fees for requests under Part 295 to transport passengers who are required to return earlier than their charter group's return date because of illness or other unavoidable circumstances. Since the amendment of last year, requests have been received on a fairly frequent basis for the waiver of filing fees with respect to requests in the latter type of situation. It appears appropriate, therefore, to eliminate filing fees in such circumstances, and § 389.25(j) is being so amended.

In addition, Part 389 is being amended so as to make it clear that parties may not file applications requesting waiver or modification of filing fees after they have tendered the fees, together with the document subject to the filing fees. This is the intendment of the present rules. Paragraph (b) of § 389.23 provides that applications requesting waiver or modification of filing fees shall accompany the document with respect to which filing fees are required by Board regulations. Furthermore, § 389.21(e) prohibits, with certain exceptions, the return of a fee after the document subject to the fee has been filed with the Board. Nonetheless, parties have filed documents seeking waiver of the regulations; tendered fees applicable to such documents; and subsequently sought refund of the fees by waiver requests. To clarify the rule, and to remove possible misunderstanding, § 389.21(a) is being amended to provide that any document subject to a filing fee must be accompanied either by a request for waiver of the fee, or a check for the fee. And § 389.23(b) is being amended to provide specifically that applications for waiver of filing fees not accompanying the document subject to the fees shall be rejected.[1]

Since the amended rule is one of agency procedure and practice, the Board finds that notice and public procedure thereon are not required, and the rule will be made effective immediately.

Accordingly, the Board hereby amends Part 389 of its organization regulations (14 CFR Part 389), effective October 6, 1970, as follows:

1. Amend § 389.21(a) to read as follows:

§ 389.21 Payment of fees.

(a) Any document for which a filing fee is required by § 389.25 shall be accompanied by either (1) a check, draft, or postal money order, payable to the Civil Aeronautics Board, in the amount prescribed herein, or (2) a request for waiver or modification of the filing fee.

* * * * *

2. Amend § 389.23(b) to read as follows:

§ 389.23 Application for waiver or modification of fees.

* * * * *

(b) Applications requesting waiver or modification of filing fees shall be addressed to the Executive Director of the Board and shall accompany the document filed. The applicant will thereafter be notified whether the request is granted or denied by the Executive Director, who has been delegated authority by the Board to decide such applications in § 385.12 of this chapter. The applicant may submit to the Board a petition for review of the Executive Director's decision pursuant to § 385.50 of this chapter, and proceedings thereon will be governed by Part 385, Subpart C of this chapter. When no petition for review is filed with the Board, or when the Board reviews the Executive Director's decision, if the amount found due is not paid within 10 days after receipt of notification of the final determination of the Executive Director or the Board, as the case may be, the document (except a tariff publication) shall be returned to the filing party, and such document shall be deemed to have been dismissed or withdrawn. Where an application requesting waiver or modification of filing fees does not accompany the document filed, the application shall be rejected.

* * * * *

[1] In instances where telephonic requests are made for operating permission, applications for waiver of filing fees contained in written confirmations of telephonic requests shall be deemed to have accompanied such requests.

3. Amend paragraph (j)(2) of § 389.25 to read as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(j) *Other exemptions and Parts 208, 295, 378, and 378a waivers.* * * *

(2) There shall be no filing fee for a request for waiver of the provisions of Part 295 of this chapter in order to permit a carrier to transport passengers who have missed the return flight of their charter group, or who return prior to that flight, because of illness or injury (to the passengers or members of their immediate families), weather conditions, or unforeseeable and unavoidable delays in ground transportation or connecting air transportation, if (i) the carrier's contract exempts it from responsibility to transport the passengers, and (ii) the carrier has informed the passengers both of the flight time and its lack of responsibility to transport passengers who fail to report in time. In order to qualify under this subparagraph, requests for waiver of Part 295 of this chapter must contain a detailed factual showing that this subparagraph applies, together with supporting documents such as doctors' certificates, if applicable.

* * * * *

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-13685; Filed, Oct. 9, 1970; 8:50 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. AR64-1 etc.]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Just and Reasonable Rates for Natural Gas Produced in Hugoton-Anadarko Area

On September 18, 1970, the Commission issued Opinion No. 586, which, among other things, set up a new § 154.106 in the regulations under the Natural Gas Act and amended § 157.40 of the regulations under the Natural Gas Act by revising paragraph (d) thereof, relating to the pricing of natural gas

produced in the Hugoton-Anadarko Area.

In the opinion, the Commission directed the Secretary to cause prompt publication to be made in the FEDERAL REGISTER of the findings and ordering paragraphs and a notice of the availability of the entire opinion. Pursuant thereto, the findings and ordering paragraphs are set out below.

Excerpts from Federal Power Commission Opinion No. 586, Area Rate Proceeding, et al. (Hugoton-Anadarko Area), FPC Docket No. AR64–1 et al., 44 FPC _____, issued September 18, 1970:

Further findings and order. Upon consideration of the entire record in this proceeding, which includes public notice, public hearing with opportunity for the submission of oral and documentary evidence, for cross-examination and for the submission of rebuttal evidence, initial decision by an examiner, exceptions thereto, and oral argument before the Commission, the Commission further finds:

(1) Each of the respondents[1] listed in Appendix A to this decision is, and at the time of all past sales with which we are here concerned was, a "natural-gas company" within the meaning of the Natural Gas Act and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of this Commission.

(2) Past, present, and proposed sales of natural gas to which the order herein applies are subject to the jurisdiction of this Commission.

(3) Rates for all sales of natural gas, subject to the jurisdiction of the Commission by the producers in the Hugoton-Anadarko area that are above the applicable area rates prescribed herein, have not been shown to be just and reasonable or otherwise lawful under the provisions of the Natural Gas Act and should be disallowed, and refunds should be required as hereafter provided.

(4) The just and reasonable rates for past, present, and proposed sales of natural gas to which this order applies are the applicable area rates set forth in ordering paragraph (A) below.

(5) Contracts providing for rates in excess of the applicable just and reasonable rates determined herein are in that respect unjust and unreasonable.

(6) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the Commission adopt the orders and regulations prescribed herein.

(7) Except as herein granted the exceptions to the initial decision and proposed order should be denied.

The Commission, acting pursuant to sections 4, 5, and 16 of the Natural Gas Act (52 Stat. 822, as amended, 823, 830; 15 U.S.C. 717c, 717d, 717o) and sections 553, 556 and 557 of title 5 of the United States Code (the Administrative Procedure Act, 60 Stat. 238, 239, 241, 242, as codified September 6, 1966 by 80 Stat. 383, 384, 386, 387), orders:

A. Part 154 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR Part 154) is amended by adding a new § 154.106 reading as follows:

§ 154.106 Area rates — Hugoton-Anadarko area.

(a) From and after October 1, 1970, the effective date of Opinion No. 586, Docket No. AR64–1 et al., _____ FPC _____, and prior to July 1, 1977, no rate or charge made, demanded or received under a rate schedule filed pursuant to this part for gas produced in the Hugoton-Anadarko area shall exceed the applicable area rate prescribed by this section except in compliance with a specific order of the Commission.

(b) Applicable area rate means the base area rate established in paragraph (c) of this section adjusted to the extent required by paragraphs (d), (e), and (f) of this section.

(c) The base area rates: The following base area rates per Mcf (at 14.65 p.s.i.a.) are hereby established and subject to the adjustments provided in paragraphs (d), (e), and (f) of this section:

(1) Gas sold under contracts dated prior to November 1, 1969:

(i) For all gas produced in the Panhandle and Hugoton Fields:[2]

(*a*) Prior to July 1, 1972:

12.50 cents in Kansas.
13.25 cents in Oklahoma.
13.50 cents in Texas.

(*b*) On and after July 1, 1972:

13.50 cents in Kansas.
14.25 cents in Oklahoma.
14.50 cents in Texas.

(ii) For all gas produced from fields or reservoirs other than the Panhandle and Hugoton Fields:

(*a*) Prior to July 1, 1972:

17.50 cents in Kansas.
18.50 cents in Oklahoma.
19.00 cents in Texas.

(*b*) On or after July 1, 1972:

18.50 cents in Kansas.
19.50 cents in Oklahoma.
20.00 cents in Texas.

(2) Gas sold under contracts dated on or after November 1, 1969.

(i) Gas well gas:

(*a*) Prior to July 1, 1972:

19.0 cents in Kansas.
20.0 cents in Oklahoma.
20.5 cents in Texas.

(*b*) On or after July 1, 1972:

20.0 cents in Kansas.
21.0 cents in Oklahoma.
21.5 cents in Texas.

(ii) Casinghead gas:[3]

(*a*) Prior to July 1, 1972:

17.5 cents in Kansas.
18.5 cents in Oklahoma.
19.0 cents in Texas.

(*b*) On or after July 1, 1972:

18.5 cents in Kansas.
19.5 cents in Oklahoma.
20.0 cents in Texas.

(d) Quality standards and adjustments to the base area rate:

(1) For gas sold under contracts dated prior to November 1, 1969, quality standards and resulting adjustments to the base area rate shall be in accordance with the provisions of the particular contract with respect to contract rates.[4]

(2) For gas sold under contracts dated on or after November 1, 1969, quality standards and resulting adjustments to the base area rate shall be in accordance with the provisions of the particular contract with respect to contract rates, except:

(i) *Hydrogen sulphide.* The gas shall contain not more than 1 grain of hydrogen sulphide per 100 cubic feet of gas at 60° F. and 14.73 p.s.i.a. (10 gr. per Mcf).

(ii) *Total sulphur.* The gas shall contain not more than 20 grains of total sulphur per 100 cubic feet of gas at 60° F. and 14.73 p.s.i.a. (200 gr. per Mcf).

(iii) *Carbon dioxide.* The gas shall contain not more than 3 percent by volume of carbon dioxide.

(iv) *Btu adjustment.* For gas with more than 1,000 B.t.u.'s per cubic foot, at 60° F. and 14.73 p.s.i.a., upward adjustments shall be made on a proportional basis from a base of 1,000 B.t.u.'s. For gas with less than 1,000 B.t.u.'s per cubic foot, at 60° F. and 14.73 p.s.i.a., downward adjustments shall be made on a proportional basis from a base of 1,000 B.t.u.'s.

(e) Adjustment for substantial off-lease gathering: Where delivery of the gas is made after substantial off-lease gathering by the producer, whether at a plant tailgate or at a central point, the applicable area rate shall be adjusted upward above the base area rate:

---

[1] Where the term "respondents" is used in the finding and ordering paragraphs hereinafter set forth, it is to be regarded as referring to all named respondents in the Commission orders issued in this case, and to all parties on whose behalf such named respondents have filed FPC gas rate schedules for sales of gas produced in the Hugoton-Anadarko area.

[2] The Hugoton fields in Kansas, Oklahoma, and Texas are limited to the producing zones of the Chase group in the Permian system. The Panhandle fields in Texas include the Panhandle Lime of the Wichita group, the Herrington zone of the Chase group, the Granite Wash formation of Permian and Pennsylvania Age, and the Red Cave formation overlying the Wichita Group.

[3] In the event that it is determined by a final order, no longer subject to judicial review, that casinghead gas in the Southern Louisiana area shall receive the same ceiling price as gas-well gas of comparable vintage, the ceiling prices set out hereunder for gas-well gas produced in the Hugoton-Anadarko area and contracted for on or after November 1, 1969, shall apply to casinghead gas contracted for on or after November 1, 1969, prospectively from the date of such final order in the Southern Louisiana Area Rate Proceeding.

[4] For those sales certificated by Opinion 390, 29 FPC 1175, there shall be a B.t.u. adjustment proportionately upward and downward from 1,000 B.t.u., similar to that provided in subparagraph (2)(iv) of this paragraph.

(1) For gas produced in the Panhandle and Hugoton Fields:

(i) Prior to July 1, 1972, 2 cents per Mcf.

(ii) On or after July 1, 1972, 2.5 cents per Mcf.

(2) For gas produced from fields or reservoirs other than the Panhandle or Hugoton Fields, 1 cent per Mcf.

(3) In all instances where deliveries are nominated for the gathering allowance, or claim to the same is otherwise made, that portion of any rate or charge attributable to such gathering allowance, and made effective pursuant to the Order herein, shall be charged and collected subject to refund, with interest at 7 percent per annum, pending the Commission's determination, whether such gathering allowance is, in fact, applicable.

(f) Adjustments for tax changes: The applicable area rate shall be adjusted upward by 75 percent of the amount of any applicable new State or Federal production, severance, or similar taxes, effective subsequent to January 29, 1970, and shall be adjusted upward by 75 percent of the amount of any increase in existing State or Federal production, severance, or similar taxes, subsequent to January 29, 1970, and shall be adjusted downward by 75 percent of the amount of any decrease in existing State or Federal production, severance, or similiar taxes subsequent to January 29, 1970.

(g) The Hugoton-Anadarko area consists of the State of Kansas, Texas Railroad Commission District No. 10, and the Oklahoma counties of Cimarron, Texas, Beaver, Harper, Woodward, Ellis, Woods, Alfalfa, Grant, Major, Garfield, Roger Mills, Dewey, Custer, Blaine, Kingfisher, Canadian, Beckham, Washita, Caddo, and Grady, and that part of Stephens County lying within T. 2 N., RS. 4 and 5 W.

(h) Prior to July 1, 1977, any seller seeking to charge rates in excess of the applicable area rate or requesting a change in the applicable area rate must file a petition for waiver or amendment of this section pursuant to § 1.7(b) of the Commission's rules of practice and procedure (§ 1.7(b) of this chapter) fully justifying the relief sought in the light of this opinion and order. Prior to July 1, 1977, the seller may not file any rate increase in excess of the applicable area rate herein prescribed unless and until the Commission grants the petition.

B. *Minimum rates.* (1) Minimum rates per Mcf for natural gas produced in the Hugoton-Anadarko area are hereby established (at 14.65 p.s.i.a.) as follows:

10.0 cents in Kansas.
10.5 cents in Oklahoma.
10.75 cents in Texas.

For sales made after substantial off-lease gathering by the producer, or at a plant tailgate, the applicable minimum rate shall be adjusted upward by adding the applicable amount of adjustment provided for substantial off-lease gathering.

(2) All respondents making jurisdictional sales of gas produced within the Hugoton-Anadarko area are hereby authorized to apply for increases to the minimum rates provided in subparagraph (1) hereof. Increases to the established minimum rate will be granted notwithstanding contractual provisions to the contrary which are hereby modified pro tanto.

C. Section 157.40 of the Commission's regulations under the Natural Gas Act, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 157.40) is amended by revising paragraph (d) to read as follows:

§ 157.40 Small producer certificates of public convenience and necessity.

* * * * *

(d) *Availability to small producers operating in the Southern Louisiana and Hugoton-Anadarko areas.* Small Producer Certificates are also available to small producers operating in the Southern Louisiana or Hugoton-Anadarko areas with respect to their small producer sales in those areas. Small Producer Certificates will authorize sales at prices no higher than the applicable area rates specified for the Southern Louisiana area in § 154.105 of this chapter and specified for Hugoton-Anadarko area in § 154.106 of this chapter. Applications for Small Producer Certificates in either or both areas shall contain the information required in subparagraphs (2), (3), and (4) of paragraph (b) of this section.

* * * * *

D. The applicable area rate as defined in ordering paragraph (A) above, shall be effective from and after October 1, 1970, and any amounts collected in excess thereof on or after that date shall be subject to refund plus interest at 7 percent. In addition, with respect to the rates involved in the section 4(e) proceedings set out in Appendix A, the applicable area rate as defined in paragraph (A) above, shall be effective from the date such section 4(e) rates were collected subject to refund and all amounts collected under those section 4(e) rates prior to the effective date of this Opinion in excess of the applicable area rate shall be subject to refund, plus interest at the rate specified in the respective section 4(e) proceeding, in accordance with the provisions of ordering paragraphs (F) and (G) herein: *Provided, however,* That with respect to such 4(e) dockets no refunds are required below the rate allowed in a final, unconditioned permanent certificate previously granted for such sale, no refunds are required of amounts collected prior to January 1, 1960, and only 70 percent of amounts collected in excess of the applicable rate in 1961 and 1962 is required to be refunded.

E. On or before November 2, 1970, each respondent shall file a supplement to each applicable rate schedule, effective as of October 1, 1970, reflecting any reductions required to bring any or all of its rates into conformity with the applicable base area rate established by ordering paragraph (A) herein. The timely filing of a completed statement in conformity with Appendix D hereto shall constitute compliance with this paragraph (E).

F. (1) Each person having on file with this Commission a rate schedule with regard to gas produced or sold within the Hugoton-Anadarko area, or hereafter filing such a rate schedule (including a contract or amendment adding acreage or new reserves) shall, with regard to such rate schedule or amendment, file on or before November 2, 1970, or within 90 days from the date of first delivery under the rate schedule or amendment, whichever is later, a statement in conformity with Appendix D hereto. All statements herein required shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

(2) The statement filed hereunder which reflects full agreement between seller and purchaser shall be deemed accepted by the Commission unless the Commission, within 120 days after such filing, shall otherwise order. In the event of disagreement between the seller and purchaser or, where the Commission otherwise determines that the statement filed is inconsistent with the provisions of ordering paragraph (A) herein, the Commission will after appropriate proceedings, prescribe the applicable area rate to be applied as of October 1, 1970.

(3) Any respondent will be exempt from filing the statement required by subparagraph (1) hereof for any sales which are "small producer sales" as defined in § 157.40 with respect to sales in the Hugoton-Anadarko area in accordance with § 157.40(d) prescribed herein if a producer seeks to qualify thereunder. If the Commission subsequently finds that such a producer does not qualify as a small producer such applicant shall be required to file the statement required by subparagraph (1) hereof within 90 days after any such Commission finding.

G. *Refund reports.* On or before November 2, 1970, a refund report shall be filed with this Commission in triplicate, and one copy served on the buyer, by each respondent involved in one or more of the section 4(e) proceedings set out in Appendix A to this decision and as to which refunds are required under the terms of this decision. Within 20 days from the filing of the refund report the buyer shall file its written concurrence or disagreement with such report. The report shall set forth the following information (if more than one rate schedule is involved the respondent shall supply the information for each schedule separately):

(i) The rate collected during the period subject to refund and the periods during which each rate was collected.

(ii) The volume of gas sold at each such rate.

(iii) The difference between the total amount collected during the period subject to refund and the amount that would have been collected at the applicable area rate as defined herein subject to the provisos of ordering paragraph (D).

(iv) The computation of the applicable area rate and the basis for any difference between it and the base area rate.

(v) The interest, at rates as specified in each section 4(e) proceeding, on the above refundable excess revenues, subject to the limitation by § 154.102(f) of the Commission's regulations under the Natural Gas Act. The interest shall be calculated to September 1, 1970.

H. *Treatment of refunds.* Each respondent shall retain the amounts shown in the report required under ordering paragraph (G) subject to further order of the Commission directing the disposition of those amounts. If a respondent elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it is authorized so to do after notice to the Commission; and it shall pay interest thereon at the rate of 8 percent per annum on all funds thus available from the effective date of this order to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission. If a respondent elects to deposit the retained refunds in a special escrow account, the respondent shall make such deposit and shall tender for filing on or before the date of the filing of the refund report an executed Escrow Agreement, or a certificate attesting to the fact that it has executed such an agreement, in the form provided by § 250.12 of Part 250 of the regulations under the Natural Gas Act (18 CFR Part 250).

I. These proceedings shall remain open for such further action as may be necessary with respect to individual respondents and such other action as may be necessary in the premises.

J. Except as herein granted the exceptions to the initial decision and proposed order are hereby denied.

K. The effective date of this order is October 1, 1970.

L. Twenty-five copies of any application for rehearing or petitions for reconsideration shall be filed with the Commission in addition to the copies served on the parties to this proceeding.

M. The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availability of this entire opinion, to be made in the FEDERAL REGISTER.

Copies of the complete text of Opinion No. 586 may be obtained in person from the Office of Public Information of the Federal Power Commission, or by written request addressed to the Secretary, Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13603; Filed, Oct. 9, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 46—NUT PRODUCTS

Packaged Nuts; Amendment and Confirmation of Effective Date of Order Establishing Standards of Identity and Fill of Container

In the matter of establishing definitions and standards of identity for mixed nuts (§ 46.51) and fill of container for shelled nuts in rigid or semirigid containers (§ 46.52):

An order in the above-identified matter was published in the FEDERAL REGISTER of June 26, 1970 (35 F.R. 10449). In response thereto, communications were received concerning one or more parts of the order from the Peanut Butter Manufacturers and Nut Salters Association and seven manufacturers.

A question was raised concerning the term "English walnuts" and argument presented that the proper term is "walnuts." The term "black walnuts," it was argued, is sufficient to differentiate it from "walnuts."

One manufacturer commented that § 46.51(d) is not sufficiently clear as to intent in that it appears to allow individual varieties of peanuts to be considered as a "single nut ingredient." Such interpretation would permit a product labeled simply as "mixed nuts" to contain in excess of 50 percent peanuts because the peanut content consists of several varieties of peanuts each being less than 50 percent.

One person commented that § 46.51(d) does not provide for label declaration of the percentage of nut ingredient in the single color showing greatest contrast with the background when the name "mixed nuts" is multicolored and that the provision for size of letters does not adequately cover the situation wherein lower case letters or script styles are used.

Regarding § 46.51(f), several manufacturers argued against (1) the requirement that the ingredient statement appear on at least one panel of the label and in lines generally parallel to the base on which the container rests as it is designed to be displayed and (2) the requirement concerning the use of boldface print and a particular type size.

One firm noted that it had in the past labeled products as "Mixed Nuts * * * without peanuts" to distinguish them from products containing varying percentages of peanuts and requested confirmation of the permissibility of such a "without peanuts" statement on the "main panel" in proximity to the product name or otherwise. As provided for under § 46.51(f), a factual statement that the food does not contain a particular nut ingredient or ingredients may be shown on the label if the statement is not misleading and does not result in an insufficiency of label space for the proper declaration of information required by or under authority of the Federal Food, Drug, and Cosmetic Act to appear on the label.

One manufacturer stated that it prepares a product consisting of nuts in a vacuum pouch within a cardboard box. It objected to the order because its boxes containing 4 ounces or less, due to present physical limitations, require an allowance of three-eighths inch for determining the inner height of such boxes similar to that provided for metal cans with double seams.

The Peanut Butter Manufacturers and Nut Salters Association and four producers of packaged nut products filed written objections to the effective date of the order. The objections presented were that it would not be possible to dispose of existing labels, as well as those on order, by October 24, 1970, the effective date of the subject standard, without considerable financial hardship. Further, new labels and particularly lithographed containers could not be obtained prior to October 24, 1970.

After a study of the communications referred to above, the Commissioner of Food and Drugs concludes that:

1. When English walnuts are used, it is reasonable that they be declared as "English walnuts" or alternatively as "walnuts."

2. Section 46.51(d) should be changed to make clear that if more than one peanut variety is used the combined weights of each variety shall be used in determining the percentage of peanuts in the finished food and that when the name "mixed nuts" is of multicolors the label statement for the percentage of nuts shall be of the color showing distinct contrast with the background; however, the height of the letters shall be based on the largest letter in the name "mixed nuts."

3. Deleting the requirement that the ingredient statement be so placed on the label that it is generally parallel to the base is reasonable, but all other requirements are to remain inasmuch as they are clearly consistent with the Fair Packaging and Labeling Act and regulations promulgated thereunder.

4. Extending the effective date is reasonable because if such extension is not afforded it not only would create difficulties in the orderly marketing of packaged nuts but also the extra costs caused to manufacturers conceivably could be passed on to consumers at a rate in excess of the benefits accruing to such consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the subject order, including the amendments hereinafter set forth, will become effective on February 15, 1971.

1. Section 46.51 is amended by deleting from paragraph (f), third sentence, the words "and in lines generally

parallel to the base on which the container rests as it is designed to be displayed" and by revising paragraph (b) (1) and the introductory text of paragraph (d) to read as follows:

§ 46.51 Mixed nuts; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(1) Almonds, black walnuts, Brazil nuts, cashews, English walnuts (alternatively "walnuts"), filberts, pecans, and other suitable kinds of tree nuts.

* * * * *

(d) The name of the food is "mixed nuts." If the percentage of a single tree nut ingredient or the total peanut content by weight of the finished food exceeds 50 percent but not 60 percent, the statement "contains up to 60% ------" or "contains 60% ------" or "60% ------" shall immediately follow the name "mixed nuts" and shall appear on the same background, be of the same color or, in the case of multicolors, in the color showing distinct contrast with the background, and be in letters not less than one-half the height of the largest letter in the words "mixed nuts." The blank is to be filled in with the appropriate name of the predominant nut ingredient; for example, "contains up to 60% pecans" or "contains up to 60% Spanish peanuts." The numbers "70" or "80" shall be substituted for the number "60" when the percentage of the predominant nut ingredient exceeds 60 but not 70, or exceeds 70 but not 80, respectively. Compliance with the requirements for percentage of nut ingredients of this section and the fill of container requirements of § 46.52 will be determined by the following procedure:

* * * * *

2. Section 46.52(b)(2)(ii) is revised to read as follows:

§ 46.52 Shelled nuts in rigid or semirigid containers; fill of containers; label statement of substandard fill.

