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Volume 82

UNITED STATES STATUTES AT LARGE

[90th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1968, reorganization plans, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Title 3—THE PRESIDENT

Executive Order 11528

CHANGING THE JURISDICTION AND MEMBERSHIP OF THE NEW ENGLAND RIVER BASINS COMMISSION

WHEREAS Executive Order No. 11371 of September 6, 1967, established a New England River Basins Commission in accordance with Title II of the Water Resources Planning Act, but did not include within the jurisdiction of the Commission certain portions of Long Island Sound and Long Island in the State of New York; and

WHEREAS planning for use and development of water and related resources of the Sound requires unified consideration of the Sound and of the land areas draining into the Sound; and

WHEREAS the New England River Basins Commission by resolution dated March 11, 1968, requested that the jurisdiction of the Commission be extended to include certain portions of the Sound and Long Island; and

WHEREAS the Governors of the States within the jurisdiction of the New England River Basins Commission, by letters, and the Water Resources Council, by resolution dated July 16, 1969, concurred in the proposed change in jurisdiction; and

WHEREAS the New England River Basins Commission by resolution dated October 3, 1969, requested that the Atomic Energy Commission be authorized to designate a member on the New England River Basins Commission because of the close relationship between water and related land resources and the planning and construction of electric power generating facilities, particularly those utilizing energy of nuclear reactors, and because of the urgent need for full communication and cooperation between the Atomic Energy Commission and State and Federal agencies concerned with water and related land resources; and

WHEREAS the Atomic Energy Commission by letter of November 12, 1969, requested it be authorized to designate a member on the New England River Basins Commission; and

WHEREAS the Water Resources Council, at its meeting on November 20, 1969, unanimously recommended that the Atomic Energy Commission be authorized to designate a member on the New England River Basins Commission; and

WHEREAS the Atomic Energy Commission has a substantial interest in the work of the New England River Basins Commission; and

WHEREAS it appears to be in the public interest and in keeping with the intent of Congress to make the proposed change of jurisdiction and to add a member from the Atomic Energy Commission to the New England River Basins Commission:

NOW, THEREFORE, by virtue of the authority vested in me by sections 201 and 202 of the Water Resources Planning Act (42 U.S.C. 1962b; 1962b–1), and as President of the United States, sections 2 and 3 of Executive Order No. 11371 of September 6, 1967, are amended to read as follows:

"SEC. 2. *Jurisdiction of Commission.* (a) It is hereby determined that the jurisdiction of the New England River Basins Commission referred to in section 1 of this order (hereinafter referred to as the Commission) shall extend to an area composed as follows:

"(1) The State of Maine,

"(2) The State of New Hampshire,

"(3) The State of Vermont, excluding that portion thereof which is within the drainage area of the Hudson River and excluding also that portion thereof which is within the drainage area of Lake Champlain,

"(4) The State of Massachusetts, excluding that portion thereof which is within the drainage area of the Hudson River,

"(5) The State of Connecticut,

"(6) The State of Rhode Island,

"(7) (i) That portion of the State of New York which is within the drainage area of the Housatonic River, and (ii) that portion of Long Island (excluding New York City) in the State of New York which is within the drainage area of Long Island Sound, and

"(8) Long Island Sound except the portion thereof which lies west of a line extended from the Connecticut-New York boundary at the northern shore of the Sound to the New York City-Nassau County boundary at the southern shore of the Sound.

"(b) The determination set forth in subsection (a) of this section is made in accordance with the request of the Commission, and is concurred in by the Water Resources Council and by the Governors of the States within the jurisdiction of the Commission.

"SEC. 3. *Membership of Commission.* It is hereby determined, in accordance with section 202 of the Act, that the Commission shall consist of the following:

"(1) a Chairman to be appointed by the President,

"(2) one member from each of the following Federal departments and agencies: Department of Agriculture, Department of the Army, Department of Commerce, Department of Health, Education, and Welfare, Department of Housing and Urban Development, Department of the Interior, Department of Transportation, Atomic Energy Commission, and Federal Power Commission, each such member to be appointed by the head of each department or independent agency he represents,

"(3) one member from each of the following States: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York, and

"(4) one member from each interstate agency created by an interstate compact to which the consent of Congress has been given and whose jurisdiction extends to the waters of the area specified in section 2."

Richard Nixon

THE WHITE HOUSE,
April 24, 1970.

[F.R. Doc. 70-5196; Filed, Apr. 24, 1970; 1:36 p.m.]

Executive Order 11529

TERMINATING OBSOLETE BODIES ESTABLISHED BY EXECUTIVE ORDER

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The Interdepartmental Committee on Narcotics is terminated and Executive Order No. 10302 of November 2, 1951, is revoked.

SEC. 2. The President's Committee on Juvenile Delinquency and Youth Crime and Citizens Advisory Council are terminated and Executive Order No. 10940 of May 11, 1961, is revoked.

Richard Nixon

THE WHITE HOUSE,
April 24, 1970.

[F.R. Doc. 70-5197; Filed, Apr. 24, 1970; 1:36 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3112(a)(5) is amended to permit extension of temporary employment up to 220 working days a year in positions involving fire prevention and suppression and blister rust control activities when extended fire seasons or sudden emergencies involving potential loss of life or property occur. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 213.3112 is amended as set out below.

§ 213.3112 Department of the Interior.

(a) *General.* * * *

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, That an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

* * * * *

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

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

[F.R. Doc. 70-5109; Filed, Apr. 27, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 205, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submited by the Navel Orange 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 navel oranges, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.505 (Navel Orange Regulation 205, 35 F.R. 6182) are hereby amended to read as follows:

§ 907.505 Navel Orange Regulation 205.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 1,027,000 cartons;
(ii) District 2: 273,000 cartons.

* * * * *

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

Dated: April 23, 1970.

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

[F.R. Doc. 70-5107; Filed, Apr. 27, 1970; 8:45 a.m.]

[Lemon Reg. 423, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.723 (Lemon Regulation 423, 35 F.R. 6312) are hereby amended to read as follows:

§ 910.723 Lemon Regulation 423.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 9,300 cartons.
(ii) District 2: 269,700 cartons.

* * * * *

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

Dated: April 23, 1970.

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

[F.R. Doc. 70-5166; Filed, Apr. 27, 1970; 8:50 a.m.]

[Lime Reg. 28]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Lime Administrative Committee reflect

its appraisal of the Florida lime crop and the current and prospective market conditions. Shipments of limes, in volume, are expected to begin on or after May 1, 1970. The size and grade requirements specified herein are necessary to prevent the handling, on and after May 1, 1970, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; 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. Shipments of Florida limes are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lime Administrative Committee on April 8, 1970, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; other necessary supplemental information was submitted to the Department on April 20, 1970; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.330 Lime Regulation 28.

(a) Order: During the period May 1, 1970, through April 30, 1971, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Turning: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Persian (Tahiti) limes (§§ 51.1000—51.1016 of this title).

(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. 70-5106; Filed, Apr. 27, 1970; 8:45 a.m.]

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

Subpart—Administrative Rules and Regulations

SPECIFIED EXPORT OUTLETS

The Date Administrative Committee has unanimously recommended that § 987.156 of the administrative rules and regulations be amended to permit the disposition of field-run dates of the Deglet Noor variety for export to France and Belgium and prescribe minimum grade requirements for such export outlets. Section 987.156 is effective pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of dates produced or packed in a designated area of California. The amended marketing agreement and order (hereinafter referred to collectively as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

France and Belgium have extensive date processing facilities and desire to have at least the final processing and packaging done in their plants, rather than receive dates already prepared for wholesale and retail trade. Under § 987.156 (35 F.R. 5396) of the administrative rules and regulations effective pursuant to the order, a 3-day trial period beginning April 1, 1970, was afforded for the exportation to France and Belgium of field-run (substandard) dates of the Deglet Noor variety meeting prescribed grade requirements. Also, certain unwashed dates of the Deglet Noor variety (i.e., those certified as meeting, except for defects removable by washing, the applicable grade and size requirements for free dates for further processing) were authorized for exportation to these countries following that trial period. The latter authorization is still in effect.

Indications are that French and Belgian importers prefer to import during the remainder of this crop year (through July 31, 1970) high quality field-run dates and perform the complete processing of the dates in their respective countries. Enabling such importers to obtain the dates they desire will tend to increase exports of California dates and increase returns to producers.

In view of the foregoing, the Date Administrative Committee unanimously recommended that for the remainder of the crop year (through July 31, 1970) the exportation of field-run (substandard) dates of the Deglet Noor variety to France and Belgium should be permitted on the same basis as under the prior authorization for the 3-day trial period. Thus, the previous applicable grade requirements for field-run dates would replace those presently effective for unwashed dates as the minimum grade requirements for exports to these countries.

