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Title 3—The President

PROCLAMATION 4024

Wright Brothers Day, 1970

By the President of the United States of America

A Proclamation

The names of Orville and Wilbur Wright symbolize American ingenuity and courage. On December 17, 1903—after years of experimentation and repeated failures—the Wright brothers made the first successful flight in a heavier-than-air, mechanically propelled airplane near Kitty Hawk, North Carolina.

That epic flight was the forerunner of the aviation and space technology which today strengthens America's defense and contributes to better understanding throughout the world by promoting commerce and encouraging travel.

To commemorate the achievements of the Wright brothers, the Congress by a joint resolution of December 17, 1963 (77 Stat. 402), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1970, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

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

Richard Nixon

[F.R. Doc. 70-16828; Filed, Dec. 10, 1970; 5:06 p.m.]

EXECUTIVE ORDER 11572

Providing for the Use of Transportation Priorities and Allocations During the Current Railroad Strike

WHEREAS the current railroad strike threatens to halt virtually all transportation of persons and things by rail, and the remaining transportation facilities of the nation will be unable to handle all the essential traffic requirements put upon them; and

WHEREAS section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)) provides that:

"The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense."

and

WHEREAS the foregoing powers of the President have been delegated to certain officers of the Government by and pursuant to Executive Order No. 10480 of August 14, 1953, as amended:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander-in-Chief of the armed forces, including the authority conferred upon me by the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), it is hereby ordered as follows:

SECTION 1. This order shall constitute a finding in pursuance of section 101(b) of the Defense Production Act of 1950, as amended, with respect to the exercise, as directed by section 2 of this order, of the powers vested in me by section 101(a) of that Act.

SEC. 2. The officers of the Government in whom are vested (by or pursuant to Executive Order No. 10480, as amended), the allocation and priorities powers of the Defense Production Act of 1950, as amended, shall exercise those powers to accomplish the transportation and delivery of such persons and things as they deem necessary or proper to promote the national defense, including the accomplishment of military requirements, governmental functions, defense production and measures essential to the public health and safety.

SEC. 3. Notwithstanding any other provision of this order or any other order:

(1) The Secretary of Transportation is directed to determine, with the concurrence of the Director of the Office of Emergency Preparedness, the proper overall apportionment and allocation of available transportation capacity.

(2) The Secretary of Transportation, subject to the general policy guidance of the Director of the Office of Emergency Preparedness, shall

exercise centralized direction in the use of transportation priorities to accomplish the purposes of this order.

(3) The Secretary of Transportation shall provide the organization, procedures and redelegations to carry out the functions under the foregoing provisions of this section.

SEC. 4. This order takes effect at once and shall remain effective until the resumption of rail service makes it unnecessary but in no event more than fifteen days after the termination of the current railroad strike.

Richard Nixon

THE WHITE HOUSE,
December 10, 1970.

[F.R. Doc. 70-16827; Filed, Dec. 10, 1970; 5:06 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1971

Basis and purpose and bases and considerations. This regulation is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of Sugar Regulation 811 is to determine pursuant to section 201 of the Act the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1971, and to establish sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the amount determined to be needed in 1971. Further, this regulation establishes quantities of certain quotas that may be filled by direct-consumption sugar and establishes a liquid sugar quota.

In accordance with the rule making requirements in 5 U.S.C. 553 there was published in the FEDERAL REGISTER (35 F.R. 17422) a notice of proposed rule making for the issuance of a regulation determining sugar requirements for the continental United States and establishing quotas for the calendar year 1971. Written data, views, or arguments for consideration in connection with the proposed regulation were to be submitted by interested persons prior to November 30, 1970. Thorough consideration has been given to all data, views, and comments received relative to the proposed regulation which are briefly summarized at the end of this statement of bases and considerations.

Section 201 of the Act requires a determination for each calendar year of the amount of sugar needed to meet the requirements of consumers in the continental United States and a revision of such determination during the calendar year whenever necessary. The section sets forth criteria as a guide for making the determination and states that such determination shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

During the year which ended September 30, 1970, about 11,170,000 short tons, raw value, of sugar (revised from 11,150,000 shown in the proposed determination) was distributed by primary distributors. It was during that period that numerous products containing cyclamates were removed from the market. In their place a number of newly formulated dietetic products usually containing a mixture of saccharin and sugar were developed and placed on the market. Similarly, there were some new products containing only sugar as a sweetener. Quantities of sugar were required to create a working level of inventories of the new products. Once the pipelines were filled, the related portion of sugar distribution became nonrepeating except to the extent that increasing sales of these products in the future will require increasing inventories. This non-repeating quantity is difficult to estimate but has been assumed to be about 150,000 tons. Population is increasing at the rate of about 1.1 percent annually or about 1.375 percent for the elapsed time between the 12-month period and the calendar year 1971. If sugar consumption increases in the same ratio, about 150,000 additional tons will be needed. This would offset the effects of the filled pipelines and 1971 sugar consumption would be expected to amount to about 11,170,000 tons. Assuming relatively small, if any, change in the inventories of food processors and secondary distributors, sugar distribution would be about the same.

About 65,000 tons of sugar annually is lost in the cane sugar refining process. Thus, it would appear that quota supplies of 11,235,000 tons for the year 1971 would meet distribution requirements and maintain refiners' inventories at the beginning-of-the-year level. Based on more recent information than was available at the time of the proposed determination, it now appears that distribution of sugar by refiners during the last 3 months of the year will be greater than previously anticipated. Nevertheless, refiners' inventories of quota sugar at the end of this year are still expected to be about 175,000 tons larger than a year earlier. During next year those inventories will probably recede to the lower more normal level.

For the first 11 months of 1970, the monthly averages of the domestic price of raw sugar fluctuated from a low of 7.90 cents per pound for March and April to a high of 8.22 cents per pound for June. The average for the 11-month period was 8.08 cents per pound or 4.3 percent more than the 7.75 cents per pound average for the first 11 months of 1969. At the time the proposed determination was issued the raw sugar price was 8.05 cents per pound, or 96.4 percent of the price referred to in section 201 of the Act. The price per pound of raw sugar declined to 8 cents on November 9, 1970 and to 7.75 cents on November 24, 1970, which is 92.6 percent of the section 201 price. In the development of this determination, consideration has been given to providing a supply of sugar that will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry and to the need for obtaining prices that will carry out the objectives of the Act.

To allow for refiners' probable intentions to reduce inventories of quota sugar during 1971, to provide a margin for error in the estimate of sugar needs and to strengthen raw sugar prices, total quotas should be established well below the quantity noted earlier—11,235,000 tons—as that needed to maintain inventories. Accordingly, it is hereby determined that the amount of sugar needed to meet the requirements of consumers in the continental United States during 1971 is 10,900,000 short tons, raw value.

A quota of 1,180,000 short tons, raw value, is established herein for Hawaii pursuant to section 202(a)(2)(B) of the Act. Such quota is subject to adjustment pending final data on the production and marketing of sugar by Hawaii in 1970.

The quota for Southern Rhodesia has been withheld pursuant to Executive Order 11322 issued on January 5, 1967, and is prorated herein to Western Hemisphere countries pursuant to section 202(d)(1)(B) of the Act.

On the basis of evidence submitted by Panama to the Department and pursuant to section 202(d)(4) of the Act it is hereby determined that the amount of shortfall that has been determined in the 1970 quota for Panama was due to crop disaster and the quota for future years will not be subject to reduction by reason of such shortfall.

It is also determined that no reduction is required at this time pursuant to section 202(d)(3) and (4) of the Act in the quotas established herein for other foreign countries.

This action is based on the tentative assumption that each such country either will fill its 1970 quota within a reasonable tolerance or that facts will be submitted which will support a finding that the shortfall in the country's 1970 quota was due to force majeure.

In general, sugar production in countries with U.S. sugar quotas is heaviest in the first 5 months of the year while consumption in the United States is greatest in the following 4 months—June through September. Because of storage limitations, many producers in foreign countries are inclined to ship in large quantities during the production season. The desire to minimize carrying costs, especially at this time when interest rates are still high, and the need

for operating funds during the production season have a similar effect. Furthermore, the raw sugar produced in the mainland cane area is marketed heavily just before and after the turn of the year.

In view of these circumstances, in the light of cane sugar refiners' desire to carry smaller inventories as demonstrated by current raw sugar prices and in order to relate the importation of sugar to the needs of the market in an orderly fashion, it is hereby determined that the quantity of raw sugar which may be charged to quotas of foreign countries during the first half of 1971 be established at 2,200,000 short tons, raw value. The importation of foreign sugar within the quotas before April 1 will be limited to 750,000 short tons, raw value, plus the quantity of sugar released this year for refining and storage for charge to 1971 quotas, presently estimated as 45,000 tons.

To give recognition to the seasonality of production and movement of raw sugar from the foreign countries, quota allocations to foreign countries for the importation of raw sugar during the first quarter and the first half of 1971 will be based primarily on average imports of raw sugar, within quotas, from such foreign countries during such periods for the years 1968, 1969, and 1970 and to provide for minimum allocations of 5,000 tons or the quantity applied for whichever is less.

This regulation differs from the proposed regulation in two important respects: First, there is a limit of 2,200,000 tons on sugar importations during the first half of 1971; second, the limitation on the importation of raw sugar for the first quarter has been reduced from 800,000 tons to 750,000 tons. In view of the decline in raw sugar prices since the proposal was announced, the two changes have been made to make the first quarter limitation more effective in obtaining the price objectives of the Act.

The following views were received with respect to the proposed determination of sugar requirements and quotas for 1970:

The Industrial Users Group recommended the following changes: (1) Initial requirements at least 11.3 million tons, (2) elimination of first quarter import limitations on foreign sugar, but if retained the quantity permitted to be imported should be at least 950,000 tons and (3) the reallocation of 600,000 tons of the Puerto Rican quota. Views were also received from the following individual industrial users of sugar who generally supported the same views as those of the Industrial Users Group: Candy Corporation of America, Hershey Creamery Co., Lincoln Food, Inc., Keebler Co., Balch Flavor Co., Pine State Creamery Co., Bresler Ice Cream, Friendly Ice Cream, General Foods Corp. and ITT Continental Baking Co., Inc.

The United States Cane Sugar Refiners Association recommended against the imposition of quarterly import limitations and proposed that requirement determinations be the primary tool used for controlling the supply and price of sugar. This recommendation was also supported by Amstar Corporation, the largest U.S. refiner of raw sugar. Amstar also recommended reallocating deficits as soon as they are known.

PepsiCo, a refiner and user of sugar, proposed that the 1971 requirement level be established at 11,200,000 tons, first quarter import limitations of 950,000 tons and prompt proration of 700,000 tons of Puerto Rican deficits.

The Association of Sugar Producers of Puerto Rico recommended that to correct the low price of sugar, requirements should be lowered, limitations on raw sugar importations for the first quarter be reduced and if necessary import limitations be imposed for the second quarter.

The United States Beet Sugar Association on behalf of all beet sugar processors recommended that in order to carry out the price objectives of the Act, initial requirements should be established significantly below the 10,900,000 ton level as proposed.

The National Sugarbeet Growers Federation recommended no change in the proposed requirements level if first quarter limitations on imports were made more restrictive at 600,000 tons. It also recommended putting on second quarter limitations if justified by the price level of sugar.

The California Beet Grower Association recommended the establishment of initial requirements of 10,800,000 tons, first quarter import limitations of 600,000 tons and imposition of second quarter import limitations if prices of sugar do not improve.

The Farmers and Manufacturers Beet Sugar Association indicated that the proposed requirement level was too high and recommended lower first quarter imports to strengthen prices.

The Hawaiian Sugar Planters Association stated that the requirement level of 10,900,000 tons and the first quarter limitation on foreign imports of 800,000 tons were too high to carry out the price objectives of the Act.

The American Sugarcane League recommended an initial requirement level of less than 10,900,000, a first quarter import limitation of less than 800,000 tons and the imposition of conservative import limitations for the second quarter. The League was also deeply concerned about the sugar price level being substantially below the price objectives of the Act.

The statement submitted by Glades County Sugar Growers Coop. of Florida and Sterling Sugars, Inc., of Louisiana generally concurred with the views of the American Sugarcane League.

Several of the letters received from the domestic industry suggested that the requirement determination contain a strong price policy statement.

Thurston Greene and Co. stated that first quarter limitations as proposed would barely be sufficient to cover first quarter needs and that the requirement level of 10,900,000 would be 150,000 tons low for the year.

A statement submitted by the Republic of the Philippines requested revision of the proposed regulation to permit a 150,000 ton increase in their share of first quarter sugar importations. The request was prompted by the press of larger inventories and financing problems.

Sec.
811.90 Sugar requirements 1971.
811.91 Quotas for domestic areas.
811.92 [Reserved]
811.93 Quotas for foreign countries.
811.94 Applicability of quotas.
811.95 Restrictions on importations and marketings within quotas.

AUTHORITY: §§ 811.90 to 811.95 issued under sec. 403, 61 Stat. 932, 7 U.S.C. 1153; secs. 201, 202, 207, 208, 209, 210; 61 Stat. 923, as amended, 924, as amended, 927, as amended, and 928, as amended; 7 U.S.C. 1111, 1112, 1117, 1118, 1119 and 1120.

§ 811.90 Sugar requirements 1971.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1971 is hereby determined to be 10,900,000 short tons, raw value.

§ 811.91 Quotas for domestic areas.

(a) For the calendar year 1971, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act in column (1), and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2), as follows:

Area	Quotas	Direct consumption limits
	(Short tons, raw value)	
	(1)	(2)
Domestic Beet Sugar	3,263,333	No limit
Mainland Cane Sugar	1,186,667	No limit
Hawaii	1,180,000	37,275
Puerto Rico	1,140,000	163,509
Virgin Islands	15,000	0

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

§ 811.92 [Reserved]

§ 811.93 Quotas for foreign countries.

(a) The quotas or prorations for foreign countries limiting the quantities of sugar which may be imported into the continental United States during the calendar year 1971 for consumption therein and the amounts of such quotas and prorations that may be filled by direct-consumption sugar are hereby established as set forth in the following paragraphs (b), (c), (d), and (e) of this section.

(b) For the calendar year 1971, the quota for the Republic of the Philippines is 1,126,020 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(c) For the calendar year 1971, the prorations or allocations to individual foreign countries other than the Republic of the Philippines pursuant to section 202(c) (3) and (4) and section 202(d) of the Act are as follows:

Production area	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202 (d)[1]	Total quotas and prorations
	(Short tons, raw value)		
Mexico	229,862	246,665	476,527
Dominican Republic	224,807	241,241	466,048
Brazil	224,807	241,241	466,048
Peru	179,310	192,419	371,729
British West Indies	89,804	74,275	164,079
Ecuador	32,710	35,101	67,811
French West Indies	28,249	23,365	51,614
Argentina	27,655	29,676	57,331
Costa Rica	26,465	28,400	54,865
Nicaragua	26,465	28,400	54,865
Colombia	23,780	25,528	49,317
Guatamala	22,302	23,932	46,234
Panama	16,652	17,870	34,522
El Salvador	16,355	17,550	33,905
Haiti	12,489	13,403	25,892
Venezuela	11,300	12,126	23,426
British Honduras	6,542	5,411	11,953
Bolivia	2,676	2,872	5,548
Honduras	2,676	2,872	5,548
Australia	107,051	87,914	194,965
Republic of China	44,604	36,631	81,235
India	42,820	35,166	77,986
South Africa	31,520	25,886	57,406
Fiji Islands	23,492	19,292	42,784
Thailand	9,813	8,059	17,872
Mauritius	9,813	8,059	17,872
Malagasy Republic	5,055	4,151	9,206
Swaziland	3,866	3,175	7,041
Ireland	5,351		5,351
Bahamas	10,000		10,000
Total	1,498,300	1,490,680	2,988,980

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, an amount not to exceed 2,200,000 short tons, raw value, of raw sugar, which includes quantities imported in late 1970 under bond for refining and storage, may be charged against such 1971 quotas and authorized for importation or release from bond from all such foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1971. Such charges to such 1971 quotas shall be made in the following manner: (i) The quantities imported in late 1970 under bond for refining and storage will be released from bond and charged to such quotas on January 1, 1971; (ii) in addition, 750,000 short tons, raw value, of sugar will be authorized for importation and charged to such quotas during the first quarter of the year and; (iii) that part of the 2,200,000 short tons, raw value, not charged to such 1971 quotas under subdivisions (i) and (ii) of this subparagraph will be authorized for importation and charged to such quotas during the second quarter of 1971.

(2) (i) The importation of raw sugar within the annual quotas and the quarterly limitations specified in subdivisions (ii) and (iii) of subparagraph (1) of this paragraph (d) will be authorized on the basis of applications for "Set Aside of Quota" on Form SU-8A or "Sugar Quota Clearance" on Form SU-3 in accordance with the provisions of Part 817 of this chapter, subject to the priorities for countries as provided in subparagraph (3) of this paragraph for first quarter importations and in subparagraph (4) of this paragraph for second quarter importations and the limitations as provided in subdivision (ii) of this subparagraph. Applications to import raw sugar from the Republic of the Philippines must, before final approval within the quantity reserved for the Republic of the Philippines pursuant to subparagraphs (3) and (4) of this paragraph, be supplemented by certification from the Sugar Quota Administrator for the Government of the Philippines granting the applicant the permission to export sugar to the U.S. market.

(ii) Applications for the importation of sugar during the first quarter received on or before 5 days after the effective date of this subdivision will be considered as having been received at the same time. Applications for the importation of sugar during the second quarter received on or before January 15, 1971, will be considered as having been received at the same time.

(3) (i) Allocations of first quarter importations among countries will be made in the following manner but not to exceed as to each country the quantity applied for.

(ii) First priority shall be given to countries from which sugar was imported during the first quarter of 1968, 1969, and 1970, but not to exceed the larger of 5,000 short tons, raw value, or the average of the country's first quarter importations as set forth in subparagraph (5) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the first quarter is less than the quantity needed to approve all applications under this first priority, an allocation of the lesser of the amount applied for or 5,000 short tons, raw value, shall be made to each country having less than 5,000 short tons, raw value, average first quarter importations as set forth in subparagraph (5) of this paragraph; and the balance of the quantity of sugar which may be imported during the first quarter under this first priority shall be prorated among the other countries on the basis of average first quarter importations as set forth in subparagraph (5) of this paragraph.

(iii) Second priority shall be given to those countries whose respective accumulated allocations for the first quarter under the first priority as provided in subdivision (ii) is less than 20 percent of the country's annual quota by making additional allocations to any such country which shall be so limited that the total of the allocations under priorities in subdivisions (ii) and (iii) of this subparagraph during the first quarter for such country as a percentage of its annual quota will not exceed the percentage similarly calculated for any other such country and shall be further limited so that the total quantity which may be imported from such country during the first quarter shall not exceed 20 percent of the country's annual quota.

(iv) Any quantity not allocated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among countries listed in subparagraph (5) of this paragraph that received allocations less than the full amount applied for, and such additional proration shall be made on the basis of the average imports of sugar from the countries during the first quarter as set forth in subparagraph (5) of this paragraph.

(4) (i) Allocations of second quarter importations among countries will be made in the following manner but not to exceed as to each country the quantity applied for.

(ii) First priority shall be given to countries from which sugar was imported during the first half of 1968, 1969, and 1970. Allocations to each country under this priority shall be limited to the larger of 5,000 short tons, raw value, or the quantity necessary to establish first half allocations at the level of importations from each country as set forth in subparagraph (5) of this paragraph: *Provided*, That if the quantity of sugar which may be imported during the second quarter is less than the quantity needed to approve all applications under this first priority, an allocation of the lesser of the amount applied for or 5,000 short tons, raw value, shall be made to each country having less than 10,000 short tons, raw value, average first half importations as set forth in subparagraph (5) of this paragraph; and the balance of the quantity of sugar which may be imported during the second quarter under this first priority shall be prorated among the other countries to establish first half allocations on the basis of average first half importations as set forth in subparagraph (5) of this paragraph.

(iii) Second priority shall be given to those countries whose respective accumulated allocations for the first half under subparagraph (3) of this paragraph (d) and subdivision (ii) of this subparagraph (4) are less than 50 percent of the country's annual quota by making additional allocations to any such country which shall be so limited that the total of the allocations under priorities in subparagraph (3) of this paragraph (d) and subdivisions (ii) and (iii) of this subparagraph during the first half for such country as a percentage of its annual quota will not exceed the percentage similarly calculated for any other such country and shall be further limited so that the total quantity which may be imported from such country during the first half shall not exceed 50 percent of the country's annual quota.