* * * * *

(b) * * *

(2) * * *

(ii) For box-shaped containers (that is, with opposite sides parallel), measure the inside height, width, and depth and calculate the volume as the product of these three dimensions. For such containers used to enclose vacuum packs and containing 4 ounces or less of the product, consider the height to be the inside height minus three-eighths inch.

* * * * *

Effective date. Sections 46.51 and 46.52 promulgated in the FEDERAL REGISTER of June 26, 1970 (35 F.R. 10449), and as amended herein, shall become effective February 15, 1971.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 2, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13666; Filed, Oct. 9, 1970; 8:49 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O-Ethyl S,S-Dipropylphosphorodithioate

A petition (PP 0F0959) was filed with the Food and Drug Administration by Mobil Chemical Co., Post Office Box 631, Ashland, Va. 23005, proposing the establishment of tolerances for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities bananas and pineapples at 0.02 part per million.

Subsequently, the petitioner amended the petition by proposing such tolerances also regarding pineapple fodder and forage.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which these tolerances are being established. Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The proposed use is not reasonably expected to result in residues in meat, milk, poultry, and eggs. The use is in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and under authority delegated to the Commissioner (21 CFR 2.120), § 120.262 is revised as follows to establish the new tolerances:

§ 120.262 *O*-Ethyl *S,S*-dipropylphosphorodithioate; tolerances for residues.

Tolerances are established for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities bananas, corn (in the grain and ear form), corn fodder and forage, peanuts, peanut hay, pineapples, pineapple fodder and forage, soybeans, soybean forage and hay, and sweet potatoes at 0.02 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 29, 1970.

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

[F.R. Doc. 70-13608; Filed, Oct. 9, 1970; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Amiben

A petition (PP 0F0957) was filed with the Food and Drug Administration by Amchem Products, Inc., Ambler, Pa. 19002, proposing the establishment of tolerances for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) in or on the raw agricultural commodities cantaloups, cucumbers, and snap beans at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and under authority delegated to the Commissioner (21 CFR 2.120), § 120.266 is revised to read as follows:

§ 120.266 Amiben; tolerances for residues.

Tolerances for negligible residues of the herbicide amiben (3-amino-2,5-dichlorobenzoic acid) are established in or on the raw agricultural commodities, beans (dried), bean vines, cantaloups, cucumbers, field corn (grain, fodder and forage), lima beans, peanuts, peanut forage, peppers, pumpkins, snap beans, soybeans, soybean forage, squash (summer and winter), sunflower seed, sweet potatoes, and tomatoes at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported

by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 29, 1970.

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

[F.R. Doc. 70-13609; Filed, Oct. 9, 1970; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TAURINE

The Commissioner of Food and Drugs, having evaluated the data in a petition (MF 3441V) filed by The Borden Chemical Co., Smith-Douglass Division, Rural Route 1, Elgin, Ill. 60120, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of taurine as a nutritional supplement in the feed of chickens.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart C by adding the following new section:

§ 121.283 Taurine.

The food additive taurine (2-aminoethanesulfonic acid) may be safely used in feed in accordance with the following prescribed conditions:

(a) It is used as a nutritional supplement in the feed of growing chickens.

(b) It is added to complete feeds so that the total taurine content does not exceed 0.054 percent of the feed.

(c) To assure safe use of the additive, the label and labeling shall bear in addition to the other information required by the Act:

(1) The name of the additive.

(2) The quantity of the additive contained therein.

(3) Adequate directions for use.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13611; Filed, Oct. 9, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

2-(*p-tert*-BUTYLPHENOXY)CYLCOHEXYL 2-PROPYNYL SULFITE; CORRECTION

In F.R. Doc. 70-11970 appearing at page 14256 of the FEDERAL REGISTER of September 10, 1970, a section (§ 121.333) was incorrectly added to Subpart C of Part 121 and is hereby redesignated as § 121.1236 and added to Subpart D of Part 121, as follows:

§ 121.1236 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite.

A tolerance of 30 parts per million is established for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on dried hops resulting from application of the insecticide to the raw agricultural commodity hops.

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: September 30, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13607; Filed, Oct. 9, 1970; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CELLOPHANE

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 0B2551) filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, concludes that § 121.2507 of the food additive regulations should be amended to provide for the safe use of calcium stearoyl-2-lactylate and sodium stearoyl-2-lactylate as set forth below, as components of food-contact coatings for cellophane.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2507(c) is amended by alphabetically inserting in the list of substances the subject items as follows:

§ 121.2507 Cellophane.

* * * * *

(c) List of substances:

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)
* * *	* * *
Calcium stearoyl-2-lactylate identified in § 121.1047	Not to exceed 0.5 percent weight of cellophane.
* * *	* * *
Sodium stearoyl-2-lactylate identified in § 121.1211	Not to exceed 0.5 percent weight of cellophane.
* * *	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 29, 1970.

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

[F.R. Doc. 70-13612; Filed, Oct. 9, 1970; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2496) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that § 121.2541 should be amended to provide for safe use of the below-specified substances in food-contact articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2541(c) is amended by alphabetically inserting new items in the list of substances as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
Sodium 1,4-dicyclohexyl sulfosuccinate.	
Sodium 1,4-dihexyl sulfosuccinate.	
Sodium 1,4-diisobutyl sulfosuccinate.	
* * *	* * *
Sodium 1,4-dipentyl sulfosuccinate.	
Sodium 1,4-ditridecyl sulfosuccinate.	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: September 29, 1970.

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

[F.R. Doc. 70-13610; Filed, Oct. 9, 1970; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin and 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-500V) filed by Elanco Products Co., Division of Eli Lilly & Co., providing for the safe and effective use of a premix containing monensin and 3-nitro-4-hydroxyphenylarsonic acid for use in broiler chickens. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.50 is amended by revising paragraphs (b) and (c) to read as follows:

§ 135e.50 Monensin.

* * * * *

(b) *Approvals.* (1) Premix level 44 grams of monensic acid activity per pound granted to Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206.

(2) Premix level 44 grams of monensic acid activity per pound with 18 grams per pound of 3-nitro-4-hydroxyphenylarsonic acid granted to Elanco Products Co.

(c) *Assay limits.* Finished feed not less than 75 percent nor more than 125 percent of labeled amount of monensin.

* * * * *

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

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13613; Filed, Oct. 9, 1970; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 581—PERSONNEL REVIEW BOARDS

Army Board for Correction of Military Records

Section 581.3 is revised, as follows:

§ 581.3 Army Board for Correction of Military Records.

(a) *Purpose.* This section establishes procedures for making application, and the consideration of applications, for the corrections of military records by the Secretary of the Army acting through the Army Board for Correction of Military Records (hereinafter referred to as the Board).

(b) *Establishment, functions, and jurisdiction of the Board*—(1) *Establishment and composition.* (i) Pursuant to 10 U.S.C. 1552, the Army Board for Correction of Military Records is established in the Office of the Secretary of the Army.

(ii) The Board will consist of civilian officers or employees of the Department of the Army in such number, not less than three, as may be appointed by the Secretary of the Army. Three members present will constitute a quorum of the Board. The Secretary of the Army will designate one member as the Chairman. In the event of absence or incapacity of the Chairman, an Acting Chairman chosen by the Board will act as Chairman for all purposes.

(2) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice.

(3) *Jurisdiction.* The Board will have jurisdiction to review and determine all matters properly brought before it consistent with existing law.

(c) *Application for correction*—(1) *General requirements.* (i) The application for correction should be submitted on DD Form 149 (Application for Correction of Military or Naval Record) and should be addressed to Army Board for Correction of Military Records, Department of the Army, Washington, D.C. 20310. Forms and explanatory matter may be obtained from The Adjutant General, Washington, D.C. 20310. For those applicants in the military service, these forms may be obtained through normal AG pubications supply channels.

(ii) Except as provided in subdivision (iii) of this subparagraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim (18 U.S.C. 287, 1001).

(iii) When the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the matter before the Board the application may be made by a spouse, parent, heir, or legal representative. Proof of proper interest shall be submitted as may be required by the Board.

(2) *Time limit for filing application.* A claimant, his heir, or legal representative must file the application for correction of a record within 3 years after discovery of the alleged error or injustice. Failure to file within the time prescribed may be excused by the Board if it finds it would be in the interest of

justice to do so. If the claimant, his heir, or legal representative files an application more than 3 years after he discovers the error or injustice, he must include in his application his reasons why the Board should find it is in the interest of justice to excuse the failure to file application within the time prescribed in this subparagraph.

(3) *Exhaustion of other remedies.* No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

(4) *Other proceedings not stayed.* The application to the Board for correction of a record will not operate as a stay of any proceedings being taken with respect to the person involved.

(5) *Consideration of application.* (i) Each application and the available military or naval records pertinent to the corrective action requested will be reviewed to determine whether to authorize a hearing, recommend that the records be corrected without a hearing, or to deny the application without a hearing. The Board will make this determination in all cases except those in which the application has been denied administratively for reason that the applicant has not exhausted all other effective administrative remedies available to him, or for the reason the applicant did not file the application within 3 years after he discovered the alleged error or injustice and did not submit any reason why the Board should find it to be in the interest of justice to excuse the failure to file the application within the prescribed 3 years.

(ii) The Board may deny an application if it determines that insufficient relevant evidence has been presented to demonstrate the existence of probable material error or injustice. The Board will not deny an application on the sole ground that the record was made by or at the direction of the President or the Secretary in connection with proceedings other than proceedings of a Board for the correction of military or naval records. Denial of an application on the grounds of insufficient relevant evidence to demonstrate the existence of probable material error or injustice is without prejudice to further consideration in the event new relevant evidence is submitted. The applicant will be informed of his privilege to submit newly discovered relevant evidence for consideration.

(iii) When an application is denied without a hearing, written findings, conclusions, and recommendations are not required.

(d) *Entitlement to hearing*—(1) *General.* In each case in which the Board determines that a hearing is warranted, the applicant will be entitled to appear before the Board either in person or by counsel of his own selection or in person with counsel.

(2) *Notice.* (i) In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least 30 days prior to the date of hearing, except that an earlier date may be set where the applicant waives his right to such notice in writing.

(ii) Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days prior to the date set for hearing as to whether he will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he may intend to call in his behalf. Cases in which the applicant notifies the Board that he does not desire to be present at the hearing, will be considered in accordance with paragraph (e)(2)(ii) of this section.

(3) *Counsel.* As used in this section, the term "counsel" will be construed to include members in good standing of the Federal bar or the bar of any State, accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under section 3402 of title 38, United States Code, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

(4) *Witnesses.* The applicant will be permitted to present witnesses in his behalf at hearings before the Board. It will be the responsibility of the applicant to notify his witnesses and to arrange for their appearance at the time and place set for hearing.

(5) *Access to records.* (i) The applicant will be assured access to all official records that are necessary to an adequate presentation of his case consistent with regulations governing privileged or classified material. It is the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Army as he desires to present in support of his case.

(ii) The Board shall not release classified material to the applicant or to his counsel or personal representative. In such cases the Board shall take steps in accordance with established regulations to obtain a review of the material to determine whether declassification is possible so that the evidence can be released to the applicant; or if declassification is not possible, prepare or cause to be prepared a summary of the content of such material in sufficient detail, consistent with the interests of national security, to enable the applicant to prepare a response.

(iii) This section does not authorize the furnishing of copies of official records by the Board. Requests for copies of official records should be processed in accordance with AR 345–20.

(e) *Hearing*—(1) *Convening of Board.* The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(2) *Conduct of hearing.* (i) The hearing will be conducted by the Chairman, and will be subject to his rulings so as to insure a full and fair hearing. The Board will not be limited by legal rules of evidence but will maintain reasonable bounds of competency, relevancy, and materiality.

(ii) If the applicant, after being duly notified, has indicated to the Board that he does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such application, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(iii) If the applicant, after being duly notified has indicated to the Board that he will be present or be represented by counsel at the hearing, and without good cause and timely notice to the Board, he or his representative fails to appear at the time and place set for the hearing, the Board may consider the case in accordance with subdivision (ii) of this subparagraph, or will make such other disposition of the case as is indicated under the circumstances.

(iv) All testimony before the Board will be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

(3) *Continuance.* The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

(f) *Action on applications*—(1) *Action by the Board*—(i) *Deliberations, findings, conclusions, and recommendations.* (*a*) Only members of the Board and its staff will be present during the deliberations of the Board.

(*b*) Whenever, during the course of its review of the case, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(*c*) Following a hearing, the Board will make written findings, conclusions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and will be so recorded.

(*d*) Where the Board deems it necessary to submit comments or recommendations to the Secretary of the Army as to matters arising from but not directly related to, the issues of any case, such comments or recommendations will be the subject of separate communication.

(ii) *Minority report.* In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings conclusions, or the recommendations or to all, including the reasons therefor.

(iii) *Record of proceedings.* When the Board has completed its proceedings, a record thereof will be prepared. Such record will indicate whether or not a

quorum was present at the hearing and at the Board's deliberations. The record will include the application for relief, a transcript of any testimony, affidavits, papers, and documents considered by the Board, briefs and written arguments filed in the case, the findings, conclusions and recommendations of the Board, and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the Chairman or his designee as being true and complete.

(iv) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Army.

(2) *Action by Secretary of the Army.* The record of proceedings of the Board will be forwarded to the Secretary of the Army who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary.

(3) *Staff action.* (i) Upon final action by the Secretary of the Army the complete record in each case will be returned to the Board. The Board will transmit the decision of the Secretary of the Army to The Adjutant General for appropriate action.

(ii) Upon receipt of the record of proceedings after final action by the Secretary of the Army, the Board will communicate the decision to the applicant and counsel, if any.

(iii) When all necessary administrative action has been completed the applicant will be informed of such action by The Adjutant General.

(iv) Written notice specifying the action taken and the date thereof will be transmitted to the Chairman of the Board.

(v) The record of the decision of the Secretary of the Army will not be filed in the military records of the subject of the application where the effect of such action would be to nullify the relief granted.

(vi) After action by the Secretary of the Army on the record, the applicant or his counsel is entitled, upon request, to inspect the record of proceedings and to receive a copy of the Board's findings, conclusions, and recommendations, unless the Chairman considers that granting the request would be detrimental to the public interest.

(4) *Reconsideration.* After final adjudication, further consideration will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Army.

(g) *Settlement of claims*—(1) *Authority.* (i) The Department of the Army is authorized to pay claims in accordance with section 1552, title 10, United States Code.

(ii) The Department of the Army is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans Affairs.

(2) *Application for settlement.* (i) Settlement and payment of claims will be made only upon a claim of the person whose record has been corrected or of his legal representative, his heirs at law or his beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(ii) In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the surviving spouse, heir, or beneficiaries, in the order prescribed by the law applicable to that kind of payment; or if there is no such law covering order of payment, in the order set forth in section 2771 of title 10, United States Code; or as otherwise prescribed by the law applicable to that kind of payment.

(iii) Upon request, the applicant or applicants will be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

(3) *Settlement.* (i) Settlement of claims shall be based on the decision of the Secretary of the Army. Computation of the amounts due shall be made by the Finance Center, U.S. Army, Indianapolis, Ind. 46249. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. Earnings received from civilian employment during any period for which active duty pay and allowances are payable will be deducted from the settlement. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government, arising from military service.

(ii) Prior to or at the time of payment, the person or persons to whom payments are to made shall be advised by the Finance Center, U.S. Army, as to the nature and amount of the various benefits represented by the total settlement, and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of the record.

(4) *Report of settlement.* In every case where payment is made, the amount of such payment and the names of the payee or payees will be reported to the Chairman of the Board.

(h) *Miscellaneous*—(1) *Staff assistance.* (i) At the request of the Board, The Adjutant General will assemble the original or certified copies of all available military records pertinent to the relief requested. Such records and all supporting papers will be transmitted to the Board.

(ii) The Board is authorized to call upon the Office of the Secretary of the Army and the Department of the Army General and Special Staffs for investigative and advisory services and upon any other Department of the Army agency for assistance, within the specialized jurisdiction of that agency.

(2) *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the applicant, his counsel, his witnesses, or by any other person in his behalf will be paid by the Government.

(3) *Changes in procedures.* The Board may initiate recommendations for such changes in procedures as established herein as may be considered necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Army and of the Secretary of Defense.

[AR 15-185, Aug. 28, 1970] (Secs. 1552, 3012, 70A Stat. 116, 157; 10 U.S.C. 1552, 3012)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-13599; Filed, Oct. 9, 1970; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Uniform Time Act of 1966

This amendment prescribes a new § 1-1.304 which provides that the time designated for the opening of bids and the receipt of proposals shall be local time in all cases. In the past, references in procurement documents to the time of day have not uniformly distinguished between daylight and standard time. However, the Comptroller General's review of the provisions of the Uniform Time Act of 1966 in decision B-167641 pointed out that there is no longer a distinction between standard and daylight time. He suggested that uniform language be used in all solicitations to be certain that all bidders or offerors understand the precise time of bid opening or time for receipt of proposals. The amendment gives effect to that suggestion.

The table of contents for Part 1-1 is amended to provide for a change in the entry for § 1-1.304, as follows:

Sec.
1-1.304 Designation of solicitation opening time.

Subpart 1-1.3—General Policies

Subpart 1-1.3 is amended by adding a new § 1-1.304 to read as follows:

§ 1-1.304 Designation of solicitation opening time.

The statement of the time designated as bid opening time in the case of solicitations for advertised procurement, or the time fixed for receipt of offers in the

case of solicitations for negotiated procurement, shall include the phrase "local time at the place of bid opening," or "local time at the place designated for receipt of offers" in the case of proposals. Where a particular block or blank space on a standard form does not readily permit inclusion of the phrase, an asterisk may be used to call attention to an explanatory phrase which shall be set forth elsewhere in the solicitation, preferably on the same page. Procurement documents shall not refer to "daylight time" or "daylight saving time" and abbreviations such as "EDT" or "PDT" shall not be used.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective November 30, 1970, but may be observed earlier.

Dated: October 5, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-13650; Filed, Oct. 9, 1970; 8:49 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

GSA Procurement Programs

Section 101-26.500 (scope and applicability of Subpart 101-26.5) is amended to provide that the subpart prescribes policies and procedures relating to GSA procurement programs other than the GSA stock, Federal Supply Schedule, and automatic data processing programs. Section 101-26.503 is amended to provide the method to be used by executive agencies in obtaining their requirements for refrigerators, freezers, ranges, washers, dryers, water heaters, and garbage disposals.

The table of contents for Part 101-26 is amended by the deletion of § 101-26.503-3 and revision of the following entries:

Sec.
101-26.503 Appliances.
101-26.503-1 General.
101-26.503-2 Submission of requirements.

Subpart 101-26.5—GSA Procurement Programs

Sections 101-26.500 and 101-26.503 are revised to read as follows:

§ 101-26.500 Scope and applicability of subpart.

(a) This subpart prescribes policies and procedures relating to GSA procurement programs other than the GSA stock, Federal Supply Schedule, and automatic data processing programs.

(b) The policies and procedures in this Subpart 101-26.5 are applicable to executive agencies except as otherwise specifically indicated. Federal agencies, other than executive agencies, may participate in these programs and are encouraged to do so.

§ 101-26.503 Appliances.

Procurement of appliances by executive agencies shall be accomplished in accordance with the provisions of this § 101-26.503. Government contractors and grantees authorized by appropriate Government agencies to use GSA supply sources for appliances shall obtain their requirements in accordance with this § 101-26.503.

§ 101-26.503-1 General.

To achieve the benefits and economies to be derived from consolidation of requirements, a program for procurement of refrigerators, freezers, ranges, washers, dryers, water heaters, and garbage disposals is operated through the GSA regional offices. Based on estimated requirements, GSA issues indefinite quantity contracts covering standardized types of such appliances identified in Federal standards or described in Federal or military specifications. Also included are certain types of refrigerators and freezers not covered by a Federal specification or standard. (Federal specifications and standards as used in this section mean the latest edition and include any interim specification or standard.)

§ 101-26.503-2 Submission of requirements.

(a) Executive agencies shall submit to GSA for procurement their requirements for appliances to be purchased in the United States as follows:

(1) Refrigerators, household type, electric, as shown in Federal Standard 248.

(2) Refrigerators, household type, gas-operated, except gas-operated refrigerators 4 cubic feet and under.

(3) Frozen food cabinets, household type, electric, as shown in Federal Standard 247.

(4) Frozen food cabinets, commercial type, gas or electric.

(5) Ranges, gas, as shown in Federal Standard 277.

(6) Ranges, electric, as shown in Federal Standard 278.

(7) Washing machines, drying tumblers, and washer-dryers, in accordance with Federal Specification 00-W-860.

(8) Washer-extractor, laundry, commercial, in accordance with Federal Specification 00-W-20.

(9) Drying tumbler, laundry, commercial, in accordance with Federal Specification 00-D-750.

(10) Garbage disposal machines, household, in accordance with Federal Specification 00-G-1513.

(11) Water heaters, gas, residential, in accordance with Military Specification MIL-H-16633.

(12) Water heaters, electric, residential, in accordance with Federal Specification W-H-196.

(b) Requirements shall be submitted in FEDSTRIP/MILSTRIP format to the GSA regional office serving the particular geographical area of the consignee. Requisitions for appliances not identified by Federal stock number as shown in the applicable Federal standard shall be complete as to type, size, description, electrical current characteristics (a.c. or d.c., phase, voltage, and cycles) and other pertinent information. If the item is available from an existing contract, the GSA regional office receiving the agency requisition will procure the requirement from the contractor for delivery direct to the consignee. If the item is not available from an existing contract, GSA will either arrange for the procurement of such requirements or advise the submitting agency as to other appropriate action to be taken. Agencies should allow sufficient leadtime (see § 101-26.102-3) in establishing required delivery dates to permit orderly procurement by GSA.

(c) Contracts covering appliances for delivery within the United States generally require shipment within 30-65 days after receipt of orders. Consequently, when an item covered by this § 101-26.503 is needed to meet an essential immediate need, and time or circumstances do not permit obtaining the item from GSA, procurement may be made without recourse to GSA.

(d) In instances of repetitive need for appliances of a different quality or description from those covered by this § 101-26.503, procurement may be made without recourse to GSA, however, agencies shall notify GSA of such requirements so that consideration can be given to including such items in the GSA appliance program. Such notices shall be submitted to General Services Administration (FPNG), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: October 5, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-13649; Filed, Oct. 9, 1970; 8:49 a.m.]

Title 42—PUBLIC HEALTH

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

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

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

Bristol (Virginia)—Johnson City (Tennessee) Interstate Air Quality Control Region

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

Interested persons were afforded an opportunity to participate in the rule

making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 23, 1970. Due consideration has been given to all relevant material presented with the result that Johnson and Unicoi Counties, in the State of Tennessee; and Bland, Buchanan, Carroll, Dickenson, Grayson, Tazewell, and Wythe Counties and Galax City, all in the State of Virginia, have been added to the Region.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.57, as set forth below, designating the Bristol (Virginia)—Johnson City (Tennessee) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.57 Bristol (Virginia) — Johnson City (Tennessee) Interstate Air Quality Control Region.

The Bristol (Virginia)—Johnson City (Tennessee) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302 (f) of the Clean Air Act, 42 U.S.C. 1857h (f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Virginia:

Bland County.	Norton City.
Bristol City.	Russell County.
Buchanan County.	Scott County.
Carroll County.	Smyth County.
Dickenson County.	Tazewell County.
Galax City.	Washington County.
Grayson County.	Wise County.
Lee County.	Wythe County.

In the State of Tennessee:

Carter County.	Johnson County.
Greene County.	Sullivan County.
Hancock County.	Unicoi County.
Hawkins County.	Washington County.

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

Dated: September 18, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

Approved: September 30, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-13505; Filed, Oct. 9, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-38]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Organizational Changes

The purpose of this amendment is to revise certain portions of Part 1 of the Regulations of the Office of the Secretary to reflect recent creation of the Office of Congressional Relations, in the Department, to report directly to the Secretary and to state the sphere of primary responsibility of that office.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective October 9, 1970, § 1.24 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding the following new paragraph at the end thereof:

§ 1.24 Spheres of primary responsibility.

* * * * *

(l) *Office of Congressional Relations.* Principal staff to the Secretary on relationships of the Department with the Congress in promoting an understanding of national transportation needs, a cooperative approach to all interests concerned to the satisfaction of those needs, and support of Departmental policies, programs, and services in the interest of safety and efficiency in transportation; and principal staff channel of communication and consultation between the Secretary and industry, labor, and other nongovernmental institutions, as well as State, metropolitan, and local governments, in the promotion of Departmental legislative programs.