Accordingly, based on the unanimous recommendation of the Date Administrative Committee and other information, it is hereby found that revision of paragraph (b) of § 987.156 (35 F.R. 5396) to authorize, pursuant to § 987.56, disposition of field-run (substandard) dates of the Deglet Noor variety by export to France and Belgium, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 987.156 of Subpart—Administrative Rules and Regulations (7 CFR 987.100 to 987.174; 35 F.R. 5396) is amended by revising paragraph (b) to read:

§ 987.156 Disposition of substandard dates.

* * * * *

(b) *Specified export outlets*—(1) *Field-run dates.* During the period beginning April 30, 1970, and continuing through July 31, 1970, lots of field-run (substandard) dates of the Deglet Noor variety as described in § 987.145(f)(4) that are inspected and certified in accordance with § 987.145(f)(4) as meeting the additional grade requirements prescribed in this subparagraph may be

exported to France or Belgium. The additional grade requirement is that at least 85 percent, in lieu of 70 percent, by weight, of the dates in the representative sample are sound dates.

(2) *Credit against restricted obligation.* Any handler who disposes of any Deglet Noor dates in accordance with this paragraph shall be credited, as provided in § 987.45(f), with satisfaction of all or any part of his withholding obligation to the extent of the eligible weight of any lot exported, computed by multiplying the net weight of the dates in the lot by the percentage, as determined by the inspector, of the sound dates in the lot.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making this action effective as hereinafter specified and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action unanimously recommended by the Date Administrative Committee must become effective as herein specified to permit handlers to take advantage of a demand for field-run (substandard) dates in France and Belgium and make arrangements to export such dates to these countries; (2) this action relieves restrictions by lowering the grade requirements for certain dates that may be exported to France and Belgium; and (3) handlers are aware of the interest in California dates by France and Belgium and are prepared to commence exportation under the lower grade requirements immediately.

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

Dated April 23, 1970, to become effective April 30, 1970.

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

[F.R. Doc. 70-5167; Filed, Apr. 27, 1970; 8:50 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Subpart—Administrative Rules and Regulations

ADDITIONAL ALLOTMENT BASES FOR HOPS OF THE FUGGLE VARIETY

Notice was published in the April 11, 1970, issue of the FEDERAL REGISTER (35 F.R. 6009) of a proposal based upon the unanimous recommendation of the Hop Administrative Committee, which would provide a method of granting additional allotment bases for hops of the Fuggle variety to satisfy the increased demand for this variety. This subpart is operative pursuant to Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Committee and other available information, it is hereby found that this action is necessary to satisfy the increased demand for hops of the Fuggle variety and amendment of the administrative rules and regulations, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations is amended as follows:

A new § 991.138c is added reading as follows:

§ 991.138c Additional allotment bases for hops of the Fuggle variety.

(a) Pursuant to § 991.38(b), the Committee may grant additional allotment bases to new producers and existing producers to satisfy the demand for hops of the Fuggle variety through the marketing year ending July 31, 1977.

(b) Additional allotment bases granted under this section shall be only for hops of the Fuggle variety planted in 1970 prior to June 15, 1970.

(c) Any person desiring any such additional allotment base shall file, in good faith, with the Committee for receipt by the Committee not later than May 1, 1970, a written application containing the following information:

(1) The location and number of acres which the applicant planted or will plant to hops of the Fuggle variety in 1970 prior to June 15, 1970;

(2) A statement that the additional allotment base that may be granted to the applicant pursuant to this section will be applicable only to hops of the Fuggle variety covered by the application;

(3) A statement that the applicant will make a bona fide effort to produce the annual allotment referable to such additional allotment base; and

(4) If the applicant is currently a producer of hops of the Fuggle variety a statement that he will continue to make a bona fide effort to produce Fuggle hops on his existing Fuggle acreage to the extent of his annual allotment referable thereto.

(d) If the total quantity of any marketing year's additional allotment bases (computed on the basis of 1,300 pounds per acre divided by the allotment percentage for such marketing year) applied for pursuant to this section would result in annual allotments therefor totaling more than one million pounds, the Committee shall reduce proportionately the respective amounts of additional allotment bases applied for so as to result in total annual allotments of one million pounds referable to the additional allotment bases.

(e) The Committee shall grant each marketing year through the marketing year ending July 31, 1977, an additional allotment base to each applicant filing pursuant to paragraph (c) of this section if it concludes from the information submitted by the applicant and other available information, that the applicant will make a bona fide effort during the applicable marketing year to produce the annual allotment referable to such allotment base. If the Committee finds that any producer granted an additional allotment base pursuant to this section, who is an existing producer of hops of the Fuggle variety, fails to make a bona fide effort during the applicable marketing year to produce the annual allotment of Fuggle hops referable to his existing Fuggle acreage, the Committee shall reduce his additional allotment base by an amount equivalent to such unproduced proportion. The total of the additional allotment bases so granted each of the marketing years shall, for each such year, not exceed the amount resulting from dividing one million pounds by the allotment percentage for the applicable marketing year. The amount of such additional allotment base granted for a marketing year to any applicant for hops of the Fuggle variety shall be the lesser of: (1) His total sales of such hops during the marketing year from the acreage planted in 1970 prior to June 15, 1970, divided by the allotment percentage for such year; or (2) the quantity per acre which when multiplied by such allotment percentage equals 1,300 pounds per acre.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Persons desiring to apply for additional allotment base for the Fuggle variety of hops must apply for such base by May 1, 1970; (2) adequate time should be allowed producers so they can make the necessary cultural preparations to plant the Fuggle hops by June 15, 1970; (3) no additional regulations are being imposed, rather this action is a relieving of restrictions; (4) the industry has been aware of this recommendation and needs no additional time to conform operations thereunder; and (5) no useful purpose would be served by delaying the effective time hereof.

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

Dated: April 23, 1970, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 70-5168; Filed, Apr. 27, 1970; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS PURCHASES, AND OTHER OPERATIONS

[Amdt. 2]

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

GENERAL STATEMENT AND ADMINISTRATION

The Standards for Approval of Bulk Oil Warehouses, as issued, corrected, and

amended by the Commodity Credit Corporation (34 F.R. 4880, 5300, and 13734), are hereby further amended to provide that copies of the CCC storage contract and other forms required for approval of warehouses for the storage and handling of tung oil may be obtained from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112.

Paragraph (b) of § 1424.1 is amended to read as follows:

§ 1424.1 General statement and administration.

* * * * *

(b) Copies of the applicable CCC storage contract and other forms required to obtain approval under this subpart may be obtained from the following offices: (1) For bulk linseed oil, from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, 6400 France Avenue, S., Minneapolis, Minn. 55410; and (2) for all other bulk oils, including cottonseed oil, castor oil, and tung oil, from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Effective date: Date of publication in the FEDERAL REGISTER.

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

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 70-5164; Filed, Apr. 27, 1970; 8:49 a.m.]

PART 1434—HONEY

Subpart—1970-Crop Honey Loan and Purchase Program

The Honey Price Support Regulations for 1968 and Subsequent Crops (Rev. 1) (34 F.R. 6966) and any amendments thereto, issued by the Commodity Credit Corporation, which contain regulations of a general nature with respect to price support loan and purchase operations, are supplemented for the 1970 crop of honey as follows:

Sec.
1434.40 Purpose.
1434.41 Availability.
1434.42 Maturity of loans.
1434.43 Support rates.
1434.44 Discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1968 and Subsequent Crops, (b) the Cooperative Marketing Association-Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to price support for 1970-crop honey.

§ 1434.41 Availability.

(a) *Loans.* Producers must request a loan on 1970-crop eligible honey on or before March 31, 1971.

(b) *Purchases.* Producers desiring to offer eligible honey not under loan for purchase must complete a Purchase Agreement at the ASCS county office on or before April 30, 1971.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on April 30, 1971.

§ 1434.43 Support rates.

(a) *Table and nontable honey.* The support rate for the quantity of 1970-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color	For Montana, Wyoming, Colorado, New Mexico, and States west thereof	All States east of Montana, Wyoming, Colorado, and New Mexico
	Cents per pound	
Table honey:		
1 White and lighter	13.5	13.9
2 Extra light amber	12.5	12.9
3 Light amber	11.5	11.9
4 Other table honey	9.5	9.9
Nontable honey	9.5	9.9

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determinsd by CCC or a value determined on the basis of the support rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the support rate for nontable honey.