(iv) Any quantity not allocated under subdivisions (ii) and (iii) of this subparagraph shall be prorated among countries listed in subparagraph (5) of this paragraph that received allocations less than the full amount applied for, and such additional proration shall be made on the basis of the average imports of sugar from the countries during the first half as set forth in subparagraph (5) of this paragraph.

(5) Average importations into the continental United States within quotas, during the first quarter and first half

of the years 1968, 1969, and 1970 are as follows:

Country	First quarter	First half
	(Short tons, raw value)	
Philippines	153,356	548,833
Mexico	161,485	418,274
Dominican Republic	146,203	384,201
Brazil	151,780	312,127
Peru	84,044	139,079
British West Indies	30,200	97,902
Ecuador	8,600	22,833
French West Indies	16,201	48,166
Argentina	30,617	51,035
Costa Rica	15,856	44,976
Nicaragua	8,062	34,000
Colombia	10,867	30,314
Guatemala	32,200	53,234
Panama	7,275	24,311
El Salvador	21,055	33,047
Haiti	1,073	14,501
Venezuela	10,093	22,391
British Honduras	3,006	8,038
Bolivia	39	39
Honduras	5,360	5,360
Australia	3,268	3,268
Republic of China	3,418	59,631
India	2,162	37,801
South Africa	30,206	39,424
Fiji Islands	1,314	1,314
Thailand	0	0
Mauritius	594	594
Malagasy Republic	82	82
Swaziland	344	344
Bahamas	2,862	6,504
Total	949,007	2,441,532

(e) For the calendar year 1971, the quantity of each proration established in paragraph (c) of this section that may be filled by direct-consumption sugar pursuant to section 207(e) of the Act is as follows:

Country	*Short tons, raw value*
Ireland	5,351
Panama	3,817

(f) For the calendar year 1971, the quota for liquid sugar for foreign countries as a group is 2 million gallons of sirup of cane juice of the type of Barbados molasses, limited to liquid sugar containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) of more than 5 percent of the total soluble solids, which is not to be used as a component of any direct-consumption sugar but is to be used as molasses without substantial modification of its characteristics after importation.

§ 811.94 Applicability of quotas.

(a) All sugar and liquid sugar marketed or imported into the continental United States is subject to the provisions of Part 816 or Part 817 of this chapter which prescribe the time, manner, and conditions under which quotas and prorations are filled by the marketing and importation of sugar or liquid sugar.

(b) The quantitative limitations established by sections 811.91 to 811.93, inclusive, do not apply to sugar or liquid sugar marketed or imported pursuant to sections 211 and 212 of the Act in accordance with the provisions of Part 816 or Part 817 of this chapter.

§ 811.95 Restrictions on importations and marketings within quotas.

Subject to the provisions of Parts 816 and 817 of this chapter all persons are prohibited from bringing or importing into or marketing in the continental United States, (a) any sugar or liquid sugar from any country for which no quota is established or in excess of or after the applicable quota or quantity set forth in §§ 811.91 to 811.93 inclusive has been filled, or (b) any sugar or liquid sugar as direct-consumption sugar from any country for which no direct-consumption sugar limitation is established or after the direct-consumption portion of the applicable quota has been filled.

Effective date. The Act provides for the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1971 during the last 3 months of 1970. The regulations determining 1971 sugar requirements and quotas apply not only to sugar imported or marketed beginning January 1, 1971, but also to any sugar imported prior thereto for refining, storage and subsequent release within 1971 quotas as may be provided for by regulation. Accordingly, it is hereby found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553. The aspects of § 811.93 relating to the submission and approval or acceptance of applications shall be effective when filed with the FEDERAL REGISTER and all other provisions of this regulation shall become effective January 1, 1971.

Signed at Washington, D.C., on December 8, 1970.

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

[F.R. Doc. 70-16712; Filed, Dec. 10, 1970; 8:50 a.m.]

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

[Lemon Reg. 458]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.758 Lemon Regulation 458.

(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 December 8, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period December 13, 1970, through December 19, 1970, are hereby fixed as follows:

(i) District 1: 31,000 cartons;

(ii) District 2: 62,000 cartons;

(iii) District 3: 107,000 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: December 9, 1970.

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

[F.R. Doc. 70-16769; Filed, Dec. 11, 1970; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Procedures and Factors for Determining Average World Price for Middling 1-Inch Upland Cotton

Sec.
1427.1101 Legislative directive.
1427.1102 General statement..
1427.1103 Procedures and factors.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.1101 Legislative directive.

Section 602 of the Agricultural Act of 1970 further amended section 103 of the Agricultural Act of 1949, as amended, effective beginning with the 1971 crop of upland cotton, by adding a new subsection (e) reading in part as follows:

(e)(1) The Secretary shall * * * make available for the 1971, 1972, and 1973 crops of upland cotton to cooperators nonrecourse loans * * * at such level as will reflect for Middling 1-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the average world price for such cotton for the 2-year period ending July 31 in the year in which the loan level is announced, except that to prevent the establishment of such a loan level as would adversely affect the competitive position of U.S. upland cotton, following one or more years of excessively high prices, the Secretary shall make such adjustments as are necessary to keep U.S. upland cotton competitive and to retain an adequate share of the world market for such cotton. The average world price for such preceding 2-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective * * *

§ 1427.1102 General statement.

It is generally recognized that the term "world market price for cotton" has almost as many meanings as the number of people conversant with it. It has been referred to as that price level applicable to any given export sales transaction; i.e., the actual sales price for a given quantity and quality of cotton in a given market on a given day. But prices vary for identical grades and staple lengths because of factors such as the locality where grown, Pressley strength, micronaire reading, storage area, and estimated weight gain during ocean shipment. Most foreign markets do not offer quotations for Middling 1-inch cotton. Reliable price quotations based on U.S. quality standards are notably meager in all foreign markets. It is generally conceded that quality determinations made in most world markets are considerably more tolerant than those made under evaluations in the United States. The problem of determining average world prices is further complicated by the fact that little or no information is available as to whether cotton is actually being sold at the quoted prices. This situation makes determination of a precise average world price for Middling 1-inch cotton extremely difficult.

§ 1427.1103 Procedures and factors.

The following procedures and factors shall be used in determining the average world price of Middling 1-inch cotton for the 2-year period ending July 31 in the year in which the loan level for the following crop of upland cotton is announced and in adjusting such average world price to a Middling 1-inch (micronaire 3.5 through 4.9), net weight, average location in the U.S. basis:

(a) Monthly market average price quotations per pound of upland cotton quoted in foreign markets shall be obtained for the principal markets of the world for the applicable 2-year period. A determination shall be made as to the acceptability of the monthly market average price quotations for any market. In making such determination, there shall be taken into account, to the extent that information is available, reliability of such quotations, volume of sales, and comparability of quoted qualities and growths to U.S. qualities and growths.

(b) Monthly average price quotations determined to be acceptable under (a) shall be averaged for the applicable 2-year period.

(c) The 2-year average world price determined under (b) shall be adjusted to a U.S. Middling 1-inch (micronaire 3.5 through 4.9), net weight basis to compensate for lack of comparability or differences in quality evaluation or designation relative to U.S. growths and quality standards.

(d) The average cost per pound of appropriate charges and costs related to marketing, handling, and transporting upland cotton from average U.S. location to world markets shall be determined for the applicable 2-year period.

(e) Such average cost per pound determined under (d) shall be deducted from the 2-year average world price, adjusted as provided under (c), to adjust such price to average location in the United States.

Signed at Washington, D.C., on December 9, 1970.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-16768, Filed, Dec. 10, 1970; 11:31 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 310]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Missouri; and a new subparagraph (e)(5) relating to the State of Missouri is added to read:

(5) *Missouri.* That portion of Lafayette County bounded by a line beginning at the junction of State Highways O and FF; thence, following State Highway FF in an easterly direction to State Highway 13; thence, following State Highway 13 in a southerly direction to Interstate Highway 70; thence, following Interstate Highway 70 in a westerly direction to State Highway O; thence, following State Highway O in a northerly direction to its junction with State Highway FF.

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

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

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

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public

interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of December 1970.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-16755; Filed, Dec. 11, 1970; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 70-481]

PART 545—OPERATIONS

Services Rendered by Federal Savings and Loan Associations

DECEMBER 8, 1970.

Resolved, that the Federal Home Loan Bank Board, upon the basis of its consideration of the advisability of amending § 545.4-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.4-1) for the purpose of limiting the method and type of payment by Federal associations to third parties for accountholders, hereby amends said § 545.4-1 by revising paragraph (a) thereof to read as follows, effective January 11, 1971:

§ 545.4-1 Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.

(a) *Withdrawals and transfers*—(1) *General.* Savings accounts in a Federal association shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association. However, withdrawal requests may be in the form of nontransferable orders or authorizations to the association for the payment of amounts in savings accounts to third parties periodically or otherwise. Any such order or authorization which may be honored as a withdrawal request for payment to a third party may, if so authorized by the third party, also be honored as a transfer to a savings account of such third party. The association may charge a fee for its services in making any payment or transfer pursuant to this section.

(2) *Restrictions.* An accountholder shall not have a right to transmit or deliver any such order or authorization to a third party to whom a withdrawal is to be paid or transferred, and a Federal association shall not accept any such order or authorization which is received by it from or through such a third party. A Federal association may accept orders or authorizations for payment by the association to third parties only for purchase of obligations of the United States, payment of premiums on mortgagor or savings member insurance plans, systematic payment of withdrawals to a relative of the accountholder, and payment on behalf of accountholders for housing and housing-related items and loans for such items, including residential real estate mortgages, taxes, and insurance, rent, utilities, home improvements, mobile homes, fixtures, major home furnishings, major home appliances, and similar items.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since it is intended to limit to housing and housing-related items the payment authority in said § 545.4-1, in addition to those types of payments which have heretofore been made from savings accounts such as for payment for obligations of the United States, payment of certain insurance premiums and payments to relatives of members, a delay in publishing the amendment effecting said limitation could result in initial implementation by Federal savings and loan associations of the authority on a broader basis with confusion to the public resulting from a subsequent limitation, and, therefore, the Board finds that notice and public procedure on said amendment is contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70-16732; Filed, Dec. 11, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-257]

PART 153—ANTIDUMPING

Tuners From Japan

DECEMBER 8, 1970.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that tuners (of the type used in consumer electronic products) from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of July 15, 1970 (35 F.R. 11304, F.R. Doc. 70-9048); amendment published in the FEDERAL REGISTER of August 4, 1970 (35 F.R. 12485, F.R. Doc. 70-10205))

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on November 3, 1970, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of tuners (of the type used in consumer electronic products) from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of November 6, 1970 (35 F.R. 17156, F.R. Doc. 70-15010))

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to tuners (of the type used in consumer electronic products) from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Tuners (of the type used in consumer electronic products).	Japan.....	70-257

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-16725; Filed, Dec. 11, 1970; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 671—COMMUNICATIONS, UTILITIES, AND TRANSPORTATION INDUSTRY IN PUERTO RICO

PART 722—LOCAL TRANSIT INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436) and No. 615 (35 F.R. 15228), the Secretary of Labor appointed and convened Industry Committee No. 95-B for the Local Transit Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, and as authorized by the Secretary of Labor's Orders Nos. 2–69 (34 F.R. 1203), 19–70 and 20–70, the recommendations of Industry Committee No. 95–B are hereby published, to be effective December 28, 1970. For a more systematic relationship of the transportation industry in Puerto Rico, the recommendations of Industry Committee No. 95–B for the Local Transit Committee are being incorporated into Part 671, Title 29, for the Communications, Utilities and Transportation Industry of Puerto Rico. This incorporation eliminates the need for the separate Part 722 of this chapter. Section 671.2 of Title 29, Code of Federal Regulations is therefore amended and Part 722 is revoked.

1. As amended, § 671.2 reads as follows:

§ 671.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the communications, utilities, and transportation industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classification.* (1) the minimum wage for this classification is $1.60 an hour.

(2) This classification is defined as all activities in the communications, utilities, and transportation industry in Puerto Rico, to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classifications.* The classifications in this paragraph include only those activities in the communications, utilities, and transportation industry in Puerto Rico, to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Local transit classification.* (i) The minimum wage for this classification is $1.45 an hour for the period ending January 31, 1971, and $1.60 an hour thereafter.

(ii) This classification is defined as the operation of a street, suburban, or interurban electric railway, or local trolley or motorbus carrier, if the rates and services of such railway or carrier are subject to regulation by governmental authority, regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit, and the business of operating taxicabs.

(2) *General Classification.* (i) The minimum wage for this classification is $1.45 an hour for the period ending January 31, 1971, and $1.60 an hour thereafter.

(ii) This classification is defined as all activities in the communications, utilities, and transportation industry in Puerto Rico to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966 except those in the local transit classification.

2. Part 722 is revoked.

However, the rights accruing under this part prior to this revocation shall not be affected thereby.

(Secs. 5, 6, 8, Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 8th day of December 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[F.R. Doc. 70–16757; Filed, Dec. 11, 1970; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 2—PUBLIC USE AND RECREATION

Snowmobiles

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), § 2.34 is hereby amended as set forth below.

The purpose of this amendment is to allow racing and other competitive snowmobile activities by permit in national recreation areas.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this amendment relaxes restrictions on the public, comment thereon is deemed unnecessary and not in the public interest. The amendment will thus take effect upon its publication in the FEDERAL REGISTER.

(5 U.S.C. 553)

Section 2.34 is amended as follows:

§ 2.34 Snowmobiles.

* * * * *

(e) *Prohibited operations.* * * *

(2) Racing and other competitive uses are prohibited, except that when such uses may be characterized as public spectator attractions, a permit for these uses may be issued in accordance with the permit provisions of § 2.27 of this chapter, by the Superintendent of an area identified by Act of Congress as a national recreation area.

* * * * *

Dated: November 25, 1970.

GEORGE B. HARTZOG, JR.,
Director, National Park Service.

[F.R. Doc. 70–16716; Filed, Dec. 11, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4959]

[Wyoming 0324033]

WYOMING

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. The departmental order of October 6, 1933, withdrawing lands for the North Platte-Kendrick Project, is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 83 W.,
Sec. 9, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 13, 14, SE¼SE¼;
Sec. 19, S½SE¼;
Sec. 20, S½SE¼;
Sec. 21, NE¼NW¼.

The area described contains 598.29 acres in Natrona County.

The lands are located approximately 50 miles southwest of Casper, Wyo. Topography is dominated by the near vertical Fremont Canyon and the undulating to rough uplands adjacent to it. Vegetation consists of native grasses and forbs, sagebrush and scattered pine.

2. At 10 a.m. on January 12, 1971, the public lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 12, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Assistant Manager, Branch of Lands, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 7, 1970.

[F. R. Doc. 70–16709; Filed, Dec. 11, 1970; 8:45 a.m.]

[Public Land Order 4960]

[Arizona 1624]

ARIZONA

Withdrawal for National Forest Recreation 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:

PRESCOTT NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Horsethief Basin Recreation Area

T. 9 N., R. 1 E.,
Sec. 6, N½N½NE¼.
T. 10 N., R. 1 E. (Unsurveyed),
Sec. 29, S½SE¼, S½N½SE¼, S½SW¼, S½N½SW¼;
Sec. 30, SE¼SE¼, S½NE¼SE¼;
Sec. 31, E½NE¼, SE¼, E½SW¼;
Sec. 32, NW¼.

Horsethief Lookout and Picnic Ground

T. 10 N., R. 1 E. (Unsurveyed),
Sec. 33, S½NW¼SW¼.

The areas described aggregate approximately 840 acres in Yavapai County.

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.

DECEMBER 7, 1970.

[F.R. Doc. 70-16710; Filed, Dec. 11, 1970; 8:45 a.m.]

[Public Land Order 4961]

[Sacramento 2520]

CALIFORNIA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. Departmental Order of July 2, 1902, amended by Departmental Order of August 26, 1902, and Departmental Orders of July 9, 1904, and July 9, 1910, withdrawing lands for reclamation purposes in connection with the Truckee-Carson Project, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 18 E.,
Sec. 6, N½ lot 5, lots 9 and 10;
Sec. 18, lot 3;
Sec. 30, lot 14.
T. 19 N., R. 18 E.,
Sec. 6, lots 2 to 5, inclusive, in N½, S½ lot 6 in N½, N½ lot 2 in S½, lot 3 in S½, S½ lot 4 in S½, S½ lot 5 in S½, lot 6 in S½, lots 8, 9, 10;
Sec. 30, N½ lot 2 in S½, N½ lot 4 in S½, S½ lot 6 in S½, and lot 9 in S½;
Sec. 31, S½ lot 2 in N½.
T. 20 N., R. 18 E.,
Sec. 6, lots 1 and 4, S½ lot 7, S½ lot 8, lots 11, 12, 14, 15, 16, 17;
Sec. 18, lots 16 and 17;
Sec. 30, lot 1 and N½ lot 6.

The areas described aggregate approximately 1,597.30 acres in Sierra and Nevada Counties.

2. At 10 a.m. on January 12, 1971, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 7, 1970.

[F.R. Doc. 70-16711; Filed, Dec. 11, 1970; 8:45 a.m.]

[Public Land Order 4963]

[New Mexico 11990]

NEW MEXICO

Partial Revocation of Executive Orders Nos. 6276 and 6583

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. The Executive Orders No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934, withdrawing lands to enable the State of New Mexico to make exchange selections as provided by the Act of June 15, 1926, 44 Stat. 746-748, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 8 W.,
Sec. 18, lots 3, 4, 5, 7, 8, 9, 10, 11, 12, S½SE¼;
Sec. 19, lots 1, 2, 3, 4, 9, 10, NE¼, N½SE¼, SE¼SE¼;
Sec. 20;
Sec. 29, NE¼, E½NW¼, S½SW¼, N½SE¼;
Sec. 30, lots 7 to 12, inclusive, SE¼NE¼, SW¼SE¼;
Sec. 31.
T. 20 S., R. 9 W.,
Sec. 3, SE¼;
Sec. 13, NE¼, N½SE¼, SE¼SE¼.

The areas described above aggregate 3,496.68 acres in Luna County, of which 240 acres are privately owned.

The lands are located 20 miles north of Deming, N. Mex., on the east slope of Cooks Range. The lands are mountainous and vary in elevation from 5,400 feet to 7,450 feet. The soils are shallow, coarse textured, sandy loams with scattered rock and rock outcroppings on the surface. The vegetal cover consists of grama and tobosa grasses with a sparse overstory of pinon-juniper trees.

2. At 10 a.m. on January 13, 1971, all the lands except SE¼ sec. 3, and N½ NE¼ sec. 13, T. 20 S., R. 9 W., which are privately owned, shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 13, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands shall be open to location for nonmetalliferous minerals at 10 a.m. on January 13, 1971. They have been and continue to be open to applications and offers under the mineral leasing laws and to location for metalliferous minerals under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex. 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 8, 1970.

[F.R. Doc. 70-16747; Filed, Dec. 11, 1970; 8:48 a.m.]

[Public Land Order 4964]

[New Mexico 11250]

NEW MEXICO

Amendment of Public Land Order No. 4882

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:

Public Land Order No. 4882 of August 3, 1970, partially revoking Executive Order No. 2513 of January 15, 1917, which withdrew lands from settlement and sale for use and occupancy of Indians, is hereby amended to include in the revocation the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 15 N., R. 11 W.,
Sec. 7, lots 3 and 4, E½SW¼.
T. 16 N., R. 11 W.,
Sec. 5, lots 3 and 4, S½NW¼;
Sec. 13, SW¼.
T. 19 N., R. 12 W.,
Sec. 25, SE¼.
T. 17 N., R. 13 W.,
Sec. 9, NW¼;
Sec. 15, SE¼;
Sec. 21, NW¼;
Sec. 25, NE¼.
T. 19 N., R. 13 W.,
Sec. 7, lots 1 and 2, E½NW¼;
Sec. 17, NW¼;
Sec. 23, NE¼;
Sec. 27, SE¼.

The 1,905.36 acres described are part of the total 48,204 acres and are withdrawn by Public Land Order No. 2198, as shown in Public Land Order No. 4882.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 8, 1970.

[F.R. Doc. 70-16748; Filed, Dec. 11, 1970; 8:48 a.m.]

[Public Land Order 4965]

[Arizona 09295, 09951]

ARIZONA

Modification of Public Land Orders No. 1556 and No. 1583

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. Public Land Order No. 1556 of November 19, 1957, as amended by Public Land Order No. 4427 of May 29, 1968,

withdrawing from all forms of appropriation under the public land laws, including the mining laws, certain national forest lands for roadside zones, is hereby modified to the extent necessary to open to all forms of appropriation under the public land laws applicable to national forest lands, except under the United States mining laws, the following described lands:

PRESCOTT NATIONAL FOREST

White Spar (U.S. No. 89) Highway Roadside Zone. Prescott-Ashfork (U.S. No. 89) Highway Roadside Zone. New Black Canyon Highway-Cordes Junction to Flagstaff, Roadside Zone. Mingus Mount Highway (U.S. No. 89A) Roadside Zone. Senator Highway (Forest Road No. 52) Roadside Zone. (AR-04756).