(Sec. 9, Department of Transportation Act; 49 U.S.C. 1659)

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

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 70-13663; Filed, Oct. 9, 1970; 8:49 a.m.]

[OST Docket No. 1; Amdt. 1-37]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Organizational Changes

The purpose of this amendment is to revise certain portions of Part 1 of the Regulations of the Office of the Secretary of Transportation to (1) delegate authority to the Assistant Secretary for Administration for obtaining surety bonds for certain employees in the Office of the Secretary and (2) broaden the existing delegation to the Assistant Secretary for Administration regarding special funds, such as the Working Capital Fund.

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective October 9, 1970, § 1.60 of Title 49, Code of Federal Regulations is amended as follows: Paragraph (c) is amended by adding a new subparagraph at the end thereof and paragraph (d) is amended to read as follows:

§ 1.60 Delegations to the Assistant Secretary for Administration.

* * * * *

(c) *Finance.* * * *

(5) Obtain surety bonds to cover those employees in the Office of the Secretary who are required by law or administrative ruling to be bonded.

(d) *Special funds.* Except as otherwise delegated, establish or operate, or both, such special funds as may be required by statute or by administrative determination. This includes such special funds as the Working Capital Fund (49 U.S.C. 1657(j)).

* * * * *

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on September 23, 1970.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 70-13648; Filed, Oct. 9, 1970; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2278]

PART 1810—INTRODUCTION AND GENERAL GUIDANCE

Subpart 1815—Disaster Relief

TIMBER SALE CONTRACTS, PUBLIC LANDS

On Page 11244 of the FEDERAL REGISTER of July 14, 1970, there was published a notice and text of a proposed amendment to Part 1810 of Title 43, Code of Federal Regulations. The purpose of the amendment is to provide procedures for obtaining relief from damage caused by major disaster to roads or other development facilities built under timber sale contracts in accordance with section 3(a)(b) of the Disaster Relief Act of 1969 (83 Stat. 125).

Interested persons were given 30 days within which to submit comments, suggestions, or objections to the proposed amendment. No comments were received.

The proposed amendment is hereby adopted without change, and is set forth below. This amendment shall become effective on publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

OCTOBER 5, 1970.

Subpart 1815 is amended as follows:

1. A new § 1815.0-3 is added:

§ 1815.0-3 Authority.

Disaster Relief Act of 1966 (42 U.S.C. 1855aa-1855ll) as supplemented by the Disaster Relief Act of 1969 (42 U.S.C. 1855ccc).

2. A new § 1815.2 is added:

§ 1815.2 Timber sale contracts—Disaster Relief Act of 1969.

§ 1815.2–1 Relief granted.

(a) Where an existing timber sale contract does not provide relief to the timber purchaser from major physical change which is not due to negligence of the purchaser prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster a major physical change results in additional construction work, the United States will bear a share of the increased construction costs. The United States' share will be determined by the authorized officer as follows:

(1) For sales of less than 1 million board feet, costs over $1,000;

(2) For sales of from 1 to 3 million board feet, costs over the sum of $1 per thousand board feet;

(3) For sales of over 3 million board feet, costs over $3,000.

(b) Where the authorized officer determines that the damages caused by such major physical change are so great that restoration, reconstruction, or construction is not practical under this cost-sharing arrangement, he may cancel the timber sale contract notwithstanding the provisions therein.

§ 1815.2–2 Disasters to which Act applies.

Relief granted under the Act applies to major disasters, as determined by the President pursuant to the Act of September 30, 1950, which occurred after June 30, 1967, and on or before December 31, 1970.

§ 1815.2–3 Applications.

Applications for relief granted by section 3 of the Disaster Relief Act of 1969 must be filed in accordance with § 1815.1–2.

[F.R. Doc. 70–13623; Filed, Oct. 9, 1970; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4914]

[Oregon 1579]

OREGON

Withdrawal for National Forest Recreation Areas, Scenic Zones and Seed Production Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

Myers Valley Seed Orchard

T. 36 S., R. 8 W.,
Sec. 5, SE¼NE¼SW¼SW¼, SW¼NE¼SE¼SW¼, S½NW¼SE¼SW¼, N½SW¼SE¼SW¼, NW¼SE¼SE¼SW¼.

Briggs Valley Ponderosa Pine Seed Production Area

T. 36 S., R. 8 W.,
Sec. 18, NW¼NW¼NE¼ within MS 693.

Illinois Bar Campground

T. 37 S., R. 9 W.,
Sec. 8, NW¼ of lot 11.

Store Gulch Campground Addition

T. 38 S., R. 9 W.,
Sec. 3, E½SW¼NW¼, SE¼NW¼SW¼NW¼, NE¼SW¼SW¼NW¼.

Lower Rogue River Recreational Area Addition

T. 35 S., R. 11 W.,
Sec. 29, lot 4.

Long Ridge Seed Production Area

T. 38 S., R. 12 W.,
Sec. 27, SE¼SW¼NE¼, SW¼SE¼NE¼, W½E½SE¼, E½W½SE¼;
Sec. 34, W½W½NE¼NE¼, NW¼NE¼.

Chetco River Gorge Area

T. 38 S., R. 12 W.,
Sec. 28, SW¼SW¼;
Sec. 29, SE¼SE¼;
Sec. 32, NE¼NE¼, N½SE¼NE¼;
Sec. 33, NW¼NW¼.

The areas described aggregate approximately 394 acres in Curry and Josephine Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 5, 1970.

[F.R. Doc. 70–13619; Filed, Oct. 9, 1970; 8:46 a.m.]

[Public Land Order 4915]

[Wyoming 15857]

WYOMING

Withdrawal for Protection of National Historic Site

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for protection of segments of the historic Oregon Trail:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 87 W.,
Sec. 25, S½S½;
Sec. 26, SE¼;
Sec. 35, N½NE¼.
T. 29 N., R. 89 W.,
Sec. 13, SW¼, S½N½;
Sec. 18, lots 6, 7, E½SW¼, SE¼;
Sec. 19, lots 1, 2, 3, 5, 6, 7, 8, and NE¼SW¼.
T. 28 N., R. 97 W.,
Sec. 5.
T. 29 N., R. 97 W.,
Sec. 22, SW¼SW¼;
Sec. 27, NW¼, SW¼NE¼;
Sec. 28, N½;
Sec. 34, SE¼, E½SW¼, SW¼SW¼.
T. 27 N., R. 101 W.,
Sec. 4, SW¼, S½NW¼;
Sec. 5, SE¼, S½NE¼.

The areas described aggregate 3,326.64 acres in Fremont and Natrona Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 5, 1970.

[F.R. Doc. 70–13620; Filed, Oct. 9, 1970; 8:46 a.m.]

[Public Land Order 4916]

[Montana 14289]

MONTANA

Withdrawal for Waterfowl Production Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for management in connection with the waterfowl production area program authorized by the Act of March 16, 1934, 48 Stat. 451, as amended, 16 U.S.C. secs. 718, 718d(b)(c) (1964):

PRINCIPAL MERIDIAN

T. 31 N., R. 55 E.,
Sec. 21, lots 1 and 2.
T. 32 N., R. 58 E.,
Sec. 3, lots 1, 6, and 7.
T. 37 N., R. 58 E.,
Sec. 5, lot 15.

The areas described aggregate approximately 39.10 acres in Sheridan County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 5, 1970.

[F.R. Doc. 70–13621; Filed, Oct. 9, 1970; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

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

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

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Ill., is permitted from October 17 through December 10, 1970, and the hunting of geese is permitted from November 12 through December 23, 1970, but only on the area designated by signs as open to hunting. This open area comprising 12,380 acres is delineated on a map available at refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Season for hunting geese will be closed when a kill quota of 35,000 Canada geese is reached in the State of Illinois. Hunting will be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—temporary blinds may be constructed. Blinds do not become the property of those constructing them.

(2) It is unlawful for any person to establish or use any blind for the taking of migratory waterfowl within 50 yards of any other blind on the refuge public hunting area.

(3) All persons hunting geese on the refuge public hunting area must register before entering and upon leaving the area and must register any geese taken on the area at the locations designated by the Project Manager.

(4) Hunting will not be permitted at the Carterville Beach area as posted by the Project Manager.

The provision of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 23, 1970.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 5, 1970.

[F.R. Doc. 70-13647; Filed, Oct. 9, 1970; 8:49 a.m.]

PART 32—HUNTING

Des Lacs National Wildlife Refuge, N. Dak.

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

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

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

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

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

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 15, 1970.

JAMES E. FRATES,
Refuge Manager, Des Lacs National Wildlife Refuge, Kenmare, N. Dak.

OCTOBER 1, 1970.

[F.R. Doc. 70-13624; Filed, Oct. 9, 1970; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 125]

SEXUALLY ORIENTED ADVERTISEMENTS

Proposed Notice on Envelopes or Other Covers

Section 3010(a) of title 39, United States Code, as enacted by the Postal Reorganization Act (Public Law 91-375, approved August 12, 1970) provides that any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postal Service may prescribe. Section 3010(d) defines sexually oriented advertisement.

Section 3010 will become effective on February 1, 1971. With a view to implementing the stated provision of section 3010(a), it is proposed to adopt the regulations hereinafter stated, to be effective February 1, 1971.

Interested persons may submit written data, views, and arguments concerning the proposed regulations to the Assistant General Counsel, Mailability Division, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the following regulations are hereby proposed:

PART 125—MATTER MAILABLE UNDER SPECIAL RULES

In Part 125 add new § 125.9 reading as follows:

§ 125.9 Sexually oriented advertisements; notice requirements on envelopes or other covers.

(a) *Definition.* Sexually oriented advertisement means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this paragraph shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

(b) *Notice requirement.* Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the addressee designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamps, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad."

(c) *Format of envelopes or other covers.* Mailings of sexually oriented advertisements shall conform to the following requirements:

(1) The name and address of the sender and the notice required by paragraph (b) of this section shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(2) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other cover.

(3) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the notice, separating them from anything else appearing on the exterior face of the mail piece.

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

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-13717; Filed, Oct. 9, 1970; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1970-71 crop of Florida tomatoes and of the marketing prospects for this season. The proposed standardization of weights, containers, and size classifications is needed in the interest of orderly marketing so as to improve net returns to producers. The proposals with respect to special pack and special purpose shipments are designed to meet the different requirements for such shipments.

All persons who desire to submit written data, views or arguments in connection with this proposal shall file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after publication. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 966.308 Limitation of shipments.

During the period from November 1, 1970, through June 30, 1971, 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) *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)*
7 x 8	$1\frac{28}{32}$ to $2\frac{1}{32}$, inclusive.
7 x 7	Over $2\frac{1}{32}$ to $2\frac{9}{32}$, inclusive.
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive.
6 x 6	Over $2\frac{17}{32}$ to $2\frac{28}{32}$, inclusive.
5 x 6	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 and each container shall be marked to indicate the designated size.

(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.

(b) *Containers.* (1) No person shall handle any lot of tomatoes unless they are packed within one of the following net weight ranges:

Container net weight	Minimum net weight	Maximum net weight
	Pounds	
20	20	21½
30	30	31½
40	40	41½
60	60	61½

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

(c) *Inspection.* No person shall handle any lot of tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall be registered with the committee pursuant to § 966.7. Annual certificates of registration will be issued to known handlers and to new handlers upon application to the Committee and each will be assigned a registration number. Registered handlers are the first handlers of tomatoes and shall pay assessments as provided in § 966.42.

(d) *Truck shipments.* For purposes of these regulations, the rule, § 966.140, relating to truck shipments of tomatoes grown in the Florida production area, shall continue in effect.

(e) *Minimum quantity.* For purposes of these regulations, each person subject thereto may handle, pursuant to § 966.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(f) *Special pack requirements.* The tomato size classifications of paragraph (a) of this section and the container weight requirements of paragraph (b) of this section shall not be applicable to tomatoes packed in cupped trays, or when in containers customarily packed for the retail trade, if such tomatoes are handled in accordance with the reporting requirements of paragraph (g) of this section.

(g) *Reporting requirements.* Each handler making shipments of tomatoes pursuant to this section shall report to the committee on forms furnished by the committee such information on the shipments as may be required by the committee pursuant to § 966.80. Such reports shall be made within 10 days after shipment.

(h) *Special purpose shipments.* (1) The requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of tomatoes for canning, relief or charity if the handler thereof complies with the safeguard requirements of paragraph (i) of this section. Shipments for canning are exempt from the assessment requirements of this part.

(2) The requirements of paragraphs (a) and (b) of this section shall not be applicable to shipments of tomatoes which are 2$\frac{2}{32}$ inches in diameter or smaller for processing into pickles if the handler thereof complies with the safeguard requirements of paragraph (i) of this section.

(3) The requirements of paragraphs (a) and (b) of this section shall not be applicable to shipments of tomatoes for export if the handler thereof complies with the safeguard requirements of paragraph (i) of this section.

(i) *Safeguards.* Each handler making shipments of tomatoes for processing into pickles, for canning, for relief or charity, or for export in accordance with paragraph (h) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (h) of this section;

(3) Bill or consign each shipment directly to the designated applicable receiver; and

(4) Forward one copy of such report to the committee office, and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within 10 days after shipment shall be cause for cancellation of such handler's certificate and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate the handler may appeal to the committee for reconsideration.

(j) *Definitions.* "Hydroponic Tomatoes" means tomatoes grown in solution without soil. "Greenhouse Tomatoes" means tomatoes grown indoors. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part.

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

Dated: October 7, 1970.

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

[F.R. Doc. 70-13639; Filed, Oct. 9, 1970; 8:48 a.m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Marketing Control Percentages for 1970–71 Marketing Year

Notice is hereby given of a proposal unanimously recommended by the Walnut Control Board to establish marketable and surplus control percentages for walnuts for the 1970–71 marketing year. The year began August 1, 1970. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed marketable and surplus percentages are as follows: California (District 1), 80 percent and 20 percent, respectively; and Oregon-Washington (District 2), 90 percent and 10 percent, respectively. These percentages are based on estimates of supply, and inshell and shelled trade demands adjusted for handler carryover, for the 1970–71 marketing year.

The total 1970–71 supply subject to regulation is estimated to be 105.1 million kernelweight pounds. Inshell and shelled trade demands adjusted for handler carryovers are estimated at 28.6 and 55.6 million kernelweight pounds, respectively. The trade demand area includes the United States, Puerto Rico, and the Canal Zone.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.217 Marketable and surplus percentages for walnuts during the 1970–71 marketing year.

The marketable and surplus percentages during marketing year beginning August 1, 1970, shall be as follows:

	California District 1	Oregon-Washington District 2
Marketable percentage	80	90
Surplus percentage	20	10

Dated: October 6, 1970.

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

[F.R. Doc. 70-13679; Filed, Oct. 9, 1970; 8:50 a.m.]

[7 CFR Parts 1120, 1121, 1126, 1127, 1128, 1129, 1130]

[Docket No. AO-364-A3, etc.]

MILK IN SOUTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Notice of Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Market	Docket No.
1121	South Texas	AO-364-A3.
1126	North Texas	AO-231-A35.
1127	San Antonio	AO-232-A21.
1128	Central West Texas	AO-238-A26.
1129	Austin-Waco	AO-256-A17.
1130	Corpus Christi	AO-269-A21.
1120	Lubbock-Plainview	AO-328-A11.

Notice is hereby given of the filing with the Hearing Clerk of this partial recommended decision with respect to

proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in six copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Dallas, Tex., June 23, 24, and 25, 1970, pursuant to notice thereof which was issued June 12, 1970 (35 F.R. 10022).

This decision deals only with the following issues: Class I prices (Issue No. 1) and location differentials (Issue No. 2) in the North Texas order and South Texas order; location at which diverted milk should be priced pursuant to the North Texas order (Issue No. 16); and the request for emergency action on a proposed change in the South Texas order location differentials (Issue No. 5). All other issues are reserved for a later decision, including the issue of limitation on location adjustments applied to the value of Class I milk in the obligation for receipts of unregulated milk at a pool plant or in the computation of the obligation of a partially regulated plant.

The material issues on the record of the hearing relate to:

Issues affecting North Texas and South Texas orders:

1. Class I price levels.
2. Location adjustments.
3. Method of paying producers through the market administrator.
4. Interest on overdue obligations.
5. Request for emergency action with respect to issue No. 2.
6. Applicable order to regulate a plant qualified as a fully regulated plant under more than one order.

Issues affecting several orders:

7. Class I prices and basic formula price (Lubbock-Plainview, Central West Texas, San Antonio, Austin-Waco, and Corpus Christi orders).
8. Cheese price to be used in establishing certain class prices (Central West Texas, North Texas, Austin-Waco, and San Antonio).
9. An appropriate limit on location adjustments applied to the Class I price in computing the obligation of a pool plant for receipts of unregulated milk, or in computing the obligation of a partially regulated plant (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).
10. Appropriate application of the order to milk received at a pool plant from an unregulated supply plant which in turn receives milk from a fully regulated plant where such milk has been priced and pooled (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).
11. Criteria for excluding a handler's milk from computation of the uniform price (Lubbock-Plainview, Central West Texas, North Texas, San Antonio, South Texas, and Corpus Christi).

Other issues affecting only North Texas order:

12. Definitions of "producer" and "producer milk."
13. Definition of pool plant.
14. Classification of transfers from pool plants to other plants.
15. Shrinkage regarding fortified milk products.
16. Location at which diverted milk should be priced.

Issue affecting the San Antonio order only:

17. Classification of dumped milk.

NORTH TEXAS AND SOUTH TEXAS ORDERS

1. *Class I price levels.* No change should be made in the Class I prices for the North Texas and South Texas orders at the basing points in Dallas and Houston, respectively.

The North Texas order establishes a Class I price per hundredweight in Zone I (24 counties generally comprising the western half of the marketing area) which is the basic formula price plus $2.12, plus 20 cents. In Zone II which includes the remainder of the marketing area plus Bowie and Cass Counties, Tex., and the city of Texarkana, Ark., the Class I price is 10 cents higher than in Zone I. Similarly the uniform price in Zone II is 10 cents higher than in Zone I.

The South Texas order establishes a Class I price at Houston which is the basic formula price plus $2.48, plus 20 cents. Since the basic formula price in both the South Texas and North Texas orders is the price for manufacturing grade milk in Minnesota and Wisconsin for the prior month, the South Texas order Class I price at Houston is 36 cents per hundredweight above the North Texas order Class I price at Dallas.

A handler proposal favoring reduction of the South Texas Class I price was based in part on the relative distances of the South Texas and North Texas markets from Chicago. Proponent testified that this relationship would justify a Class I price difference between North Texas and South Texas markets of only 23 cents per hundredweight instead of the present 36 cents.

An alternative handler proposal presented, in which the above handler joined, assumed that a proper intermarket relationship could be determined based on the relative distances from Hopkins County, Tex., an area of high milk production, to Dallas and to Houston. By this method, proponents stated, a difference of not more than 26 cents per hundredweight in Class I prices would be proper between these two cities. A transportation cost at a rate of 1.5 cents per 10 miles was applied to distances from Sulphur Springs in Hopkins County to Houston and Dallas to arrive at the intermarket difference.

It was contended by a cooperative association in the market, however, that since similar proposals had been recently heard in a hearing held January 6, 1970, in Houston (34 F.R. 19985) and on the basis of that record denied, therefore there could be no basis for adopting them at this time.

The notice of the January hearing did not allow a full review of Class I prices at all plant locations for the two markets. Such hearing considered, only the South Texas order Class I price level and the North Texas Zone II Class I price. The current hearing notice is broader in scope in that it provides for a review of pricing at all locations in the two markets. The notice of the current hearing states "In view of the several proposals to modify location differentials to handlers pursuant to the North Texas and South Texas orders, consideration will be given to appropriate adjustment of the North Texas order and South Texas order Class I prices and location differentials at any point as may be necessary to coordinate the pricing at various locations pursuant to the two orders."

Official notice is taken of the decision issued August 8, 1968, by the Under Secretary (33 F.R. 11486) in which the South Texas order Class I price at Houston was established by adding to the North Texas price a differential based on distance (approximately 240 miles) from Dallas to Houston. A mileage rate of 1.5 cents per 10 miles was applied to result in an intermarket price difference of 36 cents per hundredweight. Such calculation followed the pricing pattern used previously in several other Texas Federal orders generally south of the North Texas market in establishing intermarket relationships.

The South Texas order Class I price was reviewed in the decision of the Assistant Secretary issued March 17, 1970 (35 F.R. 4866) of which official notice is taken. In that decision the following findings and conclusions were stated:

> It is concluded herein that the South Texas order Class I price should continue to be the basic formula price plus $2.48, and plus 20 cents. Such price will tend to maintain producer milk supplies now associated with the market. Within the framework of the existing procurement system which includes the regular receipt of supplementary supplies from other order markets, this price will assure an adequate supply for the market.
>
> Throughout the effective period of the order the sources of milk supply for the market have been in most respects the same as before the order. The principal part of the supply is milk received from producers' farms. Producer milk alone, however, has not been enough to supply all of handlers' Class

I sales. During the first 14 months of order regulation (October 1968 through November 1969) Class I sales of handlers averaged 55 million pounds per month while producer milk supplies averaged 53 million pounds. In only 2 months have the producer milk supplies exceeded handlers' Class I use, and then by less than 2 percent, in February and November 1968. For the entire period of October 1968 through November 1969 producer receipts were 4 percent less than Class I uses of handlers. This situation resembles that which existed prior to issuance of the order. Then, also it was necessary for local handlers to receive shipments from northern Texas and Kansas areas because of the deficit of locally produced supplies.

Much of the milk production for each of the markets continues to be produced within the respective marketing areas which, in each case, includes extensive territory. Further, in the case of the South Texas market, the deficit in local farm production necessarily requires extension of the procurement area well beyond the limits of the marketing area.

Supplementary supplies for the South Texas market must be obtained from areas generally to the north of the market rather than from areas south. Additional supplies cannot be obtained economically in substantial amounts from areas to the south of the marketing area in view of the procurement competition from a higher-priced market, Corpus Christi.

In December 1969, production within the South Texas marketing area amounted to 33 million pounds. Handlers' Class I disposition, however, was 56 million pounds. About 10 million pounds of additional milk were obtained directly from farms located in the North Texas marketing area. To further fill out supply needs, South Texas market procurement of producer milk extended to dairy farmers in Arkansas, Kansas, Missouri, and Oklahoma, making total supplies of producer milk 57.7 million pounds for the month. In total, this amount only slightly exceeded handlers' Class I disposition.

For January 1970 supplies were less than Class I use, and for the following months through April 1970 producer milk receipts at South Texas plants were generally little more than handlers' Class I sales. While there was a moderately greater supply in relation to Class I utilization compared to previous periods, the data do not reflect a substantially different supply situation in this period than that at the time of the January 1970 hearing.

The South Texas market has continued to depend also on bulk receipts of other Federal order milk in the amount of 4 to 7 million pounds monthly for Class I use. A main source of other order milk has been the North Texas market. Also, route disposition from North Texas order plants into the South Texas marketing area in April 1970 was 5.5 million pounds.

While data for May 1970 show a substantial increase in producer milk in the South Texas market such data are not comparable with data previously cited for other periods. The change in May was the direct result of designation by a cooperative association in the market of two cooperative reserve plants to be pooled under the South Texas order rather than under the North Texas order or San Antonio order, respectively, where they had been previously pooled. The additional quantities of milk thus included in the market data therefore do not represent an increase in production in the region, or any basic change in the availability or cost of obtaining milk in the region for the South Texas market. As mentioned previously, supplementary supplies have been available from the North Texas and other markets in previous periods as interorder shipments.

Class I price levels in Federal orders north of Houston are generally less than the South Texas Class I price. The South Texas order f.o.b. market Class I price in the present relationship to the North Texas f.o.b. market order price, after allowance of reasonable transportation cost described elsewhere in this decision, provides a reasonable price parity between the two markets in procurement areas where the two markets both compete for milk supplies. This is principally within the North Texas marketing area where more than 100 million pounds of milk per month are produced.

For the reasons stated above and in light of the further considerations stated below in the discussion of appropriate location adjustments, the proposals of certain South Texas handlers to modify the intermarket relationship between the Dallas and Houston markets are denied.

2. *Location adjustments.*[1] The location adjustment schedule under the South Texas order should be modified. The North Texas order should be modified to remove the present 10-cent higher minimum Class I price level effective throughout Zone II and to provide in lieu thereof that the price level at any plant located in such zone shall be the Zone I class I price except that at any plant location where the South Texas order Class I price is higher, the North Texas Class I price shall be adjusted to equal the South Texas level for such location.

Location adjustments in each of the orders reasonably should reflect the cost involved in moving milk from outlying supply plants to the central market area for fluid processing and disposition. In some situations, however, the economic value of the milk to the producer at a particular location will be affected not only by transportation cost to move the milk to a regulated plant under one order, but also by his "opportunity cost", i.e., the price he can obtain by shipping to an alternative market. Unless the latter is taken in account, the milk so located may not be available to the former plant.