(d) *Substandard.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) *Defects.* The support rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

Standard account of	*Discount (cents per pound)*
Defects	2

(b) *Moisture.* The support rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent)	*Discount (cents per pound)*
18.5	0.0
19.0	0.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

Effective date: Upon publication in the FEDERAL REGISTER.

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

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 70-5165; Filed, Apr. 27, 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 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(19) relating to the State of Texas, a new subdivision (xvi) relating to San Jacinto County is added to read:

(19) *Texas.* * * *

(xvi) That portion of San Jacinto County bounded by a line beginning at the junction of State Highway 150 and Farm to Market Road 2025; thence, following Farm to Market Road 2025 in a southeasterly direction to Farm to Market Road 945; thence, following Farm to Market Road 945 in a generally northwesterly direction to State Highway 150; thence, following State Highway 150 in a northeasterly direction to its junction with Farm to Market Road 2025.

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

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

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

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it 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,
Agricultural Research Service.

[F.R. Doc. 70-5108; Filed, Apr. 27, 1970; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Reporting Requirements

On January 9, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 362) proposed amendments to its regulation 10 CFR Part 32 which would amend the reporting requirements applicable to licensees who import or transfer byproduct material for use under the exemptions from licensing requirements set out in §§ 30.14, 30.15, 30.16, 30.19, and 30.20.

The proposed amendments of §§ 32.16, 32.25, and 32.29 would require licensees to report annually the total quantity of each byproduct material imported or transferred in each type of exempt item, and the total number of each exempt item imported or transferred during the reporting period.

The present text of §§ 32.12, 32.16, 32.25, and 32.29 does not clearly require the filing of a report if no imports or transfers of byproduct material have been made during the reporting period. In order that the Commission will have a complete record of all imports or transfers of byproduct material in exempt items, the proposed amendments would also require the licensee to file a report which would furnish the specified information or state that no imports or transfers of byproduct material in exempt items were made during the reporting period.

Under the proposed amendments a person who imports a product for sale or distribution may report either the import or the subsequent transfer of the product. The proposed amendments of §§ 32.12, 32.16, 32.25, and 32.29 also include minor editorial changes which are made for clarity and uniformity of language.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments the Commission has adopted the proposed amendments. The text of the amendments set out below is identical with the text of the proposed amendments published on January 9, 1970.

In some instances a manufacturer or importer may consider the information furnished to the Commission under the reporting requirements to be proprietary data and may wish to request the Commission to withhold such information from public disclosure. A request for withholding should be made in accordance with the procedures set out in § 2.790 of the Commission's rules of practice, 10 CFR Part 2.

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 I, Code of Federal Regulations, Part 32, are published as a document subject to codification to become effective on July 1, 1970.

1. Section 32.12 of 10 CFR Part 32 is revised to read as follows:

§ 32.12 Same: material transfer reports.

Each person licensed under § 32.11 shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall identify the type and quantity of each product or material into which byproduct material has been introduced during the reporting period; name and address of the person who owned or possessed the product or material, into which byproduct material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the byproduct material by the licensee. If no transfers of byproduct material have been made pursuant to § 32.11 during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within 30 days thereafter.

2. Section 32.16 of 10 CFR Part 32 is revised to read as follows:

§ 32.16 Certain items containing byproduct material: reports of import or transfer.

Each person licensed under § 32.14 or § 32.17 shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall include the following information on items imported for sale or distribution or transferred to other persons for use under § 30.15 or § 30.16 of this chapter or equivalent regulations of an Agreement State: (a) A description or identification of the type of each product imported or transferred; (b) for each radionuclide in each type of product, the total quantity of the radionuclide imported or transferred; and (c) the number of units of each type of product imported or transferred during the reporting period. If no imports or transfers of byproduct material have been made pursuant to § 32.14 or § 32.17 during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within 30 days thereafter.

3. Paragraph (c) of § 32.25 of 10 CFR Part 32 is revised to read as follows:

§ 32.25 Conditions of licenses issued under § 32.22: quality control, labeling, and reports of import or transfer.

Each person licensed under § 32.22 shall:

* * * * *

(c) File an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall include the following information on products imported for sale or distribution or transferred to other persons for use under § 30.19 of this chapter or equivalent regulations of an Agreement State: (1) A description or identification of the type of each product imported or transferred; (2) for each radionuclide in each type of product, the total quantity of the radionuclide imported or transferred; and (3) the number of units of each type of product imported or transferred during the reporting period. If no imports or transfers of byproduct material have been made pursuant to § 32.22 during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within 30 days thereafter.

4. Paragraph (c) of § 32.29 of 10 CFR Part 32 is revised to read as follows:

§ 32.29 Conditions of licenses issued under § 32.26: quality control, labeling, and reports of import or transfer.

Each person licensed under § 32.26 shall:

* * * * *

(c) File an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, which shall include the following information on products

imported for sale or distribution or transferred to other persons for use under § 30.20 of this chapter or equivalent regulations of an Agreement State: (1) A description or identification of the type of each product imported or transferred; (2) for each radionuclide in each type of product, the total quantity of the radionuclide imported or transferred; and (3) the number of units of each type of product imported or transferred during the reporting period. If no imports or transfers of byproduct material have been made pursuant to § 32.26 during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within 30 days thereafter.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 16th day of April 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-5112; Filed, Apr. 27, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 70-WE-16]

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

Alteration of Control Zone and Transition Area

On March 7, 1970, a notice of proposed rule making was published in the Federal Register (35 F.R. 4264) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Baker, Oregon, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., June 25, 1970.

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

Issued in Los Angeles, Calif., on April 17, 1970.

Ned K. Zartman,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Baker, Oreg., control zone is amended to read as follows:

Baker, Oreg.

Within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.), and within 3 miles each side of the Baker VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Baker, Oreg., transition area is amended to read as follows:

Baker, Oreg.

That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138° and 317° radials extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of the V-298.

[F.R. Doc. 70-5137; Filed, Apr. 27, 1970; 8:47 a.m.]

[Airspace Docket No. 69-SO-157]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to redesignate Restricted Area R-5311, Fort Bragg, N.C.

At present, R-5311 is designated for the sole use of the Commanding General, Fort Bragg, N.C. The designated altitude is from the surface to 29,000 feet MSL. At a recent evaluation of R-5311 by the Department of the Army and the Federal Aviation Administration (FAA), it was determined that the airspace from 18,000 to 29,000 feet MSL could be released to the FAA most of the time. The extensive use of the airspace below 18,000 feet MSL by the Department of the Army requires that it remain sole use. Therefore, action is taken herein to stratify R-5311 into two areas: R-5311A will be sole use from the surface up to but not including 18,000 feet MSL; R-5311B will be joint use from 18,000 to 29,000 feet MSL. The lateral dimensions will not be changed.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., June 25, 1970, as hereinafter set forth.

1. Section 71.151 (35 F.R. 2043) is amended by adding "R-5311B Fort Bragg; N.C."

2. Section 73.53 (35 F.R. 2343) is amended as follows:

a. In the title of R-5311 Fort Bragg, N.C., "R-5311" is deleted and "R-5311A" is substituted therefor. In the text, "Designated altitude: Surface to 29,000 feet MSL." is deleted and "Designated altitudes: Surface to but not including 18,000 feet MSL." is substituted therefor.

b. The following restricted area is added:

R-5311B Fort Bragg, N.C.

Boundaries: Beginning at lat. 35°10'46" N., long. 79°01'56" W.; to lat. 35°08'47" N., long. 79°02'00" W.; to lat. 35°07'00" N., long. 79° 02'30" W.; to lat. 35°05'35" N., long. 79°01' 50" W.; to lat. 35°02'55" N., long. 79°05'40" W.; to lat. 35°02'45" N., long. 79°20'10" W.; to lat. 35°07'05" N., long. 79°22'50" W.; to lat. 35°09'40" N., long. 79°20'10" W.; thence along Little River to point of beginning.

Designated altitudes: From 18,000 to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, ARTC Center, Washington.

Using agency: Commanding General, Fort Bragg, N.C.

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

Issued in Washington, D.C., on April 21, 1970.

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

[F.R. Doc. 70-5138; Filed, Apr. 27, 1970; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10272; Amdt. 95-192]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective May 28, 1970 as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes*—United States is amended to delete:

From, To, and MEA

Asheville, N.C., VOR; Gilkey INT, N.C.; 6,000. *6,000—MCA Gilkey INT, westbound.

Bahamas Routes

1 Lima:

Eleuthera, Bahamas, AAFB RBN; San Salvador, Bahamas, AAFB RBN; *2,000. *1,200—MOCA.

