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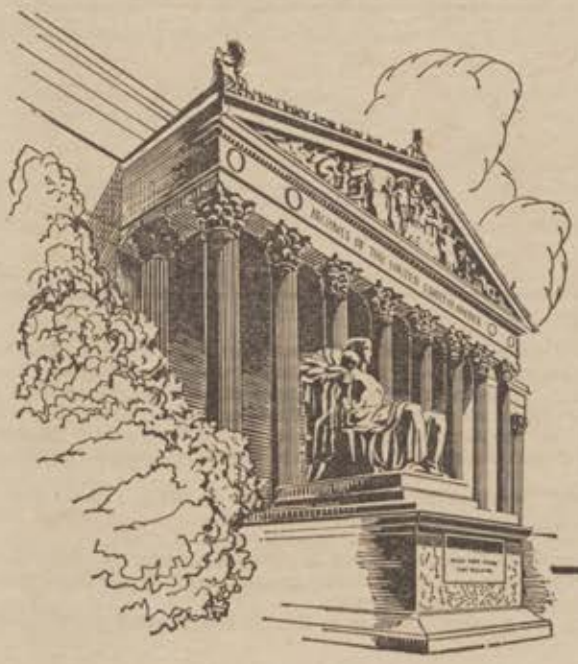

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Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. No. 2]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respects:

1. Section 403.41 of this chapter is amended effective beginning with the the 1971 crop year to read as follows:

§ 403.41 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the county office. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the application and policy set forth in § 403.45 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 7(b) of the application and policy shown in § 403.45 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

§ 403.45 The application and the policy.

* * * * *

7. * * *

(b) The total annual premium for the contract shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any insurance unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If any insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

* * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on April 13, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: April 21, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-5046; Filed, Apr. 24, 1970; 8:47 a.m.]

[Amdt. No. 1]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respects:

Paragraph (b) of § 404.21 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

§ 404.21 Premium rates and amounts of insurance.

* * * * *

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 404.25 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

Section 7(b) of the application and policy shown in § 404.25 of this chapter is amended effective beginning with the 1971 crop year by adding a paragraph at the end thereto reading as follows:

§ 404.25 The application and the policy.

* * * * *

22. * * *

(g) If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on April 13, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: April 21, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-5047; Filed, Apr. 24, 1970; 8:47 a.m.]

[Amdt. No. 2]

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respects:

1. Section 407.2 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

§ 407.2 Premium rates, production guarantees and prices for computing indemnities.

(a) The Manager shall establish premium rates, production guarantees and prices for computing indemnities which shall be shown on the county actuarial table on file in the county office. Such premium rates, production guarantees and prices for computing indemnities may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the application and policy set forth in § 407.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 7(b) of the application and policy shown in § 407.6 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

§ 407.6 The application and the policy.

* * * * *

7. * * *

(b) The total annual premium for the contract shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If any insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

* * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on April 13, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: April 21, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-5048; Filed, Apr. 24, 1970; 8:47 a.m.]

[Amdt. No. 4]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respects:

1. Section 408.2 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

§ 408.2 Premium rates, bushel guarantees and prices for computing indemnities.

(a) The Manager shall establish premium rates, bushel guarantees and the prices for computing indemnities which shall be shown on the county actuarial table on file in the county office. Such premium rates, bushel guarantees and prices for computing indemnities may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 408.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 7(b) of the Application and Policy shown in § 408.6 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

§ 408.6 The application and policy.

* * * * *

7. * * *

(b) The total annual premium for the contract shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any insurance unit immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction	*Consecutive years with no loss*
5 percent after	1 year.
5 percent after	2 years.
10 percent after	3 years.
10 percent after	4 years.
15 percent after	5 years.
20 percent after	6 years.
25 percent after	7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made. If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(Secs 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on April 13, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: April 21, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-5049; Filed, Apr. 24, 1970; 8:47 a.m.]

[Amdt. No. 2]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respects:

1. Paragraph (b) of § 411.2 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

§ 411.2 Premium rates, production guarantees, and prices for computing indemnities.

* * * * *

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 7 of the Application and Policy set forth in § 411.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in continuity of participation. Upon dissolution of such enterprise, such premium reduction may

be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

2. Section 7(b) of the Application and Policy shown in § 411.6 of this chapter is amended effective beginning with the 1971 crop year by adding a paragraph at the end thereto reading as follows:

§ 411.6 The application and the policy.

* * * * *

22. * * *

(i) If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on April 13, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: April 21, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-5050; Filed, Apr. 24, 1970; 8:47 a.m.]

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 4]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1970 Crop

Pursuant to the provisions of the Sugar Act of 1948, as amended, §§ 850.214 through 850.230 of Chapter VIII, Title 7 of the Code of Federal Regulations are hereby rescinded.

STATEMENT OF BASES AND CONSIDERATIONS

The determination of proportionate shares for the 1970 crop, issued on October 23, 1969, established a national sugar beet acreage requirement of 1,450,000 acres. It was anticipated that the reduction of 210,000 acres from the 1,660,000 acres planted to the uncontrolled 1969 crop would still leave sugar inventories at a burdensomely high level. The intention was to bring inventories into a balanced situation, over a 2-year period rather than by a very great reduction applied solely to the 1970 crop.

On February 27, 1970, the acreage requirement was increased to 1,550,000 acres to offset a part of the then apparent very low recovery of sugar from 1969 crop sugar beets as a result of early and hard freezes during the harvest in some areas and low sucrose content in some other areas.

The national sugar beet acreage requirement of 1,450,000 acres established last October was based on anticipated production of 3,820,000 tons of sugar from the 1969 crop. In February, it was estimated that 1969 crop production would amount to 3,420,000 tons of sugar. Recent reports of processings indicate that as a result of the further deterioration in March of sugar beets in piles at the factories production of sugar from the 1969 crop may total about 3,325,000 tons, raw value. This indicated loss of about one-half million tons of sugar has brought inventories to about the bottom of the appropriate range.

Further, it now appears that in several regions of the country, total plantings in 1970 will be well below the acreage allotted. One of the causes is the desire of processing factories in some localities to contract for only that acreage which they can reasonably expect to process efficiently if adverse weather approaching that experienced last year in the Rockies should occur this year in their locality. At this time, it appears that if controls are continued only about 1,400,000 acres of the 1,550,000 acres allotted would be planted.

To enable the area to meet its quota and to provide a normal carryover inventory, this amendment rescinds the acreage requirement heretofore established. Accordingly, there will be no limitation on the number of acres planted to sugar beets for the 1970 crop.

The production of sugar resulting from this action will not make available a quantity of sugar greater than that needed to meet quota and inventory requirements.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on April 22, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-5097; Filed, Apr. 24, 1970; 8:50 a.m.]

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

[Lemon Reg. 424]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.724 Lemon Regulation 424.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 21, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period April 26, 1970, through May 2, 1970, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 234,360 cartons;

(iii) District 3: Unlimited.

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

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

Dated: April 22, 1970.

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

[F.R. Doc. 70-5105; Filed, Apr. 24, 1970; 8:51 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order No. 94]

PART 1094—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans, La., marketing area.

It is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. Section 1094.44(c).

2. In the introductory text of § 1094.44 (e) preceding subparagraph (1) the words: "located not more than 350 miles by the shortest highway distance from the city hall in New Orleans, La., as determined by the market administrator,".

This suspension action will remove the rule which requires Class I classification of all fluid milk products transferred from a pool plant to a nonpool plant located more than 350 miles from the city hall in New Orleans, La. It will permit such transfers to be classified according to us in the same manner as now provided for transfers to nonpool plants located within 350 miles of New Orleans.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the efficient utilization of milk in excess of the Class I needs of the market will require transfers beginning April 1, 1970, to plants located more than 350 miles from New Orleans, La. Hence, the order should permit Class II classification of such transfers in the same manner as provided for transfers to plants located within 350 miles of New Orleans;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension or to submit evidence on the proposed suspension at a public hearing held April 9 and 10, 1970, at New Orleans, La. and Jackson, Miss. (35 F.R. 5816). No written submissions were filed.

This issue was considered at the hearing held April 9, 1970, at New Orleans, La., and April 10, 1970, at Jackson, Miss., pursuant to notice issued March 31, 1970 (35 F.R. 5555). Evidence taken at that hearing shows that the cooperative association of producers which handles a major portion of the milk supply not needed for Class I use in the New Orleans market closed its processing plant located at Brookhaven, Miss., in September 1969. The cooperative association planned to expand its processing facilities at Franklinton, La., before this time but such expansion is not completed and existing facilities are not adequate to handle milk which must be processed during the heavy production season which began April 1. This suspension order is necessary to maintain orderly marketing pending action which may be taken on the basis of that hearing record.

Therefore, good cause exists for making this order effective April 1, 1970.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective April 1, 1970.

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

Effective date: April 1, 1970.

Signed at Washington, D.C., on April 21, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-5044; Filed, Apr. 24, 1970; 8:46 a.m.]

[Milk Order No. 124]

[Docket No. AO-368-A2]

PART 1124—MILK IN OREGON-WASHINGTON MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oregon-Washington marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1970. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 13, 1970, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 9, 1970. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1970, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means

pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Oregon-Washington marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Amend § 1124.52 as follows:

a. In the introductory text of paragraph (a) the words, "or in the State of California", are deleted.

b. In paragraph (a)(2) the reference to "subparagraph (1)" is changed to "subparagraphs (1) and (3)", and

c. A new subparagraph (3) is added to paragraph (a) to read as follows:

(3) For any plant located in the State of California, such price shall be reduced 15 cents, plus an additional 1½ cents for each 10 miles or fraction thereof that such plant is more than 110 miles from the county courthouse in either Klamath Falls or Medford, Oreg., whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator; and

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

Effective date: May 1, 1970.

Signed at Washington, D.C., on April 21, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-5045; Filed, Apr. 24, 1970; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 238—CONTRACTS WITH TRANSPORTATION LINES

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

§ 238.3 [Amended]

1. The listing of transportation lines of paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line to the listing in alphabetical sequence: "Dominion Far East Line (Hong Kong) Ltd."

§ 238.4 [Amended]

2. The listings of transportation lines in § 238.4 *Preinspection outside the United States* are amended in the following respects:

a. Under "At Nassau", the following transportation line is added in alphabetical sequence: "International Air Bahama, Ltd."

b. Under "At Vancouver", the following transportation line is added in alphabetical sequence: "British Overseas Airways Corporation."

c. Under "At Winnipeg", the following transportation line is added in alphabetical sequence: "Air Canada."

The first and third sentences of § 248.1 are amended to read as follows:

§ 248.1 Eligibility.

An alien admitted in immediate and continuous transit through the United States without a visa pursuant to section 238(d) of the Act, or an alien classified as a nonimmigrant under section 101(a)(15)(D) or (K) of the Act is not eligible for any change of nonimmigrant classification under section 248 of the Act. * * * Any other alien lawfully admitted to the United States as a nonimmigrant, including an alien who acquired such status pursuant to section 247 of the Act, who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any nonimmigrant classification other than that of fiancee or fiance under section 101(a)(15)(K) of the Act. * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendments to Part 238 add transportation lines to the listings and the amendment to § 248.1 is an interpretative rule which implements Public Law 91-225 of April 7, 1970.

Dated: April 22, 1970.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 70-5076; Filed, Apr. 24, 1970; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

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

1. Section 74.2 is amended to read as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, territories, and district, or parts thereof as specified, are not known to be infected with scabies, and such States, territories, district, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Virgin Islands of the United States, Washington, West Virginia, Wisconsin, and Wyoming;

(2) All counties in New Jersey except Gloucester and Hunterdon.

(b) Notice is hereby given also that sheep scabies exists in the parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

2. Section 74.3 is amended to read as follows:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the counties of Gloucester and Hunterdon, in the State of New Jersey, are being handled systematically to eradicate scabies in sheep, and such counties are hereby designated as eradication areas.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended, 76 Stat. 129–132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

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

The amendments add Allen and Barren Counties in Kentucky; Camden, Monmouth, and Salem Counties in New Jersey; Chester, Dauphin, Franklin, Juniata, Lancaster, Lehigh, and Mifflin Counties in Pennsylvania; and Clarke County in Virginia to the list of free areas and delete such counties from the list of infected and eradication areas, as sheep scabies is not known to exist therein. After the effective date of the amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication

areas as contained in 9 CFR Part 74, as amended, will not apply to such areas. However, the provisions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply thereto.

The amendments relieve certain restrictions presently imposed on the interstate movement of sheep from Allen and Barren Counties in Kentucky; Camden, Monmouth, and Salem Counties in New Jersey; Chester, Dauphin, Franklin, Juniata, Lancaster, Lehigh, and Mifflin Counties in Pennsylvania; and Clarke County in Virginia, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of April 1970.

GEORGE W. IRVING, Jr.,
Administrator.

[F.R. Doc. 70-5041; Filed, Apr. 24, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. L]

PART 212—INTERLOCKING BANK RELATIONSHIPS UNDER THE CLAYTON ACT

Interlocking Relationship Between Member Bank and Credit Card Subsidiary of Another Bank

1. Effective immediately the title of this Part is amended to read as shown above.

2. The following section is added:

§ 212.101 Applicability of section 8 of the Clayton Act to an interlock between a member bank and a credit card subsidiary of another bank.

(a) The Board of Governors recently considered the question whether simultaneous service by an individual as a director of a wholly-owned credit card subsidiary of a national bank and as a director of another member bank in a contiguous municipality was prohibited by section 8 of the Clayton Act (15 U.S.C. 19).

(b) Section 8 of the Act and § 212.1(a) of the Board's Regulation L issued pursuant thereto prohibit any "director, officer, or employee of any member bank * * * or any branch thereof" from serving "at the same time" as a "director, officer, or employee of any other bank", national or State, subject to certain exceptions.

(c) The credit card subsidiary involved was an "operating subsidiary" of the national bank under a ruling of the Comptroller of the Currency. Comptroller's Manual for National Banks ¶ 7376. The similar position of the Board as to State member banks is published at § 250.141 of this subchapter. The Comptroller's ruling states that, "Except as otherwise permitted by statute or regulation, all provisions of Federal banking laws applicable to the operations of the parent bank shall be equally applicable to the operations of its operating subsidiaries." The position of both the Comptroller and Board sustaining the legality of such subsidiaries is based on the assumption that the only functions performed by the subsidiary are functions that could be lawfully performed by the bank. So viewed, the method of organization is irrelevant.

(d) The Board was of the view that the credit card subsidiary was essentially a department or division of the bank, that a contrary view would be inconsistent with the purpose of section 8 of the Act, and that none of the exceptions specified in the Act or Regulation L was applicable. Accordingly, the Board concluded that the interlocking service in question was prohibited by section 8 of the Act and Regulation L.

(Interprets and applies 15 U.S.C. 19)

By order of the Board of Governors, March 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-5023; Filed, Apr. 24, 1970; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Miscellaneous Amendments

On March 31, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 5317) amendments to its regulations in 10 CFR Parts 2, 50 and 170 which, among other things, eliminate the "provisional" construction permit and the "provisional" operating license for production and utilization facilities. The amendments become effective April 30, 1970.

The Commission has adopted further amendments to Appendix A of Part 2, §§ 50.35 and 50.57 of Part 50 and Part 170 in the form of footnotes which clarify the intent of the Commission that the amendments published on March 31, 1970, do not apply in proceedings for the issuance of provisional construction permits or provisional operating licenses as to which notices of hearing or notices of proposed issuance have been published before March 31, 1970.

Because these amendments relate solely to correction and clarification, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. The Commission has also found that since the amendments correct and clarify previous amendments which will become effective on April 30, 1970, good cause exists for making the amendments effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 2, 50 and 170, are published as a document subject to codification to be effective on April 30, 1970.

1. Sections IV (c) and (d) of Appendix A of 10 CFR Part 2 are amended by adding at the end thereof a footnote to read as follows:

NOTE: With respect to facilities for which a notice of hearing on an application for a provisional construction permit has been published on or before March 30, 1970, the board will consider, and the Director of Regulation may issue, a provisional construction permit pursuant to Commission regulations in effect on that date.

2. Section 50.35 is amended by adding a footnote to the section heading to read as follows:

[1] The Commission may issue a provisional construction permit pursuant to the regulations in this part in effect on March 30, 1970, for any facility for which a notice of hearing on an application for a provisional construction permit has been published on or before that date.

3. Section 50.57 is amended by adding a footnote to the section heading to read as follows:

[1] The Commission may issue a provisional operating license pursuant to the regulations in this part in effect on March 30, 1970, for any facility for which a notice of hearing on an application for a provisional operating license or a notice of proposed issuance of a provisional operating license has been published on or before that date.

4. Section 170.12 is amended by adding a footnote to the headings of paragraphs (b) and (c) to read as follows:

[1] For facilities as to which a notice of hearing on an application for a provisional construction permit or provisional operating license, or a notice of proposed issuance of a provisional operating license, has been published on or before March 30, 1970, fees shall be paid pursuant to the regulations in this part in effect on that date.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 17th day of April 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 70-5020; Filed, Apr. 24, 1970; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5038]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Filing and Amending of Registration Statements

The Securities and Exchange Commission has adopted certain amendments to Rules 402 (17 CFR 230.402), 424 (17 CFR 230.424), 470 (17 CFR 230.470), and 472 (17 CFR 230.472) under the Securities Act of 1933. These rules relate to the mechanics of filing registration statements and amendments to such statements. The purpose of the amendments is to facilitate compliance with the rules and expedite the filing and examination of registration statements and amendments. Notice of proposed amendments to these rules was published February 6, 1970, in Securities Act Release 5038 (35 F.R. 2672).

Rule 402(a) previously required the filing of three complete copies of the registration statement and five additional copies without exhibits other than indentures relating to securities to be registered and underwriting agreements. Rule 424(a) required the filing of five copies of the proposed prospectus in addition to those included in copies of the registration statement filed pursuant to Rule 402(a). In Release 5038 it was proposed to add a note to Rule 402(a) calling attention to the requirement of Rule 424(a) for the filing of five additional copies of the prospectus.

It has been found, however, that additional copies of the registration statement, rather than copies of the prospectus, are needed for the use of attorneys, accountants, and analysts and for public inspection, copying and computer input. Upon further consideration, the Commission has determined to require the filing of five additional copies of the registration proper and to rescind the requirement in Rule 424(a) for the filing of five additional copies of the proposed prospectus. Accordingly, Rule 402(a) has been amended to require the filing of three complete copies of the registration statement and 10 additional copies which need not include exhibits other than indentures relating to securities to be registered and the underwriting agreements. Rule 424(a) has been amended to delete the requirement for the filing of five additional copies of the proposed form of prospectus.

Rule 470 sets forth the formal requirements with respect to amendments. This rule has been amended to require the file number of the registration statement to be indicated on all amendments. This will assist the staff in filing and processing amendments. The rule has been further amended to require that post-effective amendments filed to update a prospectus to meet the requirements of section 10(a)(3) of the Act shall be prepared in accordance with the requirements of the appropriate registration form as then in effect.

In Release 5038 is was proposed to amend Rule 472 to require the filing of four unmarked copies of all amendments and four copies marked to show the changes effected in the registration statement by the amendment. For the reasons indicated above with respect to registration statements, the Commission has determined that additional copies of amendments are also needed. Accordingly, Rule 472 has been amended to require the filing of three unmarked copies of every amendment and eight additional copies, at least five of which shall be marked to indicate the changes effected by the amendment. The revised rule provides also that where a certified financial statement is amended, the certifying accountant's consent to the use of his certificate in connection with the amended statement and to being named as having certified such financial statement shall be filed with the amendment.

Paragraph (d) of Rule 472 provides that where exhibits filed in preliminary form have been changed only in certain respects copies of the document as amended need not be filed. However, such document cannot thereafter be incorporated by reference in other filings with the Commission. The paragraph has been amended to provide further that such a document cannot be designated as a basic document for the purpose of Rule 24(b) of the rules of practice.

Pursuant to sections 6, 7, 10, and 19(a) of the Securities Act of 1933 as amended, the Commission hereby amends §§ 230.402, 230.424, 230.470, and 230.472 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below.

I. Paragraph (a) of § 230.402 of this chapter would be amended as follows:

§ 230.402 Number of copies; binding; signatures.

(a) (1) Three copies of the complete registration statement, including exhibits and all other papers and documents filed as a part of the statement shall be filed with the Commission. Each copy of the registration statement so filed shall be bound, in one or more parts, without stiff covers. The binding shall be made on the side or stitching margin in such manner as to leave the reading matter legible.

(2) Ten additional copies of the registration statement, similarly bound, shall be furnished for use in the examination of the registration statement, public inspection, copying and other purposes. Such copies need not be accompanied by any exhibits other than indentures pertaining to the securities being registered and copies of the underwriting contracts and other documents relating to the distribution of the securities.

* * * * *

II. Paragraph (a) of § 230.424 of this chapter has been rescinded and paragraph (e) thereof has been redesignated paragraph (a) and as so amended reads as follows:

§ 230.424 Filing of prospectuses, number of copies.

(a) Five copies of every form of prospectus sent or given to any person prior to the effective date of the registration statement which varies from the form or forms of prospectus included in the registration statement as filed pursuant to § 230.402(a) of this chapter shall be filed as a part of the registration statement not later than the date such form of prospectus is first sent or given to any person.

* * * * *

III. Section 230.470 has been amended to read as follows:

§ 230.470 Formal requirements for amendments.

Except as provided in § 230.473 of this chapter, amendments to a registration statement shall be filed under cover of an appropriate facing sheet, shall be numbered consecutively in the order in which filed, shall indicate on the facing sheet the file number of the registration statement, and shall conform to all pertinent rules applicable to the original registration statement, except that an amendment relating to the prospectus which is filed for the purpose of meeting the requirements of section 10(a)(3) of the Act or an amendment filed pursuant to section 24(e)(1) of the Investment Company Act of 1940 shall conform to the appropriate form for registration as in effect at the time of filing of the amendment.

IV. Section 230.472 has been amended to read as follows:

§ 230.472 Filing of amendments; number of copies.

(a) Except for telegraphic amendments filed pursuant to § 230.473 of this chapter, there shall be filed with the Commission three unmarked copies of every amendment and eight additional copies of such amendment at least five of which shall be marked to indicate clearly and precisely, by underlining or in some other appropriate manner, the changes effected in the registration statement by the amendment.

(b) Every amendment which relates to a prospectus shall include copies of the prospectus as amended. Each such copy of the amended prospectus shall be accompanied by a copy of the cross reference sheet required by § 230.404(c) of this chapter if the amendment of the prospectus resulted in any change in the accuracy of the cross reference sheet previously filed. Notwithstanding the foregoing provisions of this paragraph, only copies of the changed pages of the prospectus, and the cross reference sheet if amended, need be included in an amendment filed pursuant to an undertaking referred to § 230.415(a).

(c) Every amendment of a financial statement which is not included in the prospectus shall include copies of the financial statement as amended. Every

amendment relating to a certified financial statement shall include the consent of the certifying accountant to the use of his certificate in connection with the amended financial statement in the registration statement or prospectus and to being named as having certified such financial statement.

(d) If an exhibit to a registration statement (other than an opinion or consent), filed in preliminary form, has been changed only (1) to insert information as to interest, dividend or conversion rates, redemption or conversion prices, purchase or offering prices, underwriters' or dealers' commission, names, addresses or participations of underwriters or similar matters, which information appears elsewhere in an amendment to the registration statement, or (2) to correct typographical errors, insert signatures or make other similar immaterial changes, then, notwithstanding any contrary requirement of any rule or form, the registrant need not refile such exhibit as so amended; provided the registrant states in the amendment the basis provided by this section for not refiling such exhibit. Any such incomplete exhibit may not, however, be incorporated by reference in any subsequent filing under any act administered by the Commission, or be designated as a basic document for the purpose of § 201.24(b) of this chapter.

The foregoing action, which was taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof (48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908, sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77j, 77s(a)), shall become effective May 7, 1970.

By the Commission, April 7, 1970.

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

[F.R. Doc. 70-5051; Filed, Apr. 24, 1970; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTAGE INSURANCE

Subpart A—Eligibility Requirements

Section 207.1(f)(3) is amended to read as follows:

§ 207.1 Application, commitment, and required fees.

* * * * *

(f) *Fees on increases—* * * *

(3) *Loan to cover operating losses.* In connection with a loan to cover operating losses occurring during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars of the amount of the loan applied for shall be submitted with the application for the commitment. No inspection fee shall be required.

* * * * *

In § 207.19 paragraph (c)(4) and the introductory text of paragraph (c)(6) are amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(c) *Requirements incident to insurance of advances.* * * *

(4) The Commissioner shall require assurance of completion of offsite public utilities and streets in all cases, except where a municipality or other public body has by agreement (acceptable to the Commissioner) agreed to install such utilities and streets without cost to the mortgagor. Where such assurance is required, it shall be in the form of a cash escrow deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee. As additional assurance, the Commissioner may also require a surety company bond or bonds.

* * * * *

(6) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commmisioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner. The deposit shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America, except that FHA debentures may not be used for such purpose. The types of assurance to be furnished are as follows:

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

Section 213.3(c)(3) is amended to read as follows:

§ 213.3 Fees required by Commissioner.

* * * * *

(c) *Fees on increases.* * * *

(3) *Loan to cover operating losses.* In connection with a loan to cover operating losses occurring during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars of the amount of the loan applied for shall be submitted with the application for the commitment. No inspection fee shall be required.

* * * * *

In § 213.27 paragraph (c) and the introductory text of paragraph (e) are amended to read as follows:

§ 213.27 Assurance of completion.