[1] As used herein, the term "location adjustment" refers to an adjustment to the Class I price to the handler, and to the uniform price to the producer, in recognition of the "place" utility of milk when received at plants at various distances from the market center. It is not a "nearby farm differential."

(a) *Location adjustments — South Texas.* Testimony at the current hearing generally supports a location adjustment rate of 1½ cents per 10 miles for the South Texas market. A milk hauler operating a fleet of tank trucks testified that his charge for transporting milk is 68 cents per mile for a truck of 46,500 pounds capacity. This is equivalent to 1.46 cents per 10 miles, thus closely approximating the rate of 1½ cents per 10 miles. Handlers and a cooperative also contracting for hauling bulk milk likewise testified that 1.5 cents per 10 miles is representative of their experience although some parties claimed higher costs had been experienced in some instances. A location adjustment rate of 1.5 cents per 10 miles is representative of economical transportation on milk moved between plants in these markets.

While under the North Texas order 1½ cents per 10 miles is currently the rate of minus location adjustments for distance by shortest hard-surfaced highway from Dallas, under the South Texas order a different rate now applies at certain locations. At those points where minus location adjustments apply, the present adjustments under the South Texas order are stated for zones in terms of distance from the city hall in Houston, as follows:

Miles from city hall in Houston:	*Rates per hundred weight (cents)*
60 miles but less than 100	12
100 miles but less than 140	18
140 miles but less than 180	22
180 miles but less than 225	26

The rates of adjustment at the midpoints of the brackets for the 140–180 mile and 180–225 miles currently are somewhat less than 1½ cents per 10 miles.

As previously stated, the location adjustment rate under the South Texas order should be changed to 1½ cents per 10 miles for distance from Houston city hall. Location adjustments computed at this rate for plants lying generally north of Houston will reflect the lesser place value of milk for this market as received at more distant plants than for plants in or near Houston, and will assist in assuring uniform pricing to handlers for milk received at the market from different plant locations and in reflecting the appropriate economic value of milk to producers in consideration of the point of delivery of their milk.

This method of computing adjustments will eliminate the broad mileage zones previously described which now apply at certain distances beyond the inner zone (not more than 60 miles from the city halls in Houston and Beaumont, Tex.). No location adjustment applies within this latter zone which includes the densely populated areas of Houston and Beaumont where the wholesale and retail route distribution systems of major handlers extensively overlap.

No location adjustment should apply in the areas south of U.S. Highway 90 in the counties of Colorado, Fayette, Gonzales, Lavaca, and Wharton. (See decision of March 17, 1970, previously

cited.) The reason stated in such decision for making no adjustments to the price at such locations continue to apply.

The plus location adjustments which apply under the South Texas order at locations south of U.S. Highway 90 and outside the counties indicated reflect the higher value of milk at such locations than at Houston because of the alternative market outlets available to South Texas producer milk delivered to such locations. Milk delivered to a South Texas order plant located between Houston and Corpus Christi, for instance, has an available alternative market (Corpus Christi) with a 30-cent per hundredweight higher Class I price, f.o.b. Corpus Christi.

Currently, the plus location adjustments in this area are based on the distance of the plant from the city hall in Houston. Such plus adjustments, however, are not designed primarily to reflect the value of the milk based on delivery to Houston since milk from this area normally is not shipped to Houston for processing. Rather, its economic value to the producer is determined by the available alternative and higher-priced market outlet and if this value is not reflected in the price at such location the milk likely will not be available to a South Texas plant so located. Accordingly, the location prices under the South Texas order generally south of U.S. Highway 90 should result in a Class I price at any given location which is the same as the Class I price pursuant to the Corpus Christi order for the same location. To appropriately reflect the value in producer returns a similar adjustment must also be applicable to the uniform price at such locations.

In view of this modification of the plus location adjustments, the broad mileage zones now in the South Texas order for such locations would be eliminated.

(b) *Zone II—North Texas.* The Zone II Class I price of the North Texas order should be the same as the Zone I Class I price, except that at any specific plant location it should be not less than the applicable Class I price for such location pursuant to the South Texas order. At present the Zone II price is the Zone I price, plus 10 cents.

As previously indicated, Zone II, in addition to being part of the North Texas marketing area, also includes important, common procurement areas for both the North Texas and South Texas markets. Plants regulated by both orders receive substantial volumes of milk from farms in Zone II. One North Texas order plant located in Zone II regularly ships milk in bulk to Houston. Several milk processing plants in Zone II regulated by the North Texas order have route distribution extending into the South Texas marketing area and in the southern portion of Zone II there is overlapping distribution by plants under both orders.

While there is substantial competition between the two markets for milk supplies produced in Zone II, these conditions do not justify a Class I price level throughout Zone II 10 cents per hundredweight higher than the Class I price level in Zone I. On the other hand, it must be recognized that without any price adjustment the South Texas market would be a preferential outlet for milk supplies produced in Zone II, particularly in the central and southern portions of the zone.

North Texas order plants at the latter locations, to be assured of a supply, must pay an equivalent price since nearby producers shipping to such plants have the opportunity to shift their deliveries to the South Texas market at any time. The North Texas order accordingly should provide that for Zone II the Class I price shall be adjusted by any amount by which the applicable South Texas order Class I price at the location of the plant exceeds the North Texas Zone I price.

In the northern part of Zone II the applicable South Texas order Class I price adjusted at the rate of location adjustments as herein adopted would be either equal to or less than the North Texas Zone I Class I price. At such locations, therefore, no adjustment would be applicable.

Prices determined for Zone II in this manner will tend to insure an orderly flow of milk to plants in both markets and insure sufficient supplies for distributing plants irrespective of their location within the widespread North Texas marketing area.

One handler proposed that location adjustments under the North Texas order be related to additional basing points at Marshall and Tyler, Tex. The purpose of the handler was to provide a lower price than presently for his partially regulated plant located in Texarkana, Tex.

The partially regulated plant of the handler is located in Zone II. The pricing changes herein adopted will result in a reduction of 10 cents per hundredweight in the effective Class I price at Texarkana compared with the price which now applies. No further adjustment of the price at this location would be appropriate on this record.

5. *Request for emergency action.* A handler requested on the record that emergency procedure be used to effectuate his proposal to amend the South Texas order. Certain other parties at the hearing opposed the adoption of such proposal.

The request for emergency procedure and omission of the recommended decision is denied. The specific location differential requested by the handler must be properly related to location differentials affecting other handlers in both the North Texas and South Texas order markets. The whole issue of price relationships of the two markets is clearly involved since the plant of the handler requesting emergency procedure is located in the North Texas marketing area, but nevertheless has greater distribution in the South Texas marketing area and is a fully regulated plant pursuant to the South Texas order.

The conditions surrounding the proposal of the handler require that a recommended decision be issued so that all parties affected will have full opportunity to express their exceptions to any proposed action on this provision. The proposal of the handler is dealt with in this decision.

16. *Pricing of diverted milk (North Texas order).* Milk diverted from a pool plant to a nonpool plant should be priced at the location of the plant to which diverted rather than the plant from which diverted.

The order now specifies that milk diverted from a pool plant to a nonpool plant shall be priced at the location of the plant from which diverted. Under such provision, however, milk of a producer distant from the market can be briefly associated with a pool plant in the marketing area and then be diverted to a nonpool manufacturing plant relatively near to the producer's farm. This milk obviously does not incur the transportation cost it would if moved to the marketing area at all times, but the producer nevertheless receives the marketing area uniform price designed to compensate for the delivery of milk to the marketing area.

This reduces the money to be paid to other producers whose milk is delivered to the marketing area as compared to the situation where the producer is paid on the basis of his actual point of delivery. The present arrangement encourages distant producers to have their milk delivered to a manufacturing plant near their farms rather than to the marketing area, since they nevertheless do receive the marketing area uniform price. The change as herein adopted will prevent the dissipation of pool money for transportation not performed.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price

of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENTS AND ORDERS AMENDING THE ORDERS

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the South Texas and North Texas marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

AMENDMENTS TO SOUTH TEXAS ORDER

1. Section 1121.53 is revised as follows:

§ 1121.53 Location adjustments to handlers.

(a) For that milk which is received from producers at a pool plant located (1) in Fayette County, Tex., or (2) north of U.S. Highway 90 and 60 miles or more from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk disposition subject to the limitations of paragraph (c) of this section, and for other source milk for which Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be reduced 1.5 cents per 10 miles of distance or fraction thereof that such plant is located from the Houston city hall by shortest hard-surfaced highway distance as determined by the market administrator.

(b) For that milk which is received from producers at a pool plant located south of U.S. Highway 90 and (1) outside the Texas counties of Colorado, Fayette, Gonzales, Lavaca, and Wharton, and (2) beyond 60 miles from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk disposition subject to the limitations of paragraph (c) of this section, and for other source milk for which a Class I location adjustment is applicable, the price specified in § 1121.51(a) shall be increased by any amount by which such price is less than the applicable Class I price at the same location pursuant to Part 1130 regulating the handling of milk in the Corpus Christi marketing area.

(c) For purposes of calculating such location adjustments transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1121.12 (d), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants having the same Class I price, next to transferor plants having a higher Class I price, and then in sequence to plants having a power Class I price beginning with the plant at which the highest Class I price would apply.

AMENDMENTS TO NORTH TEXAS ORDER

2. Section 1126.53 is revised as follows:

§ 1126.53 Location adjustments to handlers.

(a) For that milk which is received from producers at a pool plant outside the marketing area or Bowie or Cass Counties, Tex., or the city of Texarkana, Ark., and 110 miles or more from the city hall in Dallas, Tex., and which is assigned to Class I milk disposition subject to the limitation of paragraph (c) of this section and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1126.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas city hall by shortest hard-surface highway distance as determined by the market administrator:

(b) For that milk which is received from producers at a pool plant within Zone II, and which is assigned to Class I milk disposition subject to the limitations of paragraph (c) of this section and for other source milk for which a Class I location adjustment is applicable, the price shall be the Zone I Class I price plus any amount by which the applicable Class I price at such location pursuant to Part 1121 regulating the handling of milk in the South Texas marketing area exceeds the Zone I Class I price; and

(c) For purposes of calculating such location adjustments transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1126.12 (c) and (d), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants having the same Class I price, next to transferor plants having a higher Class I price and then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

3. Section 1126.55 is revised as follows:

§ 1126.55 Pricing zones.

(a) *Zone I.* Zone I shall include all territory within the following Texas counties in the marketing area:

Bosque.	Hood.
Cooke.	Hopkins.
Collin.	Hunt.
Dallas.	Johnson.
Delta.	Kaufman.
Denton.	Lamar.
Ellis.	Limestone.
Erath.	Navarro.
Fannin.	Parker.
Freestone.	Rockwall.
Grayson.	Somervell.
Hill.	Tarrant.

(b) *Zone II.* Zone II shall include all territory in the marketing area outside of Zone I and all territory in Bowie and Cass Counties, Tex., and the city of Texarkana, Ark.

4. In § 1126.91 paragraph (b) is revised as follows:

§ 1126.91 Butterfat and location differentials to producers.

* * * * *

(b) *Location adjustments.* (1) In making payments to producers pursuant to § 1126.90 (a) or (c) the applicable uniform price computed pursuant to § 1126.72 to be paid for producer milk received at a pool plant shall be adjusted according to the location of the pool plant at the rate set forth in § 1126.53.

(2) For purposes of computation pursuant to §§ 1126.93 and 1126.94 the uniform prices shall be adjusted at the rates set forth in § 1126.53 applicable at the location of the nonpool plant from which the milk was received.

5. In § 1126.13 *Producer*, paragraph (a)(2) is revised to read as follows:

§ 1126.13 Producer.

(a) * * *

(2) Diverted by a handler for his account from a pool plant to a nonpool plant on any day during the months of January through July and on not more than half of the days of delivery during any other month. Such diverted milk shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

* * * * *

Signed at Washington, D.C., on October 7, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-13678; Filed, Oct. 9, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SW-58]

TRANSITION AREA

Proposed Alteration

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

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

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

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

In § 71.181 (35 F.R. 2134), the Bridgeport, Tex., transition area is amended to read:

BRIDGEPORT, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake Bridgeport Airport (lat. 33°10' 30" N., long. 97°49'00" W.).

This transition area will provide controlled airspace for aircraft executing instrument approach/departure procedures proposed to serve the Lake Bridgeport Municipal Airport at Bridgeport, Tex. Previously established approach/departure procedures serving the Bridgeport Airport will be canceled concurrently with implementation of the proposed procedures.

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

Issued in Fort Worth, Tex., on October 2, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-13631; Filed, Oct. 9, 1970; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 70-CE-80]

JET ROUTE SEGMENT

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a segment of Jet Route No. 522.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the designation of J-522 segment from Green Bay, Wis., via Traverse City, Mich., to Kleinburg, Ontario, Canada, excluding the portion within Canada. This proposed jet route segment would be utilized to improve traffic movement into and from the Toronto, Ontario, Canada, terminal area.

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

Issued in Washington, D.C., on October 5, 1970.

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

[F.R. Doc. 70-13630; Filed, Oct. 9, 1970; 8:47 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-59; Notice 70-18]

CLASS A POISONS IN CYLINDERS

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amending the Department's Hazardous Materials Regulations to provide for the use of specification DOT 3A, 3AA, and 3E1800 cylinders for the transportation of certain class A poisonous liquids or gases.

This proposal is based upon a petition for rule making and the satisfactory experience gained under the terms of several special permits in existence for several years. These cylinders would be prescribed for class A poisons not otherwise specifically provided for (§ 173.328). At the same time they would automatically be authorized for certain specifically named poisonous materials covered in the sections that adopt the packaging requirements of § 173.328 by reference to that section. Simultaneously, criteria for adequate valve protection would be more clearly defined in § 173.327.

The packaging and handling requirements for class A poisons, in general, as well as the need for specifically naming in § 172.5 certain class A poisonous materials currently described under the generic term "Poisonous liquid or gas, n.o.s." is under review by the Board. However, the Board believes that the changes proposed in this notice are significant enough to warrant separate rule-making action in the interim.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.327 paragraph (a) would be amended to read as follows:

§ 173.327 Packing.

(a) Cylinders must be maintained in compliance with the requirements of § 173.34 and, except as otherwise provided, § 173.301(g) (1), (2), or (3). Valves must be capable of withstanding the test pressure of the cylinders and must have taper-threaded connections directly to the cylinders (no bushings or straight-threaded connections of valves to cylinders permitted). For corrosive commodities, valves may be of the packed type provided the assembly is made gastight by means of a seal cap with compatible gasketed joint to the valve body or to the cylinder to prevent loss of commodity through or past the packing; otherwise the valves must be of the packless type with nonperforated diaphragms and handwheels. The valve outlets must be sealed by threaded caps or threaded solid plugs of material, including luting and gaskets, compatible with the lading, cap, and valve assembly. Safety relief devices are forbidden.

(1) The pressure of the poison gas at 130° F. must not exceed the service pressure of the cylinder. Cylinders must not be liquid full at 130° F.

(2) Cylinders packed in boxes must have adequate protection for valves. Box and valve protection must be of strength sufficient to protect all parts of cylinders and valves from deformation or breakage resulting from a drop of at least 6 feet onto a concrete floor, impacting at the weakest point. A cylinder not overpacked in a box must be capable of preventing damage to or distortion of the valve when it is subjected to an impact caused by allowing the cylinder, prepared as for shipment, to fall from an upright position with the side of the cap or other valve protection striking a solid steel object projecting not more than 6 inches above the floor level.

* * * * *

In § 173.328 paragraph (a)(2) would be added to read as follows:

§ 173.328 Poisonous gases and liquids not specifically provided for.

(a) * * *

(2) Spec. 3A1800, 3AA1800, or 3E1800 (§§ 178.36, 178.37, 178.42) cylinders.

(i) Spec. 3A and 3AA cylinders must not exceed 125 pounds water capacity (nominal). Each cylinder must have valves protected by metal caps or by packing in strong wooden or metal boxes.

(ii) Spec. 3E1800 cylinders must be packed in strong wooden or metal boxes.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before November 24, 1970, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on October 5, 1970.

J. B. McCARTY, Jr.,
Captain, U.S. Coast Guard, By direction of Commandant, U.S. Coast Guard.

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

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[F.R. Doc. 70-13646; Filed, Oct. 9, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 399]

[Docket No. 22630; EDR-190, PSDR-27]

GROUP FARES ON SCHEDULED SERVICES

Notice of Proposed Rule Making

OCTOBER 6, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to (1) Part 221 of its economic regulations (14 CFR Part 221) which would require that tariffs for group fares specify the rules applicable to such fares, and (2) Part 399 of its policy statements (14 CFR Part 399) which would provide that the conditions related to group fares other than inclusive tour basing fares shall conform to the Board's regulations governing pro rata charters.

The principal features of the proposed amendments are described in the explanatory statement below and the proposed amendments are set forth in the proposed rules. The amendments are proposed under the authority of sections 204(a), 401, 402, and 403 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143), 757 and 758 (as amended by 74 Stat. 445); 49 U.S.C. 1324, 1371, 1372, and 1373) and 5 U.S.C. 552.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before November 9, 1970, and reply comments thereon received on or before November 24, 1970, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. The Board, by Order 70-7-117,[1] denied a motion by member carriers of the National Air Carrier Association (NACA) to expand the scope of the rule making initiated by EDR-183 in Docket 22174 to include affinity group fares offered by route carriers on their scheduled services. EDR-183 proposed substantial revisions to the Board's charter regulations. NACA alleged in its motion that affinity group fares are available to the same organizations which use affinity charters and are directly competitive with and in large measure intended as a substitute for affinity charter services. NACA further alleged that the rules for affinity group fares are less restrictive than the Board's proposed rules for affinity charters, and that the scheduled carriers could make the rules for affinity group fares even less restrictive.

While we denied NACA's motion on the ground that it would be inappropriate to further enlarge an already complex proceeding, we recognized that some form of relief may be needed to prevent undue competitive advantage to the route carriers with respect to affinity group fares. Accordingly, the Board has tentatively determined first, to amend Part 221 to require that tariffs for group fares shall specify the detailed rules applicable to such fares and that tariffs for group fares other than inclusive tour-basing fares in foreign air transportation conform to the proposed policy statement, and secondly, to amend Part 399 to provide that conditions related to group fares other than inclusive tour-basing fares shall conform to the Board's regulations governing pro rata charters.

The Board has tentatively determined to confine the policy statement to foreign air transportation, which appears to encompass the major affinity charter markets. The Board will, however, consider broadening the scope of the final rule to include interstate and overseas air transportation. The Board will also consider confining the policy statement to group-fare services in which the group size is in excess of some minimum number of persons. This could be done by exempting from the rule groups whose size is significantly below the minimum required for split charter groups, i.e., 40.

With respect to the proposed amendment to Part 399, it is anticipated that the final rule may specify the sections of the Board's charter regulations which will be applicable to group fares other than inclusive tour-basing fares. However, since the charter regulations for both supplemental and scheduled air carriers are at present the subject of a proposed large-scale revision,[2] it would be inappropriate in our view to specify sections of our regulations at this time. However, we wish to put all persons on notice that our intent, as reflected in the proposed amendment to Part 399, is to assure that those carriers offering pro rata charters are on a parity with carriers offering group fares other than inclusive tour-basing fares on scheduled services in terms of the kinds of organizations which are eligible for the services, the eligibility of individual persons to participate in such services, the permissible scope of solicitation, requirements designed to insure compliance with these conditions, and, finally, any other regulations which affect the eligibility of the group.

Proposed rule. It is proposed to amend Parts 221 and 399 of the Board's regulations (14 CFR Parts 221 and 399) as follows:

1. Amend § 221.38 by adding a new paragraph (l) to read as follows:

§ 221.38 Rules and regulations.

* * * * *

(l) *Tariffs for group-fare services.* All tariffs for group-fare services conducted on scheduled services by air carriers and foreign air carriers shall specify in detail the rules applicable to such fares. These rules shall specify in clear, explicit and definite terms the nature and kinds of organizations which are eligible for group-fare services, other provisions which affect the eligibility of the group, the eligibility of individual persons to participate in such services, the permissible scope of solicitation, the requirements designed to insure compliance with the foregoing (including requirements as to submission of information and documents by the organization), and all other terms, conditions,

[1] July 24, 1970.

[2] Docket No. 22174.

or limitations respecting such group travel. All tariffs for group-fare services (other than those conducted pursuant to tariffs which require that the passenger purchase a prepaid advertised inclusive land tour) conducted on scheduled services in foreign air transportation shall conform to § 399._____ of the Board's policy statements in this chapter.

2. Amend the Table of Contents of Part 399 by adding a new § 399._____ under Subpart C—Policies Relating to Rates and Tariffs as follows:

Sec.
§ 399._____ Affinity requirements for group-fare services.

3. Amend Part 399 by adding a new § 399._____ under Subpart C—Policies Relating to Rates and Tariffs to read as follows:

§ 399._____ Affinity requirements for group-fare services.

In the case of group-fare services (other than those conducted pursuant to tariffs which require that the passenger purchase a prepaid advertised inclusive land tour) conducted on scheduled services in foreign air transportation by air carriers and foreign air carriers, it is the Board's policy that conditions related to such services shall conform to the Board's regulations governing requirements for pro rata charters so that both types of service may compete on equal terms for traffic from identical sources. The conditions shall include the nature and kinds of organizations which are eligible for pro rata charters, other provisions which affect the eligibility of the group, the eligibility of individual persons to participate in such charters, the permissible scope of solicitation, requirements designed to insure compliance with the foregoing, and all other terms, conditions, or limitations respecting such group travel.

[F.R. Doc. 70-13686; Filed, Oct. 9, 1970; 8:50 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 431]

NEW AUTOMOBILE PRICING PRACTICES

Notice of Public Hearing and Opportunity To Submit Data, Views, or Arguments Regarding Proposed Trade Regulation Rules

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of five Trade Regulation Rules relating to new automobile pricing practices.

On May 23, 1969, the Commission issued a notice of public hearing and opportunity to submit data, views, or arguments relative to automobile price advertising. Following issuance, a public hearing was held before the Commission on September 16 and 17, 1969. As a result, a substantial public record has been developed relative to certain new automobile pricing practices. On the basis of this public record the Commission proposes the following Trade Regulation Rules:

Sec.
431.1 Advertising comparative prices for new automobiles and failing to disclose that certain accessories or equipment formerly "standard" has been redesignated "optional" or deleted.
431.2 Advertising prices for new automobiles which do not include the charges imposed for items of optional equipment depicted or described or which do not include all charges included in the basic vehicle price.
431.3 Advertising manufacturer's suggested retail price for new automobiles.
431.4 Manufacturer's factory invoice reflecting cost to dealer.
431.5 Advertising reductions from manufacturer's suggested retail price for new automobiles.
431.6 Definitions.

AUTHORITY: The provisions of this Part 431 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

§ 431.1 Advertising comparative prices for new automobiles and failing to disclose that certain accessories or equipment formerly "standard" has been redesignated "optional" or deleted.

In connection with the sale, offering for sale or distribution of new passenger automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice, within the meaning of section 5 of the Federal Trade Commission Act, to disseminate any announcement or advertisement which contains any comparison, express or implied, of the prices of such products to the prices of corresponding models of the same or preceding year when such new automobiles are not equipped with accessories or equipment which were formerly designated as "standard" on such corresponding models but which have been redesignated as "optional" or have been deleted, without clear and conspicuous disclosure in plain, prominent and easily read type of such facts, and such optional or deleted accessories or equipment are individually identified, and the manufacturers' suggested retail prices therefor are set forth. [Rule I]

§ 431.2 Advertising prices for new automobiles which do not include the charges imposed for items of optional equipment depicted or described or which do not include all charges included in the basic vehicle price.

In connection with the sale, offering for sale or distribution of new passenger automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice, within the meaning of section 5 of the Federal Trade Commission Act to:

(a) Disseminate any announcement or advertisement which contains a stated price and which depicts or describes a vehicle equipped with items of optional equipment, the cost of which is not included in the stated price: Unless, in the above case, there is a clear and conspicuous disclosure in plain, prominent and easily read type of the identity of the depicted or described items of optional equipment, and the specific extra costs charged therefor.

(b) Disseminate any announcement or advertisement containing a stated price which does not include Federal taxes and dealer preparation, handling or conditioning charges, and which fails to clearly and conspicuously disclose in plain, prominent and easily read type that in addition to the stated price there will or may be extra costs for such items as transportation from the place of manufacture or assembly to the point of sale, State and local taxes, licenses and fees. [Rule II]

§ 431.3 Advertising manufacturer's suggested retail price for new automobiles.