2. Public Land Order No. 1583 of February 5, 1958, withdrawing from all forms of appropriation under the public land laws, including the mining laws, certain national forest lands for roadside zones, is hereby modified to the extent necessary to open to all forms of appropriation under the public land laws applicable to national forest lands, except under the United States mining laws, the following described lands:

APACHE NATIONAL FOREST

That strip of land extending 300 feet on each side of the centerline of U.S. Highway 666, designated as Roadside Zones, and shown as being located within the Gila National Forest (AR 03295) subsequently transferred to and made part of the Apache National Forest.

COCONINO NATIONAL FOREST

Arizona—Sunset Crater—Wupatki National Monument Road, Roadside Zone (AR 09951).

2. At 10 a.m. on January 13, 1971, the lands shall be open to such forms of disposition as may by law be made of national forest lands except appropriation under the United States mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 8, 1970.

[F.R. Doc. 70-16749; Filed, Dec. 11, 1970; 8:48 a.m.]

[Public Land Order 4966]

[Wyoming 24283]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. § 300 (1964), it is ordered as follows:

1. The Departmental Order of October 20, 1917, creating Stock Driveway Withdrawal No. 3, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 44 N., R. 81 W.,
Sec. 17, NW¼, NE¼SW¼;
Sec. 18, E½NE¼.

The area described contains approximately 280 acres in Johnson County.

The lands lie approximately 4½ miles north of Kaycee, Wyo. Vegetation is predominantly western wheatgrass, Sandberg bluegrass and Junegrass. The terrain is moderately to strongly rolling.

2. At 10 a.m. on January 13, 1971, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 13, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Assistant Manager, Branch of Lands Management, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 8, 1970.

[F.R. Doc. 70-16750; Filed, Dec. 11, 1970; 8:48 a.m.]

[Public Land Order 4967]

[Oregon 018727 (Wash.)]

WASHINGTON

Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. § 416 (1964), it is ordered as follows:

1. The Public Land Order No. 4269 of September 8, 1967, withdrawing the following described lands for the Columbia Basin Project, is hereby revoked:

WILLAMETTE MERIDIAN

T. 20 N., R. 28 E.,
Sec. 30, lots 3 and 4, NE¼, E½SW¼.

The areas described aggregate 317.20 acres in Grant County.

The lands have a sandy soil and support a vegetative growth consisting of sagebrush, cheatgrass, and other native shrubs, forbs and grasses. Topography is level to undulating.

2. At 10 a.m. on January 13, 1971, the lands shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 13, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Portland, Oreg.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 8, 1970.

[F.R. Doc. 70-16751; Filed, Dec. 11, 1970; 8:48 a.m.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 812]

SUGAR REQUIREMENTS AND QUOTAS FOR LOCAL CONSUMPTION FOR CALENDAR YEAR 1971

Hawaii and Puerto Rico

Notice is hereby given that the Administrator, Agricultural Stabilization and Conservation Service, pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), is considering the determination of sugar requirements and the establishment of quotas for local consumption in Hawaii and Puerto Rico for the calendar year 1971.

In accordance with the rule making requirements in 5 U.S.C. 553, all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation may file the same in duplicate with the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, on or before December 24, 1970. All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public address (7 CFR 1.27(b)).

The proposed determination of sugar requirements and quotas for Hawaii and Puerto Rico for the calendar year 1971, set forth in form and language appropriate for issuance if adopted by the Secretary, is as follows:

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas for the calendar year 1971. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1971, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553(d) (80 Stat. 378), and these regulations shall be effective January 1, 1971.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1971 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1971.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1971 is 135,000 short tons, raw value, and a quota of 135,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1971.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1971 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (33 F.R. 8495), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1971 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Furthermore, pursuant to section 211 (c) of the Act sugar may be unladed from a carrier and brought into a Foreign Trade Zone for manipulating therein or manufacturing therein another product for the subsequent entry into Hawaii or Puerto Rico for consumption only if such sugar is charged pursuant to S.R. 816 to the applicable respective local quota.

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1970, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 36,000 short tons of sugar, raw value, and 125,000 short tons of sugar, raw value, respectively.

Based on preliminary 1970 U.S. Census data the population of Hawaii and Puerto Rico as of April 1, 1970 was 748,575 and 2,689,932, respectively.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1960 through 1969 the annual sugar consumption in this area has varied from approximately 88 to 138 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1971 than in the 12 months ended September 30, 1970, when sugar marketings approximated 36,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1970, marketings of sugar for local consumption totaled approximately 125,000 short tons, raw value. After making allowance for possible consumption increases in 1971 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1971 may be approximately 135,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1971 local quota is not completely filled. It is therefore, desirable to establish the 1971 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1971 have been determined to be 50,000 and 135,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Secs. 201, 203, 209, 211; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1121).

Signed at Washington, D.C., on December 10, 1970.

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

[F.R. Doc. 70-16789; Filed, Dec. 11, 1970; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN MIDDLE ATLANTIC MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for the months of December 1970 and January and February 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

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)).

Proposed to be suspended for the months of December 1970 and January and February 1971 are those provisions of paragraph (c) of § 1004.15 (Producer) which follow the parenthetical text "(other than a producer-handler plant)" as it appears in the first sentence.

If this proposed action is taken, paragraph (c) of § 1004.15 would read as follows:

§ 1004.15 Producer.

* * * * *

(c) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant).

* * * * *

The proposed suspension would remove all limitations on milk diversions for the months of December 1970 and January and February 1971. Diversion otherwise is limited (during the months of September through February) to not more than 10 days' production of an individual producer or in the alternative, in the case of a cooperative association which diverts for its account to nonpool plants, not more than 15 percent of the volume of milk of all members of such cooperative association received at all pool plants during the month. Likewise, a proprietary handler may divert milk under the alternative 15 percent limitation, the milk of his nonmember producers.

The suspension was requested by the Inter-State Milk Producers' Cooperative, Inc., a major milk producer's organization representing a substantial number of producers on the market.

The cooperative representative states that the partial closing of a pool plant located at Chambersburg, Pennsylvania (for a 6-month period in order to expand its manufacturing facilities) results in the need for the association to divert from such plant substantial volumes of its member production to a nonpool manufacturing facility.

Further, there will be a school recess period in the Philadelphia area (and similarly elsewhere in the market) from December 23, 1970, to January 4, 1971, which will make it necessary for the association to divert to nonpool plants additional volumes of milk which normally would have been packaged as Class I by plants and distributed to these schools.

Petitioner states that diversion of milk of its patrons during the 3-month period, because of this market situation, could be in excess of the 15 percent standard allowed.

Signed at Washington, D.C., on December 10, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70–16810; Filed, Dec. 11, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 170–189]

[Docket No. HM–70]

TRANSPORTATION OF HAZARDOUS MATERIALS

Hydrogen Sulfide Gas in Cargo Tank Trucks and Tank Cars

The Hazardous Materials Regulations Board of the Department of Transportation is proposing to take action with regard to the transport of hydrogen sulfide gas (H_2S) in cargo tank trucks and tank cars.

Hydrogen sulfide is presently classified under § 172.5 of the Hazardous Materials Regulations as a flammable gas, and is authorized for transport in certain compressed gas cylinders and DOT spec. 106A800X tanks. Transport of hydrogen sulfide in spec. MC 330 and MC 331 tank trucks and DOT spec. 105A600W tank cars is also authorized under certain special permits. Additional petitions for special permit authorization for such transport of large quantity shipments of hydrogen sulfide have been received by the Board.

Hydrogen sulfide, though presently classified as a flammable gas, is also a severe irritant and is highly toxic. This gas has the further insidious property of causing olfactory fatigue, and dangerous concentrations cannot be smelled after short exposure. The gas is heavier than air and thus tends to "pool" rather than to dissipate into the atmosphere to harmless concentrations. Obviously, the greater the quantity of this dangerous gas present, the greater will be the transportation hazard inherent in its movement, and the greater the number of injuries or fatalities suffered in case of accidental release of the gas.

It is the conclusion of the Board that the public interest precludes amendment of the regulations to provide a general authorization for transport of hydrogen sulfide in cargo tank trucks or tank cars. The Board further concludes that this limitation on authorization should not be weakened by issuance of additional special permits for such transport. The Board does not consider it appropriate to deny new petitions for cargo tank truck and tank car shipments of hydrogen sulfide while continuing the existence of those special permits already issued. For this reason, the Board is hereby proposing to rescind such existing permits.

Interested persons are invited to comment on the Board's proposed action in this rescission. The Board is also requesting advice regarding alternative large quantity packaging which would provide the public with a margin of safety equivalent to that offered by the DOT spec. 106A800X tank. Comments, identifying the docket number, should 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 February 10, 1971 will be considered before final action is taken on this notice. 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, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 8, 1970.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 70–16731; Filed, Dec. 11, 1970; 8:46 a.m.]

[49 CFR Parts 173, 178]

[Docket No. HM–68; Notice 70–24]

TRANSPORTATION OF HAZARDOUS MATERIALS

Portable Tank Specification

The purpose of this notice of proposed rule making is to request public comment on a proposed amendment to Parts 173 and 178 of the Hazardous Materials Regulations (49 CFR Parts 170–189) to prescribe a new specification for portable tanks (bins) and the uses of that new tank. The existing specifications 52 and 53 portable tanks (§§ 178.246, 178.247)

no longer meet the needs of industry, and many new portable tanks are being shipped under the terms of DOT Special Permits. The specification 56 tanks proposed in this notice would replace the specifications 52 and 53 tanks, although continued use of the latter tanks would be allowed, and would eliminate the need for future special permits of this type.

The proposed specification is based primarily on performance standards, rather than detailed engineering design requirements. The Board announced in the FEDERAL REGISTER on August 21, 1968 (33 F.R. 11862), its intention to convert the regulations from design specifications to performance standards. Public comment on that announcement was for the most part favorable, and several performance-type standards have already been issued by the Board.

The existing specifications 52 and 53 for portable tanks are deficient in that they do not provide for the use of steel, and they do not allow the sizes of tanks now being shipped. The proposed specification provides for the new aluminum alloys, for combinations of metals, and for metal quality testing. New standards are also being proposed for fitting protection, venting capacity, and stacking, mounting, and tie-down provisions, similar to those provided for in the general cargo tank specifications for MC 306, MC 307, and MC 312 (§ 178.340). No limitation is proposed in the specification for the size of openings, although the Board, when authorizing use of specifications 56A and 56B in Part 173, may include opening limitations according to the particular product being authorized. As written, the proposal does provide for hopper-type and side-opening doors. Specific comment is requested on this aspect of the proposal. A series of performance tests on the completed tanks would take the place of a specific metal wall thickness requirement.

The proposed specification provides for two types of tank specifications—56A and 56B. Specification 56A would be authorized in Part 173 for appropriate dry flowable or solid materials, but would not be authorized for liquids. Specification 56B would be authorized for liquids having in the container an absolute vapor pressure not exceeding 16 p.s.i. at 100° F. The specifications are written in such a way that they could be expanded to cover higher vapor pressure materials—up to perhaps 25 p.s.i.a. Public comment is specifically invited as to how this might be done in a later rule-making action.

The primary benefit to shippers and manufacturers from this type of specification is that it provides for maximum design and construction latitude. The choice of materials, appurtenances, and design configuration is placed in the hands of shippers and the tank designers. The minimum performance criteria must be met by specific proof testing procedures or analyses.

During the development of this specification, the question arose regarding minimum wall thickness. The Board prefers to specify performance rather than design, but recognizes that meaningful puncture tests are not yet developed. Since a minimum wall thickness itself implies a certain puncture resistance, it may be necessary to prescribe a minimum. For example, the present specification 53 (§ 178.247) prescribes 0.25-inch thick aluminum for the bottom of the tank and 0.09-inch thick aluminum for the sides and top. The Board believes that the design and testing requirements of this proposed specification will automatically provide sufficient wall thickness to include puncture resistance, but invites specific public comment on this point.

Consistent with the proposed new tank specification, the appropriate paragraphs of § 173.32 relating to retest of portable tanks would be revised to consolidate the retest requirements and to provide for the new tanks.

Appropriate changes would also be made (although not specifically listed herein) to Subparts C, D, E, and G of Part 173 to authorize the appropriate type of specification 56 tank for hazardous materials now authorized in specification 52 or 53 tanks. For example, § 173.128(a)(3) authorizes the specification 52 tank for paints; the specification 56B tank would also be authorized; the same would be done for cements in § 173.132(a)(2).

In consideration of the foregoing, 49 CFR Parts 173 and 178 would be amended as follows:

I. Part 173:

(A) In the Table of Contents, § 173.32 would be amended to read:

Sec.
173.32 Qualification, testing, maintenance, and use of portable tanks.

(B) In § 173.32, the heading and paragraphs (e) through (i) would be amended and paragraph (d) would be added, to read as follows:

§ 173.32 Qualification, testing, maintenance, and use of portable tanks.

* * * * *

(d) *Use of specifications 52 and 53 tanks.* Continued use of existing portable tanks constructed to specification 52 or 53 is authorized only for tanks constructed on or before April 1, 1971.

(e) *Retest.* Each portable tank container used for the transportation of hazardous materials must be successfully retested before further use for such transportation in accordance with the following:

(1) *Schedule.* Each tank must be retested as prescribed in subparagraph (2) of this paragraph, in accordance with the following schedule:

(i) Specification 51 (§ 178.245 of this chapter): At least once every 5 years.

(ii) Specifications 52, 53, 56A, 56B (§§ 178.246, 178.247, 178.251 of this chapter): At least every 2 years.

(iii) Specification 60 (§ 178.255 of this chapter): At the end of the first 4-year period after the original test; at least once every 2 years thereafter up to a total of 12 years of service; and at least once annually thereafter. Retests are not required on rubber-lined tanks except before each relining.

(iv) Other portable compressed gas tanks authorized in this part for transportation of compressed gases (including liquefied compressed gases): At least once every 5 years.

(2) *Test procedures.* Unless otherwise specified, each tank must be retested in accordance with the following test procedures:

(i) *Pressure.* Specification 60 tanks must be retested in accordance with § 178.255-12 of this chapter. Specifications 56A and 56B tanks must be retested in accordance with § 178.251-9(b)(1) of this chapter. Each other tank must be tested by a minimum pressure (air or hydrostatic) of at least 2 p.s.i.g., or at least one and one-half times the design pressure (maximum allowable working pressure, or rerated pressure) of the tank, whichever is greater. During each air pressure test, the entire surface of all joints under pressure must be coated with, or immersed in, a solution of soap and water, heavy oil, or other materials suitable for the purpose of detecting leaks. The pressure must be held for a period of time sufficiently long to insure detection of leaks. For either an air or hydrostatic test, all closure fittings must be in place during the test, but safety relief devices may be removed. Tank lagging, if any, and its jacket need not be removed from lagged tanks unless it is found to be impossible to reach test pressure and maintain a condition of pressure equilibrium after test pressure is reached during tank retesting.

(ii) *Visual.* While under the test pressure, the tank must be visually inspected for leakage, corrosion, defective fittings and welds, defective closures, significant dents, or other defects or abnormalities which indicate a potential or actual weakness that might render the tank unsafe for transportation of hazardous materials.

(iii) *Rejection criteria.* A tank fails to meet the requirements of the pressure test if during the test there is any leakage or permanent distortion of the tank, or if any deficiencies described in subdivision (ii) of this subparagraph are found. Any tank that fails must be rejected and may not be used for the transportation of hazardous materials, unless the tank is suitably repaired and thereafter a successful test is conducted in accordance with the requirements of this paragraph.

(3) *Marking.* The date of the last periodic retest must be marked on the tank, near the metal certification plate. Marking must be in accordance with § 173.24.

(4) *Records.* A written record indicating the dates and results of all required tests, and the name and address of the tester, must be retained by the owner of the tank, or his authorized agent, until the next retest has been satisfactorily completed and recorded.

(f) *Special tanks.* Each portable tank authorized by this part, including each special permit tank (other than a tank covered by paragraph (e)(1)(iv) of this section) which does not comply with any of the specifications listed in paragraph

(e) of this section, must be tested in accordance with the procedures prescribed in paragraph (e) of this section for the type of portable tank most nearly equivalent in design and usage. Tanks constructed in accordance with paragraph U–68 or U–69 of previous editions of the ASME Code, and which have not been rerated, must be hydrostatically retested at twice the design pressure instead of the one and one-half times prescribed in paragraph (e)(2)(i) of this section.

(g) *Deteriorated tanks.* Without regard to any other retest requirement, any tank that shows evidence at any time of bad dents, corroded areas, leakage, or other conditions that indicate weakness which might render the tank unsafe for transportation service, must be retested as prescribed in paragraph (e)(2) of this section.

(h) *Damaged tanks.* Any tank that has been in an accident and that has been damaged to an extent likely to adversely affect product retention capability must be tested as prescribed in paragraph (e)(2) of this section.

(i) *Unused tanks.* Any tank that has been out of hazardous materials transportation service for a period of 1 year or more must not be returned to or placed in such service until it has been tested successfully in accordance with the requirements of paragraph (e)(2) of this section.

II. Part 178:

(A) In the table of contents, § 178.251 would be added to read:

Sec.
178.251 Specification 56; portable tanks.

(B) In § 178.246–1 paragraph (b) would be added to read as follows:

§ 178.246 Specification 52; aluminum or magnesium portable tanks.

§ 178.246–1 Compliance.

* * * * *

(b) Use for transportation of hazardous materials is not authorized for tanks constructed after April 1, 1971.

* * * * *

(C) In § 178.247–1 paragraph (b) would be added to read as follows:

§ 178.247 Specification 53; cylindrical aluminum portable tanks.

§ 178.247–1 Compliance.

* * * * *

(b) Use for transportation of hazardous materials is not authorized for tanks constructed after April 1, 1971.

* * * * *

(D) Section 178.251 would be added to read as follows:

§ 178.251 Specification 56; portable tanks.

§ 178.251–1 General requirements.

(a) Specification 56A applies to tanks to be used for dry materials (flowable or solid), and specification 56B is for liquid materials. Specification 56B tanks are authorized for liquids having in the container an absolute vapor pressure not exceeding 16 p.s.i. at 100° F.

(b) The specifications apply to tanks of any shape (cylindrical, conical, cubical, or other).

(c) Each tank must meet all applicable requirements of §§ 173.24 and 173.32 of this chapter.

(d) Tanks are not intended to be stacked while being transported.

§ 178.251–2 Rated capacity.

(a) Specification 56A tanks must not exceed 6,000 pounds gross weight.

(b) Specification 56B tanks must not exceed 650 gallons in capacity.

§ 178.251–3 Materials of construction.

(a) All construction material, except gaskets, valve seats, and linings, must be metal.

(b) Hardware for handling and securing, fitting protection, outlet piping, valves, and closures, must be made of material which is electrolytically compatible with, or suitably protected from, electrolytic action when joined to the product retention components of the tank.

(c) Material specification: All sheet and plate material for shell, heads, bulkheads, and baffles for portable tanks must meet the following minimum requirements:

(1) *Aluminum alloys.* Only aluminum alloy materials suitable for fusion welding and in compliance with one of the following ASTM B–209–69 specifications may be used: 5052, 5086, 5154, or 5454. Shells must be of materials with properties equivalent to H32 or H34 tempers, except that when the shell thickness is 0.25 inch or more, the H112 temper is authorized. Heads, baffles, and shell stiffeners may use 0 temper (annealed) or stronger tempers.

(2) *Steel.* Steel used in the construction must meet the following minimum requirements:

TABLE

	Mild steel	Low alloy, low carbon	Stainless
Minimum yield strength, p.s.i.	25,000	45,000	25,000
Minimum ultimate strength, p.s.i.	45,000	60,000	70,000
Minimum elongation, standard 2" sample	20%	25%	30%

(3) *Magnesium alloys.* Magnesium alloy used in the construction of magnesium tanks must conform to ASTM B–90–62, Grade ZE–10A.

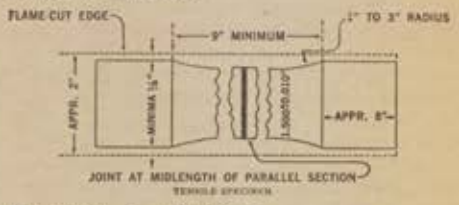
§ 178.251–4 General construction requirements.