From, To, and MEA

San Salvador, Bahamas, AAFB RBN; South Caicos, Bahamas, RBN; *2,000. *1,200—MOCA.

2 Lima:

Nassau, Bahamas, RBN; San Salvador, Bahamas, AAFB RBN; *2,000. *1,400—MOCA.

San Salvador, Bahamas, AAFB RBN; Great Inagua Island, Bahamas, RBN; *3,000. *1,300—MOCA.

56V:

Nassau, Bahamas, VOR; *Wallace INT, Bahamas; **2,000. *4,000—MRA. **1,400—MOCA.

Wallace INT, Bahamas; *Major INT, Bahamas; **3,000. *3,000—MRA. **1,200—MOCA.

Major INT, Bahamas; *Abaco INT, Bahamas; **8,500. *10,000—MRA. **1,200—MOCA.

Section 95.1001 *Direct routes*—United States is amended by adding:

Atlanta, Ga., VOR; Collier INT, S.C.; *8,500. *2,200—MOCA.

Collier INT, S.C.; Lexington INT, S.C.; *5,000. *2,000.

Sugarloaf Mountain, N.C., VOR; INT, 084° M rad, Sugarloaf Mountain VOR and 347° M rad, Fort Mill VOR; 6,000.

Gorman, Calif., VORTAC; Los Banos, Calif., VOR; 18,000.

Los Banos, Calif., VOR; Sunol INT, Calif.; 18,000.

Sunol INT, Calif.; Oakland, Calif., VORTAC; 18,000.

Bahama Routes

56V:

Nassau, Bahamas, VOR; High Cay INT, Bahamas; *2,000. *1,400—MOCA.

High Cay INT, Bahamas; *Sturrup INT, Bahamas; **3,500. *6,000—MRA. **1,200—MOCA.

Stirrup INT, Bahamas; Pleasant INT, Bahamas; *8,000. *1,200—MOCA.

Pleasant INT, Bahamas; Abaco INT, Bahamas; *10,000. *1,300—MOCA.

63V:

Freeport, Bahamas, VOR; Burrows INT, Bahamas; *2,000. *1,400—MOCA.

Burrows INT, Bahamas; Sturrup INT, Bahamas; *3,500. *1,200—MOCA.

*Sturrup INT, Bahamas; High Cay INT, Bahamas; **3,500. *6,000—MRA. **1,200—MOCA.

High Cay INT, Bahamas; Nassau, Bahamas, VOR; *2,000. *1,400—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Honey INT, S.C.; Davis INT, S.C.; *3,000. *1,300—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Keystone INT, Iowa, via S. alter; Bussey INT, Iowa, via S. alter.; *2,700. *2,200—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Birmingham, Ala., VOR via W. alter.; Empire INT, Ala., via W. alter.; *2,200. *1,900—MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Greenwood, Miss., VOR; Coldwater INT, Miss.; *2,000. *1,800—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Rankin INT, Miss.; Jackson, Miss., VOR; *2,000. *1,700—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From, To, and MEA

Texarkana, Ark., VOR; De Queen INT, Ark.; *2,300. *1,900—MOCA.

Mason City, Iowa, VOR; Hollandale INT, Minn.; *3,000. *2,600—MOCA.

Hollandale INT, Minn.; Hope INT, Minn.; *3,000. *2,400—MOCA.

Mason City, Iowa, VOR, via W alter; Freeborn INT, Minn., via W alter; *3,000. *2,700—MOCA.

Freeborn INT, Minn., via W alter; *Alma City INT, Minn., via W alter; **4,300. *4,300—MRA. **2,600—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

United States-Canadian border, via N alter.; Buffalo, N.Y., VOR via N alter.; 2,300.

Praire INT, Ill.; Vandalia, Ill., VOR; *2,500. *2,100—MOCA.

Godfrey INT, Ill., via N alter.; Gillespie INT, Ill., via N alter.; *2,500. *2,000—MOCA.

Gillespie INT, Ill., via N alter.; Vandalia, Ill., VOR via N. alter.; *2,500. *2,100—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Prichard INT, Miss., via S alter.; Memphis, Tenn., VOR via S alter.; *2,000. *1,600—MOCA.

Memphis, Tenn., VOR via S alter.; Moscow INT, Tenn., via S alter.; *2,000. *1,700—MOCA.

Statesville INT, Tenn.; Hinch Mountain, Tenn., VOR; 5,000.

Nashville, Tenn., VOR via N alter.; Granville INT, Tenn., via N alter.; *3,000. *2,900—MOCA.

Granville INT, Tenn., via N alter.; Hinch Mountain, Tenn., VOR via N alter.; 5,000.

Centertown INT, Tenn., via S alter.; Hinch Mountain, Tenn., VOR via S alter.; 5,000.

Hinch Mountain, Tenn., VOR; Knoxville, Tenn., VOR; 5,000.

Hinch Mountain, Tenn., VOR via S alter.; Sweetwater INT, Tenn., via S alter.; 5,000.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Belton INT, Tex.; Pendleton INT, Tex.; 2,200.

Pendleton INT, Tex.; Waco, Tex., VOR; 2,000.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Tuscaloosa, Ala., VOR; Birmingham, Ala., VOR; *2,500. *1,900—MOCA.

Rex, Ga., VOR; Madison INT, Ga.; *2,700. *2,200—MOCA.

Augusta, Ga., VOR via S alter.; Sardis INT, Ga., via S alter.; *2,200. *1,900—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Sheridan, Wyo., VOR; *Trail DME Fix, Mont.; **8,000. *6,100—MCA Trail DME Fix, southeastbound. **7,400—MOCA.

Trail DME Fix, Mont.; Billings, Mont., VOR; *6,000. *5,800—MOCA.

Sheridan, Wyo., VOR via E alter.; *Woody DME Fix, Mont., via E alter.; **8,000. *6,200—MCA Woody DME Fix, southeastbound. **7,400—MOCA.

Woody DME Fix, Mont., via E alter.; Billings, Mont., VOR via E alter.; *6,000. *5,900—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

La Grange, Ga., VOR; Tyrone INT, Ga.; *2,700. *2,100—MOCA.

Section 95.6024 *VOR Federal airway 24* is amended to read in part:

From, To, and MEA

Caledonia INT, Minn.; Lone Rock, Wis., VOR; *3,000. *2,600—MOCA.

Rochester, Minn., VOR via S alter.; Waukon, Iowa, VOR via S alter.; *3,000. *2,600—MOCA.

Waukon, Iowa, VOR via S alter.; Lone Rock, Wis., VOR via S alter.; *3,000. *2,600—MOCA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Edgar INT, Wis.; Wausau, Wis., VOR; 3,600.

Wausau, Wis., VOR; Wittenberg INT, Wis.; *3,000. *2,500—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

INT, 121° M rad, Youngstown VOR & 092° M rad, Akron VOR; Clarion, Pa.; VOR; 3,600.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Tuxedo INT, N.C.; Sugarloaf Mountain, N.C., VOR; 6,000.

Sugarloaf Mountain, N.C., VOR; Mitchell INT, N.C.; 8,000.

*Mitchell INT, N.C.; Roan Mountain INT, Tenn.; 9,000. *8,500—MCA Mitchell INT, northbound.

Sugarloaf Mountain, N.C. VOR via W alter.; Owen INT, N.C., via W alter.; 6,000.

Owen INT, N.C., via W alter.; Weaverville INT, S.C., via W alter.; 7,000.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Norma INT, Tenn.; Hinch Mountain, Tenn., VOR; 5,000.

Sale Creek INT, Tenn., via W alter.; Hinch Mountain, Tenn., VOR via W alter.; 5,000.

Hinch Mountain, Tenn., VOR; Pomona INT, Tenn.; 5,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Carter INT, S.C.; Sugarloaf Mountain, N.C., VOR; 6,000.

Sugarloaf Mountain, N.C., VOR; *Mitchell INT, N.C.; 8,000. *8,500—MCA Mitchell INT, northbound.

Mitchell INT, N.C.; Roan Mountain INT, Tenn.; 9,000.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Memphis, Tenn., VOR via N alter.; Moscow INT, Tenn., via N alter.; * 2,000. * 1,700—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Kewanee, Miss., VOR; Jefferson INT, Ala.; 2,300.

Jefferson INT, Ala.; Craig, Ala., VOR; *2,000. *1,600—MOCA.

Gordon INT, Ga.; Mitchell INT, Ga.; **2,300. *2,500—MRA. **1,900—MOCA.

Mitchell INT, Ga.; *Harlem INT, Ga.; **2,300. *3,100—MRA. **1,900—MOCA.