In connection with the sale, offering for sale or distribution of new automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice, within the meaning of section 5 of the Federal Trade Commisson Act, to announce, advertise or preticket new automobiles with prices, including manufacturer's suggested retail prices, which appreciably exceed the highest prices at which substantial sales are actually made; and to fail to maintain for a period of at least 3 model years adequate records from which the validity of such prices can be established. For purposes of this section:

(a) "Prices, including manufacturer's suggested retail prices" which will be considered to appreciably exceed the highest prices at which substantial sales are made are those which are more than 3 percent in excess of the lowest price at which sales are made within the highest 30 percent range of sales. In considering whether a valid price has been established the Commission will consider the difference between the trade-in allowance granted the consumer for a used automobile and the wholesale value of that used automobile to the dealer.

(b) It will not be considered a violation of the section if the announced, advertised, or "sticker price" for a new automobile not of the current model year is identical to or less than the last announced, advertised, or "sticker price" during the preceding model year, provided such price was valid within the purview of this section.

(c) It will not be considered a violation of the section if during the sixty (60) day period preceding the introduction of a new model the announced, advertised, or "sticker price" is identical to

or less than the last announced, advertised, or "sticker price" in the period preceding the sixty (60) day period prior to new model introduction, provided such price was valid within the purview of this section.

(d) "Sticker price" is defined as the total suggested retail price for an automobile which manufacturers are required to affix to the automobile pursuant to the provisions of Public Law 85-506 (Automobile Information Disclosure Act). [Rule III]

§ 431.4 Manufacturer's factory invoice reflecting cost to dealer.

In connection with the sale, offering for sale or distribution of new automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice, within the meaning of section 5 of the Federal Trade Commission Act to:

(a) Issue a sales invoice to a dealer which does not reflect the complete and total cost charged a dealer for the vehicle by the manufacturer as of the date the invoice is issued.

(b) Fail to clearly and conspicuously disclose in plain, prominent and easily read type that the invoice may not reflect the ultimate cost of the vehicle to the dealer in view of the possibility of future rebates, allowances, discounts, and incentive awards flowing from the manufacturer to the dealer. [Rule IV]

§ 431.5 Advertising reductions from manufacturer's suggested retail price for new automobiles.

In connection with the sale, offering for sale or distribution of new automobiles in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act to announce or advertise a reduced price comparison with a former suggested retail price, or to announce, advertise or pre-ticket a reduction from a current manufacturer's suggested retail price of a new automobile, unless accompanied by a reduction in the cost of the automobile to dealers in an equal dollar amount. [Rule V]

§ 431.6 Definitions.

For purposes of this part:

(a) "Automobile" is defined as a motor vehicle with motive power designed primarily for carrying ten (10) persons or less.

(b) "New automobile" is defined as an automobile the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

(c) "Announcement" is defined as a statement of any kind which is intended to be made public, and includes "news releases" or "press conferences" designed to be reproduced in whole or in part in the news media.

(d) "Advertisement" includes radio and television commercials and other oral or visual representations, newspaper and magazine advertisements, brochures and other manuals, and all other printed, graphic or other material used in promoting the sale of new passenger cars.

(e) "Standard equipment" is defined as those parts or pieces of apparatus with which an automobile is normally equipped, and which are included in the basic price of the vehicle.

(f) "Optional equipment" is defined as those parts or pieces of apparatus with which an automobile may be equipped, and which may be purchased at an additional cost over and above the basic vehicle price.

(g) "Basic vehicle price" includes the price of the automobile, Federal taxes, and all other charges which make up the total of the delivered price to the purchaser, with the exception of the cost of items of optional equipment, State and local taxes, licenses, fees, and transportation charges from the point where the vehicle is manufactured or assembled to point of sale.

(h) "Dealer" is defined as any person, individual, corporate or other, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rules with the Assistant Director, Division of Industry Guidance, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than January 5, 1971. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

All interested persons are also given notice of opportunity to orally present data, views, or arguments with respect to the proposed rules at a public hearing before the Commission commencing each day at 10 a.m., e.s.t., January 12, and 13, 1971, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Assistant Director, Division of Industry Guidance, not later than January 5, 1971, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director, Division of Industry Guidance on or before January 5, 1971.

The data, views, or arguments presented with respect to the proposed rules will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of Trade Regulation Rules.

All interested persons, including the consuming public, are urged to express their approval or disapproval of the proposed rules, or to recommend revisions thereof, and to give a full statement of their views in connection therewith. The Commission is particularly desirous of receiving comments and suggestions concerning proposed Rule III and alternative recommendations as to the substance and scope thereof.

Issued: October 9, 1970.

By the Commission.

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

[F.R. Doc. 70-13690; Filed, Oct. 9, 1970; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

CERAMIC WALL TILE FROM UNITED KINGDOM

Withholding of Appraisement Notice

Information was received on February 27, 1969, that ceramic wall tile from the United Kingdom is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of May 1, 1969, on page 7178. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price (sections 203 and 204 of the Act; 19 U.S.C. 162 and 163) of such ceramic wall tile from the United Kingdom is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis for comparison will be between purchase price or exporter's sales price and the home market price.

Preliminary analysis suggests that the purchase price will probably be calculated on the established price list prices, with appropriate adjustments for discounts and included inland freight.

Exporter's sales price will probably be calculated on the delivered price in the United States, with adjustments made for discounts, ocean freight, brokerage, U.S. duty, and selling expenses, when the merchandise is sold on a f.o.b. port of entry basis. When sold on a warehouse delivery basis, and additional adjustment will probably be made for warehousing expenses.

Home market price will probably be based upon the price list prices with adjustments for discounts, inland freight, differences in the circumstances of sale, and a packing differential. Appropriate adjustments for circumstances of sale appear to include bad debts, advertising expenses, and technical services.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price or exporter's sales price will be lower than home market price.

Customs officers are being directed to withhold appraisement of ceramic wall tile from the United Kingdom in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: October 3, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-13642; Filed, Oct. 9, 1970; 8:48 a.m.]

PLATE AND FLOAT GLASS FROM JAPAN

Withholding of Appraisement Notice

Information was received on May 16, 1969, that plate and float glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of August 1, 1969, on page 12600. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such plate and float glass from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau indicates that the probable basis of comparison will be between purchase price and home market price.

Preliminary analysis shows that purchase price will be calculated on the basis of c.i.f., duty paid, delivered customer warehouse price. Deductions will probably be made for discounts, rebates, freight, insurance, U.S. duty, brokerage charges, commissions, and packing. It is likely that additions will be made for drawback.

Home market price will probably be based on delivered prices less discounts, rebates, freight, interest expense, breakage compensation, and packing.

Using the above criteria, there are reasonable grounds to believe that purchase price is lower than home market price.

Customs officers are being directed to withhold appraisement of plate and float glass from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20026, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

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

Approved: October 3, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-13644; Filed, Oct. 9, 1970; 8:48 a.m.]

SHEET GLASS FROM JAPAN

Withholding of Appraisement Notice

Information was received on February 11, 1969, that sheet glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 30, 1969, on page 12454. The "Antidumping Proceeding Notice" indicated that there was evidence on

record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such sheet glass from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau tends to indicate the probable basis of comparison will be between purchase price and home market price.

Preliminary analysis suggests that purchase price will be calculated on the basis of c.i.f. duty paid landed U.S. destination cost less applicable charges. It appears that the Japanese duty reimbursement will be added to this price.

Home market price will probably be based on delivered price in the home market. Appropriate adjustments appear to be warranted for discounts, rebates, transportation charges, packing charges, and interest. Probable adjustments made to the net price will be for selling expenses, advertising expenses, and warehousing costs.

Using the above criteria, there are reasonable grounds to believe that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of sheet glass from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

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

Approved: October 3, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-13643; Filed, Oct. 8, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 25810]

WYOMING

Proposed Classification of Public Lands for Multiple-Use Management

OCTOBER 5, 1970.

In F.R. Doc. 70-13089, appearing on pages 15316 to 15318 of the issue for October 1, 1970, the following changes should be made:

The first line of paragraph 3. should read: "3. As provided in paragraph 1 above, * * *."

The first line of paragraph 4. should read: "4. As provided in paragraph 1 above, * * *."

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70-13622; Filed, Oct. 9, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arizona natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARIZONA

Apache.	Maricopa.
Coconino.	Navajo.
Gila.	Yavapai.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of October 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-13681; Filed, Oct. 9, 1970; 8:50 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Allendale.	Horry.
Anderson.	Laurens.
Bamberg.	Lee.
Barnwell.	Lexington.
Berkeley.	Marion.
Chesterfield.	Marlboro.
Darlington.	Newberry.
Dillon.	Orangeburg.
Dorchester.	Richland.
Florence.	Spartanburg.
Greenville.	Union.
Hampton.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1971, except to applicants who previously received emergency or special livestock assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of October 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-13682; Filed, Oct. 9, 1970; 8:50 a.m.]

MEAT IMPORT LIMITATIONS

Fourth Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following fourth quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1970 is 1,160.0 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1970 is 998.8 million pounds.

Since the estimated quantity of imports continues to exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, under the Act limitations for the calendar year 1970 on the importation of fresh, chilled, or

frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed but may be suspended. Such limitations were imposed by Proclamation 3993, effective June 30, 1970, and were suspended during the balance of the calendar year 1970 unless because of changed circumstances further action under the Act becomes necessary.

Done at Washington, D.C., this 7th day of October 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-13680; Filed, Oct. 9, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1970 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census. The data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary to an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1967 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool.
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Fans, blowers, and unit heaters.
Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on manmade fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics bottles.
Rubber.
Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis will cover all manufacturing industries. Data on employment, payrolls, and inventories for auxiliary establishments of manufacturing companies such as central administrative offices, manufacturers' sales branches, warehouses, etc., will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey has been conducted annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census Bureau within 30 days after the date of this publication and will receive consideration.

Dated: October 2, 1970.

GEORGE H. BROWN,
Director, Bureau of the Census.

[F.R. Doc. 70-13662; Filed, Oct. 9, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-250; NDA No. 16-004]

C. M. BUNDY CO.

Meprobamate Tablets; Notice of Withdrawal of Approval of New-Drug Application

The C. M. Bundy Co., Cincinnati, Ohio 45202, holder of new-drug application No. 16-004 for Meprobamate Tablets, has discontinued marketing of the product and requested withdrawal of approval of the application, thereby waiving opportunity for hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended, 21 U.S.C. 355(e)), and under authority delegated to the Commissioner (21 CFR 2.120), approval of new-drug application No. 16-004, including all amendments and supplements thereto, is hereby withdrawn on the grounds that marketing of the article having been discontinued, certain annual reports of experience with the drug, required under section 505(j) of the act and § 130.13 (21 CFR 130.13) of the new-drug regulations, have not been submitted.

This order shall be effective on its date of signature.

Dated: September 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-13614; Filed, Oct. 9, 1970; 8:46 a.m.]

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1019) has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities rice straw at 0.5 part per million and rice at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a procedure in which the residues are extracted, oxidized to the oxygen analog sulfone, and determined by a gas chromatographic technique using a phosphorous-sensitive detector.

Dated: September 30, 1970.

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

[F.R. Doc. 70-13615; Filed, Oct. 9, 1970; 8:46 a.m.]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1026) has been filed by the E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing an exemption (21 CFR Part 120, Subpart D) from the requirement of a tolerance for residues of dimethylformamide when used as an inert solvent or cosolvent with other permitted solvents in pesticide formulations applied to growing crops.

The analytical method proposed in the petition for determining residues of the solvent is a colorimetric procedure in which the residues are hydrolyzed to dimethylamine and the absorbance determined at 430 mμ.

Dated: September 29, 1970.

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

[F.R. Doc. 70-13616; Filed, Oct. 9, 1970; 8:46 a.m.]

MERCK SHARP AND DOHME

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1031) has been filed by Merck Sharp and Dohme, Division of Merck and Co., Inc., Rahway, N.J. 07065, proposing the establishment of tolerances (21 CFR Part 120) for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on the raw agricultural commodities: apples, crabapples, pears, and quinces from postharvest application at 11 parts per million.

The analytical method proposed in the petition for determining the residues of the fungicide is a technique in which the thiabendazole is extracted using ethyl acetate. The ethyl acetate extract is purified by a series of extraction procedures and the thiabendazole is measured spectrophotofluorometrically.

Dated: September 30, 1970.

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

[F.R. Doc. 70-13617; Filed, Oct. 9, 1970; 8:46 a.m.]

[DESI 9698; Docket No. FDC-D-227; NDA 9-698 etc.]

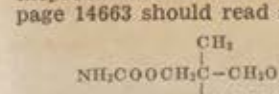
MEPROBAMATE

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 70-12484 appearing at page 14663 in the issue for Saturday, September 19, 1970, the formula for

meprobamate in the third column on page 14663 should read as follows:



Office of Education

FINANCIAL ASSISTANCE FOR STRENGTHENING EDUCATION IN ACADEMIC SUBJECTS IN PUBLIC SCHOOLS

Allotment Ratios

Allotment ratios under Title III–A, National Defense Education Act of 1958, for financial assistance for strengthening education in academic subjects in public schools.

Pursuant to section 302(a)(2) of the National Defense Education Act of 1958 (20 U.S.C. 442), the following allotment ratios for the several States of the Union and the District of Columbia, as computed on the basis of the income per child of school age in each of the States of the Union and the District of Columbia in relation to the whole of the United States for the calendar years 1966, 1967, and 1968, being the three most recent consecutive years for which satisfactory data were available as of August 31, 1970, from the Department of Commerce, are hereby promulgated for each of the 2 fiscal years in the period beginning July 1, 1971, and ending June 30, 1973.

Alabama	0.6667
Alaska	.4957
Arizona	.5963
Arkansas	.6576
California	.4053
Colorado	.5335
Connecticut	.3463
Delaware	.4588
Florida	.5206
Georgia	.6109
Hawaii	.5282
Idaho	.6333
Illinois	.4010
Indiana	.5076
Iowa	.5123
Kansas	.5242
Kentucky	.6209
Louisiana	.6497
Maine	.5838
Maryland	.4661
Massachusetts	.4057
Michigan	.4925
Minnesota	.5408
Mississippi	.6667
Missouri	.5078
Montana	.5968
Nebraska	.5223
Nevada	.4209
New Hampshire	.5105
New Jersey	.3848
New Mexico	.6667
New York	.3416
North Carolina	.6228
North Dakota	.6303
Ohio	.5031
Oklahoma	.5633
Oregon	.5033
Pennsylvania	.4719
Rhode Island	.4311
South Carolina	.6667
South Dakota	.6150
Tennessee	.6197
Texas	.5846
Utah	.6481
Vermont	.5581
Virginia	.5575
Washington	.4624
West Virginia	.6319
Wisconsin	.5231
Wyoming	.5704
District of Columbia	.3333

Dated: September 29, 1970.

T. H. BELL,
Acting Commissioner of Education.

[F.R. Doc. 70-13664; Filed, Oct. 9, 1970; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DEPUTY AREA ADMINISTRATOR ET AL., COMMONWEALTH AREA OFFICE (PUERTO RICO)

Designation

Each of the following listed persons is designated to act in the position shown opposite his name in the Commonwealth Area Office (Puerto Rico) during the present vacancy in such position, and while so acting shall have all the powers, functions, and duties redelegated or assigned to that position:

1. Deputy Area Administrator: Robert Miller.
2. Director, Production Division: Felipe Gorbea-Fernandez.
3. Deputy Director, Production Division: Noel Pietri-Rodriguez.
4. Program Manager (San Juan Metropolitan Area and Virgin Islands): Alonzo G. Moron.
5. Assistant Program Manager (San Juan Metropolitan Area and Virgin Islands): Francisco Martin-Alvarez.
6. Program Manager (remainder of Puerto Rico): Antonio Diez de Andino.
7. Director, Housing Services and Property Management Division: Jesus Reyes-Bascaran.

(Assistant Secretary for Administration's redelegation to Regional Administrators effective May 4, 1969.)

Effective date. This designation shall be effective as of September 30, 1970.

S. WILLIAM GREEN,
Regional Administrator, Region II (New York).

[F.R. Doc. 70-13675; Filed, Oct. 9, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA FACILITIES AND SERVICES FOR PRIVATELY OWNED, PUBLIC USE AIRPORTS

Notice of Invitation for Comments on Study

This notice is in further implementation of the Department of Transportation's policy of regular consultation with aviation users, the aviation industry, State and local governments, other government agencies, and the general public concerning the future planning of the national aviation system.

Current FAA policy specifically excludes the establishment of FAA facilities and services at privately owned airports. At the Annual Planning Review Conference held in April 1970, the FAA announced that its policy concerning facilities and services at privately owned, public use airports would be reexamined. The results of this study, conducted by the Technical Analysis Division of the National Bureau of Standards under contract to the FAA, are presented herewith. This study is not a notice of proposed rule making or other rule making action nor is it, as yet, a change in current policy.

Interested persons are invited to submit such written data and comments as they may desire. Comments should be submitted to:

Director, Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590.

on or before October 31, 1970. All comments submitted will be available for inspection in Room 935, Federal Office Building 10A, 800 Independence Avenue SW., Washington, D.C.

Depending upon the nature of the comments received an FAA/public meeting may be scheduled for November 1970 to discuss a change in policy. After analysis of the public comments, should a change be deemed desirable, a revised policy will be introduced at the 1971 Planning Review Conference.

Issued in Washington, D.C., on October 6, 1970.

BENJAMIN F. L. DARDEN,
Director, Office of Aviation Policy and Plans, Federal Aviation Administration.

FEDERAL FACILITIES AND SERVICES AT NON-PUBLIC AIRPORTS

EXECUTIVE SUMMARY

This study, conducted by the Technical Analysis Division of the National Bureau of Standards, addresses the question of whether to apply the FAA's establishment criteria for facilities and services to privately owned airports.

In considering this question, it is important to recognize that the kind of privately owned airports that would qualify for FAA facilities and services is a public use facility that performs the same functions and has an operational environment similar in every respect to comparable publicly owned airports.

The report examines the logic and compatibility of the FAA's present policy on privately owned airports with respect to the agency's overall mission responsibility and its policies in other comparable areas. It concludes that FAA treatment of privately owned public use airports in the same manner as publicly owned airports would provide more uniform operational safety levels and would also assure more equitable financial burdens on operators and users of privately owned public use airports.

The users of the kind of airports that would qualify for FAA facilities and services are now contributing sufficient Federal fuel and user taxes, levied under the Airport and Airway Development Act of 1970, to support the cost of the added facilities and services.

FEDERAL FACILITIES AND SERVICES AT NON-PUBLIC AIRPORTS

1. *Problem.* FAA policy, as expressed in Airway Planning Standard No. 1 (APS No. 1), specifically excludes the establishment of FAA facilities and services at privately owned airports. The purpose of this study is to examine the effects of present FAA policy as it applies in this area.

2. *Background.* a. FAA policy with respect to the establishment of Federal facilities and services on privately owned airports has been reviewed on previous occasions. These reviews for various reasons have not resulted in any change of policy. The policy has been waived in a few instances, notably at Addison (Dallas), Tex.; Burbank, Calif.; and Pal-Waukee (Chicago), Ill. FAA air traffic control towers have been established and are operating at each of these three privately owned, public use airports. In each case, FAA policy was waived on the basis of safety considerations caused by traffic density at the airport or because of its proximity to other high density airports.

b. The previous history of this problem reveals two dominant reasons for support of the FAA's policy with respect to privately owned airports. They are as follows:

(1) The establishment, operation and maintenance of FAA facilities and services would in effect constitute a direct government subsidy of private enterprise and would not be in the public interest, and

(2) The investment of substantial FAA funds in facilities and services on privately owned airports is a high risk venture since there is no assurance that the airport will continue to operate long enough to permit amortization of the investment.

c. Assuming, at least for the moment, that the two reasons cited above are valid, there still remains the question whether the FAA's policy is discriminatory and not consistent with its mission of assuring safety and promoting air commerce and civil aeronautics.

d. This problem was addressed at the FAA Planning Review Conference in April 1970 when the FAA agreed to reexamine its policy and present its findings to industry and user groups in October of 1970.

3. *Facts bearing on the problem.* a. The FAA's mission includes a safety responsibility for all civil aircraft operations.

b. The federal taxes provided for under the Airport and Airway Development Act of 1970 are levied against all domestic, civil aircraft users and owners.

c. The present policy could result in more hazardous and less efficient operating environments at certain privately owned airports than at comparable publicly owned airports.

d. The lack of a sufficient number of airports is one of the most significant limiting factors to the forecast growth in aviation activity, therefore, all public use airports in being should be considered as valuable national resources.

e. A privately owned, public use airport like a publicly owned airport, is an economic factor in its community and performs the same functions. However, unlike a publicly owned airport, the cost of a privately owned airport is borne entirely by its direct users without support from the general public.

f. In many communities and areas of the country, the only link to the nation's air transportation system is an airport operated by private enterprise.

4. *Discussion.* a. In order to put the problem in its proper perspective, it is first necessary to identify the type of airport involved. If the present FAA establishment criteria were extended to include privately owned airports, the type of airport that qualifies would typically be a high activity, public use, general aviation airport with 100 to 150 based aircraft. The type of operations would be air taxi, charter, business, personal, and instructional. Complete facilities for engine, airframe, and electronic equipment maintenance would be available. It would be a sales outlet for new and used aircraft, electronic equipment, fuel and oil, and aircraft and engine parts and accessories. It would have a positive impact on its community as an employer and as a generator of revenue that flows into the community's economy. In summary, it would offer all of the services to the general public and the aviation users, and would have all of the physical and operational environment characteristics of a comparable publicly owned general aviation airport that qualifies for federal facilities and services. The major difference is that it is self-supporting and pays taxes to its community rather than being a tax burden on the community.

b. No attempt was made during this study effort to determine the exact number of privately owned, public use airports in the category under consideration. However, a recently completed FAA computer tabulation indicates that there are 41 privately owned, public use airports which either serve certificated air carriers or have 20,000 or more annual itinerant operations or both. It is estimated that 12 of these airports could qualify under the suggested FAA policy change within the next 10 years. The aforementioned private airport numbers include the three which presently have installed FAA facilities and services. Therefore, the impact of a change in policy on the facilities installation budget is a lesser consideration than the logic or soundness of the policy with respect to those airports. The balance of this paper will examine that logic.

c. FAA policy with respect to publicly owned general aviation airports recognizes their benefits to the general public, the aviation community, and the Nation's economy by providing necessary facilities, services, and improvement projects for qualifying airports. The airports qualify on the basis of aeronautical needs and operational safety considerations that protect the direct users of the airport as well as the general public surrounding the airport. Since the FAA has responsibility for the safe and expeditious movement of aircraft in all airspace, it then appears that the present policy may permit a lower level of safety and efficiency to exist in the airspace over and surrounding privately owned airports than it does in that airspace over and surrounding comparable publicly owned airports. Thus, the community and direct users served by a privately owned airport are not sharing in the Federal benefits and responsibility enjoyed by those served by public airports merely because of the accident of the ownership of the airport available to them. Public education in aviation matters has not advanced to the degree that the average individual and even a substantial percentage of the aviation community are aware of this condition.

d. The Airport and Airway Development Act of 1970, which became effective July 1, 1970, levies increased Federal taxes on fuel consumed by general aviation and a new, annual, Federal use tax on all civil aircraft used in domestic commercial and noncommercial operations. Projected revenue to be generated under this Act by a privately owned airport typical of the type under consideration is of interest. Addison Airport in Dallas, Texas, has prepared an estimate of the annual tax revenue that will be paid by its users (see Appendix A) which amounts to about $184,000 per year. For comparison, the estimated annual operating costs of typical FAA facilities and services are:

Type of facility:	*Annual operating cost*
Air traffic control tower	$158,790
ILS/MALS/RAIL	48,840
Localizer plus fan marker	14,000

As mentioned above, Addison is one of three privately owned airports that has an FAA air traffic control tower, but the example indicates that the type of airport under discussion will be paying its fair share of airport and airway improvements without hope, under the present policy, of realizing any benefits.

e. The Federal Air Regulations (FAR) which specify minimum standards for aircraft and airmen and define the operational procedures and regulations apply appropriately to all categories of civil aircraft, airmen and the manner in which the aircraft are used, operated and maintained. Even the individual who builds an airplane in his basement and operates it from his backyard must comply with relevant portions of the FAR, mostly because of the Federal Government's recognized responsibility to assure the safety of the general public from harm that would likely result from a completely unregulated situation.

f. From the above discussion, it is clear that the FAA acknowledges a public benefit and recognizes a Federal responsibility to the users and general public served by the type airport under consideration. It is also evident that FAA policies, regulations, and requirements are uniform for the aircraft, airmen, and general public that use those airports. It then becomes obvious that the present FAA policy with respect to privately owned airports represents a significant variance from the norm. Two dominant reasons for that variance were cited in paragraph 2b, above; these are discussed below.

g. Our Nation's great strength and wealth is largely the result of free competition and private enterprise. The Government encourages private enterprise and takes an active role only in those areas where it is in the public interest or where private industry requires Federal support to attain a national objective. The aviation industry, like most other industries, emerged from the efforts of individual initiative and private enterprise. Government interest, both Federal and local was slow to develop. The Federal interest in civil aircraft operations started with the establishment of the Bureau of Air Commerce under the Department of Commerce in the 1920's. Local government interest did not appear in any degree until the late 1920's and early 1930's when it started to become apparent that the airplane could fill a role in commerce. During that period, all civil aircraft operations were supported entirely by private enterprise. As a result, there were few public airports and even today approximately two-thirds of the Nation's 10,000 airports are privately owned. When the airplane was developed to a potentially significant element in the Nation's transportation system, local communities began building airports. At about the same time the Federal Government decided that if air transportation was to become a safe and practical means of travel, it would be in the public interest to develop a federally supported and operated common air traffic control and navigation system. Thus, the entire system was originally established to support private enterprise and continues to do so. To address the question at a level more directly related to the present problem, consider the case of two fixed-base operators, one on a publicly owned airport the second on a privately owned, public-use airport. Both are private enterprises, offering similar services to their respective communities. The first operator,

because there happened to be a public airport available on which to establish his business, is able to reap the advantages of Federally provided facilities and services as the volume of traffic increases, even though he might be the sole operator on the airport. The second operator, because there was no public airport available when he established his business, owns the land on which he operates, pays taxes on it to the community he serves, but regardless of how the air traffic activity expands, does not qualify for the same facilities and services that the Government provides for his counterpart on the public airport. Therefore, present FAA policy with respect to the type of airports under discussion can, and does, enhance the position of selected private enterprise. The benefit of Federal facilities and services to the general public, is a more valid consideration than subsidy of private enterprise. Viewing the present policy from the general public's standpoint, it becomes obvious that a segment of the taxpaying public is not obtaining the benefits which the Government considers necessary and supports at public airports.

h. The second reason cited above concerning high risk of Government funds, is less complex than the one just discussed. The reasoning assumes that privately owned airports are less stable than public airports and are more vulnerable to closing when the land becomes too valuable for use as an airport. This does happen and will continue to happen, but it usually occurs at relatively low activity airports that are of marginal benefit to their communities. The type of privately owned, public use airport that could qualify for FAA facilities and services under existing establishment criteria usually has a long history of operation and a positive impact on its community. The ability to qualify for FAA facilities, services and improvement projects would further enhance its stature in the community and would contribute additional strength to its role as an airport. In today's economic environment, a privately owned airport that achieves an activity level that would qualify it for FAA facilities and services under existing establishment criteria is a relatively substantial business. It required at least a reasonably good management and financial structure to attain its present position. Satisfactory contractual agreements including other standard right of ways and covenants similar to those applicable at publicly owned airports could be negotiated between the Government and the private airport owners to eliminate the element of risk of Government funds that might be invested in that type of private airport. This approach was used successfully when the FAA air traffic control tower was established at Pal-Waukee.