(a) *Thickness.* Material thickness must be such that each tank is capable of successfully withstanding the tests prescribed in this specification.

(b) *Method of joining.* All joints between tank shells, heads, baffles (or baffle attaching rings), and bulkheads must be welded in accordance with the requirements contained in this section.

(c) *Strength of joints.* The strength of a joint should be at least equal to that of the adjacent material.

(d) *Compliance test.* Compliance with the requirements for welded joints must be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two test specimens conforming to the figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed. The butt-welded specimens tested may be considered as qualifying the other types or combinations of types of weld using the same filler material and welding process as long as parent metals are of the same types of material.



§ 178.251–5 Openings.

(a) Each fill and discharge opening must be equipped with a closure and locking device which complies with the following requirements:

(1) Closures for fill openings in excess of 20 square inches must be equipped with a device to prevent the closure from fully opening under internal pressure.

(2) Drum-type locking ring closures are authorized. If used, they must not exceed 23 inches in diameter and must be at least a 12-gauge bolted ring with drop-forged lugs, with at least a ⅝-inch steel bolt tapped into one of the lugs. They must be equipped with a lock nut or equivalent device.

(3) Product discharge valves, if used, must be provided with a leak-tight device, such as a cap or plug.

(b) For tanks which incorporate a hopper-type product discharge opening, closure devices must be designed to retain product under the dynamic loading conditions normally incident to transportation. Closures for those openings must be designed with positive mechanical locking devices to prevent leakage during the normal conditions incident to transportation.

§ 178.251–6 Protection of fittings.

Each fitting which could be damaged sufficiently to result in leakage of contents, must be protected by suitable guards or protective housings. The term "fitting" includes valves, closure devices, safety relief devices, and other accessories, through which contents could leak from the tank. Each such fitting or fitting protection device must be capable of withstanding the fitting protection test specified in § 178.251–9.

§ 178.251–7 Venting.

(a) Each specification 56B tank must be equipped with at least one pressure

relief (venting) device. Frangible rupture discs are prohibited.

(b) Each pressure relief device must communicate with the vapor space with the tank in its normal operating attitude. Shutoff valves must not be installed between the tank opening and any safety device. Safety relief devices must be so mounted, shielded, or drained as to prevent the accumulation of any material which could impair the operation or discharge capability of the device.

(c) The total emergency venting capacity (cu. ft./hr.) of each portable tank must be not less than that determined from the following table:

Total surface area square feet	*Cubic feet free air per hour*
20	15,800
30	23,700
40	31,600
50	39,500
60	47,400
70	55,300
80	63,300
90	71,200
100	79,100
120	94,900
140	110,700
160	126,500
180	142,300
200	158,100
225	191,300
250	203,100
275	214,300
300	225,100
350	245,700
400	265,000
450	283,200
500	300,600
550	317,300

NOTE 1: Interpolate for intermediate sizes.

(1) The pressure relief device must be set to open at not less than 3 p.s.i.g. and not more than 4.5 p.s.i.g. The minimum venting capacity for pressure-actuated vents shall be 6,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) from a tank pressure of 3 p.s.i.g.

(2) Fusible venting: If the pressure-actuated venting required by subparagraph (1) of this paragraph does not provide the total venting capacity required, additional capacity may be provided by adding fusible venting devices each having a minimum area of 1.25 square inches. Fusible devices must be so located as to communicate with the vapor space with the tank in its normal operating attitude. The fusible vent or vents shall be actuated by elements which operate at a temperature between 220° F. and 300° F., with the tank pressure less than its test pressure.

§ 178.251–8 Stacking, mounting, and tie-down provisions.

(a) *Load support devices.* Tanks which are designed to be stacked must be provided with load support devices. The devices must be so designed that, under whichever of the following stress conditions is greater, there will be no stress generated in excess of the yield strength of the material of either the devices or the tanks themselves:

(1) Tanks loaded to their maximum authorized gross weight and stacked at least 18 feet high, or

(2) A load on the support devices at least three times the maximum gross weight of the tank.

(b) *Base mounting.* Tanks must be designed and constructed with mountings to provide a secure base during transportation. The mounting may be in the form of a skid or other similar device.

(c) *Securement.* The devices for stacking or tie-down to the transport vehicle must be designed to prevent significant relative motion between the tank, the load support system, and the base/mounting system during transportation.

(d) *Mounting pads.* All appurtenance attachments made by welding to shell or head material must be made by means of mounting pads. Mounting pad thickness must not be less than the shell thickness. Each pad must extend not less than 2 inches in each direction beyond the appurtenance attachment. Pad corners must be round or otherwise prepared so as not to cause stress concentration.

(e) *Tie-down system.* (1) If there is a system of tie-down devices which is a structural part of the tank, the system must be capable of withstanding the static shock force listed herein without generating stress in any material of the tank in excess of its yield strength. The static shock force applied must have, with respect to the center of gravity of the tank:

(i) A vertical component of at least two times the weight of the package at its maximum gross weight;

(ii) A horizontal longitudinal component along the direction in which the vehicle travels of at least seven times the weight of the package at its maximum gross weight; and

(iii) A horizontal component in the transverse direction of five times the weight of the package at maximum gross weight.

(2) If there is a structural part of the tank which could be employed to tie the tank down and which does not comply with subparagraph (1) of this paragraph, that part must be securely covered or locked during transportation in such a manner as to prevent its use for that purpose.

§ 178.251–9 Testing.

(a) *Design qualification testing.* Design qualification tests, as prescribed in this paragraph, must be made on at least one of each design and size of tank except that one set of tests, when made on a tank of one size, may serve to qualify smaller tanks made of same kind and thickness of material, by the same fabrication technique, with identical supports, closures, and other appurtenances. Tests must be performed sequentially on a single tank in the order listed herein. Additional tests must be made on any increase in size of the tank, any reduction in thickness of material, or any change in material or fabrication technique. Test samples must be retained until after satisfactory completion of the next test, or for 1 year, whichever is shorter.

(1) *Vibration tests.* The tank, filled to the maximum authorized gross weight, must be capable of withstanding without leakage the vibration test prescribed in ASTM–D999–1968, "Vibration Test for Shipping Containers", for a period of 1 hour.

(2) *Design qualification drop test.* Each tank, when filled to its maximum authorized gross weight, must be capable of withstanding, without leakage of contents, a 2-foot free drop onto a flat essentially unyielding horizontal surface, striking the target surface in a position and attitude for which maximum damage to the tank is expected. For the test, specification 56B tanks must be filled with a liquid having the maximum allowable density for that tank.

(3) *Structural integrity tests*—(i) *Lifting devices.* If there is a system of lifting devices which is a structural part of the tank or attached thereto or to the support structure, the system must be capable of supporting at least three times the maximum gross weight of the tank, and each individual lifting device must be capable of supporting at least the maximum gross weight of the tank, without generating stress in excess of its yield strength in either the lifting device system or in any material of the tank.

(ii) *Shipment structure.* If a system of support structures (legs) is a structural part of the tank, each leg must be capable of withstanding a force of at least two times the maximum gross weight of the tank without generating stress in excess of its yield strength in the leg material or any other part of the tank. The force must be applied to the leg at ground level from at least two horizontal directions at right angles to each other, one direction at a time.

(iii) *Stacking support devices.* If stacking support devices are a structural part of the tank, each device must be capable of withstanding whichever is greater of the following stress conditions without generating stress in excess of the yield strength of either the device or the tank itself;

(*a*) Tanks loaded to their maximum authorized gross weight and stacked at least 18 feet high; or

(*b*) A load on the stacking support devices of at least three times the maximum gross weight of the tank.

(iv) *Fittings and protection devices.* Each fitting (or its protection device) subject to this test requirement must be capable of withstanding a force of at least two times the maximum gross weight of the tank without resultant damage to the fitting. The force must be applied to the fitting or its protection device in at least two horizontal directions at right angles to each other, one direction at a time, and in alignment with the fitting.

(4) *Design qualification pressure test.* Each tank must be capable of maintaining, under hydrostatic test for at least 5 minutes, at least one and one-half times

the design pressures prescribed in this paragraph, without visible permanent deformation or detectable leakage. The pressure must be measured at the top of the tank. All closures must be in place (and blocked if necessary) as for shipment and must be standard except that tapping for pressurizing and gauging is allowable. Design pressure must be determined as follows:

(i) Specification 56A:

$$P=\frac{hd_1}{1,150}$$

(ii) Specification 56B:

$$P=\frac{hd_2}{115}+3$$

Where:

P=Design pressure in p.s.i.g.;
h=Inside height of tank in inches;
d_1=Maximum allowable density in pounds per cubic foot;
d_2=Maximum allowable density in pounds per gallon;
1,150=Number of cubic inches in 1 cubic foot (1728) divided by a safety factor of 1.5;
115=Number of cubic inches in 1 gallon (231) divided by a safety factor of two.

(b) *Production quality control, testing, and inspection*—(1) *Leakage test.* Each tank must be tested by a minimum air or hydrostatic pressure of at least 3 p.s.i.g. applied to the entire tank. During the air pressure test (if used), the entire surface of all joints under pressure must be coated with, or immersed in, a solution of soap and water, heavy oil, or other materials suitable for the purpose of detecting leaks. The hydrostatic pressure test (if used) must be carried out by using water or other liquid having a similar viscosity, the temperature of which must not exceed 100° F. during the test, and at which time all joints under pressure must be inspected for the issuance of liquid to indicate leaks. For either test, the pressure must be held for a period of time sufficiently long to insure detection of leaks. All closures must be in place during the test, but safety relief devices may be removed. Any visible permanent deformation or detectable leakage discovered will be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test may not be placed in service until they have been suitably repaired, and the tests repeated until satisfactory results are obtained.

(2) *Visual test.* Each tank must be visually inspected for defects such as improper welds, defective closures, and other manufacturing defects. Tanks failing to pass this test may not be placed in service until any defects found have been repaired and retested satisfactorily.

§ 178.251–10 Identification and marking.

(a) Each tank must have a metal certification plate permanently affixed and readily accessible for inspection. The plate must be marked in letters and numerals at least ⅜-inch high by stamping, embossing, or other means of forming letters into or on the metal plate itself. The marking must contain at least the information indicated below:

Tank manufacturer_____
Specification: DOT 56*
Design pressure_____
Serial number_____
Original test date_____
Tare weight_____ lbs.
Maximum gross weight_____ lbs.
Volumetric capacity_____ U.S. gal. (or cu. ft.)
Materials of construction_____[2]

[1] Asterisk to be replaced by the appropriate letter to denote specification, e.g., DOT 56B.

[2] E.g., Al for aluminum, MG for magnesium alloy, MS for mild steel, HSLA for high strength low alloy, SS for austenitic stainless steel; including ASTM/ASME code reference, if appropriate.

(b) Unless the tank has been designed for stacking and meets the appropriate stacking integrity requirements of this specification, it must also be marked in letters at least 2 inches high in contrasting colors "Do Not Stack" and "Do Not Place Other Freight on Top of This Tank" on at least two sides of the tank and on the certification plate.

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, DC 20590. Communications received on or before February 23, 1971, 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, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 2, 1970.

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. 70–16537; Filed, Dec. 11, 1970; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

CERTAIN MAIL CONTRACTS OF OWNER-OPERATORS

Proposed Exemption From Service Contract Act of 1965

The Service Contract Act of 1965 (79 Stat. 1034, 41 U.S.C. 351 et seq.) applies to contracts entered into by the United States, the principal purpose of which is the furnishing of services through the use of service employees. In administering the Act, the Department of Labor has taken the position that a contract principally for services is subject to the Act if any of the services which it is the principal purpose of the contract to obtain will be furnished through the use of any service employee or employees.

Where no service employees are to be used by the contractor in any event, the Act would not apply and there is no requirement to include the contract clauses specified in 29 CFR 4.6 or 4.7. However, even where it is contemplated that the services will be performed individually by the contractor himself, the contract cannot be considered outside the scope of the Act unless it is definitely known in advance that the contractor will in no event use any service employee during the term of the contract in furnishing the required services. In all cases where the contracting officer does not have such definite prior knowledge that service employees will not be used, he is required to include the appropriate contract stipulations contained in 29 CFR 4.6 or 4.7 in the eventuality that service employees may be used in performing the contract services. This position is further discussed in 29 CFR 4.113(a).

Several years of experience with Post Office contracts for mail service by individual owner-operators have shown that strict application of this policy has resulted in unnecessarily burdensome administrative procedures for both the U.S. Postal Service and the Department of Labor, so as to constitute a serious impairment of the conduct of Government business. Under these contracts, the individual owner-operator occasionally finds it necessary to employ a substitute relief driver for a short duration because of unanticipated emergency circumstances such as illness, accident, etc., or for vacation. Except for such occasional employment, these owner-operator contracts would otherwise not be subject to the Act. The facts show that the application of the Act in such situations has not resulted in the extension of the Act's benefits to any significant number of workers and that any benefits which do result are not in proportion to the Administrative costs involved.

Accordingly, I propose to provide the following exemption pursuant to the authority contained in section 4(b) of the Service Contract Act of 1965 upon the basis of a proposed finding that it is necessary and proper in the public interest to avoid the serious impairment of Government business. This proposal would appear as a new category of contracts exempt under 29 CFR 4.6(m)(9).

Interested persons, may within 30 days from the date of publication of this notice in the FEDERAL REGISTER submit in writing data, views, or arguments to the Office of Government Contracts Wage Standards, W.S.A., U.S. Department of Labor, Washington, D.C. 20210, relative to the proposal.

Accordingly, in § 4.6 of Title 29, Code of Federal Regulations, paragraph (m) would read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2500.

* * * * *

(m) * * *

(9) Any of the following contracts exempted from all provisions of the Service Contract Act of 1965, pursuant to section 4(b) of the Act, which exemptions the Secretary of Labor hereby finds necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(i) Contracts entered into by the United States with common carriers for the carriage of mail by rail, air (except air star routes), bus, and ocean vessel, where such carriage is performed on regularly scheduled runs of the trains, airplanes, buses, and vessels over regularly established routes and accounts for an insubstantial portion of the revenue therefrom;

(ii) Any contract entered into by the U.S. Postal Service with an individual owner-operator for mail service where it is not contemplated at the time the contract is made that such owner-operator will hire any service employee to perform the services under the contract except for short periods of vacation time or for unexpected contingencies or emergency situations such as illness or accident.

* * * * *

(Sec. 4(b), 79 Stat. 1035, 41 U.S.C. 353, 5 U.S.C. 301)

Signed at Washington, D.C., this 9th day of December 1970.

ROBERT D. MORAN,
Administrator, Workplace Standards.

[F.R. Doc. 70-16756; Filed, Dec. 11, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18979]

TELEVISION BROADCAST STATIONS

Table of Assignments; Kerrville-Fredericksburg, Tex.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606 (b) Table of Assignments Television Broadcast Stations (Kerrville-Fredericksburg, Tex.), Docket No. 18979, RM-1387.

1. This proceeding was begun by notice of proposed rule making (FCC 70-927) adopted August 26, 1970, released August 31, 1970, and published in the FEDERAL REGISTER September 4, 1970, 35 F.R. 14095. The date for filing comments has expired. The date presently designated for filing reply comments is December 21, 1970.

2. On December 4, 1970, United Tecon, proponent of the rule making, filed a request to extend the time for filing reply comments to and including January 20, 1971. It states the complicated nature of the engineering material involved in this matter has made it impossible for reply comments to be filed by the deadline date. It further states that Southwest Republic Corp. and Channel Twenty-four Corp. have consented to the extension of time requested herein.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of United Tecon is granted and the date for filing reply comments is extended to and including January 20, 1971.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 02.81(d)(8) of the Commission's rules and regulations.

Adopted: December 8, 1970.

Released: December 9, 1970.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-16738; Filed, Dec. 11, 1970; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 19045]

TELEVISION BROADCAST STATIONS

Table of Assignments, Clarksville, Tenn.; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Clarksville, Tenn.), Docket No. 19045, RM-1637.

1. This proceeding was begun by notice of proposed rule making (FCC 70-1099) adopted October 7, 1970, released October 12, 1970, and published in the FEDERAL REGISTER October 15, 1970, 35 F.R. 16181. The dates presently designated for filing comments and reply comments are December 7, and December 17, 1970.

2. On December 4, 1970, Tennessee Televentures (Tennessee) filed a request to extend the time for filing comments to and including December 23, 1970.[1] Tennessee states the additional time is needed to allow it to complete engineering studies now in progress.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the request of Tennessee Televentures is granted to and including December 14, 1970, for comments and December 24, 1970, for reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 313(r) of the Communications Act of 1934, as amended, and § 0.281(d) of the Commission's rules and regulations.

Adopted: December 8, 1970.

Released: December 9, 1970.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[F.R. Doc. 70-16739; Filed, Dec. 11, 1970; 8:47 a.m.]

[1] Mr. Harold Seligman also filed a request for additional time, which is encompassed in the petition being granted herein.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 70-479]

FEDERAL SAVINGS AND LOAN SYSTEM

Loans by Federal Savings and Loan Associations

DECEMBER 2, 1970.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545) for the purpose of broadening the lending authority of Federal savings and loan associations in the following respects: (1) Reducing the required term of a leasehold as security for a loan in all cases to 10 years beyond the maturity of the loan, (2) increasing the maximum term of construction loans on the security of "other dwelling units" and "other improved real estate" from 24 to 36 months, and (3) permitting the combining into a single loan of a construction loan and a permanent loan to avoid the necessity of making separate loans in order to secure the maximum loan term permissible for "other dwelling units" and "other improved real estate." Accordingly, it hereby proposes to amend said Parts 541 and 545 as follows:

1. Amend Part 541 by revising paragraph (a) of § 541.9 thereof to read as follows:

§ 541.9 Loans on the security of first liens.

(a) The term "loans on the security of first liens" means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold or subleasehold extending or renewable automatically or at the option of the holder (or at the option of the Federal association) for a period of at least 10 years beyond the final payment date due under the loan contract) specific security for the payment of the obligation secured by such instrument: *Provided,* The instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjected to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

* * * * *

2. Amend Part 545 by revoking § 541.6–19 thereof and by revising subparagraphs (1) and (3) of paragraph (b) and subparagraphs (2) and (5) of paragraph (c) of § 545.6–1 to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use.*—(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use for an amount not in excess of 50 percent (or if authorized by the members of such an association, not in excess of 75 percent) of the value thereof, repayable monthly within 25 years, or, if an insured or guaranteed loan, not in excess of the maximum percentage of value acceptable to the insuring or guaranteeing agency and repayable within the period acceptable to such agency. Such installment loan may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (3)(ii) of this paragraph, and the monthly installment loan may be considered to begin at the end of the term allowed for construction.

* * * * *

(3) *Loans without full amortization.* Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semiannually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That the requirements of this subparagraph with respect to semiannual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or guaranteed loans: *Provided further*, That when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 60 percent of the value and for a term of not more than 3 years; and

(ii) If such loan is made for the purpose of construction, 75 percent of the value and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

* * * * *

(c) *Other improved real estate.* Subject to the limitations of § 545.6–7, a Federal association may, if permitted by the term of its charter, make loans on other improved real estate, as defined in paragraph (a) of § 541.12 of this chapter, to the extent authorized by this paragraph (c):

* * * * *

(2) Any monthly installment loan shall be repayable in not more than 20 years and any loan repayable on any other plan shall be repayable in not more than 5 years but with interest payable at least semiannually, except that the maximum loan terms for monthly installment loans made under §§ 545.6–16 and 545.6–18 shall be the terms provided in those sections, and such a monthly installment loan, other than a loan made under §§ 545.6–16 and 545.6–18, may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (5) of this paragraph, and the monthly installment loan may be considered to begin at the end of the term allowed for construction.

* * * * *

(5) A loan made for the purpose of construction may be made in an amount not exceeding 70 percent of the value of such real estate and for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term but with interest payable at least semiannually.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further, that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by January 15, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 70–16733; Filed, Dec. 11, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 5449]

ARIZONA

Order Opening Public Lands to Mineral Location, Entry, and Patent

By virtue of the authority of the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154) and the regulations thereunder contained in 43 CFR 3816, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10 a.m. on January 13, 1971, be open to location, entry and patenting under the U.S. Mining Laws, subject to the stipulations hereinafter quoted, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records and in the U.S. Land Office at Phoenix, Arizona, before any rights attach by virtue of this order:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 13 E.,
Sec. 8, NW¼, NW¼NE¼, S½NE¼;
Sec. 9, S½NW¼, NE¼SE¼, E½NW¼SE¼, N½SW¼, lots 3 and 4.

The areas described contain 559.34 acres.