* * * * *

(c) The Commissioner shall require assurance of completion of offsite public utilities and streets in all cases, except where a municipality has by agreement (acceptable to the Commissioner) agreed to install such utilities and streets without cost to the mortgagor. Where such assurance is required, it shall be in the form of a cash escrow deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee. As additional assurance, the Commissioner may also require a surety company bond or bonds.

* * * * *

(e) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner. The deposit shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America, except that FHA debentures may not be used for such purpose. The types of assurance to be furnished are as follows:

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.506 paragraph (c) is amended to read as follows:

§ 221.506 Fees on increases.

* * * * *

(c) *Loan to cover operating losses.* In connection with a loan to cover operating losses occurring during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars of the amount of the loan applied for shall be submitted with the application for the

commitment. No inspection fee shall be required.

In § 221.540 paragraph (d) is amended to read as follows:

§ 221.540 Financial requirements.

* * * * *

(d) The Commissioner shall require assurance of completion of offsite public utilities in all cases, except where a municipality or other public body has by agreement (acceptable to the Commissioner) agreed to install such utilities and streets without cost to the mortgagor. Where such assurance is required, it shall be in the form of a cash escrow deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee. As additional assurance, the Commissioner may also require a surety company bond or bonds.

* * * * *

In § 221.542 the introductory text of paragraph (a) is amended to read as follows:

§ 221.542 Assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner. The deposit shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America, except that FHA debentures may not be used for such purpose. The types of assurance to be furnished are as follows:

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

Section 232.13(c) is amended to read as follows:

§ 232.13 Fees on increases.

* * * * *

(c) *Loan to cover operating losses.* In connection with a loan to cover operating losses occurring during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars of the amount of the loan applied for shall be submitted with the application for the commitment. No inspection fee shall be required.

* * * * *

In § 232.56 the introductory text of paragraph (a) is amended to read as follows:

§ 232.56 Assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner. The deposit shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America, except that FHA debentures may not be used for such purpose. The types of assurance to be furnished are as follows:

* * * * *

In § 232.60 paragraph (a) is amended to read as follows:

§ 232.60 Escrow for offsite utilities and streets.

(a) The Commissioner shall require assurance of completion of offsite public utilities and streets in all cases, except where a municipality or other public body has by agreement (acceptable to the Commissioner) agreed to install such utilities and streets without cost to the mortgagor. Where such assurance is required, it shall be in the form of a cash escrow deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee. As additional assurance, the Commissioner may also require a surety company bond or bonds.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER O—CREDIT ASSISTANCE

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

Subpart C—Assistance Payments—Homes for Low and Moderate Income Families

In § 237.301(a) the listed exceptions are amended to read as follows:

§ 237.301 Incorporation by reference.

(a) * * *

Sec.
235.310 Execution of assistance payment contract.
235.325 Qualified cooperative members.
235.330 Cooperative units eligible for assistance payments.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 237, 82 Stat. 485; 12 U.S.C. 1715z-2)

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.140 is amended to read as follows:

§ 241.140 Assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the improvements to the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. No assurance of completion shall be required in cases not involving insurance of advances, if the Commissioner determines that the work involved in the proposed improvements, additions, or equipment installation does not endanger the existing structure and will not significantly interfere with its use during such work.

(b) The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner. The deposit shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America, except that FHA debentures may not be used for such purpose. The types of assurance to be furnished are as follows:

(1) Where the estimated cost of the improvements is $200,000 or less and assurance is required, it may be in the form of a personal idemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the general contractor.

(2) Where the estimated cost of the improvements is more than $200,000 or where such cost is less than $200,000 and a personal idemnity agreement is not executed, assurance (if required) may be by a surety company bond or bonds, a cash escrow deposit, or a letter of credit, the amount of which shall be prescribed by the Commissioner.

(3) The mortgagee may accept, in lieu of a cash deposit required by paragraph (b) of this section, an unconditional irrevocable letter of credit issued to the mortgagee by a banking institution. In the event a demand under the letter of credit is not immediately met, the mortgagee shall forthwith provide cash equivalent to the undrawn balance thereunder.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 241, 82 Stat. 508; 12 USC 1715z-6)

SUBCHAPTER Q—1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

In Part 242, Subpart A in the Table of Contents a new § 242.94 is added as follows:

Sec.
242.94 Eligibility of mortgages covering hospitals in certain neighborhoods.

Subpart A—Eligibility Requirements

Section 242.21 is amended to read as follows:

§ 242.21 Eligible hospitals.

The hospital to be financed with a mortgage insured under this part shall involve the construction of a new hospital or the rehabilitation or replacement of an existing structure by an established hospital.

Section 242.59 is amended to read as follows:

§ 242.59 Funds and finances—offsite utilities and streets.

The Commissioner shall require assurance of completion of offsite public utilities and streets in all cases, except where a municipality or other public body has by agreement (acceptable to the Commissioner) agreed to install such utilities and streets without cost to the mortgagor. Where such assurance is required, it shall be in the form of a cash escrow deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee. The mortgagee may accept a letter of credit in lieu of any such cash deposit. As additional assurance, the Commissioner may also require a surety company bond or bonds.

In Part 242, Subpart A, a new § 242.94 is added to read as follows:

§ 242.94 Eligibility of mortgages covering hospitals in certain neighborhoods.

(a) A mortgage financing the repair, rehabilitation or construction of a hospital located in an older declining urban area shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage shall meet all of the requirements of this subpart, except such requirements (other than those relating to labor standards and prevailing wages) as are judged to be not applicable on the basis of the following determinations to be made by the Commissioner:

(1) That the conditions of the area in which the property is located prevent the application of certain eligibility requirements of this subpart.

(2) That the area is reasonably viable, and there is a need in the area for an adequate hospital to serve low and moderate income families.

(3) That the mortgage to be insured is an acceptable risk.

(c) Mortgages complying with the requirements of this section shall be insured under this subpart pursuant to section 223(e) of the National Housing Act. Such mortgages shall be insured under and be the obligation of the Special Risk Insurance Fund.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z–7)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

In § 1000.82 paragraph (a)(2) is amended to read as follows:

§ 1000.82 Assurance of completion.

(a) * * *

(2) An escrow deposit with the mortgagee (or with a depository satisfactory to the mortgagee and the Commissioner) of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America in such amount and under a completion assurance agreement acceptable to the Commissioner except that FHA debentures may not be used for such deposit.

* * * * *

In § 1000.90 paragraph (a) is amended to read as follows:

§ 1000.90 Escrow for offsite utilities and streets.

(a) The Commissioner shall require assurance of completion of offsite public utilities and streets in all cases, except where a municipality or other public body has by agreement (acceptable to the Commissioner) agreed to install such utilities and streets without cost to the mortgagor. Where such assurance is required, it shall be in the form of a cash escrow deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee. As additional assurance, the Commissioner may also require a surety company bond or bonds.

* * * * *

(Sec 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

Section 1100.10(f)(3) is amended to read as follows:

§ 1100.10 Application filing and required fees.

* * * * *

(f) *Fees on increases*— * * *

(3) *Loan to cover operating losses.* In connection with a loan to cover operating losses during the first two years following completion of the project, a combined application and commitment fee of $3 per thousand dollars of the amount of the loan applied for shall be submitted with the application for the commitment. No inspection fee shall be required.

* * * * *

Section 1100.87 is amended to read as follows:

§ 1100.87 Funds and finances—offsite utilities and streets.

The Commissioner shall require assurance of completion of offsite public utilities and streets in all cases, except where a municipality or other public body has by agreement (acceptable to the Commissioner) agreed to install such utilities and streets without cost to the mortgagor. Where such assurance is required, it shall be in the form of a cash escrow deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee. The mortgagee may accept a letter of credit meeting the requirements of § 1100.85(b) in lieu of any such cash deposit. As additional assurance, the Commissioner may also require a surety company bond or bonds.

In § 1100.95 paragraph (c) is amended to read as follows:

§ 1100.95 Funds and finances—insured advances—assurance of completion.

* * * * *

(c) *Escrow deposit requirements.* The escrow deposit shall consist of cash, securities of the United States, or securities which are fully guaranteed by the United States as to principal, except that FHA debentures may not be used for such purpose. The deposit shall meet the requirements of § 1100.86(a).

* * * * *

(Sec. 1101, 80 Stat. 1255, 1274; 12 U.S.C. 1749aaa–1 et seq.)

Issued at Washington, D.C., April 21, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 70–5077; Filed, Apr. 24, 1970; 8:49 a.m.]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR SALE OF INSURANCE

List of Designated Areas

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

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Manatee	Longboat Key.	E 12 081 1835 01.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurers Office, State Capitol, Tallahassee, Fla. 32303.	Municipal Office, 5144 Gulf of Mexico Dr., Longboat Key, Fla. 33548.	Apr. 30, 1970.
Do	Palm Beach.	Palm Beach Shores.	E 12 099 2432 01.	do	Office of the Town Engineer, Town Hall, 247 Edwards Lane, Palm Beach Shores, Fla. 33404.	Do.
Georgia	Fulton	Atlanta	E 13 121 0280 01. E 13 121 0280 02. E 13 121 0280 03. E 13 121 0280 04. E 13 121 0280 05. E 13 121 0280 06. E 13 121 0280 07. E 13 121 0280 08. E 13 121 0280 09. E 13 121 0280 10.	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. State of Georgia Insurance Commission, State Capitol, Room 238, Atlanta, Ga. 30334.	City Planning Department, Room 700, City Hall, Atlanta, Ga. 30303.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969); Secretary's designation of Acting Federal Insurance Administrator, 35 F.R. 5570, April 3, 1970)

Effective date: April 25, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70–5039; Filed, Apr. 24, 1970; 8:46 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Manatee	Longboat Key.	H 12 081 1835 01.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurers Office, State Capitol, Tallahassee, Fla. 32303.	Municipal Office, 5144 Gulf of Mexico Dr., Longboat Key, Fla. 33548.	Apr. 27, 1970.
Do	Palm Beach.	Palm Beach Shores.	H 12 099 2432 01.	do	Office of the Town Engineer, Town Hall, 247 Edwards Lane, Palm Beach Shores, Fla. 33404.	Do.
Georgia	Fulton	Atlanta	H 13 121 0280 01. H 13 121 0280 02. H 13 121 0280 03. H 13 121 0280 04. H 13 121 0280 05. H 13 121 0280 06. H 13 121 0280 07. H 13 121 0280 08. H 13 121 0280 09. H 13 121 0280 10.	State Planning and Programming Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. State of Georgia Insurance Commission, State Capitol, Room 238, Atlanta, Ga. 30334.	City Planning Department, Room 700, City Hall, Atlanta, Ga. 30303.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969); Secretary's designation of Acting Federal Insurance Administrator, 35 F.R. 5570, Apr. 3, 1970)

Effective date: April 25, 1970.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[F.R. Doc. 70–5040; Filed, Apr. 24, 1970; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

REOPENING OF REVISED DETERMINATIONS; DEFINITION OF INITIAL DETERMINATION

Correction

In F.R. Doc. 70-4415, appearing at page 5944, in the issue of Friday, April 10, 1970, in § 404.957(c)(6)(ii), seventh line, the word "was" should read "has".

Title 30—MINERAL RESOURCES

Chapter III—Board of Mine Operations Appeals, Department of the Interior

PART 301—PROCEDURES UNDER FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Application for Temporary Relief

In F.R. Doc. 70-3789 appearing in the issue for Saturday, March 28, 1970, on page 5256, third column under § 301.15, the last sentence of the section should be corrected to read, "No temporary relief shall be granted in the case of a notice issued under section 104(b) or section 104(i) of the Act."

WALTER J. HICKEL,
Secretary of the Interior.

APRIL 20, 1970.

[F.R. Doc. 70-5025; Filed, Apr. 24, 1970; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Prineville Dam and Reservoir, Crooked River, and Ochoco Dam and Reservoir, Ochoco Creek, Crook County, Oreg.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following § 208.95 is hereby prescribed to govern the use and operation of (1) Prineville Dam and Reservoir on Crooked River, Oregon, and (2) Ochoco Dam and Reservoir on Ochoco Creek, Oregon, for flood control purposes.

§ 208.95 Prineville Dam and Reservoir, Crooked River, Oreg., and Ochoco Dam and Reservoir, Ochoco Creek, Oreg.

The Bureau of Reclamation, acting through the Ochoco Irrigation District, shall operate the Prineville Dam and Reservoir and the Ochoco Dam and Reservoir in the interest of flood control as follows:

(a) A minimum of 16,500 acre-feet of flood control space shall be provided in Ochoco Reservoir from November 15 through January 31 of each year, and a minimum of 60,000 acre-feet of flood control space shall be provided in Prineville Reservoir from November 15 through February 15 of each year. After January 31 for Ochoco and February 15 for Prineville, storage space will be reserved through May 31 at Ochoco and April 30 at Prineville in accordance with the flood control storage reservation diagrams currently in use.

(b) (1) Release from Prineville Reservoir as measured at the gaging station approximately 0.4 mile downstream from the dam will be reduced to 1,000 cubic feet per second whenever the runoff from the uncontrolled area following an intense rain would result in excessive or damaging overbank flows downstream from the mouth of Ochoco Creek. At all other times, a release of 3,000 cubic feet per second will not be exceeded as long as there is flood control storage space available. Space includes that reserved in accordance with the flood control reservation diagram and surcharge storage up to 3,000 cubic feet per second through the spillway.

(2) Releases from Ochoco Reservoir will be through the existing outlet works, which have a maximum capacity of approximately 500 cubic feet per second with the pool at the spillway crest. The channel capacity of Ochoco Creek downstream from Ochoco Dam is in excess of the maximum discharge through the outlets. Releases through the outlet will be curtailed in response to local runoff between the dam and the city of Prineville, to avoid exceeding the channel capacity of 1,100 cubic feet per second through Prineville.

(c) Flood control regulations are subject to temporary modification by the District Engineer, Portland District, Corps of Engineers, if found necessary in time of emergency. Request for and action on such modification may be made by any available means of communication, and the action requested by the District Engineer shall be confirmed in writing under date of the same day to the office of the Regional Director of the Bureau of Reclamation which has jurisdiction of the area in which the projects are located.

(d) The flood control storage diagrams for Prineville and Ochoco Reservoirs currently in force as of the promulgation of this section are those dated April 2, 1970, Files Nos. DS-20-1/11 and DS-20-1/12 and are on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C., and in the office of the Commissioner, Bureau of Reclamation, Washington, D.C. Modification of the flood control storage diagrams for Prineville and Ochoco Reservoirs may be made from time to time as deemed necessary and approved by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and, from that date until rescinded, shall be in force for purposes of this section. Copies of the flood control storage reservation diagrams currently in force shall be kept on file in the office of the District Engineer, Portland District, Corps of Engineers, and the Regional Director, Bureau of Reclamation, charged with the responsibility of these projects and may be obtained from the respective offices.

(e) Nothing in the regulations in this section shall be construed to require dangerously rapid changes in magnitude of releases, or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dams and the reservoirs from major damage, or inconsistent with safe routing of the inflow design flood.

(f) The Bureau of Reclamation, acting through the Ochoco Irrigation District, shall procure current basic hydrological data, make determinations of the required flood control space reservations to effect the regulation set forth in the objectives prescribed in these regulations, and make calculations of permissible releases from the reservoirs as are required to accomplish the flood control objectives prescribed in this section.

(g) The Bureau of Reclamation shall keep the District Engineer, Portland District, Corps of Engineers, advised of hydrological conditions and other operating criteria which affect the flood control operation.

[Regs., Apr. 2, 1970, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-5031; Filed, Apr. 24, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101-5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS

Changes in Health Service Regulations

Section 101-5.303(d) is revised to eliminate the maximum permissible reimbursement cost per employee served. Section 101-5.304(c) is revised to clarify the scope of inservice examinations.

Subpart 101–5.3—Federal Employee Health Services

1. Section 101–5.303(d) is revised to read as follows:

§ 101–5.303 Guiding principles.

* * * * *

(d) Reimbursable costs for providing health services will be based on an operating budget which is a summary of all costs required to operate the health service. The reimbursement cost is prorated to participating agencies by means of a per capita formula computed by dividing the operating budget of the health service by the total number of employees sponsored for service. The size of the Federal population served, the compensation of the employees of the health unit, and other factors of medical economics prevalent in the area are factors which affect the local reimbursement cost. Further, in appropriate cases where more than one health unit is servicing employees housed in the same general locality, costs may be equalized by combining the operating budgets of all such units and dividing the total of the operating budgets by the number of employees sponsored. Special industrial conditions or other abnormal health or accident risk environments may increase the per capita cost.

2. Section 101–5.304(c) is revised to read as follows:

§ 101–5.304 Type of occupational health services.

* * * * *

(c) Such inservice examinations of employees as the participating agency determines to be necessary, such as voluntary employee health maintenance examinations which agencies may request for selected employees. Such examinations may be offered on a limited formula plan to all participating agencies when the resources of the health service staff and facilities will permit. Alternatively, when agencies are required to limit the cost of an occupational health services program, the provision of inservice examinations may be provided to selected employees of individual agencies and reimbursed on an individual basis.

* * * * *

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

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

Dated: April 20, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70–5021; Filed, Apr. 24, 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 4800]

[Utah 10303]

UTAH

Partial Revocation of Executive Order No. 5508

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. Executive Order No. 5508 of December 12, 1930, which withdrew certain lands in Utah for classification and purposes of flood control and protection of watersheds, is hereby revoked so far as it affects the following described public lands:

SALT LAKE MERIDIAN

CACHE NATIONAL FOREST

T. 5 N., R. 1 E.,
Sec. 14, NE¼NW¼, S½NW¼, SW¼.

The areas described contain 280 acres in Morgan County.

2. At 10 a.m. on May 22, 1970, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Asistant Secretary of the Interior.

APRIL 16, 1970.

[P.R. Doc. 70–5026; Filed, Apr. 24, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–7]

PART 1048—COMMERCIAL ZONES

Washington, D.C., Commercial Zone

At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the 2d day of April 1970.

It appearing, That on December 30, 1966, the Commission made and entered its report 103 M.C.C. 256, and order, in this proceeding specifically defining the zone adjacent to and commercially a part of Washington, D.C.;

It further appearing, That by joint petition filed November 28, 1969, Fairfax County, Va., Fairfax County Industrial Authority, city of Fairfax, Va., town of Herndon, Va., and town of Vienna, Va., seek redefinition and extension in certain respects of the Washington, D.C., commercial zone limits;

And it further appearing, That investigation of the matters and things involved in the said petition having been made, and said board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That § 1048.4 as prescribed in this proceeding on December 30, 1966, be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 1048.4 Washington, D.C.

The zone adjacent to and commercially a part of Washington, D.C., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.A. 303(b)(8)) includes and it is comprised of all as follows:

Beginning at the intersection of MacArthur Boulevard and Falls Road (Maryland Highway 189) and extending northeasterly along Falls Road to its junction with Scott Drive, thence west on Scott Drive to its junction with Viers Drive, thence west on Viers Drive to its junction with Glen Mill Road, thence northeast on Glen Mill Road to its junction with Maryland Highway 28, thence west on Maryland Highway 28 to its junction with Shady Grove Road, thence northeast on Shady Grove Road approximately 2.7 miles to Crabbs Branch, thence southeasterly along the course of Crabbs Branch to Rock Creek, thence southerly along the course of Rock Creek to Viers Mill Road (Maryland Highway 586), thence southeasterly along Viers Mill Road approximately 0.3 mile to its junction with Aspen Hill Road, thence northeasterly along Aspen Hill Road to its junction with Brookeville Road (Maryland Highway 97), thence southeasterly along Brookeville Road to its junction with Maryland Highway 183, thence northeasterly along Maryland Highway 183 to Colesville, Md., thence southeasterly along Beltsville Road to its junction with Powder Mill Road (Maryland Highway 212), thence easterly over Powder Mill Road to its junction with Montgomery Road, thence northeasterly along Montgomery Road, approximately 0.2 mile, to its junction with an unnumbered highway extending northeasterly to the north of Ammendale Normal Institute, thence along such unnumbered highway for a distance of about 2.2 miles to its junction somewhat north of Virginia Manor, Md., with an unnumbered highway extending easterly through Muirkirk, Md., thence along such unnumbered highway through Muirkirk to its junction, approximately 1.8 miles east of the Baltimore and Ohio Railroad, with an unnumbered highway, thence southwesterly along such unnumbered highway for a distance of about 0.5 mile to its junction with an unnumbered highway, thence southeasterly along such unnumbered highway through Springfield and Hillmeade, Md., to its junction with Defense Highway (U.S. Highway 50), thence southwesterly along Defense Highway approximately 0.8 mile to its junction with Enterprise Road (Maryland Highway 556), thence southerly over Enterprise Road to its junction with Central Avenue (Maryland Highway 214), thence westerly over Central Avenue about 0.5 mile to its crossing of Western Branch, thence southerly down the course of Western

Branch to Maryland Highway 202, thence westerly approximately 0.3 mile along Maryland Highway 202 to its junction with White House Road, thence southwesterly along White House Road to its junction with Maryland Highway 221, thence southeasterly along Maryland Highway 221 to its junction with Maryland Highway 4, thence westerly along Maryland Highway 4 to the boundary of Andrews Air Force Base, thence south and west along said boundary to Brandywine Road (Maryland Highway 5), thence northwesterly along Maryland Highway 5 to its junction with Maryland Highway 337, thence southwesterly along Maryland Highway 337 to its junction with Maryland Highway 224, thence southerly along Maryland Highway 224 to a point opposite the mouth of Broad Creek, thence due west across the Potomac River to the west bank thereof, thence southerly along the west bank of the Potomac River to Gunston Cove, thence up the course of Gunston Cove to Pohick Creek, thence up the course of Pohick Creek to Virginia Highway 611, thence southwesterly along Virginia Highway 611 to the Fairfax-Prince William County line, thence along said county line to Virginia Highway 123, thence northerly along Virginia Highway 123 to its junction with Virginia Highway 636, thence northeasterly along Virginia Highway 636 to its junction with Virginia Highway 638, thence northwesterly along Virginia Highway 638 to its junction with Virginia Highway 620, thence westerly along Virginia Highway 620 to its junction with Virginia Highway 655, thence northeasterly along Virginia Highway 655 to its junction with U.S. Highway 211, thence westerly along U.S. Highway 211 to its junction with Virginia Highway 608, thence northerly along Virginia Highway 608 to its junction with U.S. Highway 50, thence westerly along U.S. Highway 50 to the Fairfax-Loudoun County line, thence northeasterly along said county line it its intersection with Dulles International Airport, thence along the southern, Western, and northern boundaries of said airport to the Fairfax-Loudoun County line (at or near Dulles Airport Access Road), thence northeasterly along said county line to its junction with Virginia Highway 7, thence southeasterly along Virginia Highway 7 to its junction with Virginia Highway 193, thence along Virginia Highway 193 to its junction with Scott Run Creek, thence northerly down the course of Scott Run Creek to the Potomac River, thence due north across the river to MacArthur Boulevard to its junction with Maryland Highway 189, the point of beginning.

(49 Stat. 543, as amended 544, as amended 546, as amended; 49 U.S.C. 302, 303, 304)

It is further ordered, That this order shall become effective on May 22, 1970, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board No. 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-5093; Filed, Apr. 24, 1970; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Mingo National Wildlife Refuge, Mo.

On page 4966 of the FEDERAL REGISTER of Saturday, March 21, 1970, there was published a notice of a proposed amendment to 50 CFR 32. The purpose of this amendment is to provide public hunting of upland game on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restriction on hunting, it shall become effective upon publication in the FEDERAL REGISTER (sec. 7, 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd(c)(d)).

1. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

MISSOURI

Mingo National Wildlife Refuge

* * * * *

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

APRIL 20, 1970.

[F.R. Doc. 70-5024; Filed, Apr. 24, 1970; 8:45 a.m.]

PART 33—SPORT FISHING

Delta National Wildlife Refuge, La.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966, (80 Stat. 926, 16 U.S.C. 668aa), 50 CFR 33.4 is amended by the addition of Delta National Wildlife Refuge, La., to the list of areas open to sport fishing.

It is hereby found and determined that notice and public procedures on this amendment are declared impracticable and unnecessary because of the proximity of the fishing season in the State of Louisiana and of the desirability of making conforming Federal regulations with said State regulations compatible (title 5 U.S.C. 553(b)(B)).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 7(b), 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd(c)(d))

1. Section 33.4 is amended by the following additions:

§ 33.4 List of open areas; sport fishing.

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LOUISIANA

Delta National Wildlife Refuge

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A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 22, 1970.