5. *Conclusions.* a. Privately owned, public use airports with activity levels that would qualify for FAA facilities and services, under existing criteria have operating environments and perform services for the general public and their aviation users that are comparable to counterpart publicly owned general aviation airports.

b. Current FAA policy tends to create a double standard of safety within the operational environment of comparable publicly and privately owned, public use airports.

c. Qualifying privately owned, public use airports and their users will annually contribute sufficient Federal tax revenue under the Airport and Airway Development Act of 1970 to support the establishment and operation of required Federal facilities and services.

d. These airports are performing a necessary function in the Nation's air transportation system without imposing a tax burden on the general public for their support.

e. The investment of Federal funds for facilities and services on these airports does not constitute a subsidy of private enterprise but rather is a recognition and extension of the Government's responsibility for safety to all of the general public.

f. These airports are an element of the Nation's tradition of private enterprise and free competition and should be encouraged and provided with reasonable support in the public interest.

APPENDIX A

ESTIMATED FEDERAL TAX REVENUE UNDER AIRPORT & AIRWAY DEVELOPMENT ACT FROM ADDISON AIRPORT INC.
FISCAL 1971

(Annual user's tax)

Number of aircraft	Type and weight of aircraft	Estimated tax revenue dollars
82	Single Engine; average weight @3366 lbs. = 276,012 lbs	5,520.24
115	Light twin; average weight @ 4750 lbs. = 546,250 lbs	10,925.00
75	Medium twin; average weight @ 6341 lbs. = 475,575 lbs	9,511.50
23	Light Heavy twin; average weight @ 7900 lbs. = 181,700 lbs	3,634.00
12	Heavy Twin:	
	9 DC-3's @ 26,900 lbs. = 242,100 lbs	4,842.00
	3 Lodestars @ 19,000 lbs. = 57,000 lbs	1,140.00
4	Turboprop; 4 Gulf Streams @ 36,000 lbs. = 144,000 lbs	5,040.00
6	Jets 4 Lear Model 24 @ 13,500 lbs. = 54,000 lbs	1,890.00
	1 Lear Model 25 @ 15,000 lbs. = 15,000 lbs	525.00
	1 Falcon @ 26,455 lbs. = 26,455 lbs	925.23
	Total user tax revenue	43,953.67
	Federal fuel tax; 2,000,000 Gallons @ 7 cents	140,000.00
	Total tax revenue from Addison Airport, Inc	183,953.67

[F.R. Doc. 70-13689; Filed, Oct. 9, 1970; 8:51 a.m.]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

OCTOBER 6, 1970.

Pursuant to Docket No. HM-1, Rule-Making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277), 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during September 1970:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6292	Shippers upon specific registration with this Board, for the shipment of Type B quantities of radioactive materials, n.o.s. in the UKAEA Design No. 1399A or B packaging.	Cargo-only aircraft and Highway.
6294	Shippers upon specific registration with this Board, for the shipment of fissile radioactive material, n.o.s., in the UNC Model No. 2901.	Water, Passenger-carrying aircraft, Cargo-only aircraft, Highway, and Rail.
6300	Shippers upon specific registration with this Board, for the shipment of fissile and large quantities of radioactive materials, n.o.s., or special form, in the UNC Model 1352 packaging.	Water, Passenger-carrying aircraft, Cargo-only aircraft, Highway and Rail.
6312	Shippers upon specific registration with this Board, for the shipment of paints and related materials in 575-gallon capacity aluminum portable tank.	Highway.
6318	Carriers for the temporary emergency transportation of liquid caustic soda in DOT Specifications MC-304 and MC-307 cargo tanks.	Highway.
6319	Mallinckrodt Chemical Works for limited shipment of sodium bromate in drums complying with DOT Specification 37A, except for marking.	Highway and Rail.
6320	Sandia Laboratories for one shipment of a Strypi rocket payload containing barium.	Highway.
6322	Shippers upon specific registration with this Board, for the shipment of paints and related materials in a 311-gallon capacity portable steel tank.	Highway.
6323	Shippers upon specific registration with this Board, for the shipment of large quantities of radioactive materials, n.o.s., in the Savannah River Americium-Curium Slug Cask.	Highway.
6326	Shippers upon specific registration with this Board, for the shipment of large quantities of fissile radioactive materials, special form, in the SNAP-19 (RTG), Radioisotope Thermoelectric Generator Shipping Container or the SNAP-19 (RTG) Fuel Capsule Shipping Container.	Highway.

C. B. SMITH,
Acting Chairman,
Hazardous Materials Regulations Board.

[F.R. Doc. 70-13645; Filed, Oct. 9, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 18608, 22496]

ALITALIA-LINEE AEREE ITALIANE-S.p.A.

Notice of Hearing Regarding Foreign Air Carrier Permits

Alitalia-Linee Aeree Italiane-S.p.A. renewal of foreign air carrier permit, Docket 18608; amendment of foreign air carrier permit, Docket 22496.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is hereby assigned for hearing on November 9, 1970, at 10 a.m., in Room 503, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Ralph L. Wiser.

Dated at Washington, D.C., October 6, 1970.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 70-13687; Filed, Oct. 9, 1970; 8:50 a.m.]

[Docket No. 22497]

KINTETSU WORLD EXPRESS, INC.

Notice of Prehearing Conference

Kinki Nippon Tourist Co., doing business as Kintetsu World Express, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 21, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William H. Dapper.

Dated at Washington, D.C., October 6, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-13688; Filed, Oct. 9, 1970; 8:51 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant Commissioner, Resources Planning.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-13634; Filed, Oct. 9, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Water Quality and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-13635; Filed, Oct. 9, 1970; 8:48 a.m.]

FEDERAL TRADE COMMISSION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Consumer Protection.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-13636; Filed, Oct. 9, 1970; 8:48 a.m.]

FEDERAL TRADE COMMISSION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director, Bureau of Deceptive Practices.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-13637; Filed, Oct. 9, 1970; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 74]

FIDELITY FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Monarch Savings and Loan Association

OCTOBER 7, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fidelity Financial Corp., Oakland, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Monarch Savings and Loan Association, Los Angeles, 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 of the stock of Monarch Savings and Loan Association by Fidelity Financial Corp. 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] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal Home Loan Bank Board.

[F.R. Doc. 70-13652; Filed, Oct. 9, 1970; 8:49 a.m.]

[H. C. No. 72]

GENERAL OHIO S&L CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Tuscarawas Savings and Loan Co.

OCTOBER 7, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the General Ohio S&L Corp., Findlay, Ohio, a savings and loan holding company, for approval of acquisition of control of the Tuscarawas Savings and Loan Co., New Philadelphia, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of stock of the Tuscarawas Savings and Loan Co. for cash and stock of General Ohio S&L Corp. Comments on the proposed acquistion 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] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal Home Loan Bank Board.

[F.R. Doc. 70-13651; Filed, Oct. 9, 1970; 8:49 a.m.]

[H.C. No. 73]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Approval of Acquisition of Control of Silverado Savings and Loan Association

OCTOBER 7, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application

from the Gibraltar Financial Corp., Beverly Hills, Calif., for approval of acquisition of control of the Silverado Savings and Loan Association, Napa, 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 an exchange of stock of Gibraltar Financial Corp. for stock of Silverado 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] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 70-13653; Filed, Oct. 9, 1970; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN CEYLON

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 6, 1970.

On August 3, 1970, the U.S. Government requested the Government of Ceylon to enter into consultations concerning exports to the United States of cotton textile products in Category 60 produced or manufactured in Ceylon. In that request the U.S. Government indicated the specific level at which it considered that exports in this category from Ceylon should be restrained for the 12-month period beginning August 3, 1970, and extending through August 2, 1971. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing restraint at the level indicated in that request for the 12-month period beginning August 3, 1970, and extending through August 2, 1971. This restraint does not apply to cotton textile products in Category 60 produced or manufactured in Ceylon and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of October 3, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 60, produced or manufactured in Ceylon, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 3, 1970, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

OCTOBER 3, 1970.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 3, 1970, and extending through August 2, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 60, produced or manufactured in Ceylon, in excess of a level of restraint for the period of 18,433 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 60, produced or manufactured in Ceylon and which have been exported to the United States from Ceylon prior to August 3, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 60, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Ceylon and with respect to imports of cotton textile products from Ceylon have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such action, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-13710; Filed, Oct. 9, 1970; 8:51 a.m.]

[1] This level has not been adjusted to reflect any entries made on or after Aug. 3, 1970.

FEDERAL POWER COMMISSION

[Docket No. RI71-316 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 5, 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]

[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.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice, and procedure (18 CFR 1.8 and 1.37(f)) on or before November 23, 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.
RI71-316	Sun Oil Co.	482	1	Transcontinental Gas Pipeline Co. (Ship Shoal Blk. 230 Field, Offshore Louisiana (Federal)).	$14,940	9- 4-70	10- 5-70	[2] 10- 6-70	[1] 18.5	[13] 20.0	
RI71-317	Aquitaine Oil Corp.	4	1	do.	4,410	9- 8-70	10- 9-70	[3] 10-10-70	[3] 18.5	[13] 20.0	
RI71-318	Cabot Corp.	98	1	do.	8,160	9- 9-70	10-10-70	[3] 10-11-70	[1] 18.5	[13] 20.0	
		99	1	Transcontinental Gas Pipeline Co. (Ship Shoal Blk. 230 Field, Offshore Louisiana (Federal)).	9,000	9- 9-70	10-10-70	[3] 10-11-70	[1] 18.5	[1] 20.0	
RI71-319	Donald S. Garvin, et al., d.b.a. Garvin & Summers.	[4] 1	[4] 1	Equitable Gas Co. (Otter & Salt Lick Districts, Braxton County, W. Va.).	180	9- 8-70	10- 9-70	[7] 10-10-70	[6] [14] 27.1038	[4] 28.0	
RI71-320	Aztec Oil & Gas Co.	4	[4] 35	El Paso Natural Gas (Aztec Pictured Cliffs & Fruitland Formation, Undesignated Fields; San Juan County, N. Mex.-San Juan Basin).	28	9-10-70	10-11-70	[12] 10-12-70	13.0	13.0551	
RI71-321	Syndex, Inc.	[4] 2	[11] [12] 2	Equitable Gas Co., Troy District, Gilmen County, W. Va.).	156	9- 8-70	10- 9-70	10-10-70	[4] [14] 27.1038	[4] 28.0	
RI70-1710	Dalco Oil Co.	[15]	.....	El Paso Natural Gas Co. (Gomaz Field, Pecos County, Tex., RR.	2,988	9- 2-70	10- 3-70	[17] Accepted	[16] 16.5	[16] 16.7846	
		[15]	.....	District No. 8, Permian.	10,682	9- 2-70	11-18-70	11-18-70	[16] 16.7846	[16] [13] 17.8019	

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Subject to quality adjustments.
[2] Pursuant to paragraph (A) of Opinion No. 546-A.
[3] Or 1 day from date of initial delivery, whichever is later.
[4] Includes letter agreement from purchaser agreeing to the increase in rate for gas from new wells on currently dedicated acreage and for gas from old wells drilled deeper and/or hydrafractured.
[5] Contract dated after Sept. 28, 1970, date of statement of general policy No. 61-1.
[6] Converted from contract rate of 27 cents per Mcf at 62° F. to 60° F.
[7] Or 1 day from date of initial delivery from new wells on currently dedicated acreage and old wells drilled deeper and/or hydrafractured.
[8] Pressure base is 15.325 p.s.i.a.
[9] Applicable only to acreage added by Supplements Nos. 32 and 34.
[10] Or 1 day from date of initial delivery, whichever is later.
[11] Converted from contract rate of 27 cents per Mcf at 62° F. to 60° F.
[12] Includes letter from buyer providing for increase for gas from new wells on currently dedicated acreage and for gas from old wells drilled deeper and/or hydrafractured.
[13] Not applicable to acreage added by Supplement No. 1.
[14] Or 1 day from date of initial delivery following completion of new drilling and/or hydrafracturing, whichever is later.
[15] No rate schedule on file. Sale covered under small producer certificate in CS66-96. Pertains to contract dated Mar. 31, 1964.
[16] Corrects the tax reimbursement portion of the rate change filed May 18, 1970, and suspended until Nov. 18, 1970, in Docket No. RI70-1710. Prior rate change was from 16.5 cents to 17.5656 cents.
[17] Accepted, subject to refund in Docket No. RI70-1710.
[18] Suspended for same period proposed 17.5656 cents per Mcf rate was suspended in Docket No. RI70-1710.
[19] Pressure base is 14.65 p.s.i.a.

The proposed increase by Sun, Aquitaine, and Cabot involve sales of third vintage gas well gas from Offshore Louisiana which were filed pursuant to Opinion No. 546-A. Consistent with prior Commission action on similar increases, these proposed rates are suspended for 1 day from the expiration of the statutory notice period or 1 day from the date of initial delivery whichever is later. Thereafter, the proposed rates may be placed in effect, subject to refund, pending the outcome of Docket No. AR69-1.

The contracts relating to the proposed increases filed by Garvin and Syndex are dated after September 28, 1960, the date of issuance of the Commission's statement of policy No. 61-1 and the proposed rates do not exceed the applicable area initial rate ceiling. In these circumstances a 1 day suspension period is appropriate.

The increase proposed by Aztec relates to tax reimbursement for additional acreage dedicated to its contract from which deliveries of gas have not yet commenced. The proposed rate is suspended for 1 day.

Dalco has filed for an increased rate of 17.8019 to correct the tax reimbursement portion of a rate change filed on May 18, 1970, which was suspended in Docket No. RI70-1710 until November 18, 1970. The corrective filing is accepted for filing subject to the same suspension period provided in Docket No. RI70-1710 for the earlier filing. Dalco shall also be permitted to collect, subject to refund in Docket No. RI70-1710, tax reimbursement applied to the underlying effective rate of 16.5 cents per Mcf as of October 3, 1970.

[F.R. Doc. 70-13566; Filed, Oct. 9, 1970; 8:45 a.m.]

[Docket No. CP71-75]

ARKANSAS-MISSOURI POWER CO.

Notice of Application

OCTOBER 6, 1970.

Take notice that on September 25, 1970, Arkansas-Missouri Power Co. (applicant), 405 West Park Street, Blytheville, Ark. 72315, filed in Docket No. CP71-75 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks to construct 12⅒ miles of 6⅝-inch transmission line extending from the terminus of its existing transmission line at Arbyrd, Mo., to a point of interconnection with a second existing transmission line approximately 3 miles south of Leachville, Ark. Applicant further seeks to construct a 4½-inch transmission loop 10 miles in length, commencing at a point on its existing transmission line approximately 1⅒ miles south of Piggott, Ark., and extending to Rector, Ark.

Applicant states that its purpose in constructing these transmission lines is to improve its system and to assure adequate delivery pressure to its present customers located near the terminus of its existing transmission lines.

Applicant states that the total estimated cost of the proposed facilities is $320,400, to be financed from treasury funds and proceeds from unsecured short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13604; Filed, Oct. 9, 1970; 8:45 a.m.]

[Docket No. E-7560]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Rate Changes

OCTOBER 7, 1970.

Take notice that on September 18, 1970, Delmarva Power & Light Co., Delmarva Power & Light Company of Maryland, and Delmarva Power & Light Company of Virginia (collectively known as Delmarva System), tendered for filing proposed changes in existing electric tariffs and rate schedules, to become effective December 1, 1970, covering service to 12 municipal, three cooperative, and two public utility wholesale for resale customers. The proposed changes in rates would increase charges for applicable sales by approximately $897,000, or 11 percent, based upon billings for the 12-month period ended July 31, 1970. Delmarva System estimates that the revised rates would have produced 7.12 percent return, using 1969 as the test year.

Delmarva System states that the reason for the proposed rate increase is the substantial increase in the cost of all principal items necessary to produce and distribute electric power combined with the need to engage in a program of capital construction to meet the requirements of its customers and the ecological and environmental standards of society.

Copies of the filing have been served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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. 70-13659; Filed, Oct. 9, 1970; 8:49 a.m.]

[Docket No. CP71-71]

INDUSTRIAL GAS CORP.

Notice of Application

OCTOBER 6, 1970.

Take notice that on September 22, 1970, Industrial Gas Corp. (Applicant), Post Office Box 1473, Charleston, W. Va. 25325, filed in Docket No. CP71-71 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Consolidated Gas Supply Corp. (Consolidated) for a limited period expiring June 30, 1971, and the operation of the equipment necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to deliver locally produced gas to Consolidated at a rate of flow not to exceed 5,000 Mcf per day at two delivery points in Boone County near Danville, W. Va. The Applicant does not propose any new facilities. Consolidated has the necessary measuring facilities at both points of delivery.

Consolidated will pay Applicant 43 cents per Mcf for winter gas during the months of November 1970, through April 1971; and 37 cents per Mcf for summer gas during the months of May through June 1971, whereupon deliveries will terminate.

Applicant states that it has been advised by Consolidated that Consolidated has an existing gas-supply emergency on its system. Pursuant to § 2.68 of the Commission's general policy and interpretations, Applicant commenced deliveries to Consolidated on August 17, 1970. Here the Applicant seeks authorization to continue deliveries beyond the 60-day period provided by § 2.68, for a limited term.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13605; Filed, Oct. 9, 1970; 8:45 a.m.]

[Docket No. CP71-38]

McCULLOCH INTERSTATE GAS CORP.

Notice of Application; Correction

SEPTEMBER 10, 1970.

In the notice of application, issued September 2, 1970, and published in the FEDERAL REGISTER September 10, 1970 (35 F.R. 14283), line 6: Substitute "the 12-month period commencing October 1, 1970," in lieu of "calendar year 1970,".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13661; Filed, Oct. 9, 1970; 8:49 a.m.]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed Changes in FPC Gas Tariff

OCTOBER 7, 1970.

Take notice that on September 30, 1970, Midwestern Gas Transmission Co. (Midwestern) tendered for filing a revised tariff volume (Second Revised Tariff Volume No. 1) to be effective as of November 15, 1970. The proposed revised tariff would increase charges for jurisdictional sales and services on the Southern System by approximately $19,185,000 per annum based on operations for the 12-month period ended May 31, 1970, and on the Northern System, by approximately $2,600,000 per annum based on the same test period. The proposed changes would affect each rate schedule in the tariff.

Midwestern's tender consists of two alternative sets of revised tariff sheets. The first contains provisions relating to a separate and differing purchased gas adjustment clause; the second does not.

In other aspects the two sets are identical. Midwestern requests waiver of the provisions of the regulations under the Natural Gas Act to the extent necessary for purposes of accepting for filing proposed tariff sheets incorporating the proposed purchased gas adjustment clauses in its tariff. If such waiver is not granted, it requests consideration of the alternative sets.

In addition to the gas adjustment clauses, Midwestern proposes to institute a charge for late payment of bills and to exclude certain presently effective rate schedules.

Midwestern states that it proposes to resume the use of liberalized depreciation with normalization for accounting and rate purposes for all eligible property. Midwestern further states that it proposes to utilize a composite 4.25 percent book depreciation rate on gas transmission and certain other plant beginning with the effective date of the revised tariff volume in lieu of the present rate of 3.5 percent.

The principal reasons stated by Midwestern for tendering the filing are (1) increase in purchase gas cost; (2) return to normalization accounting for liberalized depreciation in determining Federal income tax; (3) the need for a 9.25 percent rate of return; (4) the use of 4.25 percent in lieu of 3.5 percent composite book depreciation rate; (5) the increase in property, payroll and State income taxes; and (6) the increases in costs of materials, supplies, wages, etc.

Any person desiring to be heard or to make any protest with reference to this filing should on or before October 23, 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 participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The motion is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-13660; Filed, Oct. 9, 1970; 8:49 a.m.]

[Docket No. RP71-12]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition for Permission To Use Liberalized Depreciation With Normalization for Accounting and Rate Purposes

OCTOBER 6, 1970.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on September 28, 1970, tendered for filing a petition requesting authorization to use liberalized depreciation with normalization for accounting and rate purposes on all utility property effective November 1, 1970.

Texas Eastern states that it has elected the normalized method of accounting for rate and tax purposes with respect to its post-1969 expansion property pursuant to the provisions of the Tax Reform Act and the Commission's Order No. 404. Texas Eastern further states that the Commission's rationale underlying the decision in Texas Gas Transmission Corp., Opinion No. 578 (June 3, 1970), is equally applicable to Texas Eastern and that the Commission should enter its order authorizing and permitting Texas Eastern to discontinue flow-through accounting on all utility property.

Texas Eastern's requests that any hearing held in connection with the petition be consolidated with Texas Eastern's pending rate increase proceeding in Docket No. RP70-29.

Copies of the petition were served on jurisdictional customers and interested state regulatory agencies. Any person desiring to be heard or make any protest with reference to said application should on or before October 19, 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 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. 70-13606; Filed, Oct. 9, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANK SECURITIES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Bank Securities, Inc., Alamogordo, N. Mex., for approval of acquisition of 62.5 percent or more of the voting shares of Security Bank, Ruidoso, N. Mex.

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 Bank Securities, Inc., Alamogordo, N. Mex. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 62.5 percent or more of the voting shares of Security Bank, Ruidoso, N. Mex. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of New Mexico, and requested his views and recommendation. The Commissioner indicated that he had no objection to the approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 7, 1970 (35 F.R. 12626), providing 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.

The Board has considered the application in the light of the factors set forth in section 3(c) of the proposed acquisition on competition, the financial and managerial resources of Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the smallest of three registered bank holding companies and the fourth largest banking organization in New Mexico, has five subsidiary banks with aggregate deposits of $71 million, representing 5.5 percent of the total commercial bank deposits in the State. (All banking data are as of Dec. 31, 1969, adjusted to reflect bank holding company formations and acquisitions approved by the Board, including the acquisition of American Bank of Commerce, Albuquerque, N. Mex., which is the subject of a separate order of today's date.) Upon acquisition of Bank ($1.3 million deposits), Applicant would remain the smallest bank holding company and the fourth largest banking organization in the State, controlling 5.6 percent of commercial bank deposits in New Mexico.

Bank is the smaller of two banks in the Ruidoso market area, which covers an area 40 by 50 miles in south-central Lincoln County in central New Mexico, and holds approximately 15 percent of that market's deposits. The closest office of any of Applicant's present subsidiaries is located 34 miles northwest of Bank, and none of such subsidiaries compete with Bank to a significant extent. It does not appear that present competition would be eliminated, or significant potential competition foreclosed, by consummation of the Applicant's proposal.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. Considerations relating to the financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. The services of Bank would be improved and expanded, as Bank would provide specialized loan services, and, through referral to other subsidiaries of Applicant, would make trust services and foreign exchange

services available to its customers; these considerations support approval of the application.