Harlem INT, Ga.; Augusta, Ga., VOR; *2,300. *1,900—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Anthony, Kans., VOR; Ponca City, Okla., VOR; *3,000. *2,600—MOCA.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

From, To, and MEA

Amarillo, Tex., VOR; Plant INT, Tex.; 5,400.
Plant INT, Tex.; Dalhart, Tex., VOR; *5,700. *5,400—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Billings, Mont., VOR; *Trail DME Fix, Mont.; **6,000. *6,100—MCA Trail DME Fix, Southeastbound. **5,800—MOCA.
Trail DME Fix, Mont.; Sheridan, Wyo., VOR; *8,000. *7,400—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Murphy INT, Tenn.; *Howard INT, Tenn.; 8,000. *6,000—MCA Howard INT, southbound.
Howard INT, Tenn.; Tallassee INT, Tenn.; 5,400.
Tallassee INT, Tenn.; Knoxville, Tenn., VOR; 4,200.
Kinzel INT, Tenn., via E alter.; Knoxville, Tenn., VOR via E alter.; 4,200.

Section 95.6111 *VOR Federal airway 111* is amended by adding:

*Cathedral INT, Calif.; Karen INT, Calif.; 6,500. *6,000—MCA Cathedral INT, northeastbound.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Marks INT, La., via N alter.; *Woodville INT, La., via N alter.; **4,000, *3,000—MRA. **1,500—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Crestview, Fla., VOR; Pigeon INT, Ala.; *2,500. *1,700—MOCA.
Pigeon INT, Ala.; Montgomery, Ala., VOR; 2,500.

Section 95.6124 *VOR Federal airway 124* is amended to read in part:

Hot Springs, Ark., VOR; Lonsdale INT, Ark.; 2,500.
Lonsdale INT, Ark.; Little Rock, Ark., VOR; *2,000. *1,800—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Nashville, Tenn., VOR; via S alter.; Granville INT, Tenn., via S alter.; *3,000. *2,900—MOCA.
Granville INT, Tenn., via S alter.; Livingston, Tenn., VOR via S alter.; *3,400. *3,200—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Birmingham, Ala., VOR via N alter.; Empire INT, Ala., via N alter.; *2,200. *1,900—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Ardmore, Okla., VOR; Pharoah INT, Okla.; *3,000. *2,800—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Linden INT, Iowa; *Manning INT, Iowa; **4,500, *3,900—MRA. **2,800—MOCA.
Manning INT, Iowa; Sioux City, Iowa, VOR; *4,000. *2,800—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

From, To, and MEA

Wausau, Wis., VOR; Rib Lake INT, Wis.; 3,600.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

Dover INT, Ga.; Sardis INT, Ga.; *2,500. *1,300—MOCA.
Inman INT, S.C.; Sugarloaf Mountain, N.C., VOR; 6,000.
Sugarloaf Mountain, N.C., VOR; Owen INT, N.C.; 6,000.
Sugarloaf Mountain, N.C., VOR via E alter.; Weaverville INT, N.C., via E alter.; 8,000.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

*Lake INT, Ariz.; Grapevine INT, Ariz., northeastbound 12,000; southwestbound 6,400. *8,600—MCA Lake INT, northeastbound.
Grapevine INT, Ariz.; *Salt River INT, Ariz.; **#12,000, *14,000—MRA. **9,700—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

Wausau, Wis., VOR; Rhinelander, Wis., VOR; *3,600. *3,000—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Brookley, Ala., VOR; *Daphne INT, Ala.; **2,000. *2,000—MRA. **1,400—MOCA.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

INT 034° M rad, SPARTA VOR and 250° M rad, Pawling VOR; Pawling, N.Y., VOR; 3,000.

Section 95.6218 *VOR Federal airway 218* is amended to read in part:

Rochester, Minn., VOR; Waukon, Iowa, VOR; *3,000. *2,600—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Sunset INT, S.C.; Sugarloaf Mountain, N.C., VOR; 6,000. Sugarloaf Mountain, N.C., VOR; Valdese INT, N.C., 6,000.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Yatesville INT, Ga.; Griffin INT, Ga.; *2,600. *2,000—MOCA.

Section 95.6252 *VOR Federal airway 252* is amended to read in part:

Binghamton, N.Y., VOR; INT, 132° M rad, Binghamton VOR and 359° M rad, Lake Henry VOR; 4,000.
INT, 132° M rad, Binghamton VOR and 359° M rad, Lake Henry VOR; Rowlands INT, N.Y.; 4,400.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Kinzel INT, Tenn.; Knoxville, Tenn., VOR; 4,200.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Tuscaloosa, Ala., VOR via S alter.; Birmingham, Ala., VOR via S alter.; *2,500. *1,900—MOCA.
Dallas, Tex., VOR; Paris, Tex., VOR; *2,400. *1,900—MOCA.

Section 95.6296 *VOR Federal airway 296* is amended to read in part:

From, To, and MEA

Sugarloaf Mountain, N.C., VOR; *Rutherford INT, N.C.; 6,000. *5,000—MCA Rutherford INT, northwest bound.

Section 95.6310 *VOR Federal airway 310* is amended to read in part:

Jefferson INT, N.C.; Burch INT, N.C.; *6,000. *5,200—MOCA.

Section 95.6311 *VOR Federal airway 311* is amended to read in part:

Greenwood, S.C., VOR; Lexington INT, S.C.; *2,300. *2,100—MOCA.

Section 95.6333 *VOR Federal airway 333* is amended to read in part:

Hinch Mountain, Tenn., VOR; Jamestown INT, Tenn; 5,000.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Rex, Ga., VOR; Madison INT, Ga.; *2,700. *2,200—MOCA.

Section 95.6516 *VOR Federal airway 516* is amended to read in part:

Anthony, Kans., VOR; Ponca City, Okla., VOR; *3,000. *2,600—MOCA.

Section 95.7149 *Jet Route No. 149* is amended to read in part:

From, To, MEA, and MAA

Casanova, Va., VORTAC; Weston INT, W. Va.; 18,000; 45,000.
Weston INT, W. Va.; Harrisville INT, W. Va.; 27,000; 45,000.
Harrisville INT, W. Va.; Rosewood, Ohio, VORTAC; 18,000; 45,000.

Section 95.7152 *Jet Route No. 152* is amended to read in part:

Rosewood, Ohio, VORTAC; Standpipe INT, Pa.; 18,000; 45,000. Standpipe INT, Pa.; West View INT, Pa.; 30,000; 41,000. West View INT, Pa.; Harrisburg, Pa., VORTAC; 18,000; 45,000.

Section 95.7507 Jet Route No. 507 is amended by adding:

Prudhoe Bay, Alaska, NDB; Fort Yukon, Alaska, VOR; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; To—Changeover point: Distance; from

V-*16* is amended to read in part:
Nashville, Tenn., VOR; Hinch Mountain, Tenn., VOR; 30; Nashville.

Section 95.8005 *Jet routes changeover points:*

J-30 is amended to read in part:
Selinsgrove, Pa., VOR; East Texas, Pa., VOR; 20; Selinsgrove.
J-501 is amended to delete:
Johnstone Point, Alaska, VOR; Anchorage, Alaska, VORTAC; 45; Anchorage.
J-502 is amended to delete:
Annette Island, Alaska, VOR; Sisters Island, Alaska, VOR; 116; Sisters Island.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on April 20, 1970.

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-5019; Filed, Apr. 27, 1970; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-105]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

Net amount of bounty declared for the period November 1969 through March 1970 for products of Australia subject to the countervailing duty order published in T.D. 54582.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period November 1969 through March 1970 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

Month	*Net amount of bounty per 2,240 lbs. of sugar content* (Aus.)
November 1969	$92.30
December 1969	91.90
January 1970	94.70
February 1970	89.00
March 1970	87.90

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 69-207 and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury Decision	Action
• • •	• • •	• • •	• • •
		69-229	New rate.
		69-253	Do.
			Do.
• • •	• • •	70-105	• • •

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: April 22, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-5172; Filed, Apr. 27, 1970; 8:50 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

Miscellaneous Amendments

In the FEDERAL REGISTER of March 21, 1970, there was published on page 4965 a notice of proposed rule making to amend the regulations in Part 360 of Title 31 of the Code of Federal Regulations (also appearing as Department Circular No. 21, Revised) governing the indorsement and payment of checks drawn on the Treasurer of the United States. After consideration of all such relevant matter as was presented by interested persons, the proposed amendments are adopted, effective May 1, 1970, subject to the following change:

Section 360.12(c) is changed by deleting the internal numbering.