2. The lands lie within the withdrawal for the Middle Gila River Project made by Public Land Order 3835, dated September 27, 1965, and, in part, under Public Land Order 141 of June 16, 1943 withdrawing lands for San Carlos Indian Irrigation Project.

3. Location, entry and/or patenting of the land shall be subject to the following stipulations:

a. In carrying on the mining and milling operations contemplated hereunder applicant will, by means of substantial dikes or other adequate structure, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried into Gila River bottom lands by storm waters or otherwise.

b. There is reserved to the United States, its successors and assigns, the prior right to use any of the lands above described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, railroads, and appurtenant irrigation structures, without any payment made by the United States or its successors for such right, with the agreement on the part of the applicant that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, railroads, or appurtenant irrigation structures across, over, or upon said lands should be made more expensive by reason of the existence of improvements or workings of the applicant thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty (30) days after demand is made upon the applicant for payment of any such sums, the applicant will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, railroads, or appurtenant irrigation structures across, over, or upon said lands. The applicant further agrees that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the applicant resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

JOE T. FALLINI,
State Director.

DECEMBER 4, 1970.

[F.R. Doc. 70-16713; Filed, Dec. 11, 1970; 8:45 a.m.]

[Serial No. Idaho-3823]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 7, 1970.

The Bureau of Land Management has filed an application, Serial Number I-3823, for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws. The applicant desires the land for use as a natural sanctuary and habitat for birds of prey along the Swan Falls reach of the Snake River in Ada, Canyon, Elmore and Owyhee Counties of Idaho.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334 Federal Building, 550 West Fort Street, Boise, Idaho 83702.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 2 W.,
Sec. 25, SW¼SE¼.
T. 1 S., R. 1 W.,
Sec. 26, S½S½;
Sec. 27, SW¼, NW¼SE¼, S½SE¼;
Sec. 28, S½;
Sec. 29, S½SW¼, SE¼;
Sec. 31, lots 1, 2, 3, 4, 5, 6, E½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 32, lots 2, 3, 4, 5, 6, 7, N½N½, SW¼NE¼, S½NW¼;
Sec. 36, lots 1, 2, 5, 6, 7, 8, NW¼NE¼, S½NE¼, E½NW¼, S½S½;
Sec. 34, lots 1, 2, 5, 6, 7, 8, NE¼NW¼, N½SE¼, S½S½;
Sec. 35, all.
T. 2 S., R. 2 W.,
Sec. 1, E½E½.
T. 2 S., R. 1 W.,
Sec. 1, lots 1, 2, 3, 6, 7, 8, 9, 12, 13, SW¼NW¼, W½SW¼;
Sec. 2, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 3, lots 1, 2, 3, 4, S½NW¼;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, NW¼SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, 8, SE¼NW¼, E½SW¼, N½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼;
Sec. 12, lots 1, 2, 4, 6, 9, 10, W½W½, SE¼SW¼;
Sec. 13, lots 1, 2, 3, 4, W½NE¼, N½NW¼, W½SE¼;
Sec. 24, lots 1, 2, 3, 4, W½E½, SE¼SW¼;
Sec. 25, lots 1, 2, NW¼NE¼, NE¼NW¼.
T. 2 S., R. 1 E.,
Sec. 6, lots 5, 6, 7, E½SW¼;
Sec. 7, lots 1, 2, E½W½, SW¼NE¼, SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, SW¼NE¼, W½, W½SE¼;
Sec. 18, lots 2, 3, 4, 7, 8, 9, N½NE¼, SE¼NE¼, SE¼SW¼;
Sec. 19, lots 3, 4, 5, 6, 11, 12, 13, 14, 15, E½W½;
Sec. 20, W½E½, W½;
Sec. 28, SW¼SW¼;
Sec. 29, W½NE¼, W½SE¼;
Sec. 30, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, SE¼NE¼, E½SE¼;
Sec. 31, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, E½E½;
Sec. 32, all;
Sec. 33, W½W½.
T. 3 S., R. 1 W.,
Sec. 1, lots 1, 2, S½NE¼, SE¼NW¼.
T. 3 S., R. 1 E.,
Sec. 4, lot 4, SW¼NW¼, W½SW¼;
Sec. 5, all;
Sec. 6, lots 1, 2, 3, 4, 8, 9, 11, SE¼NE¼, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 8, all;
Sec. 9, W½W½;
Sec. 10, S½N½, S½;
Sec. 15, W½E½, NW¼, E½SW¼, SE¼SE¼;
Sec. 17, lots 1, 2, 3, SW¼NE¼, NE¼NW¼, E½SE¼;

Sec. 21, lots 1, 2, E½SE¼;
Sec. 22, lots 3, 4, 5, 6, 7, 8, 9, NW¼NE¼, S½NE¼, E½NW¼, SW¼SW¼;
Sec. 23, S½N½, S½;
Sec. 24, SW¼NE¼, SE¼NW¼, S½;
Sec. 25, W½NE¼, W½, SE¼;
Sec. 26, lots 1, 2, 3, 4, 6, 7, E½, E½NW¼;
Sec. 27, lots 1, 2, 3, W½NE¼, E½SE¼;
Sec. 34, E½NE¼;
Sec. 35, lots 2, 3, 4, N½NE¼.

T. 3 S., R. 2 E.,
Sec. 30, lots 3, 4, SE¼SW¼;
Sec. 31, lots 1, 2, 3, 6, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 32, S½N½, S½;
Sec. 33, S½.

T. 4 S., R. 1 E.,
Sec. 1, E½SE¼.

T. 4 S., R. 2 E.,
Sec. 2, S½SW¼;
Sec. 3, lots 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, NE¼SW¼, SE¼;
Sec. 5, lots 1, 2, 3, 4, SE¼NE¼;
Sec. 6, lots 2, 5, 6, 9, 10, SE¼SW¼;
Sec. 7, lot 1, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 8, lots 2, 4, SW¼NE¼, S½NW¼, E½SE¼;
Sec. 9, lots 1, 2, 5, 6, 7, 8, S½;
Sec. 10, lots 2, 3, 4, 7, 8, E½NE¼, SW¼, SW¼SE¼;
Sec. 11, lot 1, S½NE¼, NW¼, SE¼SW¼, SE¼;
Sec. 12, SW¼;
Sec. 13, NW¼;
Sec. 14, lots 1, 3, NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 15, N½NE¼, SW¼NE¼, NW¼;
Sec. 22, lots 1, 4, 5, 6, E½E½;
Sec. 23, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, N½;
Sec. 26, lot 5, NE¼, N½NW¼, SW¼NW¼.

Total acreage 26,255.52 acres.

CURTIS R. TAYLOR,
Acting Manager, Land Office.

[F.R. Doc. 70-16714; Filed, Dec. 11, 1970; 8:45 a.m.]

[Montana 16450]

MONTANA

Notice of Classification of Public Lands for Multiple-Use Management

DECEMBER 7, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2400 and 2460, the public lands described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments and statements were received following publication of the notice of proposed classification published in the FEDERAL REGISTER (35 F.R. 14569–14570) on September 17, 1970, and at the public hearing held in Helena, Montana, on November 2, 1970. Four letters supporting the proposed classification and 50 requests for additional information were received. The majority of individuals who presented testimony at the hearing supported the proposal. All comments were carefully considered and evaluated in light of the law and regulations, and no changes have been made in the classification. The record showing comments received and other information can be examined in the Missoula District Office, Missoula, Montana, and on records in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

3. The public lands affected by this classification are located in Lewis and Clark, Teton, Pondera, Cascade, and Meagher Counties as described below and are shown on maps on file in the Missoula District Office, Missoula, Mont., and on plats in the Land Office, Bureau of Land Management, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

T. 13 N., R. 1 E.,
Secs. 4 and 6.
T. 14 N., R. 1 E.,
Sec. 32.
T. 15 N., R. 1 E.,
Sec. 6.
T. 16 N., R. 1 E.,
Secs. 6, 18, and 28.
T. 21 N., R. 1 E.,
Secs. 8 and 9.
T. 19 N., R. 2 E.,
Sec. 20.
T. 21 N., R. 5 E.,
Sec. 2.
T. 10 N., R. 1 W.,
Secs. 2, 6, 12, 15, 20, 21, 25, 26, 27, 28, 32, 33, 34, and 35.
T. 11 N., R. 1 W.,
Secs. 30, 31, and 32.
T. 13 N., R. 1 W.,
Secs. 2, 12, and 14.
T. 14 N., R. 1 W.,
Secs. 4, 8, and 10.
T. 15 N., R. 1 W.,
Secs. 2, 4, 6, 8, 10, 12, 14, 20, 22, 30, and 32.
T. 16 N., R. 1 W.,
Secs. 2, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 17 N., R. 1 W.,
Secs. 6 and 7.
T. 20 N., R. 1 W.,
Secs. 6, 16, and 24.
T. 23 N., R. 1 W.,
Secs. 19, 31, and 33.
T. 10 N., R. 2 W.,
Sec. 1.
T. 11 N., R. 2 W.,
Secs. 6, 7, 8, 12, 13, 14, 15, 17, 18, 22, and 24.
T. 12 N., R. 2 W.,
Secs. 19, 30, and 31.
T. 14 N., R. 2 W.,
Secs. 2 and 12.
T. 15 N., R. 2 W.,
Secs. 2, 12, 13, and 28.
T. 16 N., R. 2 W.,
Secs. 6, 10, 20, 22, and 24.
T. 17 N., R. 2 W.,
Secs. 2, 12, 14, 18, 19, 24, 26, and 32.
T. 20 N., R. 2 W.,
Sec. 5.
T. 10 N., R. 3 W.,
Secs. 31 and 32.
T. 11 N., R. 3 W.,
Secs. 3, 8, and 12.
T. 12 N., R. 3 W.,
Sec. 15;
Secs. 22 to 29, inclusive;
Secs. 32, 34, and 35.
T. 13 N., R. 3 W.,
Secs. 4, 6, 8, 10, 18, and 32.
T. 14 N., R. 3 W.,
Secs. 6, 8, 14, 22, 28, 30, 32, and 33.
T. 16 N., R. 3 W.,
Sec. 12.
T. 17 N., R. 3 W.,
Secs. 18, 20, and 30.
T. 18 N., R. 3 W.,
Sec. 30.
T. 20 N., R. 3 W.,
Secs. 2, 3, 4, 18, and 20.
T. 21 N., R. 3 W.,
Sec. 15.
T. 9 N., R. 4 W.,
Secs. 6, 7, and 18.
T. 10 N., R. 4 W.,
Secs. 1 to 8, inclusive;
Secs. 11, 17, 18, 20, 29, 30, 31, 32, and 36.
T. 11 N., R. 4 W.,
Secs. 19 to 23, inclusive;
Secs. 25 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 12 N., R. 4 W.,
Sec. 8.
T. 13 N., R. 4 W.,
Secs. 2, 4, 5, 10, 11, 12, and 18.
T. 14 N., R. 4 W.,
Secs. 4, 8, 9, 10, 22, 24, 26, and 34.
T. 15 N., R. 4 W.,
Sec. 31.
T. 16 N., R. 4 W.,
Sec. 32.
T. 21 N., R. 4 W.,
Sec. 20.
T. 22 N., R. 4 W.,
Secs. 3, 14, 23, and 24.
T. 31 N., R. 4 W.,
Secs. 4, 6, and 9.
T. 9 N., R. 5 W.,
Secs. 1, 4, 12, and 13.
T. 10 N., R. 5 W.,
Secs. 1, 2, 3, 4, 5, 9, 10, 11, 13, 14, 24, and 25.
T. 11 N., R. 5 W.
Secs. 2, 4, 5, 6, 8, 9, 14, 15, 16, 23, and 24;
Secs. 27 to 36, inclusive.
T. 12 N., R. 5 W.,
Secs. 4, 5, 12, 19, and 20;
Secs. 27 to 33, inclusive.
T. 13 N., R. 5 W.,
Secs. 2, 4, 6, 10, 20, 26, 28, 32, 33, and 34.
T. 15 N., R. 5 W.,
Sec. 5.
T. 16 N., R. 5 W.,
Sec. 30.
T. 19 N., R. 5 W.,
Sec. 18.
T. 20 N., R. 5 W.,
Sec. 32.
T. 29 N., R. 5 W.,
Sec. 4.
T. 31 N., R. 5 W.,
Secs. 1, 2, and 3.
T. 11 N., R. 6 W.,
Secs. 1, 2, 3, 4, 10, and 11.
T. 12 N., R. 6 W.,
Secs. 5, 6, 14, and 15;
Secs. 18 to 22, inclusive;
Secs. 25 to 30, inclusive;
Secs. 32 to 36, inclusive.
T. 13 N., R. 6 W.,
Secs. 4, 7, 8, 9, 10, 11, 16, 17, 18, and 22.
T. 16 N., R. 6 W.,
Secs. 4, 20, 22, 32, 33, and 34.
T. 17 N., R. 6 W.,
Sec. 2.
T. 22 N., R. 6 W.,
Secs. 6, 8, and 15.
T. 25 N., R. 6 W.,
Secs. 5, 6, 7, 8, 14, and 17.
T. 26 N., R. 6 W.,
Secs. 31 and 32.

T. 12 N., R. 7 W.,
Secs. 1, 12, 13, 24, and 25.
T. 18 N., R. 7 W.,
Secs. 8, 20, 22, 28, 30, and 32.
T. 21 N., R. 7 W.,
Secs. 8, 11, 14, 17, 20, and 22.
T. 22 N., R. 7 W.,
Secs. 3, 20, and 21.
T. 23 N., R. 7 W.,
Sec. 34.
T. 25 N., R. 7 W.,
Secs. 1 and 12.
T. 19 N., R. 8 W.,
Secs. 30 and 32.
T. 20 N., R. 8 W.,
Secs. 5, 6, 7, and 8.
T. 21 N., R. 8 W.,
Sec. 34.
T. 22 N., R. 8 W.,
Secs. 6, 7, 14, 18, and 19;
Secs. 23 to 35, inclusive.
T. 23 N., R. 8 W.,
Secs. 5, 6, 7, 8, 17, 18, 19, 20, 30, 31, and 32.
T. 24 N., R. 8 W.,
Secs. 18, 19, 30, 31, and 32.
T. 25 N., R. 8 W.,
Secs. 4, 5, 6, 7, 8, 17, 18, 19, 20, 30, and 31.
T. 26 N., R. 8 W.,
Secs. 18, 29, 30, 31, and 32.
T. 28 N., R. 9 W.,
Secs. 3, 8, 9, and 27.
T. 29 N., R. 9 W.,
Secs. 34, 35, and 36.
T. 28 N., R. 10 W.,
Secs. 13, 22, 23, 24, and 27.

The public lands described above aggregate approximately 96,269 acres.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 321, Washington, D.C. 20240.

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-16752; Filed, Dec. 11, 1970; 8:48 a.m.]

[Wyoming 21090]

WYOMING

Notice of Offering of Land for Sale

DECEMBER 7, 1970.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988), and pursuant to an application of the City of Rock Springs, Wyoming, the Secretary of the Interior will offer for sale the following listed lands:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 105 W.,
Sec. 14, lots 3, 4, and 6.

The area described contains 125.28 acres in Sweetwater County.

The lands are located approximately 3 miles north of Rock Springs. They are chiefly valuable for commercial and light industrial development.

It is the intention of the Secretary to permit the city to purchase the land at the appraised market value.

The patent will issue subject to all valid existing rights and rights-of-way of record. The patent will also contain a reservation to the United States for rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and of all mineral deposits.

ALAN D. EVANS,
Acting Assistant Manager, Lands.

[F.R. Doc. 70-16715; Filed, Dec. 11, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

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 Alabama natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Clark.	Saint Clair.
Dale.	Talladega.
Monroe.	Washington.

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 loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of December 1970.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 70-16727; Filed, Dec. 11, 1970; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Determination

In conformity with title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published November 17, 1970 (35 F.R. 17677), I have determined that yearend data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1970, inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide yearend inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated: November 27, 1970.

GEORGE H. BROWN,
Director, Bureau of the Census.

[F.R. Doc. 70-16723; Filed, Dec. 11, 1970; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-12-43]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority December 8, 1970.

By Order 70-11-77, dated November 18, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-11-77 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21753, R-34 and R-35, be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-16734; Filed, Dec. 11, 1970; 8:47 a.m.]

[Dockets Nos. 22342, 22345; Order 70-12-41]

NORTH CENTRAL AIRLINES, INC.

Order To Show Cause and Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1970.

By applications filed on July 7 and 8, 1970, North Central Airlines, Inc. (North Central), requests an amendment of its certificate of public convenience and necessity for route 86 and an exemption pendente lite pursuant to section 416(b), to permit it to operate single-plane service between Denver, Colo., on the one hand, and Duluth, Minn.,-Superior, Wis.; Eau Claire, Wis.; Wausau-Stevens Point-Wisconsin Rapids-Marshfield, Wis.; Green Bay-Clintonville, Wis.; La Crosse, Wis.; Oshkosh-Appleton, Wis.; and Grand Forks, N. Dak., on the other hand. Condition (11)[1] of North Central's certificate of public convenience and necessity for route 86 prohibits single-plane service between Denver and any point beyond the Twin Cities.

In support of its request for exemption, North Central asserts, inter alia, that condition (11) was imposed as a result of a pretrial restriction in the Denver-Twin Cities Service Investigation[2] in order to limit the issues to be considered in that proceeding; that no useful purpose is served by retention of this condition; and that the ability to provide single-plane service to the points in issue will enable North Central to convenience a substantial number of passengers without any significant adverse effect on other carriers. North Central states that it will not downgrade the service which it presently offers in this market and that conversion of its existing connecting service to single-plane service will cause little or no change to its existing jet schedules.

Answers in support of North Central's applications were filed by the Colorado Parties, which include the city and county of Denver and the Public Utilities Commission of Colorado; and the Wisconsin Parties, which include Brown County, Wis., and the Green Bay Area Chamber of Commerce.[3] Frontier filed an answer in opposition which was later withdrawn.

Upon consideration of the issues raised by North Central's applications and the responsive pleadings filed, we have decided to issue an order to show cause proposing to amend North Central's certificate so as to permit single-plane service between Denver, on the one hand, and all points on its system beyond the Twin Cities except Madison, Wis., Milwaukee, Wis., Chicago, Ill., and Detroit, Mich., on the other hand. In addition, we will grant North Central a temporary exemption from condition (11) of its certificate for route 86 pending final Board action in the show cause proceeding insofar as it prohibits single-plane service between Denver, on the one hand, and Duluth, Minn.-Superior, Wis.; Eau Claire, Wis.; Wausau-Stevens Point-Wisconsin Rapids-Marshfield, Wis.; Green Bay-Clintonville, Wis.; La Crosse, Wis.; Oshkosh-Appleton, Wis.; and Grand Forks, N. Dak., on the other hand.

We tentatively find and conclude that the public convenience and necessity require amendment of North Central's certificate for route 86 so as to permit single-plane service between Denver, on the one hand, and all points on its system beyond the Twin Cities, except Madison, Wis.; Milwaukee, Wis.; Chicago, Ill.; and Detroit, Mich., on the other hand.

In support of our ultimate finding, we tentatively find that grant of the requested authority will substantially improve the quality of service presently offered between Denver and the beyond-Twin Cities points; that North Central's operating results and subsidy position will be improved; and that no other air carrier will be significantly affected.[4]

Interested persons will be given 20 days from the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be supported by legal precedent and detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

We also find that grant of exemption authority pendente lite is warranted. The relief granted herein is temporary and involves no new stations or equipment for North Central. North Central is authorized to serve all of the markets in question, and the effect of our award is simply to allow North Central to provide single-plane instead of connecting service to points beyond Twin Cities. The exemption request is unopposed. We find that it would be an undue burden under the circumstances here presented to deprive the carrier of the savings and operational efficiencies that will inure to it under the authority authorized herein during the pendency of its application for an amendment to its certificate.

Accordingly, we find that enforcement of section 401 with respect to the service described above would be an undue burden on the carrier by reason of the limited extent of, and the unusual circumstances affecting its operations, and is not in the public interest.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending North Central's certificate of public convenience and necessity for route 86 so as to permit single-plane service between Denver, on the one hand, and all points on its system beyond the Twin Cities except Madison, Wis.; Milwaukee, Wis.; Chicago, Ill.; and Detroit, Mich., on the other hand;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. North Central Airlines, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 86 to the extent that they would otherwise prevent North Central from operating single-plane service between Denver, on the one hand, and Duluth, Minn.-Superior, Wis.; Eau Claire, Wis.; Wausau-Stevens Point-Wisconsin Rapids-Marshfield, Wis.; Green Bay-Clintonville, Wis.; La Crosse, Wis.; Oshkosh-Appleton, Wis.; and Grand Forks, N. Dak., on the other hand;

6. The exemption authority granted herein shall be effective until 60 days following final Board decision in the show cause proceeding instituted by paragraphs 1 through 4 hereof;

7. The exemption authority granted herein may be amended or revoked any time in the discretion of the Board without hearing; and

8. A copy of this order shall be served upon Western Air Lines, Inc.; Frontier Airlines, Inc.; the city and county of Denver, Colo.; the Public Utilities Commission of the State of Colorado; Brown County, Wis.; the Green Bay Area Chamber of Commerce; and the city of

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[1] Condition (11) of route 86 provides as follows:

"No single-plane service shall be provided between Denver, Colo., and any point beyond Minneapolis-St. Paul, Minn."