[F.R. Doc. 70-5036; Filed, Apr. 24, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 947]

[Docket No. AO-158-A3]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Recommended Decision and Opportunity To File Exceptions with Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment of Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), hereinafter referred to collectively as the "order," regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, to be received not later than May 14, 1970. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order was formulated, was held in Hermiston, Oreg., January 14, 1970, pursuant to notice thereof published in the December 5, 1969, issue of the FEDERAL REGISTER (34 F.R. 19294). The notice set forth proposed amendments to the order which were submitted, with a request for a hearing thereon, by the Oregon-California Potato Committee, the administrative agency established pursuant to the order.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 947.6, *Handler*, to extend its application so as to include "or causes potatoes to be shipped";

(2) The amendment of § 947.7, *Handler*, to more clearly define its meaning and to include the shipping of uninspected potatoes between the production area and the adjoining States of Idaho and Washington and Malheur County, Oreg., for grading or storage;

(3) The amendment of § 947.8, *Producer*, to clarify its meaning with respect to proprietary capacity;

(4) The deletion of § 947.13, *Tablestock potatoes*, because the term is no longer applicable;

(5) The amendment of § 947.15, *Grade and size*, to add certain additional United States standards for potatoes for processing and prepeeling;

(6) The amendment of § 947.25, *Establishment and membership*; § 947.26, *Procedure*; § 947.27, *Selection*; § 947.32, *Districts*; and § 947.33, *Nomination*; to provide for the addition of one new district, the committee representation therein, and to change the dates upon which nominations must be completed and submitted to the Secretary;

(7) The amendment of § 947.28, *Term of office*, to provide for the selection of additional committee, representation and to change the beginning and ending dates for the term of office of committee members and alternates;

(8) The amendment of § 947.31, *Expenses and compensation*, to change the committe members' and alternates' compensation to a reasonable rate recommended by the committee and approved by the Secretary;

(9) The addition of a new § 947.35, *Annual report*, to provide for the preparation and submission of an annual report on each fiscal period's operation;

(10) The deletion of § 947.40, *Expenses*; § 947.41, *Budget*; § 947.42, *Assessments*; § 947.43, *Accounting*; § 947.44, *Refunds*; and the addition of new § 947.40, *Expenses*; and § 947.41, *Assessments*; to utilize more precise terminology, to authorize the establishment of an operating reserve, and to authorize interest charges on late assessment payments;

(11) The amendment of § 947.52, *Issuance of regulations*, to provide for the regulation of potatoes which have been graded or stored in the States of Idaho and Washington, and Malheur County, Oreg., to provide authority to regulate differently for different uses or outlets and to provide authority to regulate potatoes for prepeeling differently for different markets;

(12) The amendment of § 947.54, *Shipments for specified purposes*, and the addition of new § 947.55, *Safeguards*, to provide authority for the shipment of uninspected potatoes to and within specified locations in the adjoining States of Idaho and Washington, and Malheur County, Oreg., for the purpose of having them graded or stored and to provide adequate safeguards thereon;

(13) The amendment of § 947.53, *Minimum quantities*, to make necessary conforming changes resulting from the addition or deletion of certain other sections;

(14) The amendment of § 947.80, *Reports*, to clarify the handler reporting requirements, to provide for appropriate protective custody of the information contained in handler reports, and to require handlers to maintain their reports for at least 2 years; and

(15) The amendment of such other sections as are necessary to conform the present order to the proposed amendments.

Findings and conclusions. Findings and conclusions on the material issues are as follows:

(1) The definition of "handler" should be amended as hereinafter provided to include the term "or cause potatoes to be shipped."

This definition covers substantially the same activities as provided in the current definition of "handler." It should be amended to clearly indicate that all persons engaged in the handling of potatoes should be subject to the order and to rules and regulations issued thereunder. The hearing record indicates that all persons who cause potatoes to be shipped, regardless of whether they take possession of them or not, should be considered handlers. Processors or brokers who may reside either inside or outside of the production area should be considered handlers by virtue of their causing production area potatoes to be shipped.

The term "handler" is synonymous with the term "shipper" to identify the person who handles production area potatoes. Any person engaged in the act or acts of handling potatoes grown in the production area, as well as any person heretofore mentioned who causes such potatoes to be shipped, is a handler. Such person is responsible for compliance with the grade, size, quality, inspection, and the payment of applicable assessments on the potatoes delivered to transportation agencies, or which are transported or sold in the current of commerce so as to directly burden, obstruct, or affect such commerce. The responsibility for handling often involves more than one person. Any person is a handler who: (1) Handles potatoes after they are dug from the field; (2) sells potatoes; (3) transports potatoes within the production area (except for transportation within the district where grown for storage or preparation for market) or between the production area and any point outside thereof; and (4) handles potatoes that are moved out of the production area under a Special Purpose Certificate to be prepared for market.

A common or contract carrier transporting potatoes which are owned by another person is performing a handling function. However, such person should

be exempted from the provisions of the order since such contract carrier is not responsible for the grade, size, quality, or pack of the potatoes being transported. Neither is he the person who causes the introduction of such potatoes into the channels of commerce. The only interest of a common or contract carrier in such potatoes is to transport them for a service charge or fee to destinations specified by others.

(2) The definition of "handle" should be amended to include any activity which in any way places or causes potatoes to be placed in the current of commerce within the production area, to any point outside thereof, or from any point in the adjoining States of Idaho and Washington and Malheur County, Oreg., except that the definition of "handle" should not include the transportation of ungraded potatoes within the district where they were grown for the purpose of having such potatoes prepared for market or stored.

"Handle" is synonymous with "ship" and is defined in the order to establish the marketing functions which are primarily responsible for placing production area potatoes in the channels of commerce within the production area or between the production area and points outside thereof. It should include any function, except as specifically exempted under this part, that is performed from the time the potatoes are dug from the field where grown until the potatoes have been prepared for market and delivered into the channels of commerce. Any person performing any such function would be a handler and should be subject to applicable regulations thereon.

The exemption from regulation of movement of ungraded potatoes for grading or storage in the production area should be limited to certain portions of the production area. As found in the previous Secretary's Decision, "It does not appear reasonable that a handler should move potatoes from the Klamath Falls section of the production area to Portland for the purpose of grading or storage. However, it should be reasonable in many instances for a handler to move potatoes within a county, or within a usual growing section, such as the Willamette Valley, —" Therefore, it appears reasonable to exempt from the definition of "handle," the movement of field-run potatoes to a packing house within the district where grown for the purpose of having such potatoes prepared for market. Similarly, the movement of field-run potatoes to a storage within the district where grown for storing should be excluded from the definition of handle. Such potatoes have not yet been prepared for market and have not yet entered the channels of commerce and should, for that reason, be exempted from regulation at that time. In order to maintain control of potatoes moved for grading or storage beyond the district where grown the committee may impose whatever safeguards may be necessary pursuant to the provisions of new section **947.55.**

A person may handle production area potatoes by causing them to be handled. Such person would be handling potatoes by transporting or causing them to be transported to points inside or outside the prodcution area. The record indicates that brokers, for example, may cause potatoes to be handled by placing an order for them by telephone. Also, the producer of the potatoes may become a handler when performing any of the handler functions, i.e. by selling, or by transporting the potatoes other than within the district where grown for the purpose of grading or storing, or by causing the potatoes to be handled.

The record indicates that handle should include any means of physically moving potatoes. Examples of such handling would include, in addition to transporting potatoes as currently provided, the movement of potatoes by hand truck, lift truck, conveyer belt, water conveyer, or any other such similar means of conveyance, and such handling would fall within the definition of handle. An example of such handling in the record is the movement of potatoes from a fresh market packing line to an adjoining building where they are used for prepeeling. Potatoes for prepeeling both inside and outside the production area are currently regulated under regulations issued under the Oregon-California Potato Marketing Order.

The hearing record indicates that the definition of "handle" should include the shipment of ungraded potatoes to the adjoining States of Washington and Idaho, and Malheur County, Oreg., to be prepared for market, stored, or both. In the Hermiston-Umatilla section of the production area the production of potatoes exceeds the capacity of handlers' facilities for sorting and packing potatoes produced in that section. Therefore, it is necessary to ship some of the production area potatoes to the nearby States of Washington and Idaho, and Malheur County, Oreg., to be prepared for market or stored. The hearing record indicates that the committee is well acquainted with the sections in which shortages of packing or storage facilities exist, and with the sections which have adequate facilities for packing or storing of such potatoes. The record indicates that safeguards can be developed for the shipment and handling of such potatoes. Therefore, such handling should be permitted to be shipped field-run (just as harvested) to such destinations, to be prepared for market or stored if they are handled as special purpose shipments under safeguards, upon recommendation of the committee and approval of the Secretary.

The record indicates that potato production in the Hermiston-Umatilla section last year was over 1 million hundredweight from 3,430 acres. The record also indicates that the projected acreage for this section in 1972 is expected to be 10,000 acres and by 1975 it is expected to increase to 20,000 acres. There are currently available and under construction in this section packing sheds to pack and further prepare for market the potato production from approximately 1,200 acres. Also, the record indicates that facilities may be increased in the production area for packing potatoes produced on only 1,800 acres in this section by 1971. This indicates that for a number of years some production area potatoes will have to be shipped out of the Hermiston-Umatilla section to nearby facilities outside the production area for packing or storage. The hearing record further indicates that these potatoes would normally be moved to the State of Washington, within a radius of less than 100 miles from the Hermiston-Umatilla section. This would be much closer than most of the other packing facilities that are located within the production area. Also, potatoes produced under similar circumstances elsewhere in the production area may need to move into a nearby section of the States of Idaho and Washington, and Malheur County, Oreg., where ample packing and storage facilities are already available.

The preparation for market of production area potatoes in adjoining sections of the States of Washington and Idaho, and Malheur County, Oreg., should be considered a handling function. In handling potatoes that are moved out of the production area to be prepared for market or stored it should be the responsibility of the person who handles them to maintain their identity until they have complied with the Oregon-California Marketing Order regulations. Production area potatoes that move out of the production area to be prepared for market should be kept separate from potatoes not produced in the Oregon-California production area until they have been graded and inspected and have complied with regulations issued thereunder. Also, such potatoes, when not marketed in fresh market channels, should be handled in accordance with regulations applicable thereon in the same manner as potatoes similarly handled inside the production area.

(3) The term producer is synonymous with grower and should be amended to so indicate. Also, the definition of producer should be amended to limit its application to persons engaged in a proprietary capacity in the production of potatoes for market.

Amendment of the term producer is necessary because it is limited by the rule of Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts (7 CFR Part 900 § 900.401) pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, to a person who has a proprietary interest in the production of potatoes. Also, membership on the committee and participation in committee nominations for producer membership should be limited to persons who have a proprietary interest in the production of potatoes.

The record indicates that the definition of producer should include anyone who operates his own farm and produces potatoes for market and anyone who rents farm land and owns all or a portion of the potatoes produced thereon. Also, the landlord who receives a portion

of the proceeds from the sale of the potato crop as rent for the land should be considered a producer.

The term producer should include any partnership that produces potatoes for market or any corporation or association or other business entity that produces potatoes for market. A husband and wife who produce potatoes should also be considered a partnership. Each such business entity should be considered a single unit and should be entitled to only one vote as a producer in committee nominations, referendums, etc.

The chief test in defining a producer is the determination of his proprietary interest in potatoes produced for market within the production area. A person who works for another in the production of potatoes and receives only cash payment for such work should not be considered a producer. Also, a person who rents a portion of his land for growing potatoes and received only cash rent for such land should not be considered a producer.

(4) The term "tablestock" should be deleted from the order. At the time this order was last amended in 1955 the term "tablestock" meant and included all potatoes not included within the definition of "seed potatoes." Since that time the meaning of such term has been changed. It now refers to potatoes for fresh market use only. Potatoes not used for fresh market are referred to as potatoes for such uses as processing; prepeeling, livestock feed, and seed. Also, the term tablestock should be deleted wherever it appears in this part.

(5) Section 947.15 *Grade and size* should be amended by incorporating into this definition, U.S. Standards for Grades of Potatoes for Processing and U.S. Standards for Grades of Peeled Potatoes.

Grade and size, the essential terms under which regulations are issued, are defined as the comprehensive and equivalent of meanings assigned these terms in any of the official standards for potatoes issued by the U.S. Department of Agriculture and official standards for potatoes issued for the State from which the potatoes are shipped. Such standards are generally accepted and recognized by the potato industry in the production area. The Federal-State Inspection Service or such about other inspection service as the Secretary may designate would be qualified to certify to the grade and size of potatoes grown in the production area in terms of such standards, modifications thereof, or variation thereon which are incorporated in the regulations issued under the marketing order.

The hearing record shows that the U.S. Standards for Grades of Potatoes for Processing are being used more every year. These standards are the basis for contractual understanding between buyer and seller and some regulations have been issued based upon these standards. Also, the U.S. Standards for Grades of Peeled Potatoes have been used by the committee as a basis for recommending regulations on potatoes used for prepeeling.

(6) One new district should be added in the production area to represent the increased production of potatoes in North Central Oregon. The new district should be identified as District No. 5, to include the counties of Wasco, Sherman, Gilliam, Morrow, Umatilla, Wallowa, Union, Baker, Grant, Wheeler, and Harney in the State of Oregon. These counties are currently part of District No. 3. The remaining counties in the current District No. 3 are Curry, Coos, Douglas, Lane, Lincoln, Benton, Linn, Polk, Marion, Yamhill, Tillamook, Washington, Clatsop, Columbia, Multnomah, Clackamas, and Hood River. Such counties should comprise the new District No. 3. The remaining district boundaries should not be changed, and the counties contained therein are as hereinafter provided.

The record indicates that the addition of one new district is necessary to provide adequate representation for the Hermiston-Umatilla potato producing section in North Central Oregon. Each committee member would then represent approximately 500,000 hundredweight of potatoes. The Hermiston-Umatilla section, most of which has come into production since the order was last amended in 1955, produced in excess of 1 million hundredweight of potatoes in 1969. The increased production in this section has not been offset by any substantial decline in production in any of the other districts in the production area.

The committee should be increased from 12 to 14 members to provide for the representation of the new District No. 5. The producer representation should be increased from eight to nine members and the handler representation should be increased from four to five members. An alternate should be provided for each member thereof with the same qualifications as the member to act in the place and stead of the member for whom he is an alternate when such member is absent. All producer and handler members of the committee are required to reside in the district they represent to provide adequate opportunity for producers and handlers in that district to inform the committee of their production and marketing problems. Therefore, it is necessary to increase the committee membership by two members to represent the new District No. 5 and to reflect proportionate representation to all producers and handlers.

The selection of two additional committee members and their respective alternates by the Secretary from qualified persons residing in the new District No. 5 should be authorized as hereinafter provided.

Selection of committee members from Districts 1, 2, and 4 should not be changed by the amendment of this part. Also, the hearing record indicates that in District No. 3 the selection of committee members should not be changed. However, pursuant to the amendment of this part, the term of office for those members and alternates currently representing District No. 3 but residing outside of the new District No. 3 should be terminated and new members appointed by the Secretary from qualified persons residing in the new District No. 3 to fill such vacancies.

In new District No. 5 one new producer member and one new handler member along with their respective alternates should be selected by the Secretary pursuant to § 947.28(c). Such changes in representation are necessary pursuant to the formation of new District No. 5 from certain designated counties in District No. 3. Producer and handler members and their respective alternates should reside in the district which they are selected to represent. The record indicates that excising a portion of District No. 3 to become the new District No. 5 would result in the term of office of one producer alternate in District No. 3 being terminated. Such vacant position should be filled in the same manner as any other vacant position on the committee would be filled for the balance of such term of office. The producer whose term of office in District No. 3 would be terminated, would then be eligible for nomination to the new producer position in District No. 5 in which he resides.

Pursuant to the increase in committee membership the number of committee members necessary to constitute a quorum should be increased to nine members and nine concurring votes should be required to pass any motion or approve any committee action.

Under the present committee membership of twelve, eight members are necessary for a quorum and eight concurring votes are necessary to pass any motion or approve any committee action. With committee membership enlarged from 12 to 14, nine members will represent about the same proportion of the committee that was previously required for a quorum and to pass any action. The hearing record indicates the number of members necessary to constitute a quorum and the number of concurring votes required to pass any motion or approve any committee action should be increased pursuant to enlarging the committee membership. The nine vote requirement assures that any recommended regulation will require approximately the same percentage of the committee's support for approval and would protect minority views thereon.

Nominations for the committee members and alternates whose terms are to expire should be completed by April 1 of each year, and the name of at least one nominee for each position should be supplied to the Secretary by May 1 of each year or by such other date as may be specified by the Secretary.

The hearing record indicates that the committee's annual organizational meeting should be held at least 1 month earlier than previously held. This is necessary due to earlier varieties of potatoes being produced in the production area and due to the early producing areas of North Central Oregon. In order to have an earlier organizational meeting it is necessary for the committee members' terms of office to begin 1

month earlier and consequently for nominations to be conducted and committee appointments to be made 1 month earlier.

The record indicates that nominations should be completed on or before April 1, rather than May 1 as is currently required. Also, the names of the nominees should be supplied to the Secretary not later than May 1 rather than May 31 as is currently required. However, the Secretary can prescribe another date if the names of the nominees are not supplied to him by May 1. This would provide additional flexibility to the committee and to the Secretary in the event that background statements were not submitted on time, nominees decline their nomination, or in the event such similar unforseeable difficulties developed.

The record indicates that the name of one or more nominees should be submitted to the Secretary for each position as member and each position as alternate that is to be filled. The names of two nominees must be submitted for each such position in the current order. However, the record indicates that the name of one nominee is adequate because nominations are usually conducted and voted upon at each nomination meeting. The person receiving the highest number of votes should become the nominee for the position on which voting was conducted. This would not preclude submitting the names of more than one nominee for such position in the event that there was no voting or if nominations were conducted at more than one location within the district for such position.

Requiring two nominees for each position may prevent the person who is the second nominee from being nominated for the alternate position. Also, it is frequently difficult to obtain two nominees for each member and alternate handler position when there are only a few handlers in the district. Requiring only one nominee for each such position would permit the committee to conduct nominations in such a manner to provide qualified producers and handlers adequate opportunity to participate in the nominations and to indicate the person of their choice for such position.

(7) The beginning and ending dates for the term of office for committee members and their respective alternates should be changed from a 2-year term beginning on July 1 and ending June 30, to a 2-year term beginning on June 1 and ending May 31, 1 month earlier than the current term. The term of office for current committee members and their respective alternates should be shortened by 1 month to comply with such change in the ending date of their term of office.

The term of office for the new producer member and his alternate in the new District No. 5 should begin on June 1, 1970, and end on May 31, 1972, and until their successors have been selected and have qualified. The handler member and his alternate to represent District No. 5 should be selected for a term of office to begin on June 1, 1970, and end on May 31, 1971, and until their successors have been selected and have qualified. Thereafter, both producer and handler members and their alternates from District No. 5 should be selected for 2-year terms of office.

The hearing record indicates that a larger proportion of the potato production is being devoted to earlier varieties, principally the Norgold variety. Also, more potatoes are being produced on sandy soils in North Central Oregon near the Columbia River (Hermiston-Umatilla section). This results in more potatoes being harvested and marketed earlier in the season. The harvesting of these earlier varieties in the earlier section begins on or about the second week in July. When the order was originally promulgated, nearly all of the potatoes were harvested later in the season and many were stored before being marketed.

In order to provide adequate time to put regulations into effect on the first shipments of production area potatoes each year, it is necessary that the terms of office for committee members begin on June 1. This will provide adequate time for the committee to meet after June 1, to adopt a marketing policy, and to make recommendations for regulations to the Secretary in time for such regulations to become effective for the first potato shipments. Without such change in the term of office for the committee members there would not be adequate time provided for a notice of rule making with respect to the proposed regulations.

Pursuant to the amendment as hereinafter provided, the membership on the committee should reflect the changes hereinafter provided. Producers and handlers in the new District No. 5 should nominate committee members and alternates, and their terms of office should become effective from the time of their appointment until their respective terms expire. The hearing record shows that in District No. 3 the term of office for any member or alternate who resides outside the newly formed District No. 3 should be terminated on the effective date of this amendment. Such vacancy for the member or alternate position should be filled for the balance of such term of office by a resident of the new District No. 3, appointed by the Secretary from nominations submitted by the committee. Also, the term of office for all current committee members and their respective alternates should terminate one month earlier than their appointments indicate.

In the new District No. 5 the handler member and his alternate should each be appointed initially for a 1-year term of office, and the producer member and his alternate for a 2-year term of office. This would permit approximately one-half of the committee representation to terminate each year. With the term of office being for 2 years and one-half of the representation being carried over each fiscal period, the committee would have more continuity in its operation from year to year. The nomination procedure for the initial representation in the new District No. 5 is in conformity therewith.

(8) The committee members and their respective alternates should be authorized to receive reasonable compensation, at a rate recommended by the committee and approved by the Secretary, when acting on committee business.

The present order provides for committee members to receive compensation at a rate which shall not exceed $10 for each day, or portion thereof, spent in attending meetings of the committee. The record shows that $10 a day is no longer adequate in that it only partially compensates a committeeman who has to hire someone to take his place while he is away on committee business. Also, some committee members believe they should not receive compensation, and the payment of this compensation should be permissive rather than mandatory. Therefore, this section should be amended to provide that committee members may receive reasonable compensation at a rate to be recommended by the committee and approved by the Secretary.

Committee members should receive compensation not only for attending committee meetings, but also for attending any industry meeting on committee business when so requested to attend by the Chairman. Such compensation should also be received by committee members when requested by the Chairman to perform committee duties. The record indicates that such compensation should also be paid to alternate members when they are requested by the Chairman to attend committee meetings or when they are performing other committee functions at the Chairman's request. Alternates should be familiar with the operation of the marketing order to enable them to act in place of members when the members are unable to attend. Also, alternates should attend all committee meetings so as to have the necessary background information to enable them to make decisions when acting for members.

(9) A new § 947.35, *Annual report*, should be added to provide for the submission of an annual report on each fiscal period's operations. The committee should submit such annual report within 2 months after the end of each such fiscal period. Such report should be prepared as a service to the industry and as a record of the activities of the committee for the general guidance and reference of future committees. It should serve to advise the growers and handlers and the public in general of the objectives of the program and the results that have been accomplished.

The notice of hearing provided that the annual report should be submitted prior to the last day of each fiscal period. The hearing record indicates that the report should be submitted within 2 months following the close of the fiscal period. Submitting the annual report on the last day of the fiscal period would not give the committee sufficient time to prepare a meaningful report that would cover

the full fiscal period's operations. To permit the annual report to be submitted within 2 months following the close of the fiscal period would provide adequate time for the committee to prepare a complete report.

The record indicates the annual report should include, but should not be limited to, the following information:

(a) A statement on the organization of the committee including the names of committee members and alternates;

(b) A statement on the purpose of the program and how the committee has operated under it during the fiscal period;

(c) A summary of the regulations in effect during the marketing season and the purpose of such regulations;

(d) A financial statement of the committee's operations, including a statement of receipts and expenses and a balance sheet;

(e) A general summary of compliance and enforcement activities;

(f) Data covering annual shipments and prices for the season compared with such data for the previous season and with similar data for competing areas;

(g) A table showing the utilization of the crop;

(h) An appraisal of the program to include a review of the regulatory operations together with recommendations for improvements.

Copies should be made available to the Secretary, to the committee, and to the public in general, with the idea of promoting a better understanding of the operations of the program. An annual report has been submitted by the committee manager each year for the past several years, so this provision should not be considered as an added burden for the manager.

(10) Sections 947.40 through 947.44 of the current order should be deleted from the order and the substance of the provisions contained in these sections should be included in new §§ 947.40, *Expenses*, and 947.41, *Assessments*. Also, authority should be added to require that if a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to a late payment charge or an interest charge at rates prescribed by the committee with the approval of the Secretary. It should also be provided that at the end of a fiscal period, funds in excess of the year's expenses shall be placed in an operating reserve of not to exceed approximately one fiscal period's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish.

The record indicates that the aforementioned five sections should be deleted and two new sections should be added. The new sections would contain all of the provisions which were included in the deleted sections updated to meet the current operational needs of the committee, yet in no way would diminish the authority or responsibility of the Secretary or the committee.

The late payment of accounts by handlers has not been a serious problem for the Oregon-California Potato Committee, but there is some indication that late payment by some handlers is on the increase. Therefore, authority for the committee to charge interest or a late payment charge on past-due-assessments is needed and should be added to the section on assessments as hereinafter provided.

The record indicates that if the committee finds that delinquent accounts are becoming burdensome, it should be authorized to recommend to the Secretary and the Secretary should be authorized to require that delinquent accounts be assessed at the rate of interest on the unpaid balance approximately equivalent to that which is normally charged by commercial businesses within the production area. An account is considered to be due and payable to the committee when submitted to the handler for payment, and it should be considered delinquent and subject to a late payment charge or an interest charge after a specified period of time when such period of time is recommended by the committee and approved by the Secretary. The handler members on the committee are well aware of the usual time period after which bills become delinquent and subject to interest. They could advise the committee in this respect. The committee, when it is considering a budget and rate of assessment, should give consideration to the time limit for the payment of accounts and the late payment or interest charge to be assessed on such past-due accounts.

The record indicates that the assessment income received in excess of a fiscal period's expenses should be placed in an operating reserve. Authority should be provided to use such funds for any authorized expenses incurred by the committee.

Good business management requires some provision for contingencies. Emergency financial needs can arise for a marketing order committee the same as for any business. Without such contingency fund the committee could be seriously handicapped in its operations. The hearing record indicates an operating monetary reserve is needed by the committee for several purposes in addition to meeting emergencies. It would provide funds to finance the committee's operations early in each fiscal period before adequate income becomes available from the current year's assessments. Methods of meeting such early expenses would otherwise include borrowing money from the bank on a short term basis or asking handlers to advance payment of assessments. Having an operating reserve would be a more businesslike method of meeting these early obligations each year and could result in savings for the committee.

In the event of a short crop or a partial crop failure, assessment income could drop below the requirements for expenses of the committee. Without an operating reserve, it would be necessary to increase the rate of assessment to meet such deficit. This would constitute an extra burden on the industry at a time when the industry's income is reduced because of a poor crop. It would be less burdensome to the industry to contribute to the establishment of an operating reserve during years of normal production rather than be required to pay a higher rate of assessment occasioned by a deficit during a year when the crop is materially reduced.

The reserve fund could be used to defray expenses of the committee during any period when certain provisions of the order are suspended or inoperative. Also, the reserve fund would be available to defray the necessary expenses of liquidation of the affairs of the committee in the event of termination of the order. Any funds remaining after termination of the order should be distributed in such manner as the Secretary may direct upon recommendation of the committee; provided, that to the extent practicable, they should be returned to the persons from whom they were collected.

The reserve fund should not exceed approximately 1 fiscal year's operating expenses based upon an average of 2 recent years' expense budgets and may be such lesser amount as the committee may recommend. This provision is considered necessary not only to set a limit on the size of the reserve fund by keeping it within reasonable limits, but also to allow a degree of flexibility. A fixed figure which might now be adequate could be inappropriate in the future.