Standard Form 233, the special power of attorney form, has been revised to correspond to the amendments, and will be available after June 1, 1970, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401, in accord with 31 CFR 360.12(h). In the meantime existing supplies of the Form may be used.

Dated: April 22, 1970.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

The amendments are as follows:

1. Section 360.2 is amended by adding below the definition of "Federal Reserve Bank" a new definition to read:

"Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal of State chartered credit union.

2. Section 360.8(b) is amended, to delete the word "bank" wherever it appears and substitute therefor the term "financial organization", and to revoke the final sentence thereof, so as to read in its entirety:

(b) *Indorsement of checks by a financial organization under the payee's authorization.* When a check is credited by a financial organization to the payee's account under his authorization, the financial organization may use an indorsement substantially as follows:

Credit to the account of the within-named payee in accordance with payee's or payees' instructions. Absence of indorsement guaranteed.

XYZ

A financial organization using this form of indorsement shall be deemed to guarantee to all subsequent indorsers and to the Treasurer that it is acting as an attorney in fact for the payee or payees, under his or their, authorization.

3. Section 360.8(c) is amended to delete the phrase "as defined in Part 209 of this chapter", so as to read in its entirety:

(c) *Indorsement of checks drawn in favor of financial organizations.* All checks drawn in favor of financial organizations, for credit to the accounts of persons designating payment so to be made, shall be indorsed in the name of the financial organization as payee in the usual manner. Financial organizations receiving and indorsing such checks shall comply fully with Part 209 of this chapter.

4. Section 360.12(b) is amended to delete in the opening clause the word "bank" and substitute therefor the term "financial organization", so as to read in pertinent part:

(b) *General powers of attorney.* Checks issued for the following classes of payments may be negotiated under a general power of attorney in favor of an individual, financial organization or other entity:

5. Section 360.12(c) is amended by deleting the internal numbering, and by deleting the terms "banking institution or trust company" and substituting therefor the term "financial organization", so as to read in its entirety:

(c) *Special powers of attorney.* Under decisions of the Comptroller General of the United States, classes of checks other than those specified in paragraph (b) of this section may be negotiated under a special power of attorney which names a financial organization as attorney in fact, is limited to a period not exceeding 12 months, and recites that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney in fact or to any other person.

6. The appendix is amended by deleting from the description of Standard Form 233 the terms "responsible banking institution or trust company" and substituting therefor the term "financial organization", so as to read in pertinent part:

APPENDIX—STANDARD FORMS FOR POWER OF ATTORNEY AND THEIR APPLICATION

• • • • •

Standard Form 233. A special power of attorney on this form naming a financial organization as attorney in fact, * * *

* * * * *

Standard Form 233 itself is revised so as to delete the terms "responsible banking institution or trust company" wherever they appear and substitute therefor the term "financial organization", in accord with the foregoing amendments.

[F.R. Doc. 70-5171; Filed, Apr. 27, 1970; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

U.S. Government National Credit Card

Procedures are provided to permit Federal agencies to maintain greater administrative control over the use of the U.S. Government National Credit Card.

The table of contents for Part 101–26 is amended to change the title for § 101–26.406–4 as follows:

Sec.
101–26.406–4 Administrative control of credit cards.

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

Sections 101–26.406–1 and 101–26.406–4 are revised and §§ 101–26.406–5 and 101–26.406–6 are amended to read as follows:

§ 101–26.406–1 General.

(a) Standard Form 149, U.S. Government National Credit Card (illustrated in § 101–26.4901–149) is authorized for use by Federal agencies for obtaining authorized services and delivery of supplies at service stations dispensing supplies of contractors listed in Defense Fuel Supply Center Contract Bulletin DSA600–3.33. Activities requiring copies of the bulletin should submit requests to: Commander, Defense Fuel Supply Center, Attention: DFSC:PS, Cameron Station, Alexandria, Va., 22314.

(b) The use of Standard Form 149 is optional. However, the use of the form within an agency must be on a bureau-wide or equivalent basis.

§ 101–26.406–4 Administrative control of credit cards.

(a) When it is determined by Federal agencies that it is essential to maintain administrative control of Standard Form 149, U.S. Government National Credit Card, or for any other justifiable reason, any or all of the following controls may be utilized:

(1) The tag or registration number of the vehicle may be embossed on the fifth line of the credit card so that it may be used only for supplies and services for the vehicle bearing the tag or registration number marked thereon. If no number is shown, the credit card may be used for supplies and services for any properly identified U.S. Government vehicle, boat, or small aircraft.

(2) An expiration date (month and year) may be embossed on the extreme right side of the fourth line of the credit card.

(3) An agency series mark to identify the credit card as a replacement may be embossed on the extreme right side of the fifth line of the credit card.

(b) In the event a credit card is lost, stolen, or damaged, the agency shall secure and issue a replacement card. If the lost, stolen, or damaged credit card is recovered, it shall be destroyed. Whenever a credit card is embossed with a tag number and the license tag is destroyed or expires or if the credit card bears an expiration date which has expired, it shall be destroyed.

§ 101–26.406–5 Methods of obtaining Standard Form No. 149, U.S. Government National Credit Card.

* * * * *

(b) * * *

(2) Each agency shall furnish the billing code and billing address and, where appropriate, the vehicle tag or registration number, for each Standard Form 149 requisitioned. Such information shall accompany the requisition and shall be limited to five lines with no more than 22 characters (including spaces) per line. Where appropriate, the expiration date and the agency series mark shall also be included in the requisition.

* * * * *

§ 101–26.406–6 Notice to GSA of assignment of billing codes and billing addresses.

(a) Agencies shall notify GSA of assignments of Standard Form 149 billing codes and billing addresses. Such notices shall be submitted to: General Services Administration, Federal Supply Service, Procurement Operations Division—FPNG, Washington, D.C. 20406. In the interest of uniformity, it is requested that agencies, in submitting notices, use the following format:

TO: General Services Administration,
Federal Supply Serivce,
Procurement Operations Division—FPNG,
Washington, D.C. 20406.

---------- has assigned.
(*Agency, bureau, service, or other purchasing activity*)

The billing code(s) and billing address(es) as listed below, or attached hereto, to Standard Form 149:

000 000 000
Name of agency
Street address
City, State, ZIP Code
Tag, or registration number

Expiration date (month, year)
Agency series

---------- *Contracting Officer*

NOTE: Tag or registration number, expiration date, and agency series mark optional on part of requesting activity.

* * * * *

(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 22, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-5122; Filed, Apr. 27, 1970; 8:46 a.m.]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Procurement of Electronic Items

This amendment provides policy guidance concerning acquisition of electronic items from the Defense Supply Agency, Department of Defense.

The table of contents for Part 101–26 is amended by the addition of new entries as follows:

Sec.
101–26.603 Electronic items available from the Defense Supply Agency.
101–26.603–1 Billing.
101–26.603–2 Payment.
101–26.603–3 Adjustments.
101–26.603–4 Emergency requirements.

Subpart 101–26.6—Procurement Sources Other Than GSA

Sections 101–26.603 through 101–26.603–4 are added as follows:

§ 101–26.603 Electronic items available from the Defense Supply Agency.

Requirements of executive agencies for electronic items listed in the Federal Supply Catalog shall be obtained from the Defense Electronics Supply Center, Defense Supply Agency, Department of Defense. Other Federal agencies are encouraged to use the Defense Electronics Supply Center as a source of supply for their electronic requirements. The Defense Supply Agency has made available for use by civil agencies a Federal supply catalog for those Federal Supply Group 59 items for which the Defense Electronics Supply Center has been designated as the primary source of supply. Requisitions shall be prepared in accordance with the FEDSTRIP Operating Guide (FPMR 101–26.2) and submitted to the Defense Electronics Supply Center, 1507 Wilmington Pike, Dayton, Ohio 45401, using routing identifier S9E.

§ 101–26.603–1 Billing.

Unless other arrangements have been made between the Defense Supply Agency and the requisitioning activity, billings for sales will be rendered at least monthly on Standard Form 1080, Voucher for Transfers Between Appropriation and/or Funds, supported by a listing of documents including identification of requisitions and related cards reflecting data pertaining to the gross sale, the retail loss allowance, and any credits for adjustments applicable to prior billings. In

addition to these charges, an accessorial charge will be made on shipments destined for overseas to cover expenses incident to overseas packing, handling, and transportation. The Defense Electronics Supply Center shall be provided with a continental U.S. address for payment of bills for overseas shipments.

§ 101–26.603–2 Payment.

Payments are expected to be made within 15 days of receipt of the Standard Form 1080 from the Defense Electronics Supply Center. Payment shall not be deferred until receipt of shipment or withheld pending resolution of adjustments.