[2] Order 69-4-20, dated Apr. 2, 1969.

[3] The city of La Crosse, Wis., submitted a late-filed answer in support of North Central's application.

[4] No carrier has objected to North Central's applications. The exclusion of Madison, Milwaukee, Chicago, and Detroit will prevent North Central from gaining authority competitive with other carriers which serve Denver.

La Crosse, Wis., who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-16735; Filed, Dec. 11, 1970; 8:47 a.m.]

[Dockets Nos. 21866, 22784; Order 70-12-45]

OZARK AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of December 1970.

By tariff revisions[1] marked to become effective December 17, 1970, Ozark Air Lines, Inc. (Ozark), proposes to increase its jet first-class, propeller first-class, and jet coach fares by $1 in markets of 200 miles or less, and by $2 in markets over 200 miles. Military reservation and youth reservation fare percentage relationships would remain unchanged, but slight increases would result since they are based on the increased regular fares.[2] All of the fares have been constructed in a manner inconsistent with Order 70-10-145.

In support of its proposal, Ozark asserts that traffic growth rates in general have continued to decline since the Board last focused on the question of fares, and that this factor coupled with rapidly spiraling costs has placed Ozark in jeopardy of not being able to maintain the economic viability of its operations.

Ozark states that there have already been significant increases in wages, salaries, and prices of goods and services, and continued increases are assured for the future. Based on recent settlements in the industry and initial opening contract demands already received, the carrier alleges that the issue of wages and fringe benefits will not be resolved without substantial additional cost being incurred long before the Domestic Passenger Fare Investigation is concluded.

Ozark estimates that its proposal would have produced $272,000 in additional revenue for the month of July 1970 (approximately $3,300,000 annualized), which represents a 5.3-percent increase. This increase takes into account fare dilution, but assumes no loss in traffic.

The Department of Defense (DOD) has filed a complaint against Ozark's proposal. Substantially all of the complaint is directed to the proposed increases in military fares which are part of the same filing. DOD does assert generally that it does not believe the increases can be justified, and that no valid reason exists for considering these increases outside the pending Domestic Passenger Fare Investigation.

Ozark's proposal to increase normal fares comes within the scope of the ongoing Domestic Passenger Fare Investigation and its lawfulness will be determined in that proceeding. We expect to issue a decision on the fare level and directly related issues by approximately the first of April 1971. The immediate question then is whether to permit the increases to become effective or to suspend them pending investigation.

Ozark's proposal to increase propeller first-class and jet coach fares involves the fare level over its entire system, and as such necessarily involves an evaluation of basic costs of service, including passenger load factors, now under review in the general investigation. By Order 70-9-123, September 24, 1970, we suspended, pending investigation, a series of tariff filings by the domestic carriers which would have effected across-the-board increases in normal fares. More recently, in Order 70-11-133, we suspended a proposal of Braniff which contemplated a general increase in its coach fares. For similar reasons, we have decided to suspend Ozark's propeller first-class and jet coach fare proposals.[3] We will also suspend the jet first-class, youth reservation, and military reservation fare proposals since they reflect rounding techniques inconsistent with our action in Order 70-10-145 notwithstanding that the carrier is proposing no change in the percentage relationship of these fares to normal fares.

Upon consideration of the tariff proposal, the complaint, and other relevant matters, the Board finds that the proposed military fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[5] are suspended and their use deferred to and including March 16, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. An investigation be instituted to determine whether the YM class (Military Reservation) fares included in Appendix A attached hereto,[5] and rules, regulations, and practices affecting such fares, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, or practices affecting such fares;

3. The investigation of the military reservation fares ordered herein is hereby consolidated into Docket 22784;

4. A copy of this order will be filed with the aforesaid tariffs and served upon the Department of Defense and Ozark Air Lines, Inc.; and

5. Except to the extent granted herein, the complaint in Docket 22708 is hereby dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

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

[F.R. Doc. 70-16736; Filed, Dec. 11, 1970; 8:47 a.m.]

[Docket No. 22572]

GERMANAIR BEDARFSLUFTFAHRT GESELLSCHAFT

Notice of Further Postponement of Hearing

Germanair Bedarfsluftfahrt Gesellschaft m.b.H & Co. KG (Germanair).

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held on December 22, 1970, is hereby postponed to January 20, 1971, at 10 a.m., e.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., December 8, 1970.

[SEAL] EDWARD T. STODOLA, *Hearing Examiner.*

[F.R. Doc. 70-16737; Filed, Dec. 11, 1970; 8:47 a.m.]

CIVIL SERVICE COMMISSION

AIR SAFETY INVESTIGATOR

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on November 27, 1970, for the single position of Air Safety Investigator, GS-1815-13, National Transportation Safety Board, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to the position may be

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

[2] Ozark also publishes Discover America fares, but it does not here propose any increase in these fares.

[3] Our action is without prejudice to filings for coach fare increases in specific markets which Ozark serves that have cost and other characteristics similar to those markets in which the Board has permitted increases by American, Mohawk, and Northeast pending investigation.

[4] All fares in this proposal except the military reservation fares are under investigation in Docket 21866. In Order 70-11-93, Nov. 19, 1970, we ordered an investigation of military reservation fares (Docket 22784) and we will consolidate Ozark's proposed military fares into this docket, notwithstanding that they are being suspended for reasons of construction as opposed to a proposed change in percentage relationship to regular fares.

[5] Filed as part of the original document.

[6] Dissenting statement of Vice Chairman Gillilland and Member Adams filed as part of the original document.

paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 70-16746; Filed, Dec. 11, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 15, 1971, the applications for increased daytime power of Class IV standard broadcast stations listed below, will be considered as ready and available for processing.

The purpose of this notice is not to invite applications which may conflict with the listed applications, but to apprise any party in interest who desires to file pleadings concerning any of the applications pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: December 7, 1970.

Released: December 8, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

BP-18926 KSON, San Diego, Calif.
Broadmoor Broadcasting Corp.
Has: 1240 kc., 250 w., U.
Req: 1240 kc., 250 w., 1 kw.-LS, U.

BP-18927 KAWT, Douglas, Ariz.
The Hillcrest Broadcasting Co.
Has: 1450 kc., 250 w., U.
Req: 1450 kc., 250 w., 1 kw.-LS, U.

BP-18931 KCUZ, Clifton, Ariz.
Ira Q. Toler.
Has: 1490 kc., 250 w., U.
Req: 1490 kc., 250 w., 1 kw.-LS, U.

[F.R. Doc. 70-16740; Filed, Dec. 11, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5716, etc.]

NORTHERN NATURAL GAS PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 3, 1970.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 28, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5716 D 11-12-70	Northern Natural Gas Producing Co. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Northern Nautral Gas Co., Hugoton Field, Stevens County, et al., Kans.	(1)	.....
G-6447 E 10-21-70	Paul DeCleva et al. (successor to The Graham Stuart Corp.), 904 Republic National Bank Tower, Dallas, TX 75201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., acreage in Cimarron and Texas Counties, Okla.	[2] 18.0	14.65
G-12094 D 10-19-70	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Assigned	.....
G-12521 E 10-12-70	Paul DeCleva (Operator) et al. (successor to The Graham Stuart Corp. (Operator) et al.).	Northern Natural Gas Co., North Hansford Field, Hansford County, Tex.	18.5	14.65
G-13324 D 10-22-70	Mobil Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	(3)	.....
G-14210 D 11-4-70	Texaco, Inc., Post Office Box 52332, Houston, TX 77052.	West Texas Gathering Co., South Kermit Field, Winkler County, Tex.	(1)	.....
G-14996 D 11-12-70	Mooil Oil Corp. (partial abandonment).	Texas Eastern Transmission Corp., Bird Island Field, Kleberg County, Tex.	Assigned	.....
G-16015 E 10-26-70	Aztec Oil & Gas Co. (successor to El Paso Products Co.), 2000 First National Bank Bldg., Dallas, TX 75202.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	14.0536	15.025
G-12609 E 10-26-70	Shenandoah Oil Corp. (successor to James Davis, Jr. d.b.a. Solar Oil Co.), 1500 Commerce Bldg., Fort Worth, TX 76102.	Northern Natural Gas Co., acreage in Clark County, Kans.	16.0	14.65
CI62-289 E 10-26-70	do	Cities Service Gas Co., acreage in Finney County, Kans.	9.9378	14.65
CI62-891 E 10-26-70	do	Northern Natural Gas Co., acreage in Clark County, Kans.	17.0	14.65
CI64-670 C 10-30-70	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	[4] 15.0	14.65
CI65-21 D 9-8-70	Texaco, Inc.	Northern Natural Gas Co., Ozona (Canyon) Field, Crockett County, Tex.	(3)	.....
CI67-292 E 10-16-70	Ladd Petroleum Corp. (successor to Aikman Bros. Corp. (Operator) et al.), 830 Denver Club Bldg., Denver, CO 80202.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[5] 17.0	14.65
CI67-985 E 10-30-70	G. W. Schultz et al. (successor to Explorer Oil Co.), 2607 First National Bldg., Oklahoma City, OK 73102.	Transwestern Pipeline Co., Mammoth Creek Field, Lipscomb County, Tex.	17.0	14.65
CI68-650 C 7-30-70 [6]	Texas Oil & Gas Corp. (Operator) et al.,[7] 2520 Fidelity Union Tower, Dallas, TX 75201.	Cities Service Gas Co., acreage in Woods and Harper County, Okla.	[8] 20.0	14.65
CI69-42 E 11-2-70	Paul DeCleva (Operator) et al. (successor to The Graham Stuart Corp. (Operator) et al.).	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	[9] 18.0	14.65
CI69-60 E 11-2-70	do	do	14.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI70-904..... A 4-6-70 [4]	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, OK	Wheeler Gas Co. (formerly Wm. W. Wiley), West Reydon Field, Roger Mills County, Okla.	[10] 20.0	14.65
CI71-66..... A 7-20-70	King Resources Co., [11] 3100 Security Life Bldg., Denver, CO 80202.	Northern Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	20.50	14.65
CI71-120..... C 10-1-70	Commonwealth Gas Corp., 801 Union Bldg., Charleston, WV 25301.	United Fuel Gas Co., acreage in Jackson County, W. Va.	30.0	15.325
CI71-134..... A 8-13-70 [12]	Mobil Oil Corp.[7]	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	[7] 20.0	14.65
CI71-170..... C 11-2-70	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77002.	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	26.5	14.65
CI71-184..... A 8-28-70 [13]	Texas Oil & Gas Corp. (Operator) et al.[7], 1001 Americana Bldg., Houston, TX 77002.	Transwestern Pipeline Co., acreage in Harper County, Okla.	[7] 20.0	14.65
CI71-295..... A 10-5-70 [14]	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., Ripley District, Jackson County, W. Va.	[15] 32.0	15.325
CI71-309..... (G-13416) F 10-1-70 [13]	S & G Oil Co., Inc. (successor to Skelly Oil Co.), c/o Patricia M. Hoebel, attorney, 300 McFarlin Bldg., Tulsa, OK 74103.	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	16.0	14.65
CI71-365..... (CI62-781)	Imperial-American Management Co. (successor to Pan American Petroleum Corp.).	Northern Natural Gas Co., Northeast Six Mile Field, Beaver County, Okla.	[17] 18.015	14.65
(CI64-1321)	Phillips Petroleum Co. and	do	[18] 18.0	14.65
(CI65-257) F 10-23-70	Texaco, Inc.), c/o Gordon L. Lewellyn, attorney, 1100 Adolphus Tower, Dallas, TX 75202.	do	[18] 18.0	14.65
CI71-366..... A 10-26-70	B. T. Goldberg, 4901 Louisiana, El Paso, TX 79930.	Natural Gas Pipeline Co. of America, acreage in Ochiltree County, Tex.	[1] 17.0	14.65
CI71-367..... B 10-26-70	Duquesne Natural Gas Co., Post Office Box 1188, Houston, TX 77001.	Valley Gas Transmission, Inc., San Diego-Koopman Field, Duval and Jim Wells Counties, Tex.	Depleted	.....
CI71-368..... A 10-26-70	Lamar Hunt (Operator) et al., 1401 Elm St., Dallas, TX 75202.	Arkansas Louisiana Gas Co., Sugar Creek Field, Claiborne Parish, La.	19.0	15.025
CI71-369..... A 10-27-70	The Superior Oil Co. Post Office Box 1521, Houston, TX 77001.	McCulloch Interstate Gas Corp., Bear Creek Unit, Converse County, Wyo.	[1] 18.0	15.025
CI71-370..... (CI62-603) F 10-7-70	Hill Oil & Gas Co. (successor to Mobil Oil Corp.), c/o Gordon L. Llewellyn, attorney, 1100 Adolphus Tower, Dallas, TX 75202.	Michigan Wisconsin Pipe Line Co., Mocane Field, Beaver County, Okla.	[10] 20.0	14.65
CI71-371..... (CI70-973) F 10-16-70	Ladd Petroleum Corp. (successor to Aikman Bros. Corp.), 830 Denver Club Bldg., Denver, CO 80202.	Northern Natural Gas Co., Lorena West Field, Texas County, Okla.	[1] 17.0	14.65
CI71-372..... (CI68-1040) F 10-16-70	Ladd Petroleum Corp. (successor to Aikman Bros. Corp. (Operator) et al.).	Northern Natural Gas Co., Larrabee Field, Stevens County, Kans.	[11] 16.0	14.65
CI71-373..... (CI64-62) F 10-16-70	Ladd Petroleum Corp. (successor to Aikman Brothers).	Northern Natural Gas Co., Bechthold Field, Lipscomb County, Tex.	17.0638	14.65
CI71-374..... A 10-28-70	Jones & Pellow Oil Co., 101 Northeast 28th St., Oklahoma City, OK 73105.	Panhandle Eastern Pipe Line Co., acreage in Woodward County, Okla.	[1] 20.0	14.65
CI71-375..... A 10-28-70	Pan American Petroleum Corp., Post Office Box 591, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Welsh Field, Jefferson Davis Parish, La.	18.50	15.025
CI71-376..... A 10-29-70	Ramco Oil & Gas, Post Office Box 505, Belpre, OH 45714.	Equitable Gas Co., Rosedale Field, Braxton County, W. Va.	32.0	15.325
CI71-378..... B 10-29-70	Diamond Shamrock Corp., Post Office Box 631, Amarillo, TX 79105.	Northern Natural Gas Co., acreage in Woodward County, Okla.	Depleted	.....
CI71-379..... A 10-30-70	King Resources Co., Security Life Bldg., Denver, CO 80202.	Northern Natural Gas Co., Gomez (Ellenburger) Field, Pecos County, Tex.	[1] 20.5	14.65
CI71-380..... B 10-30-70	Diamond Shamrock Corp.	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	Depleted	.....

See footnotes at end of document.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-381..... A 11-2-70	Par Oil Corp., 804 Beck Bldg., Shreveport, LA 71101.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	15.75	15.025
CI71-382..... B 11-2-70	North Central Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Blessing Field, Matagorda County, Tex.	[22]	.....
CI71-383..... (CI61-659) F 10-29-70	Three S & T Oil Co., Inc. (successor to Mobil Oil Corp.), % Jack C. Caldwell, attorney, Post Office Box 592, Franklin, LA 70538.	Transcontinental Gas Pipe Line Corp., Lacy Field, St. Charles and St. John the Baptist Parishes, La.	15.5	15.025
CI71-384..... A 11-2-70	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Arkansas Louisana Gas Co., Lacy Area, Kingfisher County, Okla.	17.8	14.65
CI71-385..... F 10-29-70 [13]	Arapahoe Production Co. (successor to Gulf Oil Corp.), Post Office Box 1228, Borger, TX 79007.	Panhandle Producing Co. et al., West Panhandle Field, Hutchinson County, Tex.	8.0	14.65
CI71-386..... A 11-3-70	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Cities Service Gas Co., Earles Unit, Hinton Area, Canadian County, Okla.	[24] 22.0	14.65
CI71-387..... A 11-5-70	Pan American Petroleum Corp.	Northern Natural Gas Co., Kate Field, Seward County, Kans.	[1] 20.9	14.65
CI71-388..... A 11-5-70	Anadarko Production Co. (Operator) et al., Post Office Box 9817, Fort Worth, TX 76107.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	[10] 20.0	14.65
CI71-390..... A 11-6-70	Lyons Petroleum (Operator) et al., c/o J. A. Dykes, attorney, 1500 Beck Bldg., Shreveport, LA 71101.	Natural Gas Pipeline Co. of America, Balderas Field, Jim Hogg County, Tex.	24.25	14.65
CI71-391..... A 11-6-70	Nabob Production Co., Post Office Box 2511, Amarillo, TX 79105.	Transwestern Pipeline Co., Topeka Lime Formation, Texas County, Okla.	[2] 26.5	14.65
CI71-392..... B 11-6-70	Consolidated Oil & Gas, Inc. (Operator) et al., Suite 1300, Lincoln Tower Bldg., 1860 Lincoln St., Denver, CO 80202.	Cities Service Gas Co., Eureka Field, Grant County, Okla.	[20]	.....
CI71-393..... A 11-6-70	Diamond Shamrock Corp., (Operator)	Kansas-Nebraska Natural Gas Co., Inc., acreage in Fremont County, Wyo.	[1] 15.0	14.65
CI71-394..... (G-7160) F 11-5-70	Pan American Petroleum Corp. (successor to Gulf Oil Corp.).	Northern Natural Gas Co., Blinebry Field, Lea County, N. Mex.	14.1074	15.025
CI71-395..... B 11-9-70	Gulf Natural Gas Corp., 1500 American Bank Bldg., New Orleans, LA. 71130.	Arkansas Louisana Gas Co., Pine Island Field, Caddo Parish, La.	Uneconomical	.....
CI71-396..... A 11-9-70	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., acreage in Beaver County, Okla.	18.5	14.65
CI71-397..... B 11-9-70	Monterey Pipeline Co., 1700 Commerce Bldg., New Orleans, LA 70112.	Florida Gas Transmission Co., Pecaniere Field, St. Landry Parish, La.	Depleted	.....
CI71-398..... A 11-9-70	Gulf Oil Corp. (Operator) et al.	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	[10] 15.0	14.65
CI71-399..... A 11-9-70	Placid Oil Co., 2500 First National Bank Bldg., Dallas, TX 75202.	Southern Natural Gas Co., Bully Camp Field, Lafourche Parish, La.	[1] 25.0	15.025
CI71-400..... (CI68-309) F 11-6-70	Cabot Corp. (successor to Samedan Oil Corp.), Post Office Box 1140, Pampa, TX 79065.	United Gas Pipe Line Co., acreage in Nueces County, Tex.	16.06	14.65
CI71-401..... (CS66-65) F 11-6-70	Clinton Oil Co. (successor to Joseph S. Gruss), [10] 217 North Water St., Wichita, KS 67202.	El Paso Natural Gas Co., Spraberry Trend Area Field, Reagan County, Tex.	14.5	14.65
CI71-402..... B 11-12-70	Dan Russak, Post Office Box 3175, Tyler, TX 75701.	United Gas Pipe Line Co., Willmann Field, San Patricio County, Tex.	Depleted	.....
CI71-403..... A 11-12-70	Dakota Mining & Development Corp., c/o Joe A. Powell, Assistant Secretary, Post Office Box 449, Carthage, TX 75633.	Mid Louisiana Gas Co., Richland Gas Field, Richland Parish, La.	[11] 20.0	15.025
CI71-404..... A 11-12-70	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	32.0	15.325
CI71-405..... A 11-12-70	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	El Paso Natural Gas Co., Toro (Ellenburger) Field, Reeves County, Tex.	[1] 26.5	14.65
CI71-406..... F 11-12-70	Clark Oil Producing Co. (successor to Duquesne Natural Gas Co.), 2626 Humble Bldg., 800 Bell Ave., Houston, TX 77002.	Southern Natural Gas Co., North King's Ridge Field, Lafourche Parish, La.	17.5	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-407..... B 11-12-70	Mobil Oil Corp.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Donna Field, Hidalgo County, Tex.	Depleted	
C171-408..... B 11-12-70	do.....	Hassie Hunt Trust, Lisbon Field, Claiborne Parish, La.	Depleted	
C171-409..... A 11-12-70	Bighane Operating Co., Post Office Box 966, Natchez, MS 39120.	Mid Louisiana Gas Co., Majorca Field, Adams County, Miss.	18.02	15.025