(11) Paragraph (a)(2) of § 947.52, *Issuance of regulations*, should be added as hereinafter provided, to provide authority to ship uninspected potatoes into the adjoining States of Idaho and Washington, and Malheur County, Oregon, for grading or storage, to regulate such shipments, and to require that the potatoes thus shipped comply with the same regulations as potatoes handled within the production area when they are prepared for market. Also, paragraph (a)(2) of this section of the current order should be redesignated (a)(3) and should be amended by adding authority to regulate differently for different uses or outlets and to regulate potatoes for prepeeling differently for different markets. Additionally, the term "tablestock" should be deleted from this section as hereinafter provided because it is no longer descriptive of potato uses. Similarly, present paragraph (a)(3) should be redesignated as paragraph (a)(4).

The record indicates that the authority in this part should be broadened to authorize shipment of uninspected potatoes to points outside the production area where adequate packing or storage facilities are available. Field-run potatoes from the Hermiston-Umatilla section and other parts of Oregon and Northern California where adequate packing or storage facilities are not readily available need to be shipped to adjoining sections in Washington, Idaho, or Malheur County, Oreg., where such adequate facilities are available.

The hearing record indicates that packing and storage facilities within the Hermiston-Umatilla section of Oregon

are insufficient to take care of the potatoes produced in that section. It was further indicated there are readily available packing and storage facilities nearby in the State of Washington. These facilities are closer to the Hermiston-Umatilla section than any other packing or storage facilities in other parts of the production area. The same is true with certain potato producing sections close to the borders of Idaho and Malheur County, Oreg.

The record indicates that shipment of production area potatoes into the States of Washington and Idaho and Malheur County, Oreg., would compete directly with production area potatoes graded and stored within the production area. Therefore, production area potatoes which are shipped to nearby sections of the States of Washington and Idaho, or to Malheur County, Oreg., for further handling should, when prepared for market, meet the same regulations as other production area potatoes. The movement to the States of Washington and Idaho, and to Malheur County, Oreg., of uninspected production area potatoes should be authorized only under the safeguard provisions of the shipments for specified purposes provision of this part.

The hearing record indicates that potatoes for prepeeling should be regulated differently for different markets, to include different regulations for shipments to prepeelers within the production area than for shipments to prepeelers located outside the production area. Testimony was offered to indicate that production area prepeelers have only potatoes produced within the production area readily available to them for prepeeling. This places them as a disadvantage in competition with prepeelers located outside the production area who have not only production area potatoes available to them, but also potatoes from other areas which are not regulated. The committee is aware of the need for different regulations to provide flexibility in dealing with different economic conditions in different areas. Therefore, such different regulations should be authorized for shipments of potatoes for prepeeling within the production area than for prepeeling outside the production area.

The hearing record also indicates that different regulations should be authorized for different uses or outlets. For example the needs of prepeelers are often quite different than those of fresh market handlers. Frequently prepeelers, who remove the skins from potatoes, can use potatoes with external defects and potatoes that require considerable trimming. Likewise, the smaller sizes of potatoes are often acceptable for prepeeling. Therefore, the grades and sizes applicable to potatoes for fresh market shipments are not always the same as those applicable to potatoes for prepeeling.

The proposal to provide authority to "fix the size, capacity, weight, dimensions, pack, and markings of containers which may be used in the packaging or handling of potatoes, or both" in subparagraph (a)(3) of § 947.52, as published in the notice of hearing, should be dismissed as no testimony was offered at the hearing to support this proposal.

(12) Section 947.54 should be deleted from the order and the substance of the provisions contained therein and modifications thereof should be included in new §§ 947.54, *Shipments for specified purposes*, and 947.55, *Safeguards*, as hereinafter provided. Additionally, shipments of production area potatoes to specified locations in the States of Washington and Idaho, and to Malheur County, Oreg., for grading or storage should be authorized subject to safeguard provisions so as to prevent such potatoes from being handled for purposes other than those specified. Also, official notice is taken of the amendment to the act to exempt potatoes for "other processing" for a period of 2 years. Prepeeling, which is not included in such exemption, should also be listed as an outlet to which shipments for specified purposes can be authorized.

The deletion of the aforementioned section and the addition of two new sections as hereinafter provided, are necessary to conform to the changes in the marketing of production area potatoes yet in no way would diminish the authority or responsibility of the Secretary or the committee.

The record indicates that it is necessary to ship field-run uninspected potatoes to specified locations in the adjoining States of Washington and Idaho, and Malheur County, Oreg., to have such potatoes prepared for market or stored. Such handling should be authorized under safeguards on shipments for specified purposes. Handlers who ship potatoes for such specified purposes should obtain a Special Purpose Certificate from the committee to make such shipments; and prepare a report on each shipment so handled as may be required by the committee. The person receiving the potatoes should verify that the potatoes so handled were used for the purposes specified in the certificate and immediately report same to the committee office. In addition, handlers should be required to submit any reports that may be requested by the committee pursuant to § 947.80, *Reports*.

Potatoes that are moved outside the production area under shipments for specified purposes without being inspected before they leave the production area should be handled by the handlers located outside the production area in the same manner as if such handling was performed within the production area. Such handlers should be required, when preparing the potatoes for fresh market, to comply with the applicable regulations in the same manner as handlers located inside the production area. They should also be required to comply with applicable safeguards provisions and to have such potatoes inspected, when inspection is required by marketing order regulations, in the same manner as handlers within the production area.

The hearing record indicates that inspectors in the States of Washington and Idaho can certify that such potatoes comply with Oregon-California Potato Marketing Order limitation of shipments regulations. However, such potatoes should be kept separate from Idaho and Malheur County, Oreg., or Washington potatoes and their identity must be maintained so that they may be properly identified to the certifying inspector in order for him to promptly inspect and certify them as meeting such regulations. Therefore, the identity of such potatoes should be maintained until they are prepared for market, inspected, and certified as meeting the applicable Oregon-California Potato Marketing Order regulations. The hearing record indicates that handlers located outside the production area would be able to keep such potatoes separated from other potatoes until they are prepared for market and certified, because maintaining their identity is necessary to provide each producer of such potatoes with an adequate packout and payment record on his potatoes.

Potatoes from the fresh packing operation that do not meet marketing order standards and are diverted to other uses such as starch, livestock feed, or dehydration, should also comply with applicable Oregon-California Potato Marketing Order regulations. Handlers so handling such potatoes should be required to provide reports to the committee on disposition of any potatoes not marketed in fresh market channels to insure that they are handled in compliance with the applicable regulations.

The hearing record indicates that inspection pursuant to § 947.60, and assessments pursuant to § 947.41 should be required on potato shipments for specified purposes. However, Public Law 91-196, effective on February 20, 1970, amended the act to exempt potatoes for "other processing" for a period of 2 years. The term "other processing" is intended to include only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. This occurs in dehydration and in the manufacture of shoestring potatoes and potato chips. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

Such exemption is in addition to the exemption for potatoes for canning and freezing already provided by the act. Therefore, potatoes for canning, freezing, and "other processing," during any period when potatoes for such uses are exempted from the act, would not be subject to inspection and assessment. Pursuant to such exemptions, inspection and assessment provisions would not be applicable to potatoes for canning, freezing, and "other processing."

Shipments of potatoes for specified purposes other than those exempt from the act should be subject to inspection and assessment when such requirements are recommended by the committee and approved by the Secretary. The notice of hearing did not list potatoes for prepeeling as a separate outlet which shipments for specified purposes under § 947.54 could be authorized. Public Law

91–196 which amends the act to exempt potatoes for other processing was enacted after the hearing was held. This amendment to the act exempts potatoes for certain specified uses from the provisions of the act for a period of 2 years beginning February 20, 1970. Prepeeling is not one of the uses exempted by Public Law 91–196. To avoid any misinterpretation regarding the handling of potatoes for prepeeling under this section, it is specifically included at this time.

Pursuant to the amendment of § 947.54 and the addition of a new section, § 947.55, the current rules governing shipments for specified purposes, §§ 947.130 through 947.133, should be terminated and new rules should be recommended by the committee and approved by the Secretary to correspond with the newly amended provisions.

The record indicates that the committee should be authorized to require Special Purpose Certificates on potatoes handled as herein discussed. Also, the committee should be authorized to rescind or deny any handler such Special Purpose Certificate if he handles the potatoes contrary to the provisions specified or to the rules or regulations issued pursuant to this part. However, the committee should provide adequate appeal procedure for handlers who are so denied such certificates or who have had such certificates rescinded. Such appeal procedure should provide an opportunity for the affected handler to review the matter with the committee or a subcommittee authorized by the committee to review such appeals. Such reviewing authority should include the authority to reaffirm the committee's decision or to reinstate or issue such certificate when the findings are in favor of the affected handler.

(13) The provisions of § 947.53, *Minimum quantities*, should be amended as hereinafter provided to make one necessary conforming change. The current section provides for the exemption of minimum quantities from the requirements of the specific sections, §§ 947.40–947.60. The record indicates that this section should be amended to provide that minimum quantities shall be free from regulations issued pursuant to "this part." This is a conforming change to broaden the authorized exemptions under this section to include those resulting from administrative rules as well as regulations. Also, the hearing record supports this change as being necessary.

(14) The provisions of § 947.80, *Reports*, should be clarified as to the types of reports handlers could be required to submit, the length of time that handlers could be required to maintain records of potatoes handled by them, and to provide for the safeguarding by committee employees of confidential information in reports submitted by handlers.

The order presently requires that reports shall be furnished as required by the committee with the approval of the Secretary in such manner, on such forms, and at such times as may be prescribed by the committee.

The committee is in a position to know which reports are needed and how often they are needed for proper administration of the order. Yet, being partially made up of handler members, the committee is aware of the difficulties handlers may have in submitting the necessary information which may be required. Therefore, the information requested by the committee should be limited to the minimum amount of information necessary to enable the committee to exercise its duties under the order, including information needed for the preparation of its marketing policy statement.

It is difficult to anticipate every type of report, or kind of information which the committee may need in administering the program; but it should have the authority, subject to the approval of the Secretary, to request reports and information, if needed, of the types set forth in the proposed amendment of this section.

Provisions should be included to insure the confidentiality of information contained in individual reports which may adversely affect the competitive position of any handler in relation to other handlers. These provisions are not intended, however, to preclude the compilation of general reports from information submitted by handlers as required by the order and the distribution of these compilations, providing they do not disclose the identity or operations of any individual handler.

Such records and information, including the reports submitted by handlers, should be kept exclusively in the custody of, and under the control of, one or more employees of the committee and should not be disclosed to anyone other than the Secretary, or as authorized by him. In this way, no committee members would have access to information which may contain trade secrets, disclose a handler's trade position, his financial condition, his customers, or the prices at which he sells his potatoes. All reports are requested in the name of the committee because it alone has the authority to request such reports. However, because of the confidential nature of the information, committee members should not be permitted to see the individual reports. Some members of the committee may be competitors of a handler from whom information was obtained. Therefore, committee members should not have access to such information until it is compiled in such a manner that it does not disclose the identity or operations of any individual handler. Also, an employee of the committee does not have the authority to ask a handler to report to him, as an individual. The report may be made only to the committee as the administrative agency.

The present order has no provision which requires handlers to maintain records on potatoes received or handled. Each handler should be required to establish and maintain for at least 2 succeeding years adequate records on all potatoes handled by him. Such records are normally kept by handlers as a good business practice and for other purposes; therefore, a requirement for establishing and maintaining such records should not create an undue burden upon handlers. Such records are necessary to verify reports that are required to be submitted to the committee. They should also be maintained to provide satisfactory proof of compliance with the provisions of the order. They should be made available by the handler to the committee through its authorized employees or to the Secretary upon request.

The Secretary, and the committee through its duly authorized employees, should have authority to verify records filed by handlers to ascertain compliance with the order and regulations issued thereunder. Authorized employees should have access to such records which would include access to any premises where such records are maintained at any reasonable time during business hours.

(15) The record indicates that such other changes should be made to the marketing agreement and order as may be necessary to conform to the amendments thereto. In this respect the first sentence of paragraph (a) in § 947.60, *Inspection and certification*, should be changed by deleting § 947.42 and substituting therein § 947.41. The proposal to amend this section with respect to other provisions, as provided in the notice of hearing, was not supported by the industry members present at the hearing; therefore, no other changes are recommended in this section.

Also, the record indicates strong evidence of the effectiveness of the order in its present form in the event that the proposed amendment does not gain sufficient grower approval for adoption.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement and order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the Act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement and order, as amended, and as hereby proposed to be amended, regulate the handling of potatoes grown in the production area

in the same manner as, and are applicable only to persons in the respective classes of industrial and commerial activity specified in the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement and order, as amended, and as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement and order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendments to the amended marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

(1) Section 947.6 is amended to read as follows:

§ 947.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

(2) Section 947.7 is amended to read as follows:

§ 947.7 Handle.

"Handle" is synonymous with "ship" and means to sell, transport, or in any other way to place potatoes, or cause potatoes to be placed in the current of the commerce within the production area or between the production area and any point outside thereof, or from any point in the adjoining States of Idaho and Washington and Malheur County, Oreg., to any other point: *Provided*, That the definition of "handle" shall not include the transportation of ungraded potatoes within the district where they were grown for the purpose of having such potatoes prepared for market, or stored, except that the committee may impose safeguards, pursuant to § 947.55 with respect to such potatoes.

(3) Section 947.8 is amended to read as follows:

§ 947.8 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the production of potatoes for market.

(4) Section 947.13 is deleted:

§ 947.13 [Deleted]

(5) Section 947.15 is amended to read as follows:

§ 947.15 Grade and size.

"Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The U.S. Standards for Potatoes issued by the U.S. Department of Agriculture (§§ 51.1540 to 51.1556 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) U.S. Consumer Standards for Potatoes as issued by the U.S. Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) U.S. Standards for Grades of Potatoes for Processing as issued by the U.S. Department of Agriculture (§§ 51.3410 to 51.3424 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(d) U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421 to 52.2433 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(e) Standards for potatoes issued by the State of Oregon or California, or amendments thereto, or modifications thereof, or variations based thereon.

(6) Paragraph (a) of § 947.25 is amended to read as follows:

§ 947.25 Establishment and membership.

(a) The Oregon-California Potato Committee consisting of 14 members, of whom nine shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

* * * * *

(7) Paragraph (a) of § 947.26 is amended to read as follows:

§ 947.26 Procedure.

(a) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes shall be required to pass any motion or approve any committee action.

* * * * *

(8) Paragraph (b) of § 947.27 is amended to read as follows:

§ 947.27 Selection.

* * * * *

(b) The Secretary shall select three producer members of the committee, with their respective alternates, from District No. 1; two producer members, with their respective alternates, from each of Districts No. 2 and No. 4; and one producer member, with his respective alternate, from each of Districts No. 3 and No. 5. The Secretary shall also select one handler member of the committee, with his respective alternate, from each of Districts Nos. 1, 2, 3, 4, and 5.

* * * * *

(9) Paragraph (a) of § 947.28 is amended and a new paragraph (c) is added to read as follows:

§ 947.28 Term of office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be 2 years beginning June 1 and ending May 31. The terms of office of members and alternates shall be so determined that approximately one-half of the total producer committee membership and approximately one-half of the total handler committee membership shall terminate each May 31.

* * * * *

(c) The initial producer member and his alternate for District No. 5 shall be selected for a period of 2 years beginning with the committee selected for the term of office beginning June 1, 1970, through May 31, 1972. The initial handler member and his alternate for District No. 5 shall be selected for a 1-year term of office beginning June 1, 1970, through May 31, 1971, and thereafter each term of office shall be for 2 years.

(10) Section 947.31 is amended to read as follows:

§ 947.31 Expenses and compensation.

Committee members and their respective alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition, they may receive reasonable compensation at a rate recommended by the committee and approved by the Secretary.

(11) Paragraph (a) of § 947.32 is amended to read as follows:

§ 947.32 Districts.

(a) The following districts of the production area are hereby established as follows:

District No. 1. The counties of Crook, Deschutes, and Jefferson in the State of Oregon;

District No. 2. The counties of Klamath, Lake, Jackson, and Josephine in the State of Oregon;

District No. 3. The counties of Curry, Coos, Douglas, Lane, Lincoln, Benton, Linn, Polk, Marion, Yamhill, Tillamook, Washington, Clatsop, Columbia, Multnomah, Clackamas, and Hood River in the State of Oregon;

District No. 4. The counties of Modoc and Siskiyou in the State of California;

District No. 5. The counties of Wasco, Sherman, Gilliam, Morrow, Umatilla, Wallowa, Union, Baker, Grant, Wheeler, and Harney in the State of Oregon.

* * * * *

(12) Section 947.33 is amended to read as follows:

§ 947.33 Nominations.

The Secretary may select the members of the Oregon-California Potato Committee and their respective alternates

from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held by the committee in each district for which nominees are to be selected, not later than April 1 of each year, to designate nominees for members and alternates to the committee;

(b) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 1;

(c) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe, not later than May 1 of each year, or by such other date as may be specified by the Secretary;

(d) Only producers may participate in designating producer nominees and only handlers may participate in designating handler nominees. Any person who operates in more than one district or is engaged in producing and handling potatoes, shall elect the classification (i.e., producer or handler), and the district within which he desires to participate in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote; and

(f) If nominations are not made within the time and in the manner specified in this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

(13) Section 947.35 is added to read as follows:

§ 947.35 Annual report.

The committee shall prepare and submit to the Secretary, within 2 months following the last day of each fiscal period, an annual report covering such fiscal period, and make a copy available to each handler and producer who requests it. This annual report shall contain at least:

(a) A complete review of the regulatory operations during the fiscal period;

(b) An appraisal of the effect of such regulatory operations upon the potato industry within the production area; and

(c) Any recommendations for changes.

(14) Sections 947.40, and 947.41, are amended to read as follows:

§ 947.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate and for the maintenance and functioning of the committee. The committee shall submit to the Secretary a budget for each fiscal period, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such fiscal period.

§ 947.41 Assessments.

(a) Each handler shall pay to the committee upon demand his pro rata share of the expenses authorized by the Secretary for each fiscal period. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary times the quantity of potatoes which he handles as the first handler thereof. At any time during or after a fiscal period, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect. If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge, at rates prescribed by the committee with the approval of the Secretary.

(b) Excess funds: At the end of a fiscal period, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately one fiscal period's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 947.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) Accounting of funds upon termination of order: Any money collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(15) Sections 947.42, 947.43, 947.44 are deleted:

§§ 947.42, 947.43, and 947.44 [Deleted]

(16) Section 947.52 is amended to read as follows:

§ 947.52 Issuance of regulations.

(a) The Secretary shall limit the shipment of potatoes as set forth in this subpart whenever he finds from the recommendation and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(1) To regulate, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities of any or all varieties of potatoes, or any combination of the foregoing, during any period;

(2) To regulate the handling of particular grades, sizes, qualities, or maturities of any or all varieties of potatoes, or any combination of the foregoing during any period, in the States of Idaho and Washington and Malheur County in Oregon which had been shipped to specified locations therein for grading or storage pursuant to § 947.54.

(3) To regulate the handling of particular grades, sizes, qualities, or maturities of any or all varieties differently, for different portions of the production area, for different uses or outlets, for potatoes for prepeeling to different markets, for different packs, or for any combination of the foregoing, during any period; and

(4) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

(17) Section 947.53 is amended to read as follows:

§ 947.53 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to this part.

(18) Section 947.54 is amended to read as follows:

§ 947.54 Shipments for specified purposes.

(a) Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate any or all regulations issued pursuant to this part, in order to facilitate shipments of potatoes for the following purposes:

(1) Livestock feed;

(2) Charity;

(3) Export;

(4) Seed;

(5) Prepeeling;

(6) Canning and freezing;

(7) Processing into other products, including "other processing," pursuant to Public Law 91-196, 91st Cong., second session (Feb. 20, 1970);

(8) Such other purposes as may be specified by the committee, with the approval of the Secretary; and

(9) Shipments of potatoes for the purpose of having such potatoes graded or

stored, in districts within the production area other than the district where grown or to and within specified locations in the adjoining States of Idaho and Washington, and Malheur County in the State of Oregon.

(b) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(19) Section 947.55 is added to read as follows:

§ 947.55 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 947.54 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.

(b) Safeguards provided by this section may include, but shall not be limited to, requirements that handlers:

(1) Shall obtain the inspection required by § 947.60 or pay the assessment provided by § 947.41 or both, in connection with the potato shipments effected in accordance with § 947.54, and

(2) Shall obtain a Special Purpose Certificate from the committee for shipments of potatoes effected or to be effected under provisions of § 947.54.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Special Purpose Certificates.

(d) The committee may rescind, or deny to any handler, the Special Purpose Certificate if proof satisfactory to the committee is obtained that potatoes shipped by him for the purpose stated in the certificate were handled contrary to the provisions of the certificate and this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied, and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

(20) Section 947.80 is amended to read as follows:

§ 947.80 Reports.

(a) Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to authorized employees of the committee, in such manner, on such forms and at such time as the committee may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

(b) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates relating to the potatoes which are handled pursuant to § 947.52 or § 947.54, or both.

(c) All such reports shall be kept in the custody and under the control of one or more employees of the committee so that the information contained therein, which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(d) Each handler shall maintain and make available on request for at least 2 succeeding years, following his handling of potatoes, such records and documents on potatoes received and potatoes disposed of by him as may be necessary to verify reports required to be submitted to the committee pursuant to this section.

Copies of this notice of recommended decision may be procured from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be there inspected.

Dated: April 22, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-5098; Filed, Apr. 24, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 70-SW-26]

AERO COMMANDER MODELS 500, 500A, 500B, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), AND 720 AIRPLANES

Proposed Airworthiness Directive

Amendment 39-48 (30 F.R. 3421), AD 65-6-1, requires inspection, necessary repair and reinforcement of lower front spar caps at wing station 24.00 on Aero Commander Model 500, 500A, 500B, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 airplanes. After issuing Amendment 39-48, the agency determined that airplanes with spar cap cracks previously detected on one side, which were repaired and reinforced in accordance with AD 65-6-1, subsequently developed spar cap cracks on the opposite side after being reinforced. Therefore, the agency is considering amending Amendment 39-48 to require periodic inspections of those spar caps that have not been repaired.

Since Amendment 39-48 was published under Docket No. 6510, this notice and the final rule will be cross-referenced under both docket numbers in order to provide the availability required by § 11.11 of Part 11 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments, as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received on or before May 25, 1970, will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-48 (30 F.R. 3421), AD 65-6-1, as follows:

1. By amending paragraph (e) to read:

(e) Inspect the lower front spar cap at wing station 24.00 right and left in accordance with Aero Commander Service Bulletin No. 90B, dated March 9, 1970.

2. By amending paragraph (h) to read:

(h) After the initial inspections specified in paragraphs (a), (b), (c), and (d) for aircraft serial numbers 1 through 1489, 1491, 1492, 1495, and 1500, provided no cracks were found and the spar cap has been reinforced in accordance with paragraph (g), inspect in accordance with paragraph (e) within 400 hours time in service after the effective date of this amendment, unless already accomplished within the last 100 hours time in service, and thereafter at intervals not to exceed 500 hours time in service from the last inspection.

3. By adding the following paragraphs:

(j) When both the left and right front spar caps have been repaired in accordance with paragraph (f), the repetitive inspections required by paragraph (h) may be discontinued. When only one side has been repaired in accordance with paragraph (f), the repetitive inspections are required for the opposite side only.

(k) If uncracked lower front spar caps are repaired in accordance with paragraph (f), the repetitive inspections required by paragraph (h) or (j) may be discontinued.

Issued in Fort Worth, Tex. on April 13, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-5018; Filed, Apr. 24, 1970; 8:45 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Reserves

Notice is hereby given that under authority of section 8913 of Title 5, United States Code, it is proposed to amend § 890.503(c)(2) of the Code of Federal Regulations, to revise the formula for determining the amount to be paid carriers from the contingency reserve held by the Commission. Carriers, and other interested persons, may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is set out below:

§ 890.503 Reserves.

* * * * *

(c) * * *

(2) Except as provided by subparagraphs (3) and (4) of this paragraph, when, as of the end of a contract period, the total of all the reserves held by a carrier for the plan amounts to less than the total of the last 3 months' subscription charges paid from the fund to the carrier for the plan, the carrier is entitled to payment from the contingency reserve of the lesser of: An amount equal to the difference between the total of the last 3 months' subscription charges paid from the fund to the carrier for the plan and the total of the reserves held by the carrier for the plan, or an amount equal to the excess, if any, of the contingency reserve over the preferred minimum balance. The Commission shall authorize the payment after receipt of the the accounting report for the contract period. The carrier shall credit the amount so paid to the special reserve for the plan.

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

[F.R. Doc. 70-5032; Filed, Apr. 24, 1970; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

"SS SANSINENA"

Request for Waiver of Coastwise Laws

APRIL 23, 1970.

Notice is hereby given of a Treasury Department review of action previously taken with regard to waiving coastwise trading restrictions on the "SS Sansinena." The Union Oil Company of California requested a waiver of the coastwise laws to permit the Liberian tanker "Sansinena" to engage in the U.S. coastwise trade. The vessel was built by the Newport News Shipbuilding and Drydock Co., Newport News, Va., and delivered on October 24, 1958. The application states that its dimensions are 70,700 d.w.t., 810 feet length, 104 feet breadth, and 60 feet depth; it has a cargo capacity of 488,000 barrels; its present owner is the Barracuda Tanker Corp., Hamilton, Bermuda; and it is presently under a long-term charter to Union Oil Co. Since the "Sansinena" was placed under Liberian flag immediately after it was built, it is prohibited from engaging in the coastwise trade by existing law (41 Stat. 998, as amended; 46 U.S.C. 883), unless a waiver is granted pursuant to the Act of December 27, 1950.