§ 101–26.603–3 Adjustments.

Requests for billing adjustments should be submitted to the Defense Electronics Supply Center.

§ 101–26.603–4 Emergency requirements.

In cases of public exigency, electronic items available from the Defense Supply Agency may be procured from other sources as provided in § 1–3.202.

(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 22, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70–5123; Filed, Apr. 27, 1970; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7037]

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Quarterly Payment of Federal Unemployment Tax

In order to conform the Employment Tax Regulations (26 CFR Part 31) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by sections 1, 2, and 4 of the Act of August 7, 1969 (Public Law 91–53, 83 Stat. 91), such regulations are amended to read as follows:

Employment tax regulations (26 CFR Part 31):

PARAGRAPH 1. Section 31.3306(a) is amended by revising section 3306(a) and the historical note to read as follows:

§ 31.3306(a) Statutory provisions; definitions; employer.

SEC. 3306. *Definitions*—(a) *Employer.* For purposes of this chapter, the term "employer" does not include any person unless on each of some 20 days during the taxable year or during the preceding taxable year, each day being in a different calendar week, the total number of individuals who were employed by him in employment for some portion of the day (whether or not at the same moment of time) was 4 or more.

[Sec. 3306(a) as amended by sec. 1, Act of Sept. 1, 1954 (Public Law 767, 83d Cong., 68 Stat. 1130); sec. 1, Act of Aug. 7, 1969 (Public Law 91–53, 91st Cong., 83 Stat. 91)]

PAR. 2. Section 31.3306(a)–1 is amended by revising paragraph (a)(1) and by inserting after paragraph (a)(1) a new paragraph (a)(1a). These amended and added provisions read as follows:

§ 31.3306(a)–1 Who are employers.

(a) *Definition*—(1) *For calendar years 1956 through 1969, inclusive.* Every person who employs 4 or more employees in employment (within the meaning of section 3306 (c) and (d)) on a total of 20 or more calendar days during any calendar year after 1955 and before 1970, each such day being in a different calendar week, is with respect to such year an employer subject to the tax.

(1a) *For 1970 and subsequent calendar years.* Every person who employs 4 or more employees in employment (within the meaning of section 3306 (c) and (d)) on a total of 20 or more calendar days during a calendar year after 1969, or during the calendar year immediately preceding such a calendar year, each such day being in a different calendar week, is with respect to such year an employer subject to the tax.

* * * * *

PAR. 3. Section 31.6151–1 is amended by revising paragraph (b) to read as follows:

§ 31.6151–1 Time for paying tax.

* * * * *

(b) *Cross references.* For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes, see §§ 31.6302 (c)–1, 31.6302(c)–2, and 31.6302(c)–3. For rules relating to the payment of taxes in nonconvertible foreign currency, see § 301.6316–7 of this chapter (Regulations on Procedure and Administration).

PAR. 4. There are inserted immediately after § 31.6151–1 the following new sections:

§ 31.6157 Statutory provisions; payment of Federal unemployment tax on quarterly or other time period basis.

SEC. 6157. *Payment of Federal unemployment tax on quarterly or other time period basis*—(a) *General rule.* Every person who for the calendar year is an employer (as defined in section 3306(a)) shall—

(1) If the person in the preceding calendar year employed four or more employees in employment (within the meaning of section 3306 (c) and (d)) on each of some 20 days during such preceding calendar year, each such day being in a different calendar week, compute the tax imposed by section 3301 for each of the first three calendar quarters in the calendar year, and

(2) If paragraph (1) does not apply, compute the tax imposed by section 3301—

(A) For the period beginning with the first day of the calendar year and ending with the last day of the calendar quarter (excluding the last calendar quarter) in which such person becomes such an employer, and

(B) For the third calendar quarter of such year, if the period specified in subparagraph (A) includes only the first two calendar quarters of the calendar year.

The tax for any calendar quarter or other period shall be computed as provided in subsection (b) and the tax as so computed shall, except as otherwise provided in subsections (c) and (d), be paid in such manner and at such time as may be provided in regulations prescribed by the Secretary or his delegate.

(b) *Computation of tax.* The tax for any calendar quarter or other period referred to in paragraph (1) or (2) of subsection (a) shall be computed by multiplying the amount of wages (as defined in section 3306(b)) paid in such calendar quarter or other period by the number of percentage points (including fractional points) by which the rate of tax specified in section 3301 exceeds 2.7 percent.

(c) *Special rule for calendar years 1970 and 1971.* For purposes of subsection (a), the tax computed as provided in subsection (b) for any calendar quarter or other period shall be reduced (1) by 66⅔ percent if such quarter or period is in 1970, and (2) by 33⅓ percent if such quarter or period is in 1971.

(d) *Special rule where accumulated amount does not exceed $100.* Nothing in this section shall require the payment of tax with respect to any calendar quarter or other period if the tax under section 3301 for such period, plus any unpaid amounts for prior periods in the calendar year, does not exceed $100.

[Sec. 6157 as added by sec. 2(a), Act of Aug. 7, 1969 (Public Law 91–53, 91st Cong., 83 Stat. 91)]

§ 31.6157–1 Cross reference.

For provisions relating to the time and manner of depositing the tax imposed by section 3301, see the provisions of § 31.6302(c)–3.

PAR. 5. There is inserted immediately after § 31.6161(a)(1)–1 the following new section:

§ 31.6201(b) Statutory provisions; assessment authority; amount not to be assessed; Federal unemployment tax.

SEC. 6201. *Assembly authority.* * * *

(b) *Amount not to be assessed.* * * *

(2) *Federal unemployment tax.* No unpaid amount of Federal unemployment tax for any calendar quarter or other period of a calendar year, computed as provided in section 6157, shall be assessed.

[Sec. 6201 as amended by sec. 2(b), Act of Aug. 7, 1969 (Public Law 91–53, 91st Cong., 83 Stat. 92)]

§ 31.6302(c)–4 [Redesignated]

PAR. 6. Section 31.6302(c)–3 is redesignated as § 31.6302(c)–4.

PAR. 7. There is inserted immediately after § 31.6302(c)–2 the following new section:

§ 31.6302(c)–3 Use of Government depositaries in connection with tax under the Federal Unemployment Tax Act.

(a) *Requirement*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, every person who, by

reason of the provisions of section 6157, computes the tax imposed by section 3301 on a quarterly or other time period basis shall—

(i) If he is a person described in subsection (a)(1) of section 6157, deposit the amount of such tax with a Federal Reserve bank or with an authorized commercial bank on or before the last day of the first calendar month following the close of each of the first three calendar quarters in the calendar year, or

(ii) If he is a person other than a person described in subsection (a)(1) of section 6157, deposit the amount of such tax with a Federal Reserve bank or with an authorized commercial bank on or before the last day of the first calendar month following the close of—

(*a*) The period beginning with the first day of the calendar year and ending with the last day of the calendar quarter (excluding the last calendar quarter) in which such person becomes an employer (as defined in section 3306(a)), and

(*b*) The third calendar quarter of such year, if the period specified in (*a*) of this subdivision includes only the first two calendar quarters of the calendar year.

(2) *Special rule where accumulated amount does not exceed $100.* The provisions of subparagraph (1) of this paragraph shall not apply with respect to any period described therein if the amount of the tax imposed by section 3301 for such period as computed under the provisions of section 6157, plus amounts not deposited for prior periods does not exceed $100. Thus, an employer shall not be required to make a deposit for a period unless his tax for such period plus tax not deposited for prior periods exceeds $100.

(b) *Depositary forms*—(1) *In general.* A deposit required to be made by an employer under this section shall be made separately from a deposit required by any other section. An employer may make one, or more than one, remittance of the amount required to be deposited. An amount of tax which is not required to be deposited may nevertheless be deposited if the employer so desires.

(2) *Use of Federal Unemployment Tax Deposit Form.* Each remittance of amounts required to be deposited under this section shall be accompanied by a prepunched and preinscribed Federal Unemployment Tax Deposit form (Form 508) which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with Form 508, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, first revision, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank.

(3) *Time deemed paid.* In general, amounts deposited under this section shall be considered as paid on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later. For purposes of section 6511 and the regulations thereunder, relating to period of limitation on credit or refund, if an amount is so deposited prior to the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), such amount shall be considered as paid on such last day.

(4) *Procurement of prescribed forms.* Copies of the applicable deposit form will so far as possible be furnished employers. An employer will not be excused from making a deposit, however, by the fact that no form has been furnished to him. An employer not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The employer may secure the form or additional forms by applying therefor and supplying his name, identification number, address and the taxable year to which the deposits will relate. Copies of Form 508 may be secured by application to the district director of a service center.