[1] Deletes nonproductive leases.
[2] Subject to upward and downward B.t.u. adjustment.
[3] Abandons service from the A. P. Jackson No. 1-36 well. Well is unable to deliver into Buyer's system.
[4] Contract provides for rate of 16.015 cents per Mcf (including 0.015-cent tax reimbursement); however, applicant states its willingness to accept certificate conditioned to an initial rate of 15 cents per Mcf.
[5] Right-of-way could not be obtained to effect delivery. By letter dated Oct. 14, 1970, Texaco advised that gas will be sold to Shell Oil Co. for resale to El Paso Natural Gas Co.
[6] Application previously noticed Aug. 19, 1970, in Docket No. G-9963 et al., at a rate of 17 cents per Mcf.
[7] Applicant requests certificate at 20 cents per Mcf, the area ceiling rat eprescribed by Opinion No. 586.
[8] Predecessor's rate is 14 cents per Mcf, subject to refund in Docket No. RI69-169.
[9] Application previously noticed Apr. 23, 1970, in Docket No. G-5716 et al. at a rate of 15 cents per Mcf.
[10] Area ceiling rate prescribed by Opinion No. 586.
[11] By letter filed Oct. 12, 1970, applicant agreed to accept a permanent certificate under the same conditions imposed by temporary certificate.
[12] Application previously noticed Aug. 27, 1970, in Docket No. G-10833 et al. at a rate of 15 cents per Mcf.
[13] Application previously noticed Sept. 23, 1970, in Docket No. G-7009 et al. at a rate of 17 cents per Mcf.
[14] Application previously noticed Oct. 15, 1970, in Docket No. G-6061 et al. at a rate of 30 cents per Mcf.
[15] Area ceiling rate prescribed by Order No. 411.
[16] Application previously noticed Nov. 5, 1970, in Docket No. G-3895 et al. at a rate of 15 cents per Mcf.
[17] Rate in effect subject to refund in Docket Nos. RI69-349 and RI70-1563.
[18] Rate in effect subject to refund in Docket No. RI69-418.
[19] Rate in effect subject to refund in Docket No. RI70-1010.
[20] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI70-463.
[21] Subject to upward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI69-12.
[22] Leases are nonproductive and have reverted to landowners.
[23] Partially succeeds Gulf Oil Corp's. FPC GRS No. 126.
[24] Subject to upward B.t.u. adjustment.
[25] Includes 1.09-cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[26] Subject to upward and downward B.t.u. adjustment. Contract provides for rate of 23 cents per Mcf; however, applicant requests certificate at 20 cents per Mcf, the area ceiling rate prescribed by Opinion No. 586.
[27] Includes 1 cent per Mcf gathering charge and 7 cents per Mcf compression charge.
[28] Well is no longer capable of delivering into Buyer's high pressure line.
[29] Subject to upward and downward B.t.u. adjustment. Contract provides for rate of 19 cents per Mcf, plus B.t.u. adjustment; however, applicant states its willingness to accept permanent certificate conditioned to an initial rate of 15 cents.
[30] Predecessor's interest covered by small-producer certificate issued to John L. Cox.
[31] 20 cents per Mcf if daily volume of gas is five million cubic feet or less; 21 cents per Mcf if volume is more than five million but less than 10 million cubic feet; and 22 cents per Mcf if volume of gas is more than 10 million cubic feet.

[F.R. Doc. 70-16691; Filed, Dec. 11, 1970; 8:45 a.m.]

[Dockets Nos. E-7174, E-7555]

WISCONSIN MICHIGAN POWER CO.

Order Suspending Tendered Rate Schedule Supplements, Granting Request for Waiver of 60-Day Notice Requirement, Denying Request for Waiver of Statutory Notice, Providing for Hearing, Granting Petitions To Intervene, and Consolidating Proceedings

DECEMBER 4, 1970.

This order suspends for 60 days certain rate schedule supplements tendered for filing by Wisconsin Michigan Power Co. (Wisconsin Michigan), denies Wisconsin Michigan's request for waiver of the statutory 30-day notice period, and grants its request for waiver of the 60-day notice requirement of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act, provides for a hearing, consolidates the proceeding still pending under Docket No. E-7174 with the present filing, Docket No. E-7555, and grants two petitions to intervene in Docket No. E-7555.

Wisconsin Michigan, a public utility subject to the jurisdiction of the Commission, tendered on September 1, 1970, and completed by the submittal of additional required data on November 9, 1970, a proposed increase in its rate to eight wholesale customers (six municipal utilities, one privately-owned utility, and one electric cooperative).[1] The increase would result in increased annual revenues of $294,207, or 12.6 percent.

Wisconsin Michigan states, in support of the proposed changes, that it has experienced substantial increases, above the levels on which its present rates are based, in taxes, interest rates, construction and purchased power costs, and wages, and that the increase in the power factor base level from 80 percent to 90 percent is consistent with the increased power factor of its new generation equipment. It alleges that at the increased rates proposed, its rate of return on wholesale business would be 4.58 percent.

Petitions to intervene have been filed by the cities of Shawano, New London, Clintonville, and Oconto Falls, and the town of Florence (cities of Shawano et al.), and by the Oconto Electric Cooperative (Oconto). The cities of Shawano et al., requested in their joint petition that the tendered supplements be suspended for 5 months in order to allow them time to analyze the filing, and represented that the increase was not necessary. Oconto, in its petition, contended that cost-of-service and socio-economic considerations require a different, lower rate for it than for other wholesale customers. It also requested suspension for the purposes of investigating these considerations. Each of these petitioners purchases power at wholesale from Wisconsin Michigan. No opposition to their petitions has been received.

Oconto took the same position in Docket No. E-7174, in which the Commission, by order of August 6, 1964, suspended for 1 day a proposed increase in the rate charged Oconto by Wisconsin Michigan. That rate is now in effect and is being collected subject to refund. Since the issue of a rate differential for Oconto has arisen in connection with the present filing, it appears appropriate to consolidate the still-pending proceeding in Docket No. E-7174 with that in Docket No. E-7555.

Wisconsin Michigan has requested waiver of the 60-day notice period prescribed by § 35.13(b)(4) of the Commission's regulations under the Federal Power Act, and of the 30-day statutory notice period. In view of our finding that suspension of the tendered rate schedule supplements is appropriate, waiver of the statutory notice provision would not be in the public interest. However, there appears to be good cause to waive the 60-day notice period provided by § 35.13(b)(4) of our regulations. The greater part of the required cost of service data was furnished on September 1, 1970, although the filing was not complete until November 9, 1970. In light of the circumstances involved in this case, we are ordering a 60-day suspension.

The Commission further finds:

(1) The proposed supplements to Wisconsin Michigan's rate schedules, identified in Exhibit A attached hereto, may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308 and 309 thereof, that a public hearing be held on the lawfulness of those proposed supplements, and that the operation of the proposed supplements be suspended and the use thereof deferred, all as hereinafter provided.

(3) Good cause has not been shown to grant Wisconsin Michigan's request for waiver of the 30-day notice requirement of section 205(d) of the Federal Power Act and § 35.3 of the Commission's regulations thereunder.

(4) Good cause has been shown to grant Wisconsin Michigan's request for waiver of the 60-day notice requirement of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act.

(5) Participation in this proceeding by the petitioners for intervention, cities of Shawano et al., and Oconto may be in the public interest.

(6) Good cause exists to consolidate the proceedings in Dockets Nos. E-7174 and E-7555 for purposes of hearing and decision.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and

[1] The eight customers and the rate schedules involved are identified in Exhibit A attached hereto.

pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., at a date and time to be set by the hearing examiner of the Commission designated to preside over these proceedings, concerning the lawfulness of Wisconsin Michigan's proposed rate schedule supplements (identified in Exhibit A hereto) and of Wisconsin Michigan's rate to Oconto, heretofore suspended in Docket No. E-7174 and presently in effect subject to refund.

(B) Pending such hearing and decision thereon, Wisconsin Michigan's proposed rate schedule supplements, identified in Exhibit A, are hereby suspended and the use thereof deferred until February 8, 1971. On that date, those supplements shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission in this consolidated proceeding, subject to Wisconsin Michigan's keeping an accurate account in detail of all amounts received by reason of the said rate schedule supplements, and subject to such refund as the Commission may order, all in accordance with Section 205(e) of the Federal Power Act.

(C) Wisconsin Michigan shall file with the Commission and serve on all parties, on or before March 30, 1971, its case in chief in support of the subject rate schedule supplements identified in Exhibit A hereto and of the presently effective rate to Oconto, including the testimony of witnesses and exhibits. The parties may submit to the Presiding Examiner, on or before April 20, 1971, proposed dates for commencement of cross-examination of Wisconsin Michigan's witnesses. If any party believes that a prehearing conference would serve to expedite the proceedings, he may file with the Chief Examiner or the designated Presiding Examiner, on or before April 20, 1971, a motion for prehearing conference, including a statement of how the proceedings would be expedited thereby and a proposed agenda for such prehearing conference. All further procedural dates shall be as ordered by the Presiding Examiner.

(D) Wisconsin Michigan's request for waiver of the 30-day notice requirement of section 205(d) of the Federal Power Act and § 35.3 of the Commission's regulations thereunder is denied.

(E) Wisconsin Michigan's request for waiver of the 60-day notice requirement of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act is granted.

(F) Unless otherwise ordered by the Commission, Wisconsin Michigan shall not change the terms or provisions of its proposed rate schedule supplements identified in Exhibit A hereto until this proceeding has been terminated or until the period of suspension has expired.

(G) The proceedings in Dockets Nos. E-7174 and E-7555 are consolidated for purposes of hearing and decision.

(H) Wisconsin Michigan shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the Chicago prime rate on February 8, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of February 8, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to February 8, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(I) Each of the aforementioned petitioners for intervention is hereby permitted to intervene in this consolidated proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to the matters affected asserted rights and interests specifically set forth in their respective petitions to intervene: *And provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in this proceeding.

(J) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before December 26, 1970, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

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

[F.R. Doc. 70-16690; Filed, Dec. 11, 1970; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

MISSOURI 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 Missouri 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 80 percent or more of the voting shares of First Security Bank in Kirkwood, Kirkwood, 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, December 7, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-16708; Filed, Dec. 11, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4946]

NORTHEAST UTILITIES

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

DECEMBER 4, 1970.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast proposes, from time to time, to issue and sell short-term notes (including commercial paper) in an aggregate principal amount outstanding at any one time of not more than $100 million. Northeast intends to utilize the proceeds from the sale of its notes to make

capital contributions to The Connecticut Light & Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., all electric utility subsidiary companies of Northeast, and to supply funds as needed to other subsidiary companies, all if, as, and when authorized by the Commission.

Northeast presently has outstanding $33,600,000 of short-term promissory notes to banks and to a dealer in commercial paper, which notes were issued pursuant to the Commission's orders of August 22, 1969, March 16, 1970, and March 20, 1970 (Holding Company Act Release Nos. 16454, 16641, and 16648, respectively). No further borrowings will be made pursuant to those orders; however, upon the effectiveness of the instant declaration, Northeast proposes to renew and extend such notes and to issue and sell up to an additional $66,400,000 of short-term notes to banks and to a dealer in commercial paper (and to renew such notes) from time to time. The aggregate amount of all such notes at any one time outstanding, including notes heretofore authorized and those thereafter issued, will at no time exceed $100 million.

The proposed bank notes will each be dated the date of issue, will have maximum maturity dates of 9 months, with right of renewal, will bear interest at the prime rate (currently 7 percent per annum) in effect at the lending bank on the date of issue, will be subject to prepayment at any time at the company's option without premium, and will be issued no later than December 31, 1972. Although no formal commitments for future borrowings have been made with any bank, Northeast expects such borrowings will be effected from the following banks:

Name of bank	*Amount*
Bankers Trust Company, New York, N.Y.	$11,400,000
The Connecticut Bank & Trust Co., Hartford, Conn.	6,000,000
First National Bank of Boston, Mass.	5,000,000
Manufacturers Hanover Trust Company, New York, N.Y.	4,000,000
Morgan Guaranty Trust Co., New York, N.Y.	4,000,000
New England Merchants National Bank, Boston, Mass.	4,000,000
Irving Trust Company, New York, N.Y.	2,000,000
Total	$36,400,000

The proposed commercial paper notes will be issued in denominations of not less than $50,000 and not more than $1 million, will have a maturity of not more than 270 days, will not be repayable prior to maturity, and will be sold by Northeast directly to a dealer in commercial paper at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days after December 31, 1972, which have an effective interest cost which exceeds the prime commercial bank rate at which Northeast could borrow from banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper.

The commercial paper dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of no more than one-eighth of 1 percent per annum less than the prevailing discount rate to Northeast. The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

The declaration states that, unless otherwise authorized by the Commission, any bank notes or commercial paper of Northeast outstanding at December 31, 1972, will be repaid from internal cash resources or from the proceeds of long-term equity financing.

Northeast requests that the issue and sale of its commercial paper notes, pursuant to subparagraph (a)(5)(B) of Rule 50, be excepted from the requirements thereof in view of the fact that current rates for commercial paper for prime borrowers such as Northeast are readily ascertainable by reference to daily financial publications and that it is not practicable to invite competitive bids for commercial paper. Northeast further requests that the certificate under Rule 24 be filed on a quarterly basis with respect to the commercial paper.

It is stated that no fees or commissions (including legal fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions and that incidental services, estimated at $500, will be performed at cost by Northeast Utilities Service Co., an affiliated service company. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 23, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16719; Filed, Dec. 11, 1970; 8:46 a.m.]

[812-2766]

OHIO NATIONAL VARIABLE ACCOUNT A ET AL.

Application for Exemptions

DECEMBER 7, 1970.

Notice is hereby given that Ohio National Variable Account A (Account A), a unit investment trust registered under the Investment Company Act of 1940 (Act), the Ohio National Life Insurance Co. (Ohio National), and the O.N. Equity Sales Co. (Sales Company), 237 William Howard Taft Road, Cincinnati, OH (hereinafter referred to collectively as Applicants) have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of sections 12(d)(1), 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Ohio National, a stock life insurance company organized in 1909 under the laws of the State of Ohio, has established Account A in connection with the proposed sale of contracts with a variable annuity feature (Contracts) intended to provide annuities under plans or trusts initially qualifying under sections 401 or 403 of the Internal Revenue Code. All or part of the net purchase payments under Contracts will be allocated to Account A, and invested in shares of O.N. Fund, Inc. (Fund) a registered open-end, diversified management investment company. Sales Company, a wholly owned subsidiary of Ohio National, is a registered broker dealer, and also a member of the National Association of Securities Dealers, Inc. Contracts will be sold by Ohio National Life insurance agents who are also registered representatives of Sales Company.

Account A was established by Ohio National as a separate account pursuant to the laws of Ohio. Under such laws the assets of Account A equal to the reserves and other contractual liabilities under contracts identified with Account

A are not chargeable with liabilities arising out of any other business of Ohio National, and any income and gains or losses, realized or unrealized, of Account A are credited to or charged against the amounts allocated to Account A without regard to other income, gains, or losses of Ohio National.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1). Section 12(d)(1) of the Act provides in substance that it shall be unlawful for any registered investment company (Account A) to acquire any security issued by another investment company (Fund) if such registered investment company will, as a result of that purchase, own more than 3 percent of the outstanding voting stock of the other investment company unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides that such restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Account A, which does not own at least 25 percent of the outstanding voting stock of the Fund, will acquire more than 3 percent of the outstanding voting stock of the Fund with the proceeds of payments on periodic payment plan certificates which are issued pursuant to the terms of an agreement of custodianship rather than a trust indenture. Applicants state that an exemption from section 12(d)(1) is appropriate because the custodianship arrangements and Ohio law and regulations applicable to Account A and Ohio National will afford the essential protections which the Act was designed to provide, and further the purchase of Fund shares for Account A will be made in substantially the same manner as a purchase would be made if the assets of Account A were held pursuant to the terms of a trust indenture.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus. Applicants request the follow exemptions from section 22(d):

The Contracts provide for accumulation of values and the payment of annuity benefits on either a variable basis or on a fixed and variable basis. The same deductions for sales and administrative expenses are made from each purchase payment, however, without regard to whether the net proceeds are applied to provide variable benefits or a combination of variable and fixed-dollar benefits. Since a uniform deduction will, therefore, have been paid with respect to amounts accumulated on a fixed-dollar basis, Applicants request an exemption from section 22(d) to permit the transfer of funds for annuitant's fixed accumulation account to Account A without imposition of sales or administrative charges. Applicants assert that the imposition of such charges would subject some annuitants to higher total deductions than others who paid in the same number of dollars under the Contracts.

Applicants also request exemption from the provisions of section 22(d) to permit reductions in sales deductions to be made on the basis of the aggregate amount of purchase payments allocated both to Account A and the fixed-dollar accumulation account. Such reduced sales deductions would, Applicants asserts, avoid the discrimination which would otherwise exist between persons allocating differing portions of their purchase payments between Account A and the fixed-dollar accumulation account.

An exemption from section 22(d) is also requested to permit Ohio National to pay dividends of sums (resulting from an excess of charges over costs) to Contract owners on a nondiscriminatory basis according to each class of Contract and to permit Contract owners to apply any such dividends received under the Contracts during any accumulation period to the purchase of additional variable accumulation units in Account A without a deduction for sales expense.

Applicants also seek an exemption from section 22(d) to permit the offer and sale of special payment Contracts with lower deductions for sales and administrative expenses than those applicable to single payment Contracts. Applicants' special payment Contracts are designed exclusively for use in situations where purchase payments consist of the proceeds of insurance policies or fixed-dollar annuity contracts issued by Ohio National. Applicants allege that such reduced charges will neither result in disruptive distribution patterns for the Contracts nor create unfair discrimination among their purchasers since no secondary market in the Contracts will develop, and because a sales charge will have been previously included in the premiums on the Ohio National insurance policies and fixed-dollar annuity Contracts from which purchase payments under the special payment Contract are derived. Moreover, no substantial additional sales expense is expected to be incurred where purchase payments come from such sources.

Applicants also request an exemption from section 22(d) to permit the beneficiary under a Contract funded by Account A to elect to have the proceeds payable upon the death of the annuitant applied to a variable annuity in lieu of a lump sum payment, without deduction of a sales charge. Applicants assert that such an exemption is appropriate since no significant selling expenses are expected, all beneficiaries will be uniformly treated, and the annuitant will have already paid a sales load on the moneys contributed to the accumulation account.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor and underwriter for the trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian, and held under an indenture or agreement containing specified provisions. Such agreement must provide, inter alia, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B), and (C) of section 26(a)(2) until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed, (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and reimbursement of expenses incurred as are provided for in the agreement, and (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself. Although the assets of Account A are held under a custodian agreement with a bank having the qualifications prescribed in section 26(a) of the Act, the agreement does not create a Trust with respect to the assets of Account A because Ohio National as a life insurance company must retain ownership and control of the disposition of its property. Accordingly, an exemption is requested from the foregoing provisions to the extent necessary to make the requirement of a trust inapplicable.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that under the custodian agreement the assets of Account A will be held by the Custodian and will be physically segregated and separated from the property of any other person, that Ohio National is required to maintain records of the names and addresses of persons having an interest in Account A, and that it will notify interested persons of substitutions of securities. Applicants also assert that they are subject to extensive supervision and control by the Ohio Superintendent of Insurance, which includes filing required reports to the Superintendent and being subject to review or examination by the Superintendent or his agents at all times, that Account A has been established pursuant to an Ohio law which provides that its assets shall not be chargeable with liabilities arising out of any business Ohio National may conduct and all obligations arising under Contracts participating in Account A are general obligations of Ohio National, and that Ohio National may not abrogate its obligations under such Contracts. Applicants contend that the foregoing laws, regulations and arrangements provide substantial assurance that all obligations under Contracts participating in Account A will be performed and that the orphanage of Fund will not occur.

Applicants have consented that the requested exemption from sections 26(a) and 271(c)(2) be subject to the following conditions: (1) That the charges to variable annuity contract

owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of Account A shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally, exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may not later than December 28, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-16720; Filed, Dec. 11, 1970; 8:46 a.m.]

[812-2767]

OHIO NATIONAL VARIABLE ACCOUNT B ET AL.