It is hereby ordered, For the reasons set forth above, 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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] October 6, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-13601; Filed, Oct. 9, 1970; 8:45 a.m.]

BANK SECURITIES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Bank Securities, Inc., Alamogordo, N. Mex., for approval of acquisition of 51 percent or more of the voting shares of American Bank of Commerce, Albuquerque, N. Mex.

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 Bank Securities, Inc., Alamogordo, N. Mex. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 51 percent or more of the voting shares of American Bank of Commerce, Albuquerque, N. Mex. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of New Mexico, and requested his views and recommendation. The Commissioner indicated that he had no objection to the approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 30, 1970 (35 F.R. 12239), providing 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.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the smallest of three registered bank holding companies and the fifth largest banking organization in New Mexico, has four subsidiary banks with aggregate deposits of $42 million, representing 3.2 percent of the total commercial bank deposits in the State. (All banking data are as of Dec. 31, 1969, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Bank ($29 million deposits), Applicant would remain the smallest bank holding company, but would become the fourth largest banking organization in the State, controlling 5.5 percent of commercial bank deposits in New Mexico.

Bank is the fourth largest of six banks in the Albuquerque market, which approximates Bernalillo County, and holds 6 percent of that market's deposits. Its three principal competitors are not only larger than Bank, but are larger than Applicant is or would become as a result of the proposal. Applicant's closest subsidiary is headquartered in Sandoval County, 85 miles from Albuquerque; although that bank has a branch office located 14 miles northwest of Albuquerque, neither it nor any other of Applicant's present subsidiaries compete with Bank to a significant extent. Nor does it appear likely that such competition would develop, because of the New Mexico law effectively limiting branching to the home office county of each bank and the distances between Applicant's present subsidiaries and Bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. Considerations relating to the financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Bank, drawing on Applicant's resources, would expand its services so as to compete more effectively with much larger competitors in its area; specialized loan services and trust services would be provided. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, 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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] October 6, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-13600; Filed, Oct. 9, 1970; 8:45 a.m.]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sherrill. Absent and not voting: Governors Mitchell and Maisel.

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of more than 80 percent of the voting shares of Commerce Bank of Bonne Terre, Bonne Terre, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, October 6, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-13602; Filed, Oct. 9, 1970; 8:45 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

AMIGO SMOKELESS COAL CO. AND PEABODY COAL CO.

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.[3]) have

been accepted for consideration as follows:

(1) ICP Docket No. 10274, Amigo Smokeless Coal Co., Wyco No. 2A Mine, USBM ID No. 46 01694 0, Wyco, Wyoming County, W. Va., section ID No. 002 (4 Left off 2 Right.).

(2) ICP Docket No. 10486, Peabody Coal Co., Sunnyhill Underground Mine No. 9 North, USBM ID No. 33 01069, St. Louis, St. Louis County, Mo., Section ID No. 001 (S.E. Main.).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 5, 1970.

[F.R. Doc. 70-13618; Filed, Oct. 9, 1970; 8:46 a.m.]

WESTMORELAND COAL CO. ET AL.

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) have been accepted for consideration as follows:

(1) ICP Docket No. 10035, Westmoreland Coal Co., Hampton No. 3 Mine, USBM ID No. 46 01283 0, Clothier, Boone County, W. Va., Section ID No. 003 (2 East). Section ID No. 006 (2 East Mains).

(2) ICP Docket No. 10082, Old Gauley Coal Co., Lick Fork No. 1, USBM ID No. 46 00309 0, Ansted, Fayette County, W. Va., Section ID No. 001 (First Right Section).

(3) ICP Docket No. 10327, Eastern Associated Coal Corp., Federal No. 1, USBM ID No. 46 01429 0, Grant Town, Marion, W. Va., Section ID No. 001 (6 Butt Mains). Section ID No. 002 (1 North—4 West). Section ID No. 009 (5 West 5 North).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 7, 1970.

[F.R. Doc. 70-13656; Filed, Oct. 9, 1970; 8:49 a.m.]

WILLIE DOTSON COAL CO. ET AL.

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.³) have been accepted for consideration as follows:

(1) ICP Docket No. 10403, Willie Dotson Coal Co., Mine No. 17, USBM ID No. 44 01640 0, Hurley, Buchanan County, Va., Section ID No. 001 (No. 1 Left).

(2) ICP Docket No. 10743, Drexel Coal Co., USBM ID No. 46 0167 0, Baisden, Mingo County, W. Va., Section ID No. 001 (1st. Lt. Off Mains).

(3) ICP Docket No. 10740, Ferrell Camp Coal Corp.—Mine No. 1, USBM ID No. 46 01667 0, Isaban, Mingo County, W. Va., Section ID No. 001 (1-2-3 Main).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 7, 1970.

[F.R. Doc. 70-13655; Filed, Oct. 9, 1970; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

SAN ANTONIO CAPITAL CORP.

Notice of Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that San Antonio Capital Corp. (San Antonio) has, pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company (SBIC).

San Antonio was incorporated on April 26, 1961, under the laws of the State of Texas to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license No. 10-0051 by the Small Business Administration on May 23, 1961.

Under the authority vested by the Act, and the regulations promulgated thereunder, the surrender of the license of San Antonio is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

A. H. SINGER,
Associate Administrator
for Investment.

SEPTEMBER 21, 1970.

[F.R. Doc. 70-13665; Filed, Oct. 9, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 164]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 5, 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 2392 (Sub-No. 79 TA), filed September 30, 1970. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer material*, in bulk and in bags, from Fairbury, Nebr.,

to points in Iowa, Kansas, and Missouri, for 180 days. Supporting shipper: Cominco American, Route 1, Box 186, Beatrice, Nebr. 68310. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Building, 106 South 15th Street, Omaha, Nebr. 68102.

No. MC 107496 (Sub-No. 789 TA), filed September 30, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry mink feed*, in bulk, in tank vehicles, from the plantsite of Kellogg Co., Battle Creek, Mich., to Hawkeye Fur Feed Coop, Jewell, Iowa, for 60 days. Supporting shipper: Kellogg Co., Battle Creek, Mich. 49061. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 790 TA), filed September 30, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in stainless steel tank vehicles, from the plantsite of St. Paul Ammonia Products, Pine Bend, Minn., to Hercules Pluto Works, Ishpeming, Mich., for 60 days. Supporting shipper: St. Paul Ammonia Products Inc., Post Office Box 418, South St. Paul, Minn. 55075. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 710 TA), filed September 30, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products* in vehicles equipped with mechanical refrigeration, from Scottsbluff, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, for 150 days. Supporting shipper: George A. Hormel and Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 711 TA), filed September 30, 1970. Applicant: REFRIGERATED TRANSPORT CO. INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* in vehicles equipped with mechanical refrigeration, from Norwalk, Ohio, to Atlanta, Ga. for 120 days. Supporting shipper: Fanny Farmer Candy Shops, Inc., 84 Sidney Street, Cambridge, Mass. 02139. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111397 (Sub-No. 91 TA), filed September 28, 1970. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: Bert Jody, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium hexafluoride* in radioactive material containers, in specialized trailers, between port of entry on the United States-Canadian border line at Detroit, Mich., and the Atomic Energy Commission plantsites at Oak Ridge, Tenn., at or near Sargents, Ohio, and at McCracken County, Ky., for 180 days. Supporting shipper: Eldorado Nuclear Ltd., 151 Slater Street, Ottawa 4, Ontario, Canada (Mr. R. C. Powell, Secretary). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 116014 (Sub-No. 52 TA), filed September 30, 1970. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Lexington Road, Winchester, Ky. 40391. Applicant's representative: Lewis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies used in the installation thereof* (except commodities in bulk), from the plantsites and warehouse facilities of Evans Products Co., at or near Doswell, Hanover County, Va., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin for 180 days. Supporting shipper: Allen K. Penttila, Director of Traffic and Transportation, Evans Products Co., 2200 East Devon Avenue, Des Plaines, Ill. 60018. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 111729 (Sub-No. 301 TA), filed September 29, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith;* (a) between New York, N.Y., and Macungie, Pa.; (b) between Columbus, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Tennessee, and West Virginia; (2) *business papers, records, and audit and accounting media, and metallurgical samples moving therewith*, between South Hackensack, N.J., and Milford, Conn.; (3) *electronic components, sound track units, and parts*, tape recorders, small radio units and parts, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any day, between Columbus, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Tennessee, and West Virginia; (4) *aircraft seat; Castings, Cloth forgings, glue, paint, parts, tools, tubing, finished and plastic sheets*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one cosignor to one consignee on any one day, between Long Island, West Nyack, and Yonkers, N.Y.; East Paterson, Englewood, and Garwood, N.J.; Cambridge and Springfield, Mass.; and Cranston, R.I.; (5) *small machine parts, such as gears, shafts, sheet metal dies, springs, pins, bushing, tool steel, and machine steel*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Toledo, Ohio, on the one hand, and, on the other, points in Macomb, Oakland, and Wayne Counties, Mich., and Lansing, Mich.; (6) *tissue specimens* of all kinds, between St. Louis, Mo., on the one hand, and, on the other, points in Bond, Cass, Clinton, Fayette, Franklin, Greene, Jackson, Jersey, Madison, Massac, Montgomery, Pike, Randolph, St. Clair, Union, Washington, and Williamson Counties, Ill.;

(7) *Photographic and art material*, consisting of photographs, transparencies, artwork, type specimens, and all necessary material for full color preparation, proofs for editing, and shipping invoices, between Hingham, Mass., and New York, N.Y.; and (8) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Chamblee, Ga., on the one hand and, on the other, points in North Carolina and South Carolina, for 180 days. Supporting shippers: Shell Oil Co., 52 West 52d Street, New York, N.Y. 10019; Hitchiner Manufacturing Co., Inc., Milford, N.H. 03055; Radio Shack, 2160 Refugee Road, Columbus, Ohio 43207; Aerotherm Division, Bantam, Conn. 06750; Right Tool & Die, Inc., 4922 Stickney Avenue, Toledo, Ohio; Clinical Laboratories, 100 North Euclid Avenue, St. Louis, Mo.; Spencer Press, Inc., 90 Industrial Park Road, Hingham, Mass. 02043; and Eastman Kodak Co., Rochester, N.Y.

14650. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126899 (Sub-39 TA), filed September 30, 1970. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: W. A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, from Detroit, Mich., to Owensboro, Ky., and *empty malt beverage containers*, from Owensboro, Ky., to Detroit, Mich., for 180 days. Supporting shipper: V. J. Steele, Distributor, 1222 East Fourth Street, Owensboro, Ky. 42301 (John K. Steele, Supervisor). Send protests to: Floyd K. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 127681 (Sub-No. 7 TA), filed September 30, 1970. Applicant: JOE JONES, JR., doing business as JOE JONES, TRUCKING CO., 3148 Bankhead Highway NW., Atlanta, Ga. 30318. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds and mopping equipment*, from St. Louis, Mo., to Los Angeles, Calif.; Denver, Colo.; Orlando and Cocoa Beach, Fla.; Atlanta, Ga.; Indianapolis, Ind.; Kansas City, Kans.; Great Falls, Mont.; Detroit and Grand Rapids, Mich.; Scottsbluff, Nebr.; Ithaca and Fultonville, N.Y.; Oklahoma City, Okla.; Cincinnati, Ohio; Nashville and Knoxville, Tenn.; Houston, Austin, Lubbock, and Dallas, Tex.; Seattle, Wash.; Salt Lake City, Utah; Old Greenwich, Conn.; and Chicago, Ill., for 150 days. Supporting shipper: Peck's Products Co., 610 East Clarence, St. Louis, Mo. 63147. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 128190 (Sub-No. 7 TA) (Correction) filed August 27, 1970, published FEDERAL REGISTER, issue of September 10, 1970, and republished as corrected, this issue. Applicant: FREMONT CONTRACT CARRIERS, INC., Post Office Box 765, 1106 Cuming, Fremont, Nebr. 68025. Applicant's representative: Earl H. Scudder, Post Office Box 2028, Lincoln, Nebr. 68501. NOTE: The purpose of this republication is to add the State of South Dakota as a destination State, which was inadvertently omitted from previous publication. The rest of the notice remains as previously published.

No. MC 133574 (Sub-No. 9 TA), filed September 30, 1970. Applicant: TERRILL TRUCKING COMPANY, 1016 Geneseo Street, Storm Lake, Iowa 50588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk); (1) from Sioux Falls, S. Dak., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee; and (2) from Estherville, Iowa, to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, and Arkansas, for 180 days. Supporting shippers: John Morrell & Co., Estherville, Iowa 51334; Spencer Foods, Inc., Spencer, Iowa. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 134882 (Sub 1 TA), filed September 30, 1970. Applicant: WINTLE DELIVERY & REFRIGERATED TRUCK SERVICE, INC., 43 East Lincoln Avenue, Columbus, Ohio 43214. Applicant's representative: Morton Y. Reeves, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix to the report in *Descriptions of Motor Carrier Certificate* 61 M.C.C. 209 and 766, except hides and commodities in bulk, between Columbus, Ohio, on the one hand, and, on the other, points in Ohio, for 180 days. Supporting shippers: (1) Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, Wis. 53701; (2) Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604; (3) The Rath Packing Co., Post Office Box 330, Waterloo, Iowa 50704; and (4) John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57103. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 134957 TA, filed September 30, 1970. Applicant: COASTAL TRANSPORT CO., INC., 3009 South Post Oak Road, Post Office Box 22592, Houston, Tex. 77027. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, materials, and supplies used in the manufacture, installation, or distribution thereof* (except commodities in bulk), from the plantsite of the United States Gypsum Co. at Galena Park, Tex., to points in Arkansas and Louisiana. NOTE: Applicant does not intend to tack with existing authority, for 180 days. Supporting shipper: United States Gypsum Co. (Forrest L. Davis, Transportation & Physical Distribution Manager, Southwest Area), 825 Exchange Bank Building, Dallas, Tex. 75235. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

By the Commission.

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

[F.R. Doc. 70-13667; Filed, Oct. 9, 1970; 8:49 a.m.]

[Notice 166]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 6, 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 2860 (Sub-No. 84 TA), filed October 1, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less in capacity, and *closures* therefor, from Marienville (Forest County), Pa., to Richmond, Va., for 180 days. Supporting shipper: Glass Containers Corp., 114 Penn Avenue, Knox, Pa. 16232. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 82063 (Sub-No. 30 TA), filed October 1, 1970. Applicant: KLIPSCH HAULING CO., 119 East Loughborough Avenue, St. Louis, Mo. 63111, Mail: 112 North Fourth Street, 63102. Applicant's representative: Ernest A. Brooks, II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrochloric acid*, in bulk, in tank vehicles, from Cadet, Mo., to points in Missouri and Illinois, for 180 days. Supporting shipper: Buckman Laboratories,

Inc., 1256 North McLean Street, Memphis, Tenn. 38108. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 98917 (Sub 2 TA), filed October 1, 1970. Applicant: BERENS EXPRESS, INC., 1550 24th Street, North Chicago, Ill. 60064. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Carroll, Whiteside, Henry, Knox, Jo Daviess, Stephenson, Ogle, Winnebago, Lee, Bureau, Putnam, Stark, Marshall, Peoria, Woodford, Livingston, Kankakee, Grundy, La Salle, Will, De Kalb, Kane, Cook, Du Page, Boone, McHenry, Kendall, Lake, and Rock Island Counties, Ill.; St. Joseph, Starke, La Porte, Porter, Lake Newton, Marshall, and Jasper Counties, Ind., and Walworth, Kenosha, Racine, Dane, Milwaukee, Waukesha, Jefferson, and Rock Counties, Wis., restricted to the transportation of traffic having a prior or subsequent movement in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Also, *milk, electrical supplies, pottery and supplies, hardware, dry goods, dairy feeds, and commodities in general*, except commodities in bulk and those contaminating or injurious to other lading, within a 50-mile radius of Antioch, Ill., and to transport such property to or from any point in Illinois outside of such authorized area of operation for a shipper or shippers within such area, for 180 days. Supporting shippers: Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103, Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, Calif. 90502 and Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94801. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107295 (Sub-No. 449 TA), filed October 1, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass insulation*, in batts or *blankets and accessories* used in the installation thereof, from Atlanta, Ga., Cleveland, Ohio, Houston, Tex., and Minneapolis, Minn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: United Ohio Corp., The Cleveland Fabricating Co., 2917 East 79th Street, Cleveland, Ohio 44104. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 450 TA), filed October 1, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, duct, raceways, tubing and their fittings, connections, and accessories*, from the plantsite and warehouse facilities of Jones & Laughlin Steel Corp. at New Kensington, Pa. (1) to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin, and from the plantsite and warehouse facilities or J & L at Niles, Ohio, (2) to points in Arkansas, Colorado, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wisconsin, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., Conduit Products Division, 700 Constitution Boulevard, New Kensington, Pa. 15068. Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 108393 (Sub-No. 36 TA), filed September 29, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Suite 2255, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by mail order houses and retail stores, and in connection therewith, such equipment, materials, and supplies used in the conduct of such business, for Sears, Roebuck & Co., from New Castle, Pa., to Chicago, Ill., Highland Park, Mich., and Wauwatosa, Wis., for 180 days. Supporting shipper: Sears, Roebuck & Co., 7447 Skokie Boulevard, Skokie, Ill. 60076. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 112822 (Sub-No. 168 TA), filed September 30, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Pine Bluff, Ark., to points in Colorado, Kansas, Missouri, New Mexico, and Texas, for 180 days. Supporting shipper: International Paper Co., C. C. Wright, Jr., Supervisor, Truck, TOFC, Post Office Box 2328, Mobile, Ala. 36601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113855 (Sub-No. 226 TA), filed October 1, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., U.S. Highway 52 South, Rochester, Minn. 55901. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft passenger loading equipment and component parts*, from the plantsites of Jetway Equipment Corp., located at or near Clearfield and Ogden, Utah, to points in the United States (except Hawaii), for 180 days. Supporting shipper: Jetway Equipment Corp., Post Office Box 1231, 3100 South 1100 West Pennsylvania Avenue, Ogden, Utah 84402. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114789 (Sub-No. 29 TA), filed October 1, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and frozen poultry and frozen poultry parts and fats* (except commodities in bulk), from points in Minnesota and Wisconsin (except Green Bay) to points in Virginia, for 180 days. Supporting shipper: Land O'Lakes, Inc., 2215 Kennedy Street NE., Minneapolis, Minn. 55413. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 121507 (Sub-No. 6 TA), filed October 1, 1970. Applicant: PERISHABLE DELIVERIES, INC., 901 South Eutaw Street, Baltimore, Md. 21230. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, between Baltimore, Md., on the one hand, and, on the other, points in Frederick and Washington Counties, Md., for 120 days. Supporting shippers: Oscar Mayer & Co., Post Office Box 1409, Madison, Wis. 53701, and Hygrade Food Products, Box 66, Woodbridge, Va. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 124373 (Sub-No. 9 TA), filed October 1, 1970. Applicant: NELMAR TRUCKING CO., a corporation, 735 Rahway Avenue, Union, N.J. 07083. Appli-

cant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned carbonated beverages*, for the account of Yoo Hoo Beverage Corp., and its wholly owned subsidiaries, from Baltimore, Md., to Philadelphia, Reading, Bethlehem, Williamsport, Washington, Knox, and Johnstown, Pa.; Wilmington, Del.; Vineland, Atlantic City, Cliffwood, and Wharton, N.J.; Rock Creek, Lynchburg, and Staunton, Va.; Hickory, Md.; and Elmira, N.Y., for 150 days. Supporting shipper: Yoo-Hoo Chocolate Beverage Corp., 600 Commercial Avenue, Carlstadt, N.J. 07072. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 124673 (Sub-No. 9 TA), filed October 1, 1970. Applicant: FEED TRANSPORTS, INC., Post Office Box 2167, Pullman Road South, Amarillo, Tex. 79105. Applicant's representative: Ira E. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in trailers with special unloading devices, from points in Harris County, Tex., to points in Curry County, N. Mex., for 150 days. NOTE: Applicant does intend to tack the authority here applied for to other authority held by it in MC-124673. Supporting shipper: Mike Bowles, Manager, Wilbur-Ellis Co., Clovis, N. Mex. 88101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 127239 (Sub-No. 8 TA) (Correction), filed September 18, 1970, published FEDERAL REGISTER, issue of September 29, 1970, and republished as corrected this issue. Applicant: UNIVERSAL BOW TRANSPORT, INCORPORATED, Post Office Box 276, Concord Industrial Park, Concord, N.H. 03301. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 12184. NOTE: The purpose of this republication is to show that the destination point of Bow is located in the State of New Hampshire, and not in the State of Arkansas as shown in previous publication in error. The rest of the notice remains as previously published.

No. MC 134429 (Sub-No. 2 TA), filed September 29, 1970. Applicant: SAINT PAUL WAREHOUSE COMPANY, INC., 4444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: Philip W. Getts, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in tank vehicles and those requiring special handling because of size or weight), between Cordova Siding (plantsite of Minnesota Mining & Manufacturing Co. near Cordova), Ill., Ames and Knoxville, Iowa, Alexandria, Chemolite (Minnesota Mining & Manufacturing Co. plantsite at Collage Grove), Fairmont, Hutchinson, Lindstrom, New Ulm, and Pine City, and Mankato, Minn., the Minneapolis-St. Paul, Minnesota commercial zone as defined by the Interstate Commerce Commission, and Cuberland and Prairie Du Chein, Wis., for 180 days, with the transportation service herein provided to be dedicated to the exclusive use of the Minnesota Mining & Manufacturing Co. to meet the distinct need of this shipper. NOTE: The purpose of this application is to add Mankato, Minn., as an additional point of service. Applicant was previously granted temporary authority to render service between the other points listed. Supporting shipper: Minnesota Mining & Manufacturing Co., St. Paul, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134777 (Sub 3 TA), filed September 30, 1970. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Sooner Building, Highway 70 South, Madill, Okla. 73446. Applicant's representative: Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Pampa, Tex., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Carrier does not intend to tack authority, for 180 days. Supporting shipper: Armour and Co., 111 East Wacker Driver, Chicago, Ill. 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 134921 (Sub-No. 1 TA), filed October 1, 1970. Applicant: MID AMERICA TRANSPORT, INC., Post Office Box Drawer 370, Madisonville, Ky. 42431. Applicant's representative: James E. Fields, Suite 1503 Old National Bank Building, Evansville, Ind. 47708. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages and materials* used in connection with the production and distribution of same, from Madisonville, Ky., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, and Tennessee, for 180 days. Supporting shipper: Mid-America Canning Corp., Madisonville, Ky. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 134956 TA, filed September 30, 1970. Applicant: BRENNAN TRANSPORTATION COMPANY, INC., 1989 Amsterdam Avenue, Suite 21, New York, N.Y. 10032. Applicant's representative: Gary Ford, One Chase Manhattan Plaza, New York, N.Y. 10005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel*, from (1) Pittsburgh, Pa., to New York, N.Y., (2) from Verona, Pa., to New York, N.Y., and Elizabeth, N.J., to New York, N.Y., for 180 days. Supporting shippers: The Levenson Steel Co., 20th and Wharton Streets, Pittsburgh, Pa. 15203, Wander Iron Works, Inc., 1390 Spofford Avenue, Bronx, N.Y. 10474, Elizabeth Iron Works, Green Lane, Elizabeth, N.J., Executive Department, Office of General Services, 143 Washington Avenue, Albany, N.Y. 12225. Send protests to: Interstate Commerce Commission, Stephen P. Tomany, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134958 (Sub-No. 1 TA), filed October 1, 1970. Applicant: HAMS EXPRESS, INC., 3499 South Third Street, Philadelphia, Pa. 19148. Applicant's representative: Henry C. Darmstadter, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork, pork products, and pork byproducts, articles distributed by meat packinghouses and commodities used by packinghouses, and such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, including those defined in sections A, C, and D in appendix I *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (including modifications made by 61 M.C.C. 766), all service limited to transportation service to be performed under continuing contract with Blue Bird Food Products Co. of Philadelphia, Pa., (1) from the plantsite, warehouses, and storage facilities used by Blue Bird Food Products Co., at or near Philadelphia, Pa., to points in the United States except Alaska and Hawaii, (2) from points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, to the plantsite and other facilities of Blue Bird Food Products Co., at or near Philadelphia, Pa., and to cold storage warehouses at Wilmington, Del., Pittsburgh, Pa., Cincinnati, Cleveland, Dayton, Columbus, and Youngstown, Ohio, Chicago and Peoria, Ill., St. Louis, Mo. Indianapolis, Ind., Baltimore, Md., Jersey City and Camden, N.J., and New York City, Syracuse, Rochester, and Buffalo, N.Y., for 180 days. Supporting shipper: Blue Bird Food Products Co., 3501 South Third Street, Philadelphia, Pa., 19148. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa.