On March 2, 1970, the Treasury Department granted a waiver of the coastwise trading restrictions on the tanker "SS Sansinena," subject to the following conditions: (1) The vessel will be documented under the laws of the United States; (2) it will be owned by a United States domiciled corporation, all of the stockholders of which will be citizens of the United States; (3) it will be manned by American licensed and unlicensed crews; and (4) it will be used primarily for the transportation of Alaskan crude oil to west coast refineries.

A number of questions were raised subsequent to the issuance of the waiver. On March 10, 1970, Secretary Kennedy announced that he had suspended the waiver in order to conduct a further administrative review. This administrative review will begin immediately.

Consideration will be given to any relevant data, submitted in writing, in quadruplicate, to the Assistant Secretary of the Treasury for Enforcement and Operations, Washington, D.C. 20220. Such data should be received not later than May 15, 1970.

Persons interested in having access to submissions filed pursuant to this notice, that are not determined by the Treasury Department to be exempt from disclosure pursuant to Title 31 CFR 1.5 should request such access during office hours in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

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

[F.R. Doc. 70-5173; Filed, Apr. 24, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 435]

NEW MEXICO

Amendment of Notice of Proposed Classification of Public Lands for Multiple Use Management

APRIL 20, 1970.

F.R. Doc. No. 70-3977 which appeared in the FEDERAL REGISTER issue of April 2, 1970 at page 5493 is hereby corrected as follows:

The land description "T. 32 S., R. 15 W., Sec. 13, E½, N½NW¼ and NE¼ SW¼" is corrected to "T. 32 S., R. 15 W., Sec. 13, E½, E½NW¼ and NE¼SW¼."

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-5078; Filed, Apr. 24, 1970; 8:49 a.m.]

[New Mexico 6286]

NEW MEXICO

Notice of Proposed Continuance of Classification of Public Lands for Transfers Out of Federal Ownership

APRIL 20, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), notice is hereby given of proposed continuance for a period of 2 years of the Classification of Public Lands for Transfer Out of Federal Ownership, NM 6286. The notice of proposed classification of these lands was published in 33 F.R. 8283-8286 of June 4, 1968.

2. This classification was to permit State grants and indemnity selections (43 U.S.C. 851, 852); exchanges for consolidation of Federal areas (43 U.S.C. 315g) and public sales under section 2455 of Revised Statutes (43 U.S.C. 1171). Since the program for disposal of these lands has not been completed and there is a continuing need for solidifying the public land pattern to facilitate the management of the public lands in this area, it is necessary that this classification be continued.

3. Information concerning these lands and the proposed disposal procedures may be received by inquiry or inspection of records at the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex., or in the Socorro District Office, Bureau of Land Management, 200 Neel Avenue, Socorro, N. Mex.

4. The public lands affected by this continuance are located in Catron, Socorro and Valencia Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

UNIT 30-02-71

T. 1 N., R. 11 W.,
Sec. 6, lot 7, SE¼SW¼ and SW¼SE¼.
T. 3 N., R. 11 W.,
Sec. 12.
T. 1 N., R. 12 W.,
Sec. 19, lots 20, 21, 26 to 34, inclusive, 36, 37 and 39 to 44, inclusive.
T. 3 N., R. 14 W.,
Sec. 33, W½W½.
T. 4 N., R. 14 W.,
Sec. 12, SW¼.
T. 6 N., R. 14 W.,
Sec. 30.
T. 1 N., R. 15 W.,
Sec. 11, NE¼NE¼SE¼, S½NE¼SE¼, E½ NW¼NE¼SE¼ and NW¼NW¼NE¼ SE¼;
Sec. 12, N½SW¼.
T. 6 N., R. 15 W.,
Sec. 24.
T. 2 N., R. 16 W.,
Sec. 29, NE¼NW¼ and NW¼SW¼;
Sec. 30, E½SE¼.
T. 5 N., R. 16 W.,
Sec. 35.
T. 3 N., R. 19 W.,
Sec. 21, N½;
Sec. 22, NE¼;
Sec. 23, NW¼NW¼, S½SW¼ and SW¼ SE¼;
Sec. 26;
Sec. 33, E½ and E½W½;
Sec. 34, SE¼SW¼;
Sec. 35, SE¼NE¼, N½NW¼, SW¼NW¼ and N½SE¼.
T. 3 N., R. 20 W.,
Sec. 4, lot 4;
Sec. 5, lot 1;
Sec. 13, N½SW¼;
Sec. 14, S½SE¼;
Sec. 19, lot 3, E½SW¼, NE¼SE¼ and W½ SE¼;
Sec. 20, SW¼NE¼ and S½NW¼;
Sec. 21, SE¼SE¼;
Sec. 22, S½NE¼, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 23, N½NW¼ and SW¼NW¼.
T. 6 N., R. 20 W.,
Sec. 4, lot 1.
T. 2 N., R. 21 W.,
Sec. 34, SW¼;
Sec. 35, E½W½.
T. 3 N., R. 21 W.,
Sec. 24, NE¼SE¼ and S½S½.
T. 3 S., R. 13 W.,
Sec. 21, SE¼SE¼;
Sec. 29, N½NE¼ and NE¼NW¼.

UNIT 30-02-72

T. 6 N., R. 1 W.,
Sec. 18, NE¼.
T. 5 N., R. 3 W.,
Secs. 4, 6, 8, 10, 12 14 and 22;
Sec. 28, NE¼ and SW¼.

T. 2 N., R. 4 W.,
Sec. 5, lots 3 to 12, inclusive, S½NW¼ and SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼ and E½SE¼;
Sec. 7, lots 5 to 12, inclusive and E½.
T. 2 N., R. 5 W.,
Sec. 1;
Sec. 12, N½N½.
T. 3 N., R. 5 W.,
Sec. 4, lots 1, 2, 3, 4, S½NW¼ and S½SE¼;
Secs. 7 and 9;
Sec. 10, S½;
Sec. 11;
Sec. 14, E½;
Secs. 15, 17 and 19;
Sec. 20, NE¼NE¼, S½NE¼ and S½;
Secs. 21, 22, 23 and 25;
Sec. 27, N½NE¼;
Secs. 29, 31 and 33;
Sec. 34, S½N½ and S½.
T. 4 N., R. 5 W.,
Sec. 14, W½;
Sec. 20, E½ and S½SW¼;
Sec. 24, S½;
Sec. 26;
Sec. 28, W½;
Sec. 30, lots 3 to 8, inclusive, E½ and E½SW¼;
Sec. 34, lots 1, 2, 3, 4 and S½.
T. 3 N., R. 7 W.,
Sec. 28, SE¼;
Sec. 30, W½SE¼;
Sec. 34, NE¼.
T. 2 S., R. 10 W.,
Sec. 13, NW¼SW¼ and S½SW¼;
Sec. 14, E½, NE¼NW¼, NE¼SE¼NW¼, S½SE¼NW¼, and NE¼SW¼;
Sec. 23, NE¼NE¼;
Sec. 24, E½NW¼ and NW¼NW¼.
T. 3 S., R. 11 W.,
Sec. 21;
Sec. 22, W½.
T. 3 S., R. 12 W.,
Sec. 34, SW¼NW¼;
Sec. 35, E½SE¼.

UNIT 30-02-73

T. 4 S., R. 5 W.,
Sec. 5, lot 1, S½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 8, N½NE¼ and SE¼NE¼.
T. 4 S., R. 6 W.,
Sec. 5, lot 3, E½NW¼, SW¼NW¼, and SW¼;
Sec. 6, lots 1, 2, S½NE¼ and SE¼.
T. 3 S., R. 7 W.,
Sec. 27, E½E½, SW¼NE¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, E½ and N½NW¼.
T. 4 S., R. 7 W.,
Sec. 3, lots 1, 2, S½NE¼ and SE¼.
T. 4 S., R. 8 W.,
Secs. 13, 15, 17, 18, 19 and 20;
Sec. 28, E½NW¼, NW¼NW¼, W½SW¼ and SE¼SE¼;
Sec. 29;
Sec. 30, lots 1, 3, 4, E½ and E½W½;
Secs. 31 and 33.
T. 5 S., R. 8 W.,
Secs. 4, 5, 6, 7 and 8;
Sec. 9, lots 1, 2, 3, N½, N½SW¼, SW¼SW¼ and NE¼SE¼;
Sec. 16, lots 1 to 7, inclusive;
Sec. 17, lots 1, 2, NW¼NE¼ and N½NW¼;
Sec. 18, lot 5, N½NE¼ and NE¼NW¼;
Sec. 31, lots 10 and 11.
T. 6 S., R. 8 W.,
Sec. 4, lots 11, 12, 13, 14, 19, 20, 21 and 22;
Secs. 6 and 7;
Sec. 9, lots 3, 4, 5, 6, 11, 12, 13 and 14;
Sec. 21, W½;
Sec. 28, lots 3, 4, 5, 6, 11, 12, 13 and 14;
Sec. 33, lots 1 to 8, inclusive.
T. 7 S., R. 8 W.,
Sec. 4, lots 3, 4, S½NW¼, N½SW¼ and SW¼SW¼;
Sec. 5;
Sec. 6, lots 2 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼ and W½SE¼;
Sec. 7, lots 1, 2, 3, 4, W½E½ and E½W½;
Sec. 8;
Sec. 9, E½ and N½NW¼;
Secs. 17, 20 and 27;
Sec. 30, lot 4, SE¼SW¼ and S½SE¼;
Sec. 33, W½W½;
Sec. 34, E½W½;
Sec. 35, S½NW¼ and S½.
T. 8 S., R. 8 W.,
Sec. 1, lots 2, 3, 4, S½NW¼, NW¼SW¼ and E½SE¼;
Sec. 5, SW¼ and E½SE¼;
Sec. 7, N½SE¼;
Sec. 8, SW¼, NW¼SE¼ and S½SE¼;
Sec. 17, E½E½, NW¼NE¼, NE¼NW¼ and SW¼SE¼;
Sec. 20;
Sec. 27, SW¼NE¼, NW¼ and S½;
Secs. 28, 29, 30, 33 and 34;
Sec. 35, lots 1 to 8, inclusive.
T. 9 S., R. 8 W.,
Secs. 3, 4, 5, 8 and 9;
Sec. 10, lots 1 to 13, inclusive;
Sec. 11, lots 4, 5, 12, and 13;
Sec. 14, NW¼NW¼;
Sec. 15, lots 1, 2, 3, 6, 7, 8, and 9;
Sec. 17, lots 1 and 10 to 16, inclusive;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, N½N½;
Sec. 21, lots 1 to 6, inclusive;
Sec. 22, lots 2 to 6, inclusive;
Sec. 26, E½SW¼ and SE¼;
Sec. 35.
T. 10 S., R. 8 W.,
Sec. 2, lots 3 and 5.
T. 4 S., R. 9 W.,
Sec. 24, E½;
Sec. 25, NW¼NE¼, S½NE¼, and SE¼.
T. 5 S., R. 9 W.,
Sec. 11, N½;
Sec. 12, N½;
Sec. 14, NE¼;
Sec. 15, N½NE¼ and S½SW¼;
Sec. 22;
Sec. 26, N½ and N½S½;
Sec. 27, N½ and SW¼.
T. 6 S., R. 9 W.,
Sec. 1, lots 5 to 16, inclusive;
Secs. 10, 11, 12, and 15;
Sec. 22, W½E½ and W½;
Sec. 26, SW¼.
T. 7 S., R. 9 W.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½, and NW¼SW¼;
Sec. 4, lot 1, S½NE¼, SE¼NW¼, and S½;
Sec. 5, S½SE¼;
Sec. 8, N½ and N½SW¼;
Sec. 9, N½NW¼;
Sec. 10, NW¼NW¼;
Sec. 12, N½, N½SE¼, and SW¼SE¼;
Sec. 15, N½N½;
Sec. 17, S½;
Sec. 24, W½SW¼ and SE¼SW¼;
Sec. 25, N½N½, N½S½, SE¼SW¼, and S½SE¼.
T. 8 S., R. 9 W.,
Sec. 1, lot 4, SW¼NW¼ and SW¼;
Sec. 24, NE¼ and N½SE¼;
Sec. 25, NE¼, S½NW¼, and S½.
T. 9 S., R. 9 W.,
Sec. 12, lots 1, 2, 3, and 4;
Sec. 13, lots 4, 5, and Tract 40;
Sec. 24, lot 1.
T. 8 S., R. 10 W.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 12, S½.
T. 9 S., R. 10 W.,
Sec. 4, N½, W½SW¼, and SE¼SW¼.
T. 4 S., R. 11 W.,
Sec. 31, lots 1, 2, 8, 9, 10, 15, and 16.
T. 5 S., R. 11 W.,
Sec. 6, lots 6, 7, 14, and 15.
T. 6 S., R. 11 W.,
Sec. 5, lots 5 to 10, inclusive;
Sec. 8, lots 1 to 8, inclusive;
Sec. 22, NE¼;
Sec. 35, lots 1 to 16, inclusive.
T. 6 S., R. 12 W.,
Sec. 18, lots 5, 6, 7, and 8.
T. 5 S., R. 13 W.,
Sec. 31, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 6 S., R. 13 W.,
Sec. 6.
T. 8 S., R. 13 W.,
Sec. 31, SE¼.
T. 5 S., R. 14 W.,
Sec. 1, lots 3, 4, S½NW¼, and SW¼;
Sec. 8, N½SE¼;
Sec. 9, SE¼NE¼;
Sec. 17, E½NE¼ and NE¼SE¼;
Sec. 23;
Sec. 24, E½, S½NW¼, and SW¼;
Sec. 25;
Sec. 26, E½, NW¼, E½SW¼, and NW¼SW¼;
Sec. 27, SW¼NE¼, E½W½, SW¼SW¼, and W½SE¼;
Sec. 34, W½E½, W½, and E½SE¼;
Sec. 35, E½, E½NW¼, and SW¼.
T. 6 S., R. 14 W.,
Sec. 1.
T. 7 S., R. 14 W.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4, NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 8, N½NW¼, E½SW¼ and SW¼SW¼;
Sec. 17, NW¼.
T. 5 S., R. 15 W.,
Secs. 3 and 4;
Sec. 5, lot 1, SE¼NE¼ and E½SE¼;
Sec. 6, lots 2, 3, 4, 5, 6, 7, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 10, N½;
Sec. 11, N½.
T. 6 S., R. 15 W.,
Sec. 25.

UNIT 30-02-74

T. 1 N., R. 2 W.,
Sec. 29, lots 1, 2, 3, 4, W½NW¼, and SW¼;
Sec. 31.
T. 3 S., R. 2 W.,
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, N½;
Sec. 18, E½E½;
Sec. 20, SW¼;
Sec. 29, W½.
T. 7 S., R. 2 W.,
Sec. 6, lot 1;
Sec. 7, lots 1, 2, and 3.
T. 5 S., R. 3 W.,
Sec. 11, NE¼ and NE¼SE¼;
Sec. 12, lot 4;
Sec. 17, lots 10, 11, and 12;
Sec. 18, E½;
Sec. 19, E½ and E½SW¼;
Sec. 20, W½ and SE¼;
Sec. 30, lots 3, 4, E½, and E½W½;
Sec. 31.
T. 6 S., R. 3 W.,
Sec. 5, lots 9 to 16, inclusive;
Secs. 6, 7, 8, 17, 18, 19, 20, and 21;
Sec. 22, SW¼NW¼ and W½SW¼;
Secs. 31 and 33;
Sec. 34, NE¼NE¼, W½NE¼, NW¼, N½SW¼, SW¼SW¼, and SE¼SE¼;
Sec. 35, E½, SE¼NW¼, and SW¼.
T. 7 S., R. 3 W.,
Sec. 3, lots 3, 4, and SW¼NW¼;
Sec. 4, SE¼NE¼, S½SW¼, NE¼SE¼, and W½SE¼;
Sec. 5, SE¼SE¼;
Sec. 6, lot 5;
Sec. 7, lots 3 and 4;
Sec. 8, lots 1 and 2;
Sec. 9, E½, NW¼, and NE¼SW¼;
Secs. 10, 11, and 12;
Sec. 15, N½N½ and SW¼NW¼;
Sec. 17, NE¼, N½S½, SW¼SW¼, and SE¼SE¼;
Secs. 19 and 20;
Sec. 21, NE¼NW¼ and W½W½;
Sec. 23, N½S½ and SW¼SW¼;

Sec. 30;
Sec. 31, lot 3, NE¼SW¼, and N½SE¼.
T. 8 S., R. 3 W.,
Sec. 30;
T. 2 S., R. 4 W.,
Sec 21, lots 3, 4, and W½NW¼.
T. 5 S., R. 4 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, SW¼, and N½SE¼;
Sec. 5, lot 1, SE¼NE¼, NE¼SE¼, and S½S½;
Sec. 8, W½NE¼ and W½;
Sec. 13, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 14;
Sec. 17, N½NW¼;
Sec. 22, E½, NE¼NW¼, S½NW¼, and SW¼;
Sec. 30, lots 2, 3, 4, and S½SE¼;
Sec. 31, lots 1, 2, NE¼, and SE¼NW¼.
T. 6 S., R. 4 W.,
Sec. 1, lots 5, 6, 7, 8, and S½;
Sec. 2, lots 5, 6, and 7;
Sec. 4, lots 5, 6, and 7;
Sec. 9, lot 6.
Sec. 10, lots 1 to 8, inclusive;
Sec. 12;
Sec. 14, lots 1 to 7, inclusive;
Sec. 15, lots 1, 5, and 6;
Sec. 16, lots 1, 2, 3, and 4;
Sec. 17, lot 1;
Sec. 22, lots 1 to 5, inclusive, SW¼NE¼ and W½SE¼;
Sec. 23, lots 1 and 2;
Sec. 25, lots 1 and 2;
Sec. 26, lot 1;
Sec. 36, lots 1 and 2.
T. 7 S., R. 4 W.,
Sec. 9, lot 1;
Sec. 13;
Sec. 23, NE¼;
Sec. 24, lots 1, 2, W½NE¼, and NW¼;
Sec. 34, lots 1, 2, 3, NW¼NE¼, S½NE¼, and E½NW¼;
Sec. 35, lot 1, N½NE¼, and NE¼NW¼;
Sec. 36, lots 1, 2, 3, and 4.
T. 8 S., R. 4 W.,
Sec. 9, NE¼SE¼;
Sec. 24, S½SW¼;
Sec. 25, NE¼, W½, and N½SE¼;
Sec. 26, SE¼;
Sec. 35, E½.
T. 5 S., R. 5 W.,
Sec. 25, SE¼NE¼, and E½SE¼.

The areas described aggregate 118,389.97 acres.

5. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, Socorro District Office, Bureau of Land Management, 200 Neel Avenue, Socorro, N. Mex.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-5079; Filed, Apr. 24, 1970; 8:49 a.m.]

CHIEF, DIVISION OF LANDS AND MINERALS PROGRAM MANAGEMENT AND LAND OFFICE ET AL.

Redelegation of Authority

1. Pursuant to section 1.1 of Bureau Order No. 701, of July 23, 1964, as amended, the following authority is hereby delegated to the Chief, Division of Lands and Minerals Program Management and Land Office et al., irrespective of land district boundaries in Alaska.

a. Chief, Division of Lands and Minerals Program Management and Land Office, authority to take all actions listed in sections 1.2 (b), (c), (e), and (k); 1.3 (a) and (c); 1.5 (b) and (c); 1.6 and 1.9 of Bureau Order No. 701, supra.

b. Chief, Branch of Lands and Chief Lands Adjudicator, authority to take action for the Chief, Division of Lands and Minerals Program Management and Land Office in matters listed in sections 1.2 (b) and (e); 1.3 (a)(1) and (c); 1.5 (b) and (c); and 1.9 except 1.9 (d), (g), (o), and (v) of Bureau Order No. 701, supra. The authority for the following sections is subject to conditions as follows:

Sections 1.2 (b) and (e) and 1.3 (a)(1) and (c): Limited to those actions pertaining to land use.

Sections 1.5 (b) and (c): Subject to the receipt of a report from the State Director.

Section 1.9: Subject to classification action by the State Director where necessary.

Section 1.9(c): Subject to approval of color-of-title or claims of right by the Field Solicitor.

Section 1.9(r): Except designation of townsite trustees.

c. Chief, Branch of Minerals and Chief Minerals Adjudicator, authority to take action for the Chief, Division of Lands and Minerals Program Management and Land Office in matters listed in sections 1.2 (b) and (e); 1.3 (a)(1) and (c); and 1.6. The authority to take actions on matters in section 1.2 (b) and (e) and 1.3 (a)(1) and (c) is limited to those actions pertaining to minerals.

2. a. The Division Chief or Branch Chiefs may, by written order, designate any qualified employee of his Division or Branch to perform the functions of the Division Chief or Branch Chief in his absence.

b. Each employee who serves in such capacity in (a) above, shall prepare a memorandum to be kept in the Division Office showing the date and hour of the commencement and termination of each period of service in that capacity.

3. The authority delegated may not be redelegated except as provided in paragraph 2.

BURTON W. SILCOCK,
State Director.

Approved: April 20, 1970.

JOHN O. CROW,
Acting Director.

[F.R. Doc. 70-5027; Filed, Apr. 24, 1970; 8:45 a.m.]

[Montana 12764]

MONTANA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

APRIL 17, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. 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) and 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. The public lands proposed for classification are located within the following described areas and are shown on maps on file in the Lewistown District Office, Bureau of Land Management, Lewistown, Montana, and in the Land Office, Federal Building, 316 North 26th Street, Billings, Mont.

PRINCIPAL MERIDIAN MONTANA

GOLDEN VALLEY COUNTY

T. 11 N., R. 20 E.,
Sec. 3, SW¼SW¼;
Sec. 10, W½W½;
Sec. 14, SW¼;
Sec. 15;
Secs. 19 to 22, inclusive;
Sec. 23, W½ and W½SE¼;
Sec. 26, NW¼NE¼ and N½NW¼;
Sec. 27, N½, N½S½, and S½SW¼;
Sec. 28, N½, W½SW¼, and NE¼SE¼;
Secs. 29 and 30;
Sec. 31, lot 1, NE¼, E½NW¼, and NE¼SE¼;
Sec. 32, N½N½ and SW¼NW¼.

The public lands described above aggregate approximately 6,868.51 acres.

GARFIELD COUNTY

T. 14 N., R. 30 E.,
Sec. 1;
Sec. 2, portion lying east of the Musselshell River;
Sec. 11, portion lying east of the Musselshell River;
Secs. 12 and 13;
Sec. 14, portion lying east of the Musselshell River;
Sec. 24.
T. 15 N., R. 30 E.,
Secs. 1, 2, and 3;
Sec. 4, portion lying east of the Musselshell River;
Sec. 9, portion lying east of the Musselshell River;
Secs. 10 to 14, inclusive;
Secs. 15 and 16, portion lying east of the Musselshell River;
Sec. 21, portion lying east of the Musselshell River;
Secs. 22 to 26, inclusive;
Sec. 27, portion lying east of the Musselshell River;
Sec. 34, portion lying east of the Musselshell River;
Secs. 35 and 36.
T. 16 N., R. 30 E.,
Sec. 3, portion lying west of Calf Creek;
Sec. 4, portion lying east of the Musselshell River;
Secs. 8 and 9, portion lying east of the Musselshell River;
Sec. 10;
Sec. 11, portion lying west of Calf Creek;
Sec. 13, portion lying west of Calf Creek;
Secs. 14 to 16, inclusive;

Sec. 17, portion lying east of the Musselshell River;
Sec. 20, portion lying east of the Musselshell River;
Secs. 21 to 28, inclusive;
Sec. 29, portion lying east of the Musselshell River;
Secs. 32 and 33, portion lying east of the Musselshell River;
Secs. 34 to 36, inclusive.
T. 17 N., R. 30 E.,
Secs. 31 and 32, portions lying east of the Musselshell River and west of Calf Creek.
T. 14 N., R. 31 E.,
Secs. 4 to 9, inclusive;
Sec. 10, W½, SE¼;
Sec. 18.
T. 15 N., R. 31 E.,
Sec. 7, lots 7, 8, 9, 10, D, and E, S½SE¼;
Sec. 18, lots 5 to 12, inclusive;
Sec. 30, lots 5 to 8, inclusive.
T. 16 N., R. 31 E.,
Secs. 18 and 19, portions lying west of Calf Creek;
Secs. 29 and 30, portions lying west of Calf Creek;
Sec. 31;
Secs. 32 and 33, portions lying west of Calf Creek.

The public lands described above aggregate approximately 19,685 acres.

Total public lands within the areas described aggregate approximately 26,553.51 acres.

3. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Drawer 699, Lewistown, Mont. 59457.

4. A public hearing on the proposed classification will be held on May 26, 1970, at 1:30 p.m., in Room 418, Bank Electric Building, Lewistown, Mont.

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-5028; Filed, Apr. 24, 1970; 8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

APRIL 20, 1970.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on May 22, 1970.

MOUNT DIABLO MERIDIAN, NEVADA

(a) T. 32 N., R. 34½ E (Group 442).
(b) T. 33 N., R. 34½ E (Group 442).
(c) T. 33 N., R. 34 E (Group 442).