Application for Exemptions

DECEMBER 7, 1970.

Notice is hereby given that Ohio National Variable Account B (Account B), a unit investment trust registered under the Investment Company Act of 1940 (Act), the Ohio National Life Insurance Co. (Ohio National), and the O.N. Equity Sales Co. (Sales Company), 237 William Howard Taft Road, Cincinnati, Ohio (hereinafter referred to collectively as Applicants) have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 12(d)(1), 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Ohio National, a stock life insurance company organized in 1909 under the laws of the State of Ohio, has established Account B in connection with the proposed sale of contracts with a variable annuity feature (Contracts) intended to provide annuities under plans or trusts initially qualifying under section 401 or 403 of the Internal Revenue Code. All or part of the net purchase payments under Contracts will be allocated to Account B, and invested in shares of O.N. Fund, Inc. (Fund), a registered open-end, diversified management investment company. Sales Co., a wholly owned subsidiary of Ohio National, is a registered broker dealer and also a member of the National Association of Securities Dealers, Inc. Contracts will be sold by Ohio National life insurance agents who are also registered representatives of Sales Co.

Account B was established by Ohio National as a separate account pursuant to the laws of Ohio. Under such laws the assets of Account B equal to the reserves and other contractual liabilities under contracts identified with Account B are not chargeable with liabilities arising out of any other business of Ohio National, and any income and gains or losses, realized or unrealized, of Account B are credited to or charged against the amounts allocated to Account B without regard to other income, gains, or losses of Ohio National.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1). Section 12(d)(1) of the Act provides in substance that it shall be unlawful for any registered investment company (Account B) to acquire any security issued by another investment company (Fund) if such registered investment company will, as a result of that purchase, own more than 3 percent of the outstanding voting stock of the other investment company unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides that such restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Account B, which does not own at least 25 percent of the outstanding voting stock of the Fund, will acquire more than 3 percent of the outstanding voting stock of the Fund with the proceeds of payments on periodic payment plan certificates which are issued pursuant to the terms of an agreement of custodianship rather than a trust indenture. Applicants state that an exemption from section 12(d)(1) is appropriate because the custodianship arrangements and Ohio law and regulations applicable to Account B and Ohio National will afford the essential protections which the Act was designed to provide, and further the purchase of Fund shares for Account B will be made in substantially the same manner as a purchase would be made if the assets of Account B were held pursuant to the terms of a trust indenture.

Section 22(d). Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus. Applicants request the following exemptions from section 22(d):

The Contracts provide for accumulation of values and the payment of annuity benefits on either a variable basis or on a fixed and variable basis. The same deductions for sales and administrative expenses are made from each purchase payment, however, without regard to whether the net proceeds are applied to provide variable benefits or a combination of variable and fixed-dollar benefits. Since a uniform deduction will, therefore, have been paid with respect to amounts accumulated on a fixed-dollar basis, Applicants request an exemption from section 22(d) to permit the transfer of funds from annuitant's fixed accumulation account to Account B without imposition of sales or administrative charges. Applicants assert that the imposition of such charges would subject some annuitants to higher total deductions than others who paid in the same number of dollars under the Contracts.

Applicants also request exemption from the provisions of section 22(d) to permit reductions in sales deductions to be made on the basis of the aggregate amount of purchase payments allocated both to Account B and the fixed-dollar accumulation account. Such reduced sales deductions would, Applicants assert, avoid the discrimination which would otherwise exist between persons allocating differing portions of their purchase payments between Account B and the fixed-dollar accumulation account.

An exemption from section 22(d) is also requested to permit Ohio National to pay dividends of sums (resulting from

an excess of charges over costs) to Contract owners on a nondiscriminatory basis according to each class of Contract and to permit Contract owners to apply any such dividends received under the Contracts during any accumulation period to the purchase of additional variable accumulation units in Account B without a deduction for sales expense.

Applicants also seek an exemption from section 22(d) to permit the offer and sale of special payment Contracts with lower deductions for sales and administrative expenses than those applicable to single payment Contracts. Applicants' special payment Contracts are designed exclusively for use in situations where purchase payments consist of the proceeds of insurance policies or fixed-dollar annuity Contracts issued by Ohio National. Applicants allege that such reduced charges will neither result in disruptive distribution patterns for the Contracts nor create unfair discrimination among their purchasers since no secondary market in the Contracts will develop, and because a sales charge will have been previously included in the premiums on the Ohio National insurance policies and fixed-dollar annuity Contracts from which purchase payments under the special payment Contract are derived. Moreover, no substantial additional sales expense is expected to be incurred where purchase payments come from such sources.

Applicants also request an exemption from section 22(d) to permit the beneficiary under a Contract funded by Account B to elect to have the proceeds payable upon the death of the annuitant applied to a variable annuity in lieu of a lump sum payment, without deduction of a sales charge. Applicants assert that such an exemption is appropriate since no significant selling expenses are expected, all beneficiaries will be uniformly treated, and the annuitant will have already paid a sales load on the moneys contributed to the accumulation account.

Sections 26(a) and 27(c)(2). Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor and underwriter for the trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than the sales load are deposited with a qualified bank as trustee or custodian, and held under an indenture or agreement containing specified provisions. Such agreement must provide, inter alia, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B), and (C) of section 26(a)(2) until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed, (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services performed and reimbursement of expenses incurred as are provided for in the agreement, and (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself. Although the assets of Account B are held under a custodian agreement with a bank having the qualifications prescribed in section 26(a) of the Act, the agreement does not create a Trust with respect to the assets of Account B because Ohio National as a life insurance company must retain ownership and control of the disposition of its property. Accordingly, an exemption is requested from the foregoing provisions to the extent necessary to make the requirement of a trust inapplicable.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that under the custodian agreement the assets of Account B will be held by the Custodian and will be physically segregated and separated from the property of any other person, that Ohio National is required to maintain records of the names and addresses of persons having an interest in Account B, and that it will notify interested persons of substitutions of securities. Applicants also assert that they are subject to extensive supervision and control by the Ohio Superintendent of Insurance, which includes filing required reports to the Superintendent and being subject to review or examination by the Superintendent or his agents at all times, that Account B has been established pursuant to an Ohio law which provides that its assets shall not be chargeable with liabilities arising out of any business Ohio National may conduct and all obligations arising under Contracts participating in Account B are general obligations of Ohio National, and that Ohio National may not abrogate its obligations under such Contracts. Applicants contend that the foregoing laws, regulations and arrangements provide substantial assurance that all obligations under Contracts participating in Account B will be performed and that the orphanage of Fund will not occur.

Applicants have consented that the requested exemption from sections 26(a) and 27(c)(2) be subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of Account B shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally, exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may not later than December 28, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16721; Filed, Dec. 11, 1970; 8:46 a.m.]

[70-4813]

PENN FUEL GAS, INC.

Notice of Proposed Acquisition of Shares of Capital Stock of a Public-Utility Company

DECEMBER 7, 1970.

Notice is hereby given that Penn Fuel Gas, Inc. (Penn Fuel), 55 South Third Street, Oxford, PA 19363, an exempt public-utility holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 9 and 10 thereof as applicable to the proposed acquisition by Penn Fuel of all of the capital stock of Oxford Gas Company (Oxford), a gas utility company.

All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

John H. Ware (Ware) owns or controls, directly or indirectly, approximately 92 percent of the outstanding common stock of Penn Fuel and 100 percent of the stock of Oxford, both of which are Pennsylvania corporations. Penn Fuel, a public-utility holding company which has been granted an exemption from the Act pursuant to section 3(a)(1) thereof (Holding Company Act Release No. 15839 (August 30, 1967)), has twenty-four public-utility subsidiary companies, of which 23 are gas utility companies incorporated in and doing business solely in Pennsylvania and one is a gas utility company incorporated and doing business in Maryland and in an adjacent portion of Pennsylvania. As at September 30, 1970, Penn Fuel's consolidated gross plant and property was stated at $23,974,000 and net plant and property at $17,954,000. Operating revenues for the 12 months then ended were $16,700,000, with net income of $745,700, or $2.16 per share on its 345,000 outstanding shares of common stock.

Oxford is a gas utility company incorporated in Pennsylvania and is engaged in supplying gas in Oxford, Pa., where Penn Fuel's headquarters are located and the surrounding area. As at September 30, 1970 Oxford's plant and property was stated at $582,233 and net plant and property at $297,325.

Penn Fuel proposes to acquire from Ware all of the outstanding capital stock of Oxford, consisting of 200 shares, for a consideration of 15,609 shares of common stock of Penn Fuel. Based upon the $2.16 earnings per share for Penn Fuel common stock, the aggregate earnings applicable to 15,609 shares would total $33,715 as compared to Oxford's net income of $31,415 for the twelve months ended September 30, 1970. Based upon the $15.37 per share book value for Penn Fuel common stock as at September 30, 1970, the aggregate book value applicable to the 15,609 shares would aggregate $239,900 as compared to Oxford's common equity of $256,281 as of the same date.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred will be filed by amendment.

Notice is further given that any interested person may, not later than December 23, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-16722; Filed, Dec. 11, 1970; 8:46 a.m.]

TARIFF COMMISSION

[AA1921-67]

CAPACITORS FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on December 8, 1970, that aluminum electrolytic and ceramic capacitors from Japan are being, and are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets, NW., Washington, DC, beginning at 10 a.m., e.s.t., on January 19, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: December 9, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-16753; Filed, Dec. 11, 1970; 8:48 a.m.]

[337-26]

SPHYGMOMANOMETERS

Notice of Investigation and Date of Hearing

A complaint was filed with the Tariff Commission March 18, 1970, by W. A. Baum Co., Inc., of Copiague, N.Y. 11726, alleging unfair methods of competition and unfair acts in the importation and sale of sphygmomanometers under U.S. Patent No. Des. 203,491 owned by complaint, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Proper Manufacturing Co., 10-34 44th Drive, Long Island City, NY 11101, has been named as an importer of the subject products. Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on December 7, 1970, Ordered:

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said sphygmomanometers.

(2) A public hearing in connection with the investigation to be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets, NW., Washington, DC, beginning at 10 a.m. e.s.t., on February 2, 1971, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation.

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for April 7, 1970 (35 F.R. 5641) and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary, located in the Tariff Commission Building, and also in the New York City Office of the Commission, located in Room 437 of the Customhouse.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least five days in advance of the opening of the hearing.

Issued: December 9, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-16724; Filed, Dec. 11, 1970; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

The Arrow Co., Shamokin, Pa.; 11-4-70 to 11-3-71 (men's sport shirts).

Auburntown Industries, Auburntown, Tenn.; 10-31-70 to 10-30-71 (men's and boys' shirts).

Boonville Manufacturing Corp., Boonville, Ind.; 11-1-70 to 10-31-71 (men's pajamas and shirts).

Burgaw Manufacturing Co., Burgaw, N.C.; 10-27-70 to 10-26-71; 10 learners (women's dresses).

Carbondale Childrens Dress Co., Carbondale, Pa.; 11-1-70 to 10-31-71 (children's and girls' dress and play suits).

The Carthage Corp., Carthage, Miss.; 11-1-70 to 10-31-71 (men's and boys' pants).

Carthage Shirt Corp., Carthage, Tenn.; 11-3-70 to 11-2-71 (men's shirts and ladies' blouses).

Eatonton Manufacturing Co., Inc., Eatonton, Ga.; 10-29-70 to 10-28-71 (men's trousers).

Elder Manufacturing Co., Webb City, Mo.; 10-31-70 to 10-30-71 (boys' and juveniles' shirts).

Farmville Division of U.S.I., Inc., Farmville, N.C.; 11-14-70 to 11-13-71 (ladies' slacks, jeans, and shorts).

Freeland Shirt Co., Inc., Freeland, Pa.; 11-4-70 to 11-3-71 (men's, women's, and children's outer jackets).

Key Industries, Inc., Fort Scott, Kans.; 10-31-70 to 10-30-71 (men's and boys' work clothing).

Key Work Clothes of Missouri, Nevada, Mo.; 11-1-70 to 10-31-71 (men's work pants and shirts).

Manchester Industries, Inc., Manchester, Tenn.; 10-31-70 to 10-30-71 (men's and boys' shirts).

Rector Sportswear Corp., Rector, Ark.; 10-28-70 to 10-27-71 (men's slacks).

Reitoc Manufacturing Co., Forrest City, Ark.; 11-12-70 to 11-11-71 (men's trousers).

Salant & Salant, Inc., Lexington, Tenn.; 11-6-70 to 11-5-71 (men's and boys' slacks).

Salant & Salant, Inc., Paris, Tenn.; 11-9-70 to 11-8-71 (men's and boys' shirts).

Shane Uniform Co., Inc., Evansville, Ind.; 11-6-70 to 11-5-71 (men's and women's washable service apparel).

The Shirtmaker Guild, Ltd., Easley, S.C.; 11-7-70 to 11-6-71 (men's and boys' shirts).

Spring City Manufacturing Corp., Spring City, Tenn.; 11-20-70 to 11-19-71 (ladies' and girls' leotards).

Steele Apparel Co., Inc., Steele, Mo.; 11-5-70 to 11-4-71 (ladies' blouses).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; 10-27-70 to 10-26-71; 10 learners (men's and boys' dungarees, and ladies' and girls' jeans).

Walhalla Garment Co., Walhalla, S.C.; 11-6-70 to 11-5-71 (women's dresses).

Warner's, Barbourville, Ky.; 11-21-70 to 11-20-71 (brassieres and girdles).

Washington Garment Co., Inc., Washington, N.C.; 10-31-70 to 10-30-71 (children's dresses).

Wilson Shirt Co., Inc., Woodruff, S.C.; 10-30-70 to 10-29-71 (men's shirts).

The following plant expansion certificate was issued authorizing the numbers of learners indicated.

Hagale Industries, Inc., Forsyth, Mo.; 11-6-70 to 5-5-71; 40 learners (men's pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Lambert Manufacturing Co., Inc., Kirksville, Mo.; 11-7-70 to 11-6-71; 10 learners (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Wayne Knitting Mills, Humboldt, Tenn.; 10-31-70 to 10-30-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Boonville Manufacturing Corp., Boonville, Ind.; 11-1-70 to 10-31-71; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (men's underwear).

Cullman Lingerie Corp., Cullman, Ala.; 10-31-70; to 10-30-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie).

Haleyville Textile Mills, Inc., Haleyville, Ala.; 10-31-70 to 10-30-71; 5 percent of the total number of factory production workers for normal labor tunover purposes (ladies' loungewear, sleepwear, and lingerie).

Signal Knitting Mills, Inc., Ilena Division, Chattanooga, Tenn.; 11-14-70 to 11-13-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's T-shirts).

Signal Knitting Mills, Inc., Kain-Murphey Division, Chattanooga, Tenn.; 11-14-70 to 11-13-71; 5 learners for normal labor turnover purposes (men's and boys' underwear).

Signal Knitting Mills, Inc., Signal Division, Chattanooga, Tenn.; 11-14-70 to 11-13-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Signal Knitting Mills, Inc., Dri-Set Division, Graysville, Tenn.; 11-9-70 to 11-8-71; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' sleepwear).

Sylvester Textile Corp., Sylvester, Ga.; 11-23-70 to 11-22-71; 5 percent of the total number of factory production workers for normal labor turnover purposes, (ladies' lingerie, sleepwear, and loungewear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Caguas Tobacco & Processing Corp., Caguas, P.R.; 10-23-70 to 10-22-71; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco).

Ciales Manufacturing Corp., Ciales, P.R.; 10-2-70 to 10-1-71; 18 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of $1.23 an hour (women's underwear).

Economy Industries, Inc., Rio Grande, P.R.; 9-28-70 to 9-27-71; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.23 an hour (girls' and ladies' blouses).

R. B. Tobacco Corp., Caguas, P.R.; 10-27-70 to 10-26-71; 13 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; 11-17-70 to 11-16-71; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.08 an hour (men's and boys' cotton shorts).

Surtex Division Stretch-Wear Manufacturing Co., Coamo, P.R.; 10-2-70 to 10-1-71; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of $1.17 an hour for the first 240 hours and $1.30 an hour for the remaining 240 hours (ladies' nylon dress gloves).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 4th day of December 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70-16717; Filed, Dec. 11, 1970; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 626]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 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-72512. By order of December 4, 1970, the Motor Carrier Board approved the transfer of Bergen Express, Inc., Lyndhurst, N.J., of the operating rights in certificate No. MC-63411, issued April 17, 1956, to Bergen Express Co., a corporation, Clifton, N.J., authorizing the transportation of general commodities, with exceptions, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Union, Middlesex, Passaic, Morris, and Somerset Counties, N.J., and Rockland County, N.Y., and household goods between points in Bergen, Essex, Hudson, Union, Middlesex, and Passaic Counties, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, and Connecticut.

No. MC-FC-72424. By order of December 7, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Bob Utgard, doing business as Utgard Trucking, New Richmond, Wis., of the operating rights in certificate No. MC-123234 issued September 15, 1969, to Gerald E. Branjord, doing business as M & M Transfer, New Richmond, Wis., authorizing the transportation of canned vegetables, from New Richmond, Wis., to points in Minnesota within 160 miles of New Richmond, Wis.; fresh vegetables, from points in Minnesota within 160 miles of New Richmond, Wis., to New Richmond, Wis.; livestock and agricultural commodities, from points in the towns of Stanton, Star Prairie, and Richmond in St. Croix County, Wis., and points in the town of Alden in Polk County, Wis., to St. Paul, South St. Paul, Minneapolis, and Newport, Minn.; feed, hardware, and farm machinery, from St. Paul, South St. Paul, Minneapolis, and Newport, Minn., to points in the immediately above-specified Wisconsin towns, and numerous other specified commodities to and from named points in Wisconsin and Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114, representative for applicants.

No. MC-FC-72525. By order of December 4, 1970, the Motor Carrier Board approved the transfer of Larry D. Bargmann, doing business as Bargmann Transfer, Bancroft, Nebr., of the operating rights in certificate No. MC-35271, issued January 9, 1941, to Harry Bargmann, Bancroft, Nebr., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Sioux City, Iowa, to Bancroft, Nebr., and points in Nebraska within 25 miles of Bancroft; livestock, from Bancroft, Nebr., and points in Nebraska within 25 miles of Bancroft, to Sioux City, Iowa; and farm implements and machinery, and parts therefor, from Council Bluffs, Iowa, to Bancroft, Nebr., and points in Nebraska within 25 miles of Bancroft.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16742; Filed, Dec. 11, 1970; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 9, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42089—*Acids, weed killing from Midland, Mich.* Filed by Traffic Executive Association-Eastern Railroads, agent (No. 2989), for interested rail carriers. Rates on acids, weed killing, dry, or tree or weed killing compounds, as described in the application, from Midland, Mich., to Memphis, Tenn., and New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 131 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-438.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-16743; Filed, Dec. 11, 1970, 8:47 a.m.]

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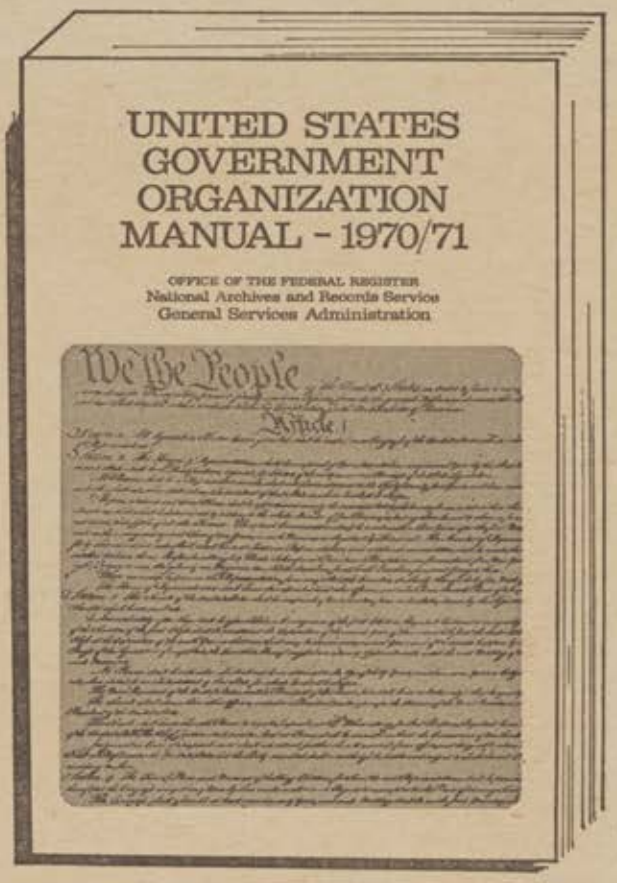

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