MOTOR CARRIERS OF PASSENGERS

No. MC 2832 (Sub-No. 6 TA), filed September 28, 1970. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, Conn. 06790. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip special operations, between points in Litchfield County, Conn., and Danbury and Brookfield, Conn., and Yonkers Raceway, Yonkers, N.Y.; Aqueduct Race Track near South Ozone Park, N.Y.; Roosevelt Raceway near Westbury, N.Y.; and Belmont Park Race Track near Elmont, N.Y., for 180 days. Supported by: There are approximately 65 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 129038 (Sub-No. 5 TA), filed September 30, 1970. Applicant: TRI-STATE COACH LINES, INC., 535 Massachusetts Street, 46402. Bank of Indiana Building, Post Office Box 547, Gary, Ind. 46401. Applicant's representatives: Olsen, Miller & Costello, 712 South Second Street, Post Office Box 1705, Springfield, Ill. 62705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage* by way of but not limited to limousine carrying more than 14 persons, from South Bend, Ind., Michigan City, Ind., and Valparaiso, Ind., and intermediate points to O'Hare International Airport, Chicago, Ill., and return from Lake County, Ind., Porter County, Ind., La Porte County, Ind., St. Joseph County, Ind., through Will County, Ill., to O'Hare International Airport, Chicago, Ill., in Cook County, Ill., and Du Page County, Ill., and return, for 180 days. Supported by: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

By the Commission.

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

[F.R. Doc. 70-13668; Filed, Oct. 9, 1970; 8:49 a.m.]

[Notice 167]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 7, 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 105249 (Sub-No. 8 TA) (Amendment), filed September 23, 1970, published in the FEDERAL REGISTER issue of October 2, 1970, and republished as amended, this issue. Applicant: KEENAN TRANSFER & STORAGE, INC., 1205 Greenvale Road, 31705, 118 Baldwin Street, Post Office Box P, Albany, Ga. 31702. Applicant's representative: Norman J. Boling, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat* products, meat byproducts, dairy products and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor carrier Certificates*, 61 M.C.C. 209 and 766, except in bulk, in tank vehicles, from Thomasville, Ga., to points in those parts of Alabama and Florida on and bounded by a line beginning at the junction of Alabama Highway 51 and U.S. Highway 84 at or near Enterprise, Ala., thence west along U.S. Highway 84 to junction U.S. Highway 29, thence west and south along U.S. Highway 29 to the Alabama-Florida State line, thence west and south along Alabama-Florida State line to junction U.S. Highway 98, thence east along U.S. Highway 98 to junction Florida Highway 79, thence north on Florida Highway 79 to junction Florida Highway 20, thence west on Florida Highway 20 to junction Florida Highway 81, thence north along Florida Highway 81 to junction Florida Highway 183, thence north along Florida Highway 183 to Florida-Alabama State line, thence north on Alabama Highway 27 to junction U.S. Highway 84, thence north along U.S. Highway 84, to junction Alabama Highway 51, the point of beginning. Service to be performed under a continuing contract or contracts with John Morrell & Co., Ottumwa, Iowa 52501, for 180 days. NOTE: The purpose of this republication is to redescribe the territorial description, requested by applicant. Supporting shipper: John Morrell & Co., Ottumwa, Iowa. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 25008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 120430 (Sub-No. 2 TA), filed September 30, 1970. Applicant: COASTAL TRANSPORT CO., INC., 3009 South Post Oak Road, Post Office Box 22592, Houston, Tex. 77027. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Texas. *Dry commodities, in bulk*, in tank vehicles, hopper vehicles, hydraulic unloading dump vehicles, cable unloading dump vehicles, and tank-type gravity unloading dump vehicles, between points in Texas. By this application, applicant seeks temporary authority for 180 days to continue operations as a common carrier now authorized under the certificate of registration No. MC 120430 Sub No. 1. NOTE: Applicant does intend to interline with other carriers. Supported by: Humble Oil & Refining Co. (Mrs. N. C. Dunn), Houston, Tex. 77001, Gulf Oil Co., U.S. Post Office Box 2100, Houston, Tex. 77001, Union Carbide Corp., Post Office Box 471, Texas City, Tex. 77590, and Monsanto Co., Post Office Box 1311, Texas City, Tex. 77061. Send protests to: District Supervisor, John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 128685 (Sub-No. 9 TA) (Correction), filed September 28, 1970, published FEDERAL REGISTER Notice No. 164, and republished as corrected this issue. Applicant: DIXON BROS., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. NOTE: The purpose of this republication is to show the correct sub number assigned thereto, Sub No. 9 TA, in lieu of Sub No. 5 TA, which was shown in error in the previous publication.

By the Commission.

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

[F.R. Doc. 70-13669; Filed, Oct. 9, 1970; 8:49 a.m.]

[Notice 600]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 7, 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-72341. By order of September 23, 1970, the Motor Carrier Board approved the transfer to Olen Burrage Trucking, Inc., Philadelphia, Miss., of the operating rights in permits Nos. MC-23905 (Sub-No. 1), MC-123905 (Sub-No. 8), and MC-123905 (Sub-No. 10), issued February 14, 1969, November 26, 1968, and December 24, 1969, respectively, to Olen Burrage, Philadelphia, Miss., authorizing the transportation of lumber, from Laurel, Miss., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, Ohio, Oklahoma, Tennessee, and Texas; lumber and various lumber products, from Philadelphia, Miss.; to points in Tennessee, Kentucky, Illinois, Indiana, Alabama, Louisiana, Wisconsin, Ohio, Arkansas, Georgia, Iowa, Michigan, Minnesota, Missouri, North Carolina, Pennsylvania, South Carolina, and Florida; lumber from points in Alabama and Georgia, to Philadelphia, Miss., rough and dressed lumber, from Philadelphia, Miss., to points in Alabama, Louisiana, Tennessee, Kentucky, Indiana, Illinois, and Ohio; building materials, as described in Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, except various lumber products, from Philadelphia, Miss., to points in Tennessee, Alabama, Louisiana, and Arkansas; wood preservatives, in containers, from Mobile, Ala., Atlanta, Ga., Shreveport, La., St. Louis, Mo., and Port Neches, Tex., to Philadelphia, Miss.; glue extenders, in containers, from Memphis, Tenn., to Philadelphia, Miss.; and steel strapping, from Chicago, Ill., to Philadelphia, Miss. Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Box 22628, Jackson, Miss. 39205, attorney for applicants.

No. MC-FC-72355. By order of October 6, 1970, the Motor Carrier Board approved the transfer to Hammer's Moving & Storage, Inc., Lansdale, Pa., of that portion of the operating rights in certificate No. MC-30550, issued April 7, 1970, to Edward D. Walker and David E. Walker, a partnership, doing business as D. E. Walker and Son, North Wales, Pa., authorizing the transportation of household goods, between points in Montgomery County, Pa., on the one hand, and, on the other, points in Maryland and the District of Columbia; and iron and steel casting, hand trucks, machinery, and asbestos waste, between North Wales, Pa., on the one hand, and, on the other, points in New Jersey. William Hart Rufe, III, 5 Temple Avenue, Sellersville, Pa. 18960, atttorney for applicants.

No. MC-FC-72356. By order of October 6, 1970, the Motor Carrier Board approved the transfer to All Ways Moving & Storage, Inc., Perkasie, Pa., of that portion of the operating rights in certificate No. MC-30550, issued April 7, 1970, to Edward D. Walker and David E. Walker, a partnership, doing business as D. E. Walker and Son, North Wales, Pa., authorizing the transportation of household goods, between points in Montgomery County, Pa., on the one hand, and, on the other, points in New Jersey and Delaware. William Hart Rufe, III, 5 Temple Avenue, Sellersville, Pa. 18960, attorney for applicants.

No. MC-FC-72392. By order of October 1, 1970, the Motor Carrier Board approved the transfer to Draper Trucking Co., Inc., Roanoke, Va., of certificate No. MC-41875 (Sub-No. 6) issued to Draper Construction Co., Inc., Roanoke, Va., authorizing the transportation of: Commodities, the transportation of which require special handling or use of special equipment, and related contractor's materials, supplies, and equipment, between specified points and areas in Virginia, North Carolina, Tennessee, Kentucky, South Carolina, and West Virginia. Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-72402. By order of October 5, 1970, the Motor Carrier Board approved the transfer to Transglobal Moving & Storage, Inc., Bronx, N.Y., of the operating rights in certificates Nos. MC-17060 and MC-17060 (Sub-No. 2) issued September 13, 1943, and April 7, 1947, respectively, to Joseph Kudile, doing business as Hasbrouck Heights Van Service, Hasbrouck Heights, N.J., authorizing the transportation of household goods between points in Passaic, Union, Morris, Essex, and Bergen Counties, N.J., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Massachusetts, Maryland, Connecticut, Delaware, Rhode Island, the District of Columbia, New York, Vermont, New Hampshire, and Maine. Robert B. Pepper, 174 Brower Avenue, Edison, N.J. 08817, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-13670; Filed, Oct. 9, 1970; 8:49 a.m.]

[Investigation and Suspension Docket No. M-24313]

MINIMUM CHARGES WITHIN SOUTHWEST

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated September 28, 1970, the Commission, Board of Suspension, instituted an investigation into and concerning the lawfulness of new increased charges, and new rules, regulations, and practices affecting such charges, applicable on interstate or foreign commerce contained in the tariff schedules designated in said order; and suspended the operation of said schedules to and including April 30, 1971;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question whether the resulting rates would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and for good cause shown:

It is ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expense and revenue data (including anticipated expense and revenue data to show the effect of the proposed increase or decrease) and operating ratios specifically related to the traffic and carriers involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and in addition, all pertinent evidence and supporting data for the individual representative carriers as they relate to their overall operations, and specifically to the traffic and territories involved.

It is further ordered, That the Commission will take official notice of all the respondent carriers' financial statements on file with the Commission.

It is further ordered, That the traffic studies to be submitted shall represent the most current period possible, and that they shall be based upon actual operations conducted during identical periods of time for each carrier; that the traffic studies shall be shown to be representative of the traffic covered by the rate proposal; and that the traffic study be costed out and operating ratios determined by the individual weight brackets included within the rate proposal. If the two carrier groups described below under the development of costs are used, the traffic study shall be similarly separated. The revenues and costs for both groups shall also be totaled and operating ratios developed.

It is further ordered, That respondents shall produce evidence showing the total revenue earned for the services performed under the bureau's tariffs here under investigation for the most recent annual reporting period.

It is further ordered, That the cost study shall be based upon the most current annual reporting period adjusted to date. The costs may be developed for those carriers subject to the requirements for allocation of expenses between line-haul and pickup and delivery in 49 CFR Part 182, Instructions 27 and 9002, whose total amount of revenue derived under the bureau's tariffs collectively is 75 percent or more of the total revenue derived by all carriers participating in those tariffs. If those Instruction 27 carriers' revenue is less than 75 percent of the total, then all of the Instruction 27 carriers should be used. These study carriers shall be selected from the participating carriers in descending order beginning with the carrier deriving the greatest dollar amount of revenue from those tariffs. Unit costs are to be developed separately for (1) those carriers who earn 50 percent or more of their revenues under the tariffs involved and (2) those carriers who earn less than 50 percent. If factors similar to those published in appendix A to Highway Form B for the above two groups of carriers are not available, the published factors for the applicable territory based on the latest study are acceptable in the development of the unit costs.

It is further ordered, That both the cost study and the traffic study be adequately supported by working papers to permit a complete check of the procedures followed and the results obtained.

It is further ordered, That respondents shall produce evidence of the sum of money, in addition to operating expenses, needed to attract debt and equity capital which they require to insure financial stability and the capacity to render service. This evidence should include, without limiting the evidence that may be presented, particularized reference to the respondents' reasonable interest, dividend, and surplus requirements; and experienced, projected, and needed rate of return on depreciated investment in transportation.

It is further ordered, That all Class I and II motor carrier respondents shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate amount to $2,500 or more during the year 1969 the following information:

1. Name of each affiliate from which respondent, during the year 1969, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplies to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during the year 1969 for:

a. Lease of vehicles.
b. Lease of terminals.
c. Lease of other property.
d. Pickup and delivery of shipments.
e. Repair and servicing of vehicles.
f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1969.

6. A copy of the income statement for each affiliate for the year 1969 and the latest period of 1970 for which an income statement is available.

7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1969 to any individual who is also a respondent or an officer, director, or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent; or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the 1969 annual reporting period.

It is further ordered, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before November 30, 1970, and at the same time, respondents shall file an executed original and 16 copies with this Commission, together with certificates of service in accordance with rule 1.22(a) of the general rules of practice. The information with respect to carrier affiliates may be served on the parties in summary form, if so desired.

It is further ordered, That all underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination.

It is further ordered, That anyone desiring to become a party of record to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before November 16, 1970. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That this proceeding be, and it is hereby, referred to a hearing examiner to be later designated for hearing commencing on December 7, 1970, 9:30 a.m. U.S. standard time at the Offices of the Interstate Commerce Commission, Washington, D.C.

It is further ordered, That this proceeding will not be the subject of an examiner's recommended report and order because due and timely execution of our functions requires an expedited decision and, in addition, if the increases involved herein are not approved in their entirety, the shippers will be paying higher rates without any recourse to this Commission for relief.

It is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) Have appeared at a hearing.

Dated at Washington, D.C., this 2d day of October 1970.

By the Commission, Commissioner Walrath.

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

[F.R. Doc. 70-13671; Filed, Oct. 9, 1970; 8:49 a.m.]

[No. 35210]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES, 1969

Assignment for Hearing and Directing Special Procedure

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated January 26, 1969, the Commission, Division 2, instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matters and things presented in the petition filed December 22, 1969, by the common carriers by railroad operating within the State of Nebraska, wherein it is alleged that the Nebraska State Railway Commission has refused to authorize or to permit increases in rates and charges on grain and grain products, including soybeans, soybean cake and meal, soybean oil, beet or cane sugar, and sugar beets moving in intrastate commerce corresponding to increases authorized by this Commission on interstate commerce in Ex Parte No. 256, Increased Freight Rates, 1967, 332 I.C.C. 280, and Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 590 and 714;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred

to a hearing examiner (to be later designated) for hearing and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before October 30, 1970, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed below and any additional persons who make known their desire to actively participate in the proceeding on or before October 19, 1970.

It is further ordered, That on or before November 30, 1970, protestants shall file with the Commission three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed below and any additional persons who make known their desire to actively participate on or before October 19, 1970. Attached hereto is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before October 19, 1970, as well as all persons listed below. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before December 7, 1970, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on December 15, 1970, 9:30 a.m. U.S. standard time at the Nebraska State Railway Commission Hearing Room, Third Floor, 1342 M Street, Lincoln, Nebr., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Nebraska be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Nebraska, Lincoln, Nebr., and a copy to the Nebraska State Railway Commission, Lincoln, Nebr.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 28th day of September 1970.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

RESPONDENTS

Burlington Northern, Inc., Richard J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill. 60606.
Chicago and North Western Railway Co., Louis T. Duerinck, 400 West Madison Street, Chicago, Ill. 60606.
Chicago, Rock Island and Pacific Railroad Co., Don McDevitt, La Salle Street Station, Chicago, Ill. 60605.
Missouri Pacific Railroad Co., R. N. Stahlheber, 210 North 13th Street, St. Louis, Mo. 63103.

PROTESTANTS

Archer Daniels Midland Co., William R. Casey, Post Office Box 1470, Decatur, Ill. 62525.
Robert B. Batchelder, 15th and Dodge Streets, Omaha, Nebr. 68102.
Farmers Union of Nebraska, Elton L. Berck, State President, 1305 Plum Street, Lincoln, Nebr. 68502.
Farmland Industries, Inc., E. K. Brenner, Post Office Box 7305, Kansas City, Mo. 64116.
Samuel R. Freeman, Attorney for: Nebraska Wheat Advisory Commission, 1310 Denver Club Building, Denver, Colo. 80202.
The Great Western Sugar Co., J. M. Holt, Transportation Manager, Post Office Box 5308, Denver, Colo. 80217.
Charles J. Kimball, Attorney at Law, Post Office Box 2028, Lincoln, Nebr. 68501.
Morrison-Quirk Grain Corp., Clarence E. Jacobson, Post Office Box 609, Hastings, Nebr. 68901.
Nebraska State Railway Commission, Gordon E. Ganka, 1342 M Street, Third Floor, Lincoln, Nebr. 68508.
Raymon T. Stiasome, Archer Daniels Midland Co., Post Office Box 29268, Lincoln, Nebr. 68529.
Turner Grain Co., W. T. Turner, Cairo, Nebr. 68824.

[F.R. Doc. 70-13672; Filed, Oct. 9, 1970; 8:49 a.m.]

[Section 5a Application No. 64; Amdt. 5]

STEEL CARRIERS' TARIFF ASSOCIATION, INC.

Petition for Approval of Amendment to Agreement

SEPTEMBER 28, 1970.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed September 22, 1970, by: Warren A. Rawson, Managing Director, 6410 Kenilworth Avenue, East Riverdale, Md. 20840.

The amendment involves: Changes in the agreement so as to (1) add the States of Maine, New Hampshire, and Vermont and the remainder of the State of Virginia to the territorial scope necessitated by the scope of the operations of various member carriers, and (2) provide that an independent action notice will state whether the publication will be made for the account of all members excepting those instructing otherwise, or only for the account of the proponent carrier and any other carrier instructing publication for its account.

The petition is docketed and may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters without public hearing.

[SEAL] ROBERT L. OSWALD,
Acting Secretary.

[F.R. Doc. 70-13712; Filed, Oct. 9, 1970; 8:51 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

Page

PROCLAMATIONS:

4015 15799
4016 15895

EXECUTIVE ORDERS:

10001 (see EO 11563) 15435
10202 (see EO 11563) 15435
10292 (see EO 11563) 15435
10659 (see EO 11563) 15435
10735 (see EO 11563) 15435
10984 (see EO 11563) 15435
11098 (see EO 11563) 15435
11119 (see EO 11563) 15435
11241 (see EO 11563) 15435
11360 (see EO 11563) 15435
11497 (see EO 11563) 15435
11537 (see EO 11563) 15435
11563 15435
11564 15801

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Reorganization Plan No. 3 of 1970 15623
Reorganization Plan No. 4 of 1970 15627
See EO 11564 15801

5 CFR

213 ..... 14370, 15439, 15975
771 15803
870 15897
871 15897

7 CFR

81 15739
301 ..... 15285, 15897
711 15355
723 15975
833 15741
864 15741
892 15361
908 ..... 15286, 15803
909 15980
910 ..... 15439, 15981
912 15287
913 15981
926 15744
927 15744
931 15745
932 15631
947 15631
981 15900
987 15981
989 15631
1004 15287
1006 15439
1012 15439
1013 15439
1062 15362
1063 15632
1134 15363
1136 15365
1427 15901

PROPOSED RULES:

52 15760
81 15817
930 15817

7 CFR—Continued

Page

PROPOSED RULES—Continued

966 15999
971 ..... 15302, 15760
982 15446
984 ..... 15836, 16000
1001 ..... 15396, 15927
1002 ..... 15396, 15927
1004 ..... 15396, 15927
1006 15396
1007 15396
1011 15396
1012 15396
1013 15396
1015 ..... 15396, 15927
1030 15396
1032 15396
1033 15396
1036 15396
1040 15396
1043 15396
1044 15396
1046 15396
1049 15396
1050 15396
1060 15396
1061 15396
1062 15396
1063 ..... 15396, 15446
1064 15396
1065 15396
1068 15396
1069 15396
1070 ..... 15396, 15446
1071 15396
1073 15396
1075 15396
1076 15396
1078 15396
1079 ..... 15396, 15646
1090 15396
1094 15396
1096 15396
1097 15396
1098 15396
1099 15396
1101 15396
1102 15396
1103 15396
1104 15396
1106 15396
1108 15396
1120 ..... 15396, 16000
1121 ..... 15396, 16000
1124 15396
1125 15396
1126 ..... 15396, 16000
1127 ..... 15396, 16000
1128 ..... 15396, 16000
1129 ..... 15396, 16000
1130 ..... 15396, 16000
1131 15396
1132 15396
1133 15396
1134 15396
1136 15396
1137 15396
1138 15396

9 CFR

Page

71 15902
76 ..... 15370, 15633, 15745, 15902, 15903
Ch. III 15552

PROPOSED RULES:

317 ..... 15836, 15837

12 CFR

204 15903
610 15803

13 CFR

PROPOSED RULES:

121 15844

14 CFR

21 15288
37 15288
39 ..... 15633–15635, 15803, 15804
71 ..... 15371, 15635, 15746, 15804, 15904–15908, 15982, 15983
73 15983
75 15908
95 15747
97 ..... 15440, 15748
121 15288
127 15288
135 15288
145 15288
208 15983
295 15985
385 15636
389 15986

PROPOSED RULES:

71 ..... 15303, 15404, 15405, 15647, 15648, 15763, 15935–15937, 16005
73 ..... 15405, 15938
75 16005
206 15938
221 16006
242 15842
250 15764
399 16006

15 CFR

1000 15671

16 CFR

13 15804–15811

PROPOSED RULES:

428 15765
430 15842
431 16007
501 15843

17 CFR

201 15440

PROPOSED RULES:

230 15447

18 CFR

3 15636
154 ..... 15908, 15986
157 15986

18 CFR—Continued

Page

201 ... 15908
260 ... 15908

PROPOSED RULES:

2 ... 15406
101 ... 15648
104 ... 15648
141 ... 15648
157 ... 15446
201 ... 15648, 15939
204 ... 15648, 15939
205 ... 15939
260 ... 15648, 15939

19 CFR

4 ... 15636, 15637, 15910
8 ... 15911
153 ... 15911

21 CFR

2 ... 15749, 15911, 15912
15 ... 15749
17 ... 15749
46 ... 15989
120 ... 15990
121 ... 15372, 15991, 15992
135e ... 15992
135g ... 15372
138 ... 15811
141 ... 15637
141a ... 15749
141b ... 15749, 15750
146a ... 15749
146b ... 15749, 15750
148i ... 15750
149w ... 15637

PROPOSED RULES:

3 ... 15402, 15761, 15934
30 ... 15403
130 ... 15761
146 ... 15761
146c ... 15762

22 CFR

41 ... 15912
211 ... 15751

24 CFR

200 ... 15752
207 ... 15754
213 ... 15754
221 ... 15755
232 ... 15755
1914 ... 15442
1915 ... 15442

26 CFR

13 ... 15913
601 ... 15916

26 CFR—Continued

Page

PROPOSED RULES:

1 ... 15935
53 ... 15302

28 CFR

2 ... 15288

29 CFR

785 ... 15288

PROPOSED RULES:

526 ... 15761
1520 ... 15933

31 CFR

90 ... 15922
92 ... 15922
93 ... 15922

32 CFR

581 ... 15992
805 ... 15443
808 ... 15443
822 ... 15443
840 ... 15639
884 ... 15382
1631 ... 15443

32A CFR

BDC (Ch. VI):

BDC Notice 1 ... 15640
BDC Notice 2 ... 15641

33 CFR

1 ... 15922
110 ... 15443
114 ... 15922
117 ... 15923, 15924

PROPOSED RULES:

110 ... 15447
117 ... 15935

36 CFR

50 ... 15393

38 CFR

17 ... 15924
21 ... 15924

39 CFR

PROPOSED RULES:

125 ... 15999

41 CFR

1-1 ... 15994
5B-16 ... 15755
8-1 ... 15755

41 CFR—Continued

Page

8-2 ... 15756
8-3 ... 15757
8-7 ... 15757
101-2 ... 15642
101-26 ... 15995
101-29 ... 15642
105-61 ... 15444

PROPOSED RULES:

24-1 ... 15837

42 CFR

34 ... 15239
78 ... 15642
81 ... 15643, 15757, 15995

43 CFR

1810 ... 15996

PUBLIC LAND ORDERS:

4852 (corrected by PLO 4912) ... 15644
4912 ... 15644
4913 ... 15925
4914 ... 15997
4915 ... 15997
4916 ... 15597

45 CFR

177 ... 15290

47 CFR

0 ... 15386
1 ... 15289, 15387
2 ... 15644
73 ... 15644, 15811, 15814
74 ... 15388

PROPOSED RULES:

1 ... 15304
2 ... 15305
67 ... 15648
73 ... 15304, 15765

49 CFR

1 ... 15996
571 ... 15290, 15293, 15757
1033 ... 15294, 15295, 15394, 15395
1300 ... 15444

PROPOSED RULES:

173 ... 16005
571 ... 15304, 15764

50 CFR

10 ... 15815
32 ... 15296, 15299-15301, 15301, 15443, 15644-15646, 15759, 15815, 15816, 15998
33 ... 15300, 15301, 15646
260 ... 15925