2. a. The surveyed area in T. 32 N., R. 34½ E., aggregates 312.82 acres. The plat was accepted February 16, 1970. The land within T. 32 N., R. 34½ E., is nearly level in the north and west portions; the southeast portion is mountainous. The elevation ranges from about 4,200 to 4,650 feet above sea level. The soil varies from sandy loam in the lower elevations to sandy loam and rocky in the mountains. The vegetation consists of shadscale, greasewood, budsage and sagebrush. There is no timber. No mineral formations of consequence were noted during the survey. Principal users of the area are cattlemen. Access into the township is provided by Interstate Highway No. 80, which runs through section 1, and trail roads.

b. The surveyed area in T. 33 N., R. 34½ E., aggregates 1,017.63 acres. The plat was accepted February 16, 1970. The land within T. 33 N., R. 34½ E., is nearly level to gently rolling. The elevation ranges from 4,160 to 4,230 feet above sea level. The soil varies from sandy to sandy loam. The timber is composed of scattered willows and buckthorn trees along the Humboldt River. The vegetation consists of shadscale, sagebrush, greasewood, budsage, rabbitbrush, and sparse native grasses. The township is drained by the Humboldt River which enters the township in section 24 and leaves in section 25. The Southern Pacific Railroad runs through section 36. No mineral formations of consequence were noted during the survey. Principal users of the area are cattlemen. Access into the township is provided by Interstate Highway No. 80, which runs through section 36, a paved highway from Mill City to Tungsten in sections 25 and 36 and by trail roads.

c. The area surveyed within T. 33 N., R. 34 E., aggregates 1,669.11 acres. The plat was accepted February 16, 1970. The land within T. 33 N., R. 34 E., is nearly level to gently rolling. The northwest portion is mountainous. The elevation ranges from about 4,200 to 5,300 feet above sea level. The soil varies from sandy and sandy loam on the lower elevations to gravelly and rocky in the mountains. The vegetation consists of shadscale, greasewood, budsage, sagebrush, brush, and sparse native grasses. Most of the township is drained by the Humboldt River which crosses through the southern part of the township. The Southern Pacific Railroad crosses through section 36. There are three patented mining claims located partly in section 3, on the north boundary of the township. Throughout the mountains, there is evidence of several mineral deposits. There is one windmill located in the south half of section 3, and one spring piped to a water tank, located in section 6. Principal users of the area are cattlemen. Access into the township is provided by a paved highway from Mill City to Tungsten which enters the township in section 25, and leaves the township in section 38. There are also desert and trail roads throughout the township.

3. Subject to any existing valid rights and the requirements of applicable laws, the above-described lands are hereby opened to filing applications, selections, and locations, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. May 22, 1970, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROBERT T. WEBB,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 70-5029; Filed, Apr. 24, 1970; 8:46 a.m.]

[Washington 05342]

WASHINGTON

Order Opening Lands Subject to Section 24 of the Federal Power Act

APRIL 17, 1970.

1. In DA-206-Washington dated September 22, 1969, the Federal Power Commission determined that the power values of the following described lands will not be materially injured or destroyed by opening to operation of the public land laws, subject to section 24 of the Federal Power Act.

KANIKSU NATIONAL FOREST

WILLIAMETTE MERIDIAN

T. 35 N., R. 43 E.,
Sec. 12, lot 1.
T. 38 N., R. 43 E.,
Sec. 29, lots 4, 5, and 8.

Aggregating about 141.6 acres.

2. The lands are located in the Kaniksu National Forest in Pend Oreille County.

3. The State of Washington has waived the right of selection in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

4. Beginning at 10 a.m. on May 23, 1970, the national forest lands shall be open to such form of disposition as may be made of such lands, subject to the provisions of section 24 of the Federal

Power Act and provided that the instrument of conveyance contain a provision which will assure the right of the licensee of Project No. 2042, its successors and assigns to occupy and use such lands for project purposes and which will insure that the patentee and its successors and assigns use the project lands in a manner which will not endanger health, create a nuisance or otherwise be incompatible with overall project recreational uses.

5. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-5030; Filed, Apr. 24, 1970; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BOSTON UNIVERSITY SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00227-33-46040. Applicant: Boston University School of Medicine, 78 East Concord Street, Boston, Mass. 02118. Article: Electron Microscope, Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for virus-cancer research concerning the following projects:

1. Ultrastructural studies of virus-induced sarcoma.
2. Pathogenesis of viral leukemia.
3. Virion ultrastructure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article permits a continuous variation of magnification from 400X to 500,000X without a pole piece change or the necessity to break the vacuum in the column. The most closely comparable domestic electron microscope at the time the foreign article was ordered was the Model EMU-4B which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The EMU-4B provides a 400X to 240,000X magnification range, but not without a change of pole piece which necessitates opening the column and breaking the vacuum. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated February 24, 1970, that the ability of the foreign article to provide the full magnification range without exposing the specimen to damage by opening the column to change the pole piece or breaking the column vacuum is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reason, we find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5080; Filed, Apr. 24, 1970; 8:49 a.m.]

JOHNS HOPKINS UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00574-00-46040. Applicant: Johns Hopkins University, Department of Biology, 34th and Charles Streets, Baltimore, Md. 21218. Article: Specimen anticontamination traps (2), Model JEM-SCT. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used to reduce specimen damage during observation in the electron microscope. Application received by Commissioner of Customs: March 27, 1970.

Docket No. 70-00575-01-77030. Applicant: University of Wisconsin-Parkside, Woods Road, Kenosha, Wis. 53140. Article: NMR spectrometer, Model JNM-MH-60-II. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for a proton study of structures of metal complexes of substituted 8-hydroxyquinolines and related complexes; determination of various acids and anions as ligand groups in coordination compounds; a study of energy differences of diasteriomers by NMR spectroscopy necessitating high and low temperature studies; structural studies on substituted azobenzenes; and a study of hydrogen bonding in nitrogen heterocyclic systems. Aplication received by Commissioner of Customs: March 30, 1970.

Docket No. 70-00577-33-43400. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, Tex. 77025. Article: Micromanipulator, Model MM-3. Manufacturer: Narishige Scientific Instrument Lab., Japan. Intended use of article: The article will be used to study nerve cell action potentials from nerve cells in the "feeding area" of the brain of mammals, which will be recorded during electrical activation of the cells within this area. Application received by Commissioner of Customs: March 30, 1970.

Docket No. 70-00578-33-46040. Applicant: Puerto Rico Nuclear Center, Bio-Medical Building, Caparra Heights Station, San Juan, P.R. 00935. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for a study of radiation damage to the membranes of the central nervous system and cells, penetration of cells by trypanosoma cruzi, one virulent and the other avirulent; the effect of radiation on the latency of coxsakie virus in wild rats; and for a study of solid state phenomena in crystals. Application received by Commissioner of Customs: March 30, 1970.

Docket No. 70-00579-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total hip joint replacements (6). Manufacturer: Protek Ltd., Switzerland. Intended use of article: The article will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: March 31, 1970.

Docket No. 70-00580-33-46040. Applicant: Central Michigan University, Mount Pleasant, Mich. 48858. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD,

The Netherlands. Intended use of article: The article will be used for research involving studies of the fine structure of many algal species, with special emphasis on the scaled freshwater Chrysophytes. Ultrastructural changes that occur in algal organelles when the organisms are grown under varying conditions and concentrations of pesticides will be observed. Another project includes an examination of the gametes of various animals. Application received by Commissioner of Customs: March 31, 1970.

Docket No. 70-00582-16-61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium, model Venus. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs including astronomy and navigation instruction. Application received by Commissioner of Customs: April 1, 1970.

Docket No. 70-00583-33-46070. Applicant: Harvard Medical School, Howe Lab. of Ophthalmology, 243 Charles Street, Boston, Mass. 02114. Article: Scanning electron microscope, Model JSM-2, and television scan, Model JSM-TVS. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used in ophthalmic research. The three major projects concern corneal wound healing, glaucoma study, and blood vessel study. Human and experimental animal eyes will be examined. The information obtained will be used teaching courses of anatomy, pathology and clinical ophthalmology. Application received by Commissioner of Customs: April 1, 1970.

Docket No. 70-00584-16-61800. Applicant: Lindenhurst Public Schools, 141 School Street, Lindenhurst, N.Y. 11757. Article: Planetarium, model Apollo, and auxiliary projectors. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used by Grades 1 through 12 for instruction in courses on the moon, planets and stars; causes of weather, earth-space relationship; matter and energy; navigation; and physics. Both students and teachers will operate the article, which works manually or automatically. Application received by Commissioner of Customs: April 1, 1970.

Docket No. 70-00585-33-54500. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, Calif. 94804. Article: Harms Tubinger perimeter, complete with dark adaptometric attachment. Manufacturer: Oculus Co., West Germany. Intended use of article: The article will be used to teach the residents in ophthalmology the forms and progress of field defects in glaucoma patients and to determine subtle field defects among neuro-ophthalmologic patients. Application received by Commissioner of Customs: April 1, 1970.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5081; Filed, Apr. 24, 1970; 8:49 a.m.]

NATIONAL BUREAU OF STANDARDS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00278-97-80600. Applicant: U.S. Department of Commerce, National Bureau of Standards, 325 Broadway, Boulder, Colo. 80302. Article: N.P.L. Teramet. Manufacturer: National Physical Laboratory, United Kingdom.

Intended use of article: The article will be used for research investigation involving the measurement of submillimetre wave refractive indices and of distances by submillimetre waves.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides radiation between 50 micrometers and 1,000 micrometers which corresponds to the tera-Hertz region. The article also provides a Michelson interferometric optical system that allows measurements within the tera-Hertz range. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 23, 1969, that these characteristics in combination are pertinent to the purposes for which the foreign article is intended to be used.

NBS also advises that it knows of no instrument or apparatus being manufactured in the United States, which provides the combination of a Michelson interferometric optical system with radiation in the tera-Hertz range.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5084; Filed, Apr. 24, 1970; 8:49 a.m.]

STATE UNIVERSITY OF NEW YORK AT BINGHAMTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00286-01-07500. Applicant: State University of New York at Binghamton, Vestal Parkway East, Binghamton, N.Y. 13901. Article: Precision calorimetry system. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used in graduate student research concerning interactions important in the denaturation of proteins by electrolytes. The thermodynamic properties of small organic molecules such as amides in water solution and in salt solution will be studied. Faculty projects include the measurement of the heats of formation of transition metal complexes in solution and the measurement of the enthalpies associated with ion-exchange processes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of measuring heats of solution to an accuracy of plus or minus 0.1 percent. The most closely comparable domestic instrument is the Guild-Arnett Calorimeter, manufactured by the Guild Corp., which has an accuracy rating of plus or minus 3.0 percent. The National Bureau of Standards in its memorandum dated February 16, 1970, advises us that the greater accuracy of the foreign article is pertinent to the purposes for which the article is intended to be used.

We therefore find that the Guild-Arnett Calorimeter is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5082; Filed, Apr. 24 1970; 8:49 a.m.]

TRENTON STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00281-00-61800. Applicant: Trenton State College, Physics Department, Pennington Road, Trenton, N.J. 08625. Article: Projection orrery. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article is an attachment designed specifically for use on an existing planetarium.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for a planetarium that was previously imported for the use of the applicant institution. This article is being furnished by the manufacturer of the planetarium with which it is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the planetarium with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5083; Filed, Apr. 24, 1970; 8:49 a.m.]

UNIVERSITY OF ALABAMA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00221-33-46040. Applicant: The University of Alabama, Birmingham, 1919 Seventh Avenue South, Birmingham, Ala. 35233. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article: The article will be used to study the ultrastructure of the cardiac conduction system. Current examples of research programs are as follows:

A. To determine the nature and extent of sarcoplasmic reticulum in cells of the His bundle in hamster, dog and man, with particular attention to the question to transverse tubules and "T system".

B. The problem of categorization of cells and intercellular organization in the AV node.

C. The nature of the transition of the AV nodal cells into cells of the His bundle, with particular reference to fine definition of cell junctions.

D. A careful further examination for structural differences in the sarcolemma of the pacemaker cells as opposed to working myocardium.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article permits a continuous magnification from the lowest to highest power providing high quality micrographs without opening the column to change the pole piece. The most closely comparable domestic instrument available at the time the application was received was the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The entire magnification range of the Model EMU-4B cannot be utilized in a manner which provides high quality micrographs unless the column is opened to change a pole piece. This procedure could result in contamination and damage to the specimen. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 9, 1970, that the continuous magnification range of the foreign article providing high quality micrographs without opening the column to change the pole piece is pertinent to the purpose for which the foreign article is intended to be used.

For this reason, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5085; Filed, Apr. 24, 1970; 8:49 a.m.]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00292-00-46040. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill. 60637. Article: Object cooling device. Manufacturer: Siemens, Inc., West Germany.

Intended Use of Article: The article is an accessory for an existing electron microscope and will be used for experimentation with biological specimens and extraterrestrial material.

Comments: No comments received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for a foreign electron microscope previously imported by the applicant, which is being furnished by the manufacturer of this electron microscope.

The Department of Commerce knows of no comparable accessory which is interchangeable with the foreign article or can be readily adapted to the instrument

with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5086; Filed, Apr. 24, 1970; 8:49 a.m.]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket number: 70-00275-00-46040. Applicant: Uniyersity of Minnesota College of Dentistry, 519 Owre Hall, Minneapolis, Minn. 55455. Article: Short focal length objective pole piece. Manufacturer: Siemens & Halske, West Germany.

Intended use of article: The article will be used to improve resolution and performance of an existing electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for an electron microscope that was previously imported for the use of the applicant institution. This article is being furnished by the manufacturer of the instrument with which it is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with the foreign article or can be adapted to the instrument with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5087; Filed, Apr. 24, 1970; 8:49 a.m.]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket Number: 70-00291-65-42900. Applicant: University of Minnesota, Mines Experiment Station, Minneapolis, Minn. 55455. Article: Magnetization analyzer, Satmagan Model. Manufacturer: Outokumpu Oy Research Laboratory, Finland.

Intended use of article: The accuracy of the article will be compared with the accuracy of the more standard Davis tube method of analysis in iron ore studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a measurement of the magnetite content of ore samples, by means of the Davis tube principle. We are advised by the National Bureau of Standards (NBS) in its memorandum of February 12, 1970, that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States, which provides this characteristic.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5088; Filed, Apr. 24, 1970; 8:49 a.m.]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket Number: 70-00320-00-46040. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Accessory: Tilting-heating device, Model HK-2B.

Intended use of article: The article will be used for an existing electron microscope for the education and training of students in the use of microscopic techniques and for research.

Comments: No comments have been received with respect to this application.

Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for a foreign electron microscope previously imported by the applicant, which is being furnished by the manufacturer of this electron microscope.

The Department of Commerce knows of no comparable accessory which is interchangeable with the foreign article or can be readily adapted to the instrument with which the article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5089; Filed, Apr. 24, 1970; 8:49 a.m.]

Maritime Administration

[Docket No. S-249]

CENTRAL GULF STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Central Gulf Steamship Corp. by application of April 14, 1970, has applied for operating-differential subsidy on one service on Trade Route No. 18, with 3 LASH ships as they come into service with an option for 2 additional LASH ships. The number of sailings and description of the service on which Central Gulf Steamship Corp. has applied for operating-differential subsidy is as follows:

A minimum of eighteen (18) and a maximum of thirty-eight (38) subsidized sailings per year from U.S. Gulf ports extending from Brownsville, Tex., to Tampa, Fla., and U.S. North and South Atlantic ports extending from Jacksonville, Fla., to Portland, Maine, to Red Sea, Persian Gulf, West Pakistan, West Coast India, Ceylon, and East Coast India, East Coast Pakistan and Burma ports with calls on every voyage to ports in South and East Africa from Capetown extending North to Beira and U.S. Gulf ports extending from Brownsville to Tampa. Applicant does not propose to make calls between South and East African ports and the North and South Atlantic ports. Applicant also proposes to make calls on every sailing between U.S. Gulf, South Atlantic and North Atlantic ports and Malaysia, Singapore, Sumatra, and Indonesia.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on May

12, 1970, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

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

By Order of the Maritime Subsidy Board.

Dated: April 24, 1970.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 70-5186; Filed, Apr. 24, 1970; 10:38 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 82]

EWA, OAHU, HAWAII

Resolution Approving Application and Order Authorizing Issuance of Grant for a Foreign-Trade Sub-Zone

Resolution and Order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. §§ 81a–81u) and the Foreign-Trade Zones Board Regulations (15 C.F.R. §§ 400.100 et seq.), the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board having considered the matter, hereby orders:

Upon examination, the application and accompanying exhibits, as amended, filed November 18, 1968, with the Foreign-Trade Zones Board, by the State of Hawaii, Grantee of Foreign-Trade Zone No. 9, Honolulu, for the privilege of establishing, operating, and maintaining a foreign-trade sub-zone for the special purpose of constructing and operating an oil refinery and related non-manufacturing facilities at Ewa, Oahu, Hawaii, is found in compliance with the Foreign-Trade Zones Act, as amended, and the regulations of the Board issued thereunder. Specifically, the Board has found that the proposed plans and location of the foreign-trade sub-zone at Ewa, Oahu, Hawaii, are suitable for the accomplishment of the purpose of a foreign-trade zone under the Act and that the facilities and appurtenances which it is proposed to provide are sufficient. The Board has further found that the existing general purpose foreign-trade zone at Honolulu, Hawaii, will not adequately serve the convenience of commerce with respect to the proposed purposes of the sub-zone at Ewa, Oahu, Hawaii. NOW, THEREFORE, said application for a grant is approved, and the Chairman and Executive Officer of the Board is hereby authorized and directed to sign and issue in favor of the State of Hawaii, a grant permitting the establishment, operation and maintenance of a sub-zone at Ewa, Oahu, Hawaii for the purposes stated above, in conformance with the application and accompanying exhibits, as amended, and the memorandum adopted by the Committee of Alternates in connection with this application, on file with the Foreign-Trade Zones Board, subject to settlement locally by the District Director of Customs and the District Engineer with the applicant regarding their respective requirements for the protection of the revenue of the United States and erection and installation of physical facilities of the sub-zone within a reasonable time after issuance of the grant.

Grant To Establish, Operate, and Maintain a Foreign-Trade Sub-Zone at Ewa, Oahu, Hawaii. Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's Regulations provide (15 CFR 400.304) that the establishment of a foreign-trade sub-zone in an area separate from an existing zone, for one or more of the specialized purposes of storing, manipulating, manufacturing, or exhibiting goods may be authorized if the Board finds that existing or authorized zones will not serve adequately the convenience of commerce with respect to the proposed purposes;

Whereas, the State of Hawaii, Grantee of Foreign-Trade Zone No. 9 at Honolulu, Hawaii (hereinafter referred to as "the Grantee") has made application, filed November 18, 1968, in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade sub-zone for the special purpose of operating an oil refinery and related nonmanufacturing facilities at Ewa, Oahu, Hawaii;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard;

Whereas, the Board has found that the proposed plans and location of the foreign-trade subzone at Ewa, Oahu, Hawaii, are suitable for the accomplishment of the purpose of a foreign-trade zone under the Act, and that the facilities and appurtenances which it is proposed to provide are sufficient; and

Whereas, the Board has further found that the existing Foreign-Trade Zone No. 9 at Honolulu, Hawaii, will not serve adequately the convenience of commerce with respect to the proposed purposes of the subzone at Ewa, Oahu, Hawaii.

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the Act, as amended, and all regulations issued thereunder, hereby grants to the State of Hawii, as Grantee, the privilege of establishing, operating, and maintaining a foreign-trade subzone for the aforementioned purpose, designated on the records of the Board as Foreign-Trade Subzone No. 9–A at Ewa, Oahu, Hawaii, and more specifically described on the maps accompanying the application, marked Exhibits No. IX and No. X, said grant being subject to the provisions, conditions, and restrictions of the Act, as amended, and all regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blueprints accompanying the said application, and marked Exhibits Nos. I to XIII inclusive, before or after completion of the structures of work involved, unless modification of such maps, plans, specifications, drawings, and blueprints has previously been submitted to and has received the approval of the Board.

The work of any construction under this grant shall commence immediately following the date of the grant; said work shall be diligently prosecuted to completion; and the work of construction shall be completed and operation of the subzone shall be commenced by the Grantee within a reasonable time from the date of issuance of this subzone grant. The Grantee shall notify the U.S. District Engineer in whose district the subzone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than 1 week, and of its resumption and completion.

The Grantee shall, to the extent here applicable, fully comply with the provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure the authorization and approvals for work in navigable waters of the United States required by such laws. The Grantee shall also obtain all necessary construction permits from Federal, State, and municipal authorities. The Grant herein shall not be construed as conveying such approvals.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said subzone in the performance of their official duties.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or prop-

erty of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States of America be liable therefor.

This grant is further subject to settlement locally by the District Director of Customs and the District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Maurice H. Stans, at Washington, D.C., this 20th day of April 1970, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
[SEAL] MAURICE H. STANS,
Chairman and Executive Officer.

Attest:

JOHN J. DA PONTE, JR.
Acting Executive Secretary.

CERTIFICATE

I, John J. Da Ponte, Jr., Acting Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the Resolution in the foregoing Board Order, No. 82, was adopted by the Foreign-Trade Zones Board on April 20, 1970.

Witness my hand and the seal of the Foreign-Trade Zones Board this 20th day of April 1970 at Washington, D.C.

[SEAL] JOHN J. DA PONTE, JR.,
Acting Executive Secretary.

[F.R. Doc. 70-5103; Filed, Apr. 24, 1970; 8:51 a.m.]

COMMITTEE OF ALTERNATES

Application of the State of Hawaii for a Foreign-Trade Sub-Zone at Ewa, Oahu, Hawaii

MARCH 24, 1970.

The Committee of Alternates of the Foreign-Trade Zones Board has given due consideration to the application in this case, as well as pertinent related materials, including the favorable findings and conclusions set out in the report of the Examiners' Committee.

The Committee of Alternates is satisfied, that all statutory and regulatory criteria have been met, that there are no legal or policy impediments to approval of the application of the State of Hawaii.

In light of the foregoing, the Committee has unanimously adopted the following resolution, recommending approval of the application:

The committee of alternates, having examined the application and accompanying exhibits, as amended, filed on November 18, 1968, with the Foreign-Trade Zones Board by the State of Hawaii, for the privilege of establishing, operating, and maintaining a foreign-trade sub-zone for the special purpose of constructing and operating an oil refinery and related nonmanufacturing facilities at Ewa, Oahu, Hawaii;

And, having considered relevant documentation, including the report and recommendation of the Examiners' Committee:

Recommends approval of the application; and

Further recommends that the Board adopt a resolution and order approving and making a grant for the foregoing purposes.

The resolution and order proposed for adoption by the Board is attached hereto.

The Committee in making its recommendations has considered the conclusions concerning foreign-trade zones in both reports of the Cabinet Task Force on Oil Import Control, released February 20, 1970; and, the views of the Oil Policy Committee designated by the President on February 20, 1970.

In considering this application the Committee particularly noted: The limited size and scope of the proposed sub-zone operation; the conclusions of the Cabinet Task Force on oil import control that the movement of controlled petroleum products from foreign-trade zones into U.S. customs territory should be permitted solely in accordance with the general regulations governing similar imports from all foreign sources; the fact that no special allocation for the importation of controlled petroleum products from the sub-zone into U.S. customs territory would be required in order to make the project economically viable; and, the Treasury Department's conclusion that, in view of the foregoing, the project would not involve a significant balance of payments impact.

In recommending approval of this application to the Board, the Committee wishes to state that under the Foreign-Trade Zones Act such approval would encompass only the establishment, operation, and maintenance of the special purpose sub-zone by the State of Hawaii. It would not constitute endorsement of any particular user or users of these facilities.

CERTIFICATE

This is to certify that the foregoing memorandum was unanimously adopted by the Committee of Alternates, Foreign-Trade Zones Board, at a meeting held on March 24, 1970, Washington, D.C. The meeting was chaired by Assistant Secretary of Commerce, Kenneth N. Davis, Jr.

Dated: April 20, 1970.

[SEAL] JOHN J. DA PONTE, JR.,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[F.R. Doc. 70-5102; Filed, Apr. 24, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III of part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–399), and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of this publication, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

Educational television. Community Television Foundation of South Florida, Inc., 1410 Northeast Second Avenue, Miami, Fla. 33132, File No. 261–T, to improve the facilities of noncommercial educational television station WTHS–TV, Channel 2, Miami, Fla., accepted as of February 25, 1970. Estimated project cost: $785,473. Grant requested: $455,473. Application signed by: Mr. George Dooley, Executive Vice President and General Manager.

West Virginia Educational Broadcasting Authority, 1033 Quarrier Street, Charleston, W. Va. 25301, File No. 262–T, to improve the facilities of noncommercial educational television station WMUL–TV, Channel 33, Huntington, W. Va. II, accepted as of March 11, 1970. Estimated project cost: $142,100. Grant requested: $106,575. Application signed by: Mr. Harry M. Brawley, Executive Secretary.

Illinois Valley Public Telecommunications Corp., 1501 West Bradley Avenue, Peoria, Ill. 61606, File No. 263–T, for the establishment of a new noncommercial educational television station on Channel 47, Peoria, Ill., accepted as of March 12, 1970. Estimated project cost: $455,000. Grant requested: $341,250. Application signed by: Mr. Philip Weinberg, President.

State Board of Directors for Educational Television, University of South Dakota, Vermilion, S. Dak. 57069, File No. 264–T, for the establishment of a new noncommercial educational television station on Channel 16, Aberdeen, S. Dak., accepted as of March 26, 1970. Estimated project cost: $639,674. Grant requested: $479,674. Application signed by: Mr. Rex Messersmith, Chairman of State Board, Yankton, S. Dak.

Community Television of Southern California, 1313 North Vine Street, Los Angeles, Calif. 90028, File No. 265–T, to improve the facilities of noncommercial educational television station KCET–TV, Channel 28, Los Angeles, Calif. III, accepted as of March 30, 1970. Estimated project cost: $218,425. Grant requested: $163,819. Application signed by: Mr. Douglas E. Norberg, Vice-President, Administration.

University of Hawaii, 1801 University Avenue, Honolulu, Hawaii 96822, File No. 266–T, to expand the facilities of noncommercial educational television station KHET–TV, Channel 11, Honolulu, Hawaii IV, accepted as of March 30, 1970. Estimated project cost: $164,791. Grant requested: $123,593. Application signed by: Mr. Harlan Cleveland, President.

Guam Educational Telecommunications Commission, Box 3615, Agana, Guam 96910, File No. 267–T, for the establishment of a new noncommercial educational television station on channel 10, Agana, Guam, accepted as of March 31, 1970. Estimated project cost: $99,728. Grant requested: $74,728. Application signed by: Mr. Edward G. Titus, Communication Coordinator for the Government of Guam.

State Educational Radio and Television Facility Board, Post Office Box 1758, Des Moines, Iowa 50306, File No. 268–T, to expand the facilities of noncommercial educational television station KDIN–TV on Channel 11, Des Moines, Iowa II, accepted as of March 31, 1970. Estimated project cost: $385,738. Grant requested: $193,871. Application signed by: Mr. John A. Montgomery, Executive Director.

Bay Area Educational Television Association, 525 Fourth Street, San Francisco, Calif. 94107, File No. 269–T, to improve the facilities of noncommercial educational television station KQED–TV, Channel 9, San Francisco, Calif. II, accepted as of March 31, 1970. Estimated project cost: $298,870. Grant requested: $224,150. Application signed by: Mr. Richard O. Moore, President.

New Jersey Public Broadcasting Authority, 1573 Parkside Avenue, Trenton, N.J. 08638, File No. 270–T, for the establishment of a new noncommercial educational television station on Channel 52, Trenton, N.J., accepted as of April 1, 1970. Estimated project cost: $716,128. Grant requested: $367,000. Application signed by: Mr. William H. King, Acting Executive Director.

Northeast New York Educational Television Association, State University of New York, College of Arts and Sciences, Plattsburgh, N.Y. 12901, File No. 271–T, for the establishment of a new noncommercial educational television station on Channel 57, Plattsburgh, N.Y., accepted as of April 1, 1970. Estimated project cost: $395,824. Grant requested: $185,506. Application signed by: Mr. M. Scheffel Pierce, Executive Director.

Board of Regents and Board of Education, 1801 Roma NE., Albuquerque, N. Mex. 87106, File No. 272–T, to improve the facilities of noncommercial educational television station KNME–TV, Channel 5, Albuquerque, N. Mex. II, accepted as of April 1, 1970. Estimated project cost: $316,000. Grant requested: $237,000. Application signed by: Mr. F. C. Hempen, General Manager.

Community Television, Inc., 2037 Main Street, Jacksonville, Fla. 32206, File No. 273–T, to improve the facilities of noncommercial educational television station WJCT–TV, Channel 7, Jacksonville, Fla. III, accepted as of April 1, 1970. Estimated project cost: $243,100. Grant requested: $182,325. Application signed by: Mr. George R. Young, President.

Arizona Board of Regents, The University of Arizona, Tucson, Ariz. 85721, File No. 274–T, to improve the facilities of noncommercial educational television station KUAT–TV, Channel 6, Tucson, Ariz. II, accepted as of April 1, 1970. Estimated project cost: $152,690. Grant requested: $114,518. Application signed by: Mr. Kenneth R. Murphy, Contracting Officer, University of Arizona.

Florida State Board of Regents, a Public Corporation Acting for the University of South Florida, 4202 Fowler Avenue, Tampa, Fla. 33620, File No. 275–T, to improve the facilities of noncommercial educational television station WUSF–TV, Channel 16, Tampa, Fla. II, accepted as of April 2, 1970. Estimated project cost: $75,371. Grant requested: $56,528. Application signed by: Mr. William H. Taft, Director, Division of Sponsored Research.

Educational radio. Minnesota Educational Radio, Inc., Collegeville, Minn. 56321, File No. 37–R, for the establishment of a new noncommercial educational radio station KCCM–FM, Channel 216, Moorhead, Minn., accepted as of March 26, 1970. Estimated project cost: $56,120. Grant requested: $35,120. Application signed by: Mr. William H. Kling, Executive Director.

Kirtland Community College, Roscommon, Mich. 48653, File No. 38–R, for the establishment of a new noncommercial educational radio station on FM Channel 220, Roscommon, Mich., accepted as of March 27, 1970. Estimated project cost: $27,516. Grant requested: $16,888. Application signed by: Mr. James M. Read, Acting President.

Morehead State University, Box 911, Morehead, Ky. 40351, File No. 39–R, to expand the facilities of noncommercial educational radio station WMKY–FM on Channel 212, Morehead, Ky., accepted as of March 30, 1970. Estimated project cost: $86,500. Grant requested: $64,000. Application signed by: Mr. Donald F. Holloway, Director, Institute of Public Broadcasting.

Board of Education for the City School District of the City of New York, 110 Livingston Street, Brooklyn, N.Y. File No. 49–R, to expand the facilities of noncommercial educational radio station WNYE–FM, on Channel 218, New York City, N.Y., accepted as of April 1, 1970. Estimated project cost: $32,785. Grant requested: $22,785. Application signed by: Mr. James F. Macandrew, Director of Broadcasting.

Bethel Broadcasting, Inc., c/o J. Bruce Cowe, Bethel, Alaska 99559, File No. 41–R, for the establishment of a new noncommercial educational radio station on AM Channel 700, Bethel, Alaska, accepted as of April 1, 1970. Estimated project cost: $53,793. Grant requested: $40,345. Application signed by: Mr. Charles M. Northrip, Executive Director, Alaska Educational Broadcasting Commission.

University of Alaska, College Alaska 99701, File No. 42–R, to improve the facilities of noncommercial radio station KUAC–FM, Channel 284, College Alaska, accepted as of April 1, 1970. Estimated project cost: $23,962. Grant requested: $17,962. Application signed by: William R. Wood, President.

Arizona Board of Regents, The University of Arizona, Tucson, Ariz. 85721, File No. 43–R, to improve the facilities of noncommercial radio station KUAT–AM, Channel 1550, Tucson, Ariz., accepted as of April 1, 1970. Estimated project cost: $22,485. Grant requested: $16,864. Application signed by: Mr. Kenneth R. Murphy, Contracting Officer, University of Arizona.

Approved: April 21, 1970.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 70-5101; Filed, Apr. 24, 1970; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-334]

DUQUESNE LIGHT CO. ET AL.

Notice of Hearing on Application for a Construction Permit

In the matter of Duquesne Light Co., Pennsylvania Power Co., and Ohio Edison Co. (Beaver Valley Power Station).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practices," notice is hereby given that a hearing will be held at 10 a.m., local time, on May 25, 1970, in Courtroom No. 4, in the Beaver County Courthouse, Third Street, Beaver, Pa., to consider the application filed under § 104b. of the Act by Duquesne Light Co., Pennsylvania Power Co., and Ohio Edison Co. (the applicants), for a construction permit for a pressurized water nuclear reactor designed to operate initially at 2,660 megawatts (thermal) to be located on a 420-acre site on the south bank of the Ohio River, about 25 miles northwest of Pittsburgh, and approximately 5 miles east of East Liverpool, Ohio, in Beaver County, Pa.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of R. B. Briggs, Oak Ridge, Tenn.; Dr. Charles E. Winters, Washington, D.C.; and Samuel W. Jensch, Esq., Chairman, Washington, D.C. Dr. Eugene Greuling, Durham, N.C., has been designated as a technically

qualified alternate; James R. Yore, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board in Room 10103, Federal Office Building No. 7, 726 Jackson Place (entrance on 17th Street), NW., Washington, D.C., on May 12, 1970, at 10 a.m., local time, to consider the matters provided for consideration by 10 CFR § 2.752 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a construction permit to the applicants.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicants have described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4 of the Commission's "Rules of Practice", the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a construction permit should be issued to the applicants.

As they become available, the application, the proposed construction permit, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the statement on environmental considerations under the National Environmental Policy Act of 1969 (Public Law 91–190) and Appendix D to the Commission's regulations in 10 CFR Part 50, and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed construction permit, the ACRS report, the statement on environmental considerations, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available in the Office of the Chairman of the Board of Supervisors, Beaver County Courthouse, Third Street, Beaver, Pa., for inspection by members of the public on Mondays through Fridays between the hours of 9 a.m. to 5 p.m. Copies of the proposed construction permit, the ACRS report, the statement on environmental considerations, and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by May 7, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than May 7, 1970, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which in not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicants and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice," must be filed by the applicants on or before May 7, 1970.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice," an original and 20 copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR § 2.785 of the Commission's "Rules of Practice", and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Washington, D.C., this 22d day of April 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[F.R. Doc. 70-5104; Filed, Apr. 24, 1970; 8:51 a.m.]

LEASE OF SPECIAL NUCLEAR MATERIAL

Statement of Policy

1. The U.S. Atomic Energy Commission (AEC) hereby announces its policy with respect to implementation of the provision of subsection 53c.(1) of the Atomic Energy Act of 1954, as amended (the Act), that unless otherwise authorized by law, the AEC shall not after December 31, 1970, distribute special nuclear material by lease to any person who possesses or operates a utilization facility under a license issued pursuant to sections 103 or 104b. of the Act for use in the course of activities under such license.

2. Notice is hereby given that, except as may be otherwise authorized by law, AEC's distribution on or before December 31, 1970, of special nuclear material by lease to a person who possesses or operates a utilization facility under a license issued pursuant to sections 103 or 104b. of the Act for use in the course of activities under such license will be limited to such amounts of special nuclear material as the AEC determines will be required for use in an initial reactor core on or before June 30, 1972, or for other uses in the course of activities under such license no later than December 31, 1971.

This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 15th day of April 1970.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 70-5090; Filed, Apr. 24, 1970; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21826; Order 70-4-95]

AIR NORTH, INC.

Order To Show Cause

Issued under delegated authority April 20, 1970.

Air North, Inc., is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 70-2-23, February 6, 1970, the Board approved Agreement CAB 21371 between Mohawk Airlines, Inc., and Air North. This agreement contemplates that Air North will discharge Mohawk's certificate obligations to serve Massena and Ogdensburg, N.Y., and Rutland, Vt.

No service mail rate is currently in effect for this service by Air North. By petition filed January 22, 1970, Air North requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Rutland, Vt., and Albany, N.Y., and between Syracuse, N.Y., and Burlington, Vt., via Watertown, Massena, Ogdensburg and Plattsburgh, N.Y. Air North requests that the multielement rates [1] be established for this service.

On April 14, 1970, the Postmaster General filed an answer in support of Air North's petition, with the proviso that Air North will not be paid terminal charges when mail is interlined to Air North from Mohawk Airlines, Inc. Air North has agreed to this proviso.

The rate for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. We propose to establish a service rate for the air transportation of priority mail by Air North at the same level as that established in Order E-25610, and the terms and provisions of that order also shall be applicable to Air North.

The rate for the air transportation of nonpriority mail was established in Nonpriority Mail Rates, Orders 70-4-9 and 70-4-10, April 2, 1970. We propose to establish a service mail rate for the air transportation of nonpriority mail by Air North at the level established in Orders 70-4-9 and 70-4-10, and the terms and conditions of these orders shall be applicable to Air North.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Air North, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order [2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after January 22, 1970, to Air North, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Rutland, Vt., and Albany, N.Y. and between Syracuse, N.Y. and Burlington, Vt., via Watertown, Massena, Ogdensburg, and Plattsburgh, N.Y., shall be the rate established by the Board in Order E-25610, August 28, 1967, with the proviso that Air North, Inc., will not be paid terminal charges when mail is interlined to Air North, Inc., from Mohawk Airlines, Inc.

2. The fair and reasonable final service mail rate to be paid on and after January 22, 1970, to Air North, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Rutland, Vt., and Albany, N.Y., and between Syracuse, N.Y., and Burlington, Vt., via Watertown, Massena, Ogdensburg, and Plattsburgh, N.Y., shall be the rates established by the Board in Orders 70-4-9 and 70-4-10, April 2, 1970, with the proviso that Air North will not be paid terminal charges when mail is interlined to Air North from Mohawk Airlines, Inc.

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR Part 298 and the authority duly delegated by the Board in its Organization Regulations 14 CFR 385.14 (f);

It is ordered, That:

1. All interested persons and particularly Air North, Inc., the Postmaster General, and Mohawk Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Air North, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix; and

3. This order shall be served upon Air North, Inc., the Postmaster General, and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short

[1] The present rates per Order 69-12-132, Dec. 30, 1969, as amended, are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Rutland, Watertown, Massena, Ogdensburg, and Plattsburgh, 4.68 cents per pound at Burlington and 2.34 cents per pound at Albany and Syracuse.

Nonpriority Mail by Air: 11.33 cents per ton-mile plus 9.36 cents per pound at Rutland, Watertown, Massena, Ogdensburg, and Plattsburgh, 4.68 cents per pound at Burlington and 2.34 cents per pound at Albany and Syracuse.

[2] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-5094; Filed, Apr. 24, 1970; 8:50 a.m.]

[Docket No. 20291; Order 70-4-94]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority April 20, 1970.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 2-3 and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements (1) amend existing resolutions relating to fares to/from Aurangabad to reflect an increase in domestic fares applicable on the services of Indian Airlines, and (2) extend through March 31, 1971, the effectiveness of a resolution governing the offering of free and reduced fare or rate transportation by carriers pursuant to Government request.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions which are incorporated in the above-designated agreement, and which do not directly affect air transportation within the meaning of the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolution*
21694, R-1	JT23(Mail 252)055. JT23(Mail 252)065.

2. It is not found, on a tentative basis, that the following resolutions which are incorporated in the above-designated agreement, are adverse to the public interest or in violation of the Act:

Agreement CAB:	*IATA Resolution*
21694, R-2	JT123(Mail 640)057a. JT123(Mail 640)067a. JT123(Mail 640)070e. JT123(Mail 640)070f. JT123(Mail 640)076i. JT123(Mail 640)076p. JT123(Mail 640)083b.
21714	JT123(Mail 635)002n (except via the Western Hemisphere).

Accordingly, it is ordered, That:

1. Action on that portion of Agreement CAB 21694 described in finding paragraph 1 above is approved; and

2. Action on that portion of Agreement CAB 21694 described in finding paragraph 2 above, and Agreement CAB 21714, is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-5095; Filed, Apr. 24, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

PUGET SOUND TUG AND BARGE CO. AND ALASKA BARGE AND TRANSPORT, INC.

Filing of Application for Exemption

In F.R. Doc. 70-4734, appearing at page 6348, in the issue of Saturday, April 18, 1970, the following changes should be noted on page 6348.

1. The headings should read as set forth above.

2. A paragraph should be inserted preceding the first paragraph to read as follows:

Notice of application for exemption pursuant to section 35 of the Shipping Act, 1916, from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916.

Dated: April 21, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5038; Filed, Apr. 24, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-241]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

APRIL 21, 1970.

Take notice that on April 6, 1970, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a tap and delivery facilities to effect a direct sale and delivery of natural gas to Arkansas Electric Cooperative Corp. for industrial consumption at its plant near Camden, Ark. The estimated third year annual and peak day natural gas requirements are 6,000,000 Mcf and 37,000 Mcf, respectively.

The total estimated cost of the proposed facilities is $141,060, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5070; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP70-242]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

APRIL 17, 1970.

Take notice that on April 6, 1970, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a tap and delivery facilities to effect a direct sale and delivery of gas

to the city of Winfield, Kans., for industrial consumption at its powerplant in Cowley County, Kans. The estimated third year peak day and annual natural gas requirements are 370,800 Mcf and 1,236,000 Mcf, respectively.

The total estimated cost of the proposed facilities is $200,880, which will be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5058; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP70-245]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 20, 1970.

Take notice that on April 13, 1970, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-245 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification and operation of certain existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to modify one of the two 5,000 horsepower gas turbine-driven centrifugal compressor units, at its Caprock Compressor Station located on its 30-inch O.D. Permian-San Juan crossover pipeline in Lea County, N. Mex., by installing axial flow compressor components and increasing the speed of the compressor unit. Applicant states that such modification will result in an increase of compressor horsepower rating by some 1,300 horsepower, and an increase in the design transport capacity of the 30-inch Permian-San Juan mainline by approximately 6,140 Mcf per day, all of which will be utilized to provide increased flexibility of operation in its integrated pipeline system.

The total estimated cost of the proposed modification is $117,226, which will be financed by working funds supplemented by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5071; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP69-150]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

APRIL 21, 1970.

Take notice that on April 6, 1970, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-150 a petition to amend the order of the Commission issued on February 24, 1969, so as to conform the authorization issued with the actual size, length and diameter, and location of the facilities constructed, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized, inter alia, to construct and operate approximately 26.5 miles of 30-inch pipeline, a regulating station and a check meter station, and it states that due to its inability to obtain the contemplated right-of-way, it was required to partially reroute the pipeline, resulting in an increase in overall length of approximately 0.7 mile. Applicant further states that it utilized 6.4 miles of 34-inch O.D. pipe available from its stock, and approximately 2 miles of 30-inch O.D. 0.281-inch W.T. pipe which reduced the allowable operating pressure from 899 p.s.i.g. to 809 p.s.i.g. Applicant further states this decrease in allowable operating pressure will present no present or future problems, and that the authorized 30-inch check meter station in Maricopa County, Ariz., will not be constructed inasmuch as Applicant has now determined it will not be necessary under contemplated operations of its Phoenix area facilities. The total overall effect of the alterations has produced a 5,000 Mcf increase in daily design capacity from 266,100 Mcf per day to 271,100 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5068; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP70-238]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 17, 1970.

Take notice that on April 6, 1970, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-238 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission granting permission and approval to abandon service to Cascade Natural Gas Corp. (Cascade) at Mowich, Oreg., all

as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it constructed facilities comprising the Mowich, Oreg., Sales Meter Station, for service to Cascade for resale to industry and employee residences. Applicant further states that said industrial facilities were destroyed by fire in 1966, and Cascade requested the facilities be left in place in anticipation of the reconstruction of said industrial facilities. Applicant further states that it has now been advised by Cascade to delete the delivery point from the agreement between the parties since the industry has never been rebuilt.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5059; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP70-247]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

APRIL 21, 1970.

Take notice that on April 13, 1970, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP70-247 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1970, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $7 million, and the total cost of facilities for any single project will not exceed $1,750,000. The proposed facilities will be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20406, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5072; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP70-237]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

APRIL 16, 1970.

Take notice that on April 3, 1970, Humble Gas Transmission Co. (applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in Docket No. CP70-237 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission granting permission and approval to abandon and remove certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that delivery point facilities near Baton Rouge, La., were constructed to serve Copolymer Rubber & Chemical Corp., but service was discontinued on September 30, 1967. Under Docket No. CP68-366, facilities representing a smaller subsidiary delivery point were abandoned and applicant states it now considers it expedient to abandon the remainder of the delivery point facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5060; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. RI70-1515 etc.]

T. L. JAMES & CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 17, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 3, 1970.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1515..	T. L. James & Co., Inc., Post Office Box 0, Ruston, La. 71270.	8	[2] 12	United Gas Pipe Line Co.	.....	3-23-70	[3] 4-23-70	Accepted	.....	.....	
		8	[4] 13	(Calhoun Area, Ouachita, Lincoln and Jackson Parishes, La.) (North Louisiana Area).	$2,059	3-23-70	[3] 4-23-70	9-23-70	[5] 18.75	[6] [7] 23.0	
RI70-1516..	Van Oil Co., 712 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	2	4	Michigan Wisconsin Pipe Line Co. (Harper County, Okla.) (Panhandle Area).	6,824	3-23-70	[3] 4-23-70	9-23-70	[8] [9] 17.85	[8] [9] [10] [11] 22.865	
RI70-1517..	Petroleum Corp. of Texas (Operator) et al.	[12] 36	[13] 2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	380	3-20-70	[5] 4-20-70	9-20-70	[12] 14.0	[5] [9] 15.0	R164-452.

[2] Agreement dated Feb. 16, 1970, providing for increased rate.
[3] The stated effective date is the first day after expiration of the statutory notice period.
[4] Completed by filing of Apr. 3, 1970.
[5] Renegotiated rate increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Includes 1.5-cent tax reimbursement.
[8] Includes 1.75-cent tax reimbursement.
[9] Periodic rate increase.
[10] Pressure base is 14.65 p.s.i.a.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Includes 0.85-cent upward B.t.u. adjustment.
[13] Includes 0.015-cent tax reimbursement.
[14] Filing amended by letter dated Mar. 30, 1970 (filed Apr. 3, 1970) to include 1-cent minimum guarantee for liquids.
[15] Formerly designated as Ainslie Perrault (Operator) et al. FPC Gas Rate Schedule No. 2.
[16] Includes 1-cent Mcf minimum guarantee for liquids.

T. L. James & Co., Inc. (James), and Petroleum Corporation of Texas (Operator) et al. (Petroleum), request that their proposed rate increases be permitted to become effective as of April 1, 1970. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for James and Petroleum's rate filings and such requests are denied.

Concurrently with the filing of its rate increase, James submitted a supplemental agreement dated February 16, 1970, designated as Supplement No. 12 to James' FPC Gas Rate Schedule No. 8, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing James' proposed supplemental agreement to become effective as of April 23, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended herein for 5 months from April 23, 1970, the expiration date of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR § 2.56).

[F.R. Doc. 70-5055; Filed, Apr. 24, 1970; 8:47 a.m.]

[Docket No. CP70-239]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

APRIL 20, 1970.

Take notice that on April 6, 1970, Kansas-Nebraska Gas Co., Inc. (applicant), 300 North St. Joseph Avenue, Hastings, Nebr. 68901, filed in Docket No. CP70-239 an application pursuant to subsections (b) and (c) section 7 of the Natural Gas Act for an order of the Commission granting permission and approval to abandon certain natural gas facilities and a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate, or replace the following facilities:

(a) Install approximately 9.2 miles of 16-inch pipeline from Panhandle Eastern Pipe Line Co.'s Haven Compressor Station to the Cities Service Gas Co. pipeline near Hutchinson, Kans.;

(b) Install approximately 30 miles of 16-inch pipeline from the Cities Service Gas Co., Hugoton Compressor Station to applicant's facilities near Deerfield, Kans.;

(c) Replace one 1,100 horsepower turbine compressor unit with a 2,000 horsepower reciprocating unit near Casper, Wyo.;

(d) Install 1,100 horsepower turbine compressor addition at Colby, Kans.;

(e) Replace approximately 20.3 miles of existing 8-inch bare pipeline with 12-inch line between Danbury and Cambridge, Nebr.;

(f) Parallel approximately 13.1 miles of existing 8-inch pipeline with a new 12-inch pipeline between Holdrege and Axtell, Nebr.; and

(g) Replace approximately 4 miles of existing 2-inch pipeline with 3-inch line in the St. Paul, Nebr., lateral.

Applicant states that these new facilities will provide a daily delivery of 150,000 Mcf of gas from Buffalo Wallow

Field, Tex., to applicant from Panhandle Eastern Pipe Line Co. by means of a gas exchange agreement with Cities Service Gas Co., enable the handling of the 85,000 Mcf peakday volume which can be delivered to it by Northern Utilities, Inc., at Casper, Wyo., increase its transmission capacity north of Deerfield, by 10,000 Mcf per day, and that said facilities are required to meet the growth of its firm customers' requirements.

The total estimated cost of the proposed project is $3,904,000, which will be financed by current working capital and interim bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5073; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. E-7532]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

APRIL 16, 1970.

Take notice that on April 8, 1970, Montana-Dakota Utilities Company of Bismark, N. Dak., filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of up to $18 million in promissory notes to the First National City Bank of New York, the Northwestern National Bank of Minneapolis, and the First National Bank of Minneapolis.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Minneapolis, Minn., and is engaged in the gas and electric utility business in the States of Montana, North Dakota, South Dakota, and Wyoming.

The notes will be issued not later than April 1, 1971, and will mature not more than 1 year after the date of their issue and not later than March 31, 1972. The interest rate of the notes will be at the prime loan rate in effect at the banks at the time of issue. The proceeds from the issuance of the notes will be used to provide temporary financing for applicant's 1970 construction program. Applicant estimates that this construction program will total $18,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5061; Filed, Apr. 24, 1970; 8:48 a.m.]

[Project No. 1299]

NEW ENGLAND FISH CO.

Notice of Land Withdrawal; Modification

APRIL 20, 1970.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission by letter to the Commissioner of the General Land Office dated February 25, 1935, gave notice of the reservation of approximately 20 acres of U.S. land pursuant to the filing of January 22, 1935, of an application for minor license by the San Juan Fishing and Packing Co., for Project No. 1299.

On November 22, 1961, the San Juan Fishing and Packing Co., filed an application for new minor license for the above project amending and modifying the original project boundary by the supplemental filing on January 30, 1962, of map exhibit J & K (FPC No. 1299-2) showing the location of the project and project works. However, no notice of land withdrawal (modification) was given in connection with this filing.

On May 1, 1969, the New England Fish Co., successor to the San Juan Fishing and Packing Co., filed an application for new minor license for the above mentioned project, supplemented by the filing of the previously mentioned map exhibit, July 11, 1969.

Therefore, in accordance with section 24 of the Federal Power Act of June 10, 1920, as amended, notice is hereby given that the notice of land withdrawal dated February 25, 1935, is hereby modified and amended to include only the lands hereinafter described, insofar as title to them remains in United States.

KODIAK ISLAND, ALASKA

All lands lying within 125 feet of the 10 inch pipe line, Branch Line No. 1, Branch Line No. 2, and the 30 inch flume and wood tank, as shown on a map designated "Exhibit J & K" (FPC No. 1299-2) and filed in the office of the Federal Power Commission on January 30, 1962.

The area of United States land reserved by this notice is approximately 34.16 acres. All of the lands within this notice are withdrawn for the Kodiak National Wildlife Refuge.

This notice supersedes and modifies the notice of land withdrawal given by the Commission on February 25, 1935, in its entirety and the retention in the project of lands other than those described herein serves no useful purpose and are hereby vacated.

Copies of the aforementioned project map, Exhibit J & K (FPC No. 1299-2) have been transmitted to the Bureau of Land Management, Geological Survey, and the Fish and Wildlife Service.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5066; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP70-84]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

APRIL 16, 1970.

Take notice that on April 2, 1970, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-84 a petition to amend the order of the Commission issued on January 6, 1970, to permit applicant to avail itself of the new maximum cost limitations for budget-type certificates for gas-purchase facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized to construct during the 1970 calendar year and operate certain gas-purchase facilities with the total expenditure not to exceed $5 million, and no single project cost to exceed $750,000. On February 25, 1970, the Commission issued Order No. 395 in Docket No. R-373, effective March 27, 1970, revising the expenditure limits for budget-type certificates for gas-purchase facilities to permit a total budget amount of up to $7 million, with the total cost

of any single project limited to 25 percent of the total amount or $1 million, whichever is lesser.

In accordance with said revised expenditure limits for budget-type certificates for gas-purchase facilities, applicant desires that its certificate be amended to permit since project expenditures of $1 million, effective March 27, 1970. Applicant states that it requests no increase in the presently authorized $5 million total budget amount.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5062; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CS70-37]

PETROLEUM CORPORATION OF TEXAS

Notice of Application for "Small Producer" Certificate

APRIL 17, 1970.

Take notice that on March 16, 1970, Petroleum Corporation of Texas, Post Office Box 911, Breckenridge, Tex. 76024, filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the application which is 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 application should on or before May 11, 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 the application providing 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 certificate 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.

[F.R. Doc. 70-5063; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket Nos. RI70-1518, RI70-241]

PETROLEUM CORPORATION OF TEXAS ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 17, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 3, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] Since Kingwood has previously filed an acceptable agreement and undertaking in Docket No. RI70-241, it will not be necessary for Kingwood to file another agreement and undertaking as provided herein. Kingwood's proposed increased rate will become effective as of the expiration of the suspension period without any further action by Kingwood.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-1518..	Petroleum Corp. of Texas (Operator) et al., Post Office Box 911, Breckenridge, Tex. 76024.	31	6	Coastal States Gas Producing Co.[1] (Northwest Orange Grove Field Jim Wells County, Tex.) (R.R. District No. 4).	$1,800	3-23-70	[4] 4-23-70	[5] 4-24-70	[6] 12.0	[6] [7] 13.0	RI63-3.
	....do....	32	7	Coastal States Gas Producing Co.[1] (Brownlee Field, Jim Wells County, Tex.) (R.R. District No. 4).	1,655	3-23-70	[4] 4-23-70	[5] 4-24-70	11.1056	[8] 12.1602	RI65-401.
RI70-241...	Kingwood Oil Co., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	15	[9] 6	Arkansas Louisiana Gas Co. (Smith F Gas Unit, North Cooper Field, Blaine County, Okla.) (Oklahoma "Other" Area.)	1,130	[10] 3-18-70	[4] 4-18-70	[5] 4-19-70	15.0	[6] [10] 17.815	

[1] Resells subject gas to Natural Gas Pipeline Co. of America under Coastal's FPC Gas Rate Schedule No. 55 at a 14.5-cent rate—effective subject to refund in Docket No. G-19936.
[4] The stated effective date is the first day after expiration of the statutory notice period.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a 0.25-cent dehydration charge.
[9] Resells subject gas to Trunkline Gas Co. under Coastal's FPC Gas Rate Schedule No. 47 at a 13.3556-cent rate. Contractually due rate in excess of 15 cents per Mcf.
[10] Applicable to Smith F Gas Unit only.
[11] Filing completed on Mar. 27, 1970, by correction letter dated Mar. 25, 1970.
[12] Respondent is filing from initial certificated rate to first periodic increase under contract.

Petroleum Corporation of Texas (Operator), et. al. (Petroleum), request that their proposed rate increases be permitted to become effective as of September 1, 1969, and January 1, 1970, or the earliest possible date thereafter. Kingwood Oil Co. (Kingwood), requests a retroactive effective date of September 1, 1969, or the earliest possible date thereafter, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Petroleum and Kingwood's rate filings and such requests are denied.

Petroleum is proposing two periodic increases, from 12 cents to 13 cents and 11.1056 cents to 12.1602 cents, respectively, for sales of gas to Coastal States Gas Producing Co. (Coastal), in Texas Railroad District No. 4. Coastal gathers and resells the subject gas under its own rate schedules. The sale of the gas from the Brownlee Field is made under Coastal's FPC Gas Rate Schedule No. 47 to Trunkline Gas Co., at a currently effective rate of 13.3556 cents per Mcf. Coastal was contractually due periodic increases to 14 cents [13] on January 1, 1965, and to 15 cents [13] on January 1, 1970, but has not made any filings to increase the rate. Should Coastal file for either of these increases, such increases would be suspended as exceeding the area increased rate ceiling. Coastal resells the gas from the northwest Orange Field to Natural Gas Pipeline Company of America under its FPC Gas Rate Schedule No. 55 at a rate of 14.5 cents per Mcf which is effective subject to refund. Coastal's contract provides for a periodic increase to 15.5 cents as of September 1, 1969, but, as yet, Coastal has not filed for this increase. Since the area increased rate ceiling of 14 cents is applicable to the resale rates of Coastal, and consistent with previous Commission action on similar increases, we conclude that Petroleum's proposed increases should be suspended for 1 day from April 23, 1970, the expiration date of the statutory notice.

Kingwood proposes to amend a previously filed notice of change submitted on August 28, 1969, so as to include its interest in the Smith "F" Unit, Blaine County, Okla., which it states was inadvertently omitted from the prior filing. The earlier notice of change was suspended for 5 months in Docket No. RI70-241 and became effective subject to refund on February 28, 1970. Under the circumstances, we conclude that Kingwood's instant notice of change should be suspended in Docket No. RI70-241 for 1 day from April 18, 1970, the date of expiration of the statutory notice.

[13] These rates are exclusive of tax reimbursement and dehydration charges.

[F.R. Doc. 70-5053; Filed, Apr. 24, 1970; 8:47 a.m.]

[Docket No. CP70-240]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

APRIL 17, 1970.

Take notice that on April 6, 1970, South Texas Natural Gas Gathering Co. (applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP70-240 an application pursuant to section 7(c) of the Natural Gas Act and as implemented by § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing April 1, 1970, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $1 million, with no single project to exceed a cost of $250,000. The proposed facilities will be financed from funds on hand, from internal sources, or generated by operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5064; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket Nos. RI70-1511, etc.]

TENNECO OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 17, 1970.

The Respondents named herein have filed proposed changes in rates and

[1] Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 3, 1970.

By the Commission.

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R170-1511	Tenneco Oil Co.[3]	245	[4] [12] 2	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 180 Field, Offshore Louisiana) (Federal).	$182,500	3-30-70	[6] 11-1-69	[7] 11-2-69	[15] 18.0	[9] [16] 18.5	
R170-1512	Continental Oil Co.	265	9	South Texas Natural Gas Gathering Co. (Shepherd Field, Hidalgo County, Tex.) (RR. District No. 4).	5	[11] 3-30-70	[11] 3-30-70	[7] 3-31-70	16.0	[4] [13] 16.06	
R170-1513	Pennzoil Producing Co.[14]	229	[4] [13] 13	United Gas Pipe Line Co. (Dulac Area, Terrebonne Parish, La.) (South Louisiana).	41,520 (17)	[11] 4-1-70	[6] 11-1-69	[7] 11-2-69	18.5 18.5	[9] [16] 19.5 [9] [16] [18] 20.0	R169-406. R169-406.
	do.[14]	253	[4] [12] 11	United Gas Pipe Line Co. (West Tuletta Field, Bee County, Tex.) (RR. District No. 2).	6,280	[20] 3-19-70	[6] 11-1-69	[7] 11-2-69	[22] 14.0	[9] [21] 16.0	
R170-1514	Pennzoil Producing Co. (Operator) et al.	234	[4] [8]	United Gas Pipe Line Co. (Gibson Field, Terrebonne Parish, La.) (South Louisiana).	6,400 60,000	[11] 4-1-70	[6] 11-1-69	[7] 11-2-69	18.5 18.5	[9] [23] 19.5 [9] [24] 20.0	R169-407. R169-407.

[3] Both buyer and seller are subsidiaries of Tenneco Inc.
[4] Includes documents establishing newly discovered reservoirs which entitles respondent to higher ceiling rates in accordance with Opinion No. 567.
[5] Applicable only to gas well gas sales from newly discovered reservoirs.
[6] Effective date provided by Opinion No. 567.
[7] The suspension period is limited to 1 day.
[8] Filed pursuant to Opinion No. 567.
[9] Pressure base is 15.025 p.s.i.a.
[10] Area base rate for gas well gas per Opinion No. 546.
[11] Completes Mar. 9, 1970 filing consisting of supporting documents.
[12] The stated effective date is the date of filing pursuant to Commission's Order No. 390.
[13] Tax reimbursement increase.
[14] Both buyer and seller are subsidiaries of Pennzoil United, Inc.
[15] Competes and corrects filing submitted Mar. 16, 1970, and Mar. 27, 1970.
[16] For second vintage gas well gas from the Esposito B, Esposito C, Bourg B and Pelican Reservoirs.
[17] Amount not given.
[18] For third vintage gas well gas from the DeLarge and 14,900' Sand Reservoir.
[19] For gas well gas from the Middle 9100' Sand and MackHank Sand Reservoirs.
[20] Amends Mar. 16, 1970 filing.
[21] Pressure base is 14.65 p.s.i.a.
[22] Increase to 14.0314 cents (tax) effective subject to refund in Docket No. R170-596, to 17.2176 cents and 17.2601 cents (tax) suspended in R170-282 until Mar. 16, 1970, not yet made effective.
[23] For second vintage gas well gas from the 6,100' and 7,450' Sand Reservoirs.
[24] For third vintage gas well gas from the FF and EE6 Sand Reservoirs.

The proposed rate increase filed by Continental Oil Co. (Continental) reflects the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. Continental's proposed rate exceeds the increased rate ceiling for Texas Railroad District No. 4 as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for one day from the date of filing, pursuant to the Commission's Order No. 390, issued October 10, 1969.

Tenneco Oil Co. (Tenneco), Pennzoil Producing Co., and Pennzoil Producing Co. (operator) et al. (both referred to herein as Pennzoil), proposed rate increases were submitted as a result of Opinion No. 567 which provides that gas well gas produced from newly discovered reservoirs should have a price coincident with the discovery of such reservoirs. Documents in support of the subject increases, as required by Opinion No. 567, were also submitted. The proposed rates do not exceed the applicable ceilings permitted under Opinion No. 567 but consistent with the Commission's policy of suspending for 1 day increases to affiliates, we conclude that Tenneco and Pennzoil's proposed rate increases should be suspended for 1 day from November 1, 1969.

[F.R. Doc. 70-5056; Filed, Apr. 24, 1970; 8:47 a.m.]

[Docket No. CP70-134]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

APRIL 21, 1970.

Take notice that on April 6, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP70-134 a petition to amend the order of the Commission issued on February 17, 1970, to permit applicant to avail itself of the new maximum cost limitations of a budget-type certificate for gas-purchase facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized to construct and operate certain natural gas-purchase facilities with a maximum total expenditure of $5 million, with no single onshore project cost to exceed $750,000, and no single project offshore cost to exceed $1 million. On February 25, 1970, the Commission issued order No. 395 in

Docket No. R-373 providing revised budget type cost limitations for gas-purchase facilities of $7 million for the total expenditure, with no single onshore project cost to exceed $1 million, and no single offshore project to exceed 25 percent of the total budget amount. Applicant requests that the previously authorized cost limitations be amended to permit a total maximum expenditure of $7 million, with no single onshore project to exceed $1 million, and no single offshore project to exceed 25 percent of the $7 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5069; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. E-7160]

DEPARTMENT OF THE INTERIOR AND SOUTHEASTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates

APRIL 20, 1970.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southeastern Power Administration (SEPA), has filed with the Federal Power Commission for confirmation and approval, proposed rate schedules for the sale of power and energy generated at the Allatoona, Buford, Clark Hill, Hartwell, Walter F. George, and Millers Ferry projects of the Corps of Engineers. Interior's filing was made pursuant to the Flood Control Act of 1944 (58 Stat. 887). The projects concerned comprise an electric system in the States of Alabama, Georgia, and South Carolina. Approval of the rates is requested for a period beginning on June 20, 1970, and ending June 20, 1974.

The rates are set forth in the following wholesale rate schedules.

(1) *Wholesale Power Rate Schedule G-A-1.* This rate schedule shall be available to public bodies and cooperatives in Georgia and Alabama to whom power may be wheeled pursuant to contracts between the Government and the Georgia Power Co. and between the Government and the Alabama Power Co. The rate schedule shall be applicable to power and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry projects and sold in wholesale quantities. The monthly demand charge is $0.90 per kilowatt of total contract demand; the energy charge is 3.25 mills per kilowatt-hour.

(2) *Wholesale Power Rate Schedule G-A-2.* This rate schedule shall be available to the Georgia Power Co. and to the Alabama Power Co. It shall be applicable to electric capacity and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry projects and sold under contract between the Government and one or the other of the companies. The monthly demand charge shall be $0.90 per kilowatt per billing month for monthly dependable capacity made available to a company for its own use. The energy charge shall be 2.65 mills per kilowatt-hour for energy declared for the 100 weekly peak period hours specified by contract. A rate per kilowatt-hour, not to exceed 2 mills, for other energy (dump energy) equal to 80 percent of the calculated saving in the cost of fuel for generated units actually operating due to generation avoided therein by the delivery of this energy.

(3) *Wholesale Power Rate Schedule ALA-1 (Revised).* This rate schedule shall be available to the Alabama Electric Cooperative, Inc. The rate schedule shall be applicable to power and accompanying energy delivered at the Walter F. George project power plant and sold under contract executed May 19, 1967, as amended, between the Cooperative and the Government. The monthly demand charge shall be $0.90 per kilowatt per billing month for capacity, and $0.90 per kilowatt for any capacity made available upon request to meet necessary scheduled and emergency outages on the Cooperative's system. The energy charge shall be 2.65 mills per kilowatt-hour for energy declared for the 100 peak period hours specified by contract and for energy made available by the Government resulting from water releases to meet stream flow requirements. The rate for dump energy shall be 2 mills per kilowatt-hour.

(4) *Wholesale Power Rate Schedule SC-1 (Revised).* This rate schedule shall be applicable to power and accompanying energy generated at the Clark Hill project and sold in wholesale quantities. It shall be available to the South Carolina Public Service Authority. The monthly demand charge shall be $0.90 per kilowatt per billing month for dependable capacity made available to the Authority for its own use, and $0.25 per kilowatt per billing month for standby capacity made available plus $0.03 per kilowatt per calendar day (or fraction thereof) for such capacity the Authority actually utilizes. The energy charge shall be 2.65 mills per kilowatt-hour for energy declared for the peak period hours and for energy made available to meet stream flow requirements. A charge of 2 mills per kilowatt-hour will be made for dump energy.

(5) *Wholesale Power Rate Schedule SC-2.* This rate schedule shall be available to any of the following whose requirements or a portion thereof the Government shall contract to supply by delivery from the South Carolina Public Service Authority's system: A municipality or county located in part or completely within the Authority's service area, owning its own transmission or distribution system, and desiring to purchase capacity and energy from the Government for resale to the public in its territory; Central Electric Cooperative, Incorporated; or an electric cooperative not a member of Central, operating under the laws of the State of South Carolina, and located in part or completely within the service area of the Authority desiring to purchase capacity and energy from the Government for resale to ultimate consumers under the provisions of said laws. The rate schedule shall be applicable to power accompanying energy generated at the Clark Hill project and sold in wholesale quantities. The monthly rate for capacity shall be $0.90 per kilowatt of total contract demand. The energy charge shall be 3.25 mills per kilowatt-hour.

(6) *Wholesale Power Rate Schedule CAR-1 (Revised).* This rate schedule shall be available to public bodies and cooperatives in North Carolina and South Carolina to whom power may be wheeled pursuant to the provisions of the contract, as amended, dated December 16, 1963, between the Duke Power Co. and the Government. It shall be applicable to power and accompanying energy generated at the Hartwell and Clark Hill projects and sold in wholesale quantities. The monthly rate for capacity shall be $0.90 per kilowatt of total contract demand. The energy charge shall be 3.25 mills per kilowatt-hour.

(7) *Wholesale Power Rate Schedule CAR-2 (Revised).* This rate schedule shall be available to the Duke Power Co. It shall be applicable to electric capacity and energy generated at the Hartwell and Clark Hill projects and sold under the contract, as amended, dated December 16, 1963, between the Government and the company. The monthly rate for capacity shall be $0.90 per kilowatt per billing month for dependable capacity made available to the Company for its own use. The energy charge shall be 2.65 mills per energy declared for peak period hours, 2 mills per kilowatt-hour for energy declared for other than peak period hours, and 2 mills per kilowatt-hour for dump energy.

The Commission has previously approved rate schedules for the sale of power and energy generated at the projects named above in Docket No. E-7160. The Commission's approval of current rate schedules pertaining to all but the Millers Ferry project expires June 30, 1970. The approval of rates applicable to Millers Ferry expires June 20, 1970. The proposed rate schedules are similar to those currently in effect.

The rate schedules listed above, together with a repayment study supporting the proposed rates, are on file with

the Commission for public inspection. Any person desiring to make comments or suggestions for the Commission's consideration with respect to the proposed rate schedules, should submit the same in writing on or before May 8, 1970 to the Federal Power Commission, Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5067; Filed, Apr. 24, 1970; 8:48 a.m.]

[Docket No. CP70-180]

WEST CENTRAL INDIANA GAS AUTHORITY, INC., AND PANHANDLE EASTERN PIPE LINE CO.

Order Permitting Intervention, Setting Hearing Date and Prescribing Procedure

APRIL 14, 1970.

On January 27, 1970, West Central Indiana Gas Authority, Inc. (West Central), Indianapolis, Ind. 46204, filed in Docket No. CP70-180 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Panhandle) to establish physical connection of its transportation facilities with distribution facilities to be constructed by West Central and sell and deliver to West Central 1,300 Mcf per day of natural gas for resale in the towns of Lizton in Hendricks County and Jamestown and Advance in Boone County, Ind., and environs, and to construct tap and metering facilities at the delivery point. West Central proposes to construct distribution systems in the aforementioned towns and intends to obtain gas for the distribution systems by constructing approximately 2 miles of 4-inch lateral interconnecting Panhandle's main transmission line in Hendricks County to its town border station at Lizton. West Central expects to construct 5 miles of 4-inch pipeline from Lizton to Jamestown and 5 miles of 3-inch line from Jamestown to Advance.

West Central estimates the total cost of the project to be $474,000 which would be financed through the sale of gas revenue bonds. The estimated third-year peak day and annual requirements would be 1,300 Mcf and 121,757 Mcf, respectively.

On November 21, 1967, the Commission issued an order in Docket No. CP68-33, 38 FPC 1039, directing Panhandle to interconnect its facilities with those to be constructed by Mid States Gas Co., Inc. (Mid States), in order that the same towns proposed for service in this proceeding might receive natural-gas service. However, the time period specified by the order issued in Docket No. CP68-33 expired before commencement of construction by Mid States and the respective town boards have taken appropriate action to transfer the franchises from Mid States to West Central.

On March 2, 1970, Panhandle filed its objection to the subject proposal. Panhandle states that it is unable to provide the requested volumes because of its inability to obtain additional supplies to meet the future demands of its existing customers.

Indiana Gas Co., Inc. (Indiana Gas), Indianapolis, Ind. 46202, filed on March 3, 1970, a petition to intervene and protest in opposition to West Central's application alleging that West Central's project probably cannot be financed and that since Indiana Gas' total gas supply for its North Indiana service area is dependent upon Panhandle, any new service to West Central would impair Panhandle's ability to satisfy the requirements of Indiana Gas' existing customers.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by West Central's application in Docket No. CP 70-180 as hereinafter ordered.

(2) It is desirable to allow Indiana Gas to become an intervener in this proceeding in order that it may establish the facts and law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Indiana Gas Co., Inc., is hereby permitted to become an intervener in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene: *And provided further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered in this proceeding.

(B) Pursuant to the authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing will be held on July 20, 1970, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning all issues raised by the application in Docket No. CP70-180.

(C) West Central and each party shall file with the Commission and serve on one another and the Commission's staff proposed evidence, including prepared testimony of witnesses and exhibits, as follows:

West Central shall file and serve evidence comprising its case-in-chief on or before May 20, 1970.

Panhandle and any party in opposition to West Central's application shall file and serve evidence to support their positions on or before June 10, 1970.

West Central shall file and serve rebuttal evidence on or before June 30, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5057; Filed, Apr. 24, 1970; 8:47 a.m.]

[Docket No. CP70-244]

WESTERN GAS INTERSTATE CO.

Notice of Application

APRIL 20, 1970.

Take notice that on April 10, 1970, Western Gas Interstate Co. (applicant), Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP70-244 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 12-month period next succeeding the authorization and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The application states that the total cost of all facilities will not exceed $100,000, and that the total cost of facilities for any single project will not exceed $25,000. The proposed facilities will be financed with funds on hand and short-term borrowings from applicant's parent corporation, Southern Union Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5074; Filed, Apr. 24, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 65]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 22, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 113-1) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 96098 (Sub-No. 41 TA), filed April 20, 1970. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery 2, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, ends, caps and covers*, for account of Continental Can Co., Inc., from Milton, Pa., to La Porte and South Bend, Ind., for 150 days. Supporting shipper: Continental Can Co., Inc., 633 Third Avenue, New York, N.Y. 10017. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, 228 Walnut Street, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 107295 (Sub-No. 363 TA), filed April 17, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels*, from plantsite of Ply-Gem Corp., at Jamaica, N.Y., to points in Illinois, Kentucky, Michigan, Missouri, Ohio, and Tennessee, for 180 days. Supporting shipper: Ply-Gem Corp., 182-20 Liberty, Jamaica, N.Y. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams, Springfield, Ill. 62704.

No. MC 124078 (Sub-No. 431 TA), filed April 20, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Dayton, Ohio, to Monongahela, Pa., for 180 days. Supporting shipper: Dayton Fly Ash Co., Inc., 2222 Springboro Road, Dayton, Ohio 45439 (Dennis A. Jones, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126276 (Sub-No. 28 TA), filed April 20, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container components*, from the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to points in Illinois (except points in the Chicago, Ill., Commercial Zone), for 150 days. Supporting shipper: Crown Cork & Seal Co., 3501 West 31st Street, Chicago, Ill. 60623. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128075 (Sub-No. 9 TA), filed April 20, 1970. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Mason City, Iowa, to points in Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Rhode Island, and Florida, for 180 days. Supporting shipper: State Brand Creameries, Inc., Mason City, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 129635 (Sub-No. 1 TA), filed April 16, 1970. Applicant: ROYAL'S MOTOR SERVICE, INC., 3901 Jaffee, Post Office Box 10332, Dallas, Tex. 75216. Applicant's representative: Royal Walker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, tractors, and attachments and parts thereof*, when moving in connection therewith, between points in Texas, on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shippers: John Deere Co., Dallas, Tex. 75220; Stewart Equipment Co., 4835 Reading Street, Dallas, Tex. 75247. NOTE: Carrier does not intend to tack. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 134408 (Sub-No. 1 TA), filed April 20, 1970. Applicant: SARCHFIELD TRANSFER, LTD., Woodstock, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from the ports of entry on the international boundary, between the United States and Canada at or near Houlton, Calais, and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, for 180 days. Supporting shipper: H. S. Gill & Sons, Ltd., Fredericton, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, Portland, Maine 04112.

No. MC 134409 (Sub-No. 1 TA), filed April 20, 1970. Applicant: PHARR BROS., INC., Route 4, Box 130, Shreveport, La. 71109. Applicant's representative: Hal V. Lyons, Post Office Box 7777, 265 North Freestate Boulevard, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washed gravel and sand*, in bulk, in dump trucks, from points in Lafayette and Miller Counties, Ark., to Bienville, Bossier, Caddo, Claiborne, DeSoto, Webster, Union, and Lincoln Parishes, La., for 180 days. Supporting shipper: Gifford-Hill & Co., Inc., Post Office Box 6615, 9000 St. Vincent St., Shreveport, La. 71106. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-5091; Filed, Apr. 24, 1970; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

FIRST CONNECTICUT BANCORP, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Connecticut Bancorp, Inc., Hartford, Conn., for approval of action to become a bank holding company.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1) and § 222.3

(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Connecticut Bancorp, Inc., Hartford, Conn., for the Board's prior approval of action whereby applicant would become a registered bank holding company through the acquisition of 100 percent of the voting shares of United Bank and Trust Co., Hartford, and Simsbury Bank and Trust Co., Simsbury, and 80 percent or more of the voting shares of The New Britain National Bank, New Britain, all in the State of Connecticut.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency and the Commissioner of Banks of the State of Connecticut of receipt of the application and requested their views and recommendations. Both recommended that the application be approved.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 23, 1969 (34 F.R. 17464), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] April 17, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-5022; Filed, Apr. 24, 1970; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. Dissenting statements of Governors Robertson and Maisel also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson and Maisel. Absent and not voting: Governor Brimmer.

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