(d) *Effective date.* The provisions of this section apply with respect to calendar years beginning after December 31, 1969.

PAR. 8. There is inserted immediately after § 31.6302(c)–4 the following new section:

§ 31.6317 Statutory provisions; payments of Federal unemployment tax for calendar quarter.

SEC. 6317. *Payments of Federal unemployment tax for calendar quarter.* Payment of Federal unemployment tax for a calendar quarter or other period within a calendar year pursuant to section 6157 shall be considered payment on account of the tax imposed by chapter 23 of such calendar year.

[Sec. 6317 as added by sec. 2(c), Act of Aug. 7, 1969 (Public Law 91–53, 91st Cong. 83 Stat. 92)]

PAR. 9. There are inserted immediately after § 31.6414–1 the following new sections:

§ 31.6513(e) Statutory provisions; time return deemed filed and tax considered paid; payments of Federal unemployment tax.

SEC. 6513. *Time return deemed filed and tax considered paid.* * * *

(e) *Payments of Federal unemployment tax.* Notwithstanding subsection (a), for purposes of section 6511 any payment of tax imposed by chapter 23 which, pursuant to section 6157, is made for a calendar quarter or other period within a calendar year shall, if made before the last day prescribed for filing the return for the calendar year (determined without regard to any extension of time for filing) be considered made on such last day.

[Sec. 6513(e) as added by sec. 2(d), Act of Aug. 7, 1969 (Public Law 91–53, 91st Cong., 83 Stat. 92)]

§ 31.6601(k) Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax; exception as to Federal unemployment tax.

SEC. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax.* * * *

(k) *Exception as to Federal unemployment tax.* This section shall not apply to any failure to make a payment of tax imposed by section 3301 for a calendar quarter or other period within a taxable year required under authority of section 6157.

[Sec. 6601(k) as added by sec. 2(e), Act of Aug. 7, 1969 (Public Law 91–53, 91st Cong., 83 Stat. 92)]

Regulations on procedure and administration (26 CFR Part 301):

PAR. 10. Chapter I of Title 26 of the Code of Federal Regulations is amended by striking out § 301.6157 and the historical note and inserting in lieu thereof a new § 301.6157 to read as follows:

§ 301.6157 Statutory provisions; payment of Federal unemployment tax on quarterly or other time period basis.

SEC. 6157. *Payment of Federal unemployment tax on quarterly or other time period basis*—(a) *General rule.* Every person who for the calendar year is an employer (as defined in section 3306(a)) shall—

(1) If the person in the preceding calendar year employed 4 or more employees in employment (within the meaning of section 3306 (c) and (d)) on each of some 20 days during such preceding calendar year, each such day being in a different calendar week, compute the tax imposed by section 3301 for each of the first three calendar quarters in the calendar year, and

(2) If paragraph (1) does not apply, compute the tax imposed by section 3301—

(A) For the period beginning with the first day of the calendar year and ending with the last day of the calendar quarter (excluding the last calendar quarter) in which such person becomes such an employer, and

(B) For the third calendar quarter of such year, if the period specified in subparagraph (A) includes only the first two calendar quarters of the calendar year.

The tax for any calendar quarter or other period shall be computed as provided in subsection (b) and the tax as so computed shall, except as otherwise provided in subsections (c) and (d), be paid in such manner and at such time as may be provided in regulations prescribed by the Secretary or his delegate.

(b) *Computation of tax.* The tax for any calendar quarter or other period referred to in paragraph (1) or (2) of subsection (a) shall be computed by multiplying the amount of wages (as defined in section 3306(b)) paid in such calendar quarter or other period by the number of percentage points (including fractional points) by which the rate of tax specified in section 3301 exceeds 2.7 percent.

(c) *Special rule for calendar years 1970 and 1971.* For purposes of subsection (a), the tax computed as provided in subsection (b) for any calendar quarter or other period shall be reduced (1) by 66⅔ percent if such quarter or period is in 1970, and (2) by 33⅓ percent if such quarter or period is in 1971.

(d) *Special rule where accumulated amount does not exceed $100.* Nothing in this section shall require the payment of tax with respect to any calendar quarter or other period if the tax under section 3301 for such period, plus any unpaid amounts for prior periods in the calendar year, does not exceed $100.

[Sec. 6156 as renumbered by sec. 203(c)(1), Federal-Aid Highway Act 1961 (75 Stat. 125); as struck and added by sec. 2(a), Act of Aug. 7, 1969 (Public Law 91–53, 91st Cong., 83 Stat. 91)]

PAR. 11. Section 301.6201 is amended by revising subsection (b) of section

6201, and by adding a historical note. These amended and added provisions read as follows:

§ 301.6201 Statutory provisions; assessment authority.

SEC. 6201. *Assessment authority.* * * *

(b) *Amount not to be assessed*—(1) *Estimated income tax.* No unpaid amount of estimated tax under section 6153 or 6154 shall be assessed.

(2) *Federal unemployment tax.* No unpaid amount of Federal unemployment tax for any calendar quarter or other period of a calendar year, computed as provided in section 6157, shall be assessed.

[Sec. 6201 as amended by sec. 2(b), Act of Aug. 7, 1969 (Public Law 91-53, 91st Cong., 83 Stat. 92)]

PAR. 12. There is inserted immediately after § 301.6316-9 the following new section:

§ 301.6317 Statutory provisions; payments of Federal unemployment tax for calendar quarter.

SEC. 6317. *Payments of Federal unemployment tax for calendar quarter.* Payment of Federal unemployment tax for a calendar quarter or other period within a calendar year pursuant to section 6157 shall be considered payment on account of the tax imposed by chapter 23 of such calendar year.

[Sec. 6317 as added by sec. 2(c), Act of Aug. 7, 1969 (Public Law 91-53, 91st Cong., 83 Stat. 92)]

PAR. 13. Section 301.6513 is amended by adding a new subsection (e) to section 6513, and by revising the historical note. These amended and added provisions read as follows:

§ 301.6513(e) Statutory provisions; time return deemed filed and tax considered paid.

SEC. 6513. Time return deemed filed and *tax considered paid.* * * *

(e) *Payments of Federal unemployment tax.* Notwithstanding subsection (a), for purposes of section 6511 any payment of tax imposed by chapter 23 which, pursuant to section 6157, is made for a calendar quarter or other period within a calendar year shall, if made before the last day prescribed for filing the return for the calendar year (determined without regard to any extension of time for filing), be considered made on such last day.

[Sec. 6513 as amended by sec. 105(f) (1) and (2), Foreign Investors Tax Act 1966 (80 Stat. 1567); sec. 2(d), Act of Aug. 7, 1969 (Public Law 91-53, 91st Cong., 83 Stat. 92)]

PAR. 14. Section 301.6601 is amended by redesignating subsection (j) as subsection (l), by inserting after subsection (i) new subsections (j) and (k), and by revising the historical note. These revised and added provisions read as follows:

§ 301.6601 Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.

* * * * *

(j) *Extensions of time for payment of tax attributable to recoveries of foreign expropriation losses.* If the time for payment of an amount of the tax attributable to a recovery of a foreign expropriation loss (within the meaning of section 6167(f)) is extended as provided in subsection (a) or (b) of section 6167, interest shall be paid at the rate of 4 percent, in lieu of 6 percent as provided in subsection (a).

(k) *Exception as to Federal unemployment tax.* This section shall not apply to any failure to make a payment of tax imposed by section 3301 for a calendar quarter or other period within a taxable year required under authority of section 6157.

(l) *No interest on certain adjustments.* For provisions prohibiting interest on certain adjustments in tax, see section 6205(a).

[Sec. 6601 as amended by secs. 66(c), 83(a)(1), 84(a), Technical Amendments Act 1958 (72 Stat. 1658, 1663, 1664); sec. 206(e), Small Business Tax Revision Act 1958 (72 Stat. 1685); sec. 203(c)(2), Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 2(e)(3), Revenue Act 1962 (76 Stat. 972); sec. 1(f), Act of Apr. 8, 1966 (Public Law 89-384, 89th Cong., 80 Stat. 104); sec. 2(e), Act of Aug. 7, 1969 (Public Law 91-53, 91st Cong., 83 Stat. 92)]

Because the purpose of this Treasury decision is to provide immediate guidance for the depositing of certain taxes, the requirements for which have previously been enumerated in Technical Information Release, TIR-1024, November 17, 1969, and also in notices mailed to individual taxpayers, it is hereby found impracticable and unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C. section 553(d).

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

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

Approved: April 24, 1970.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 70-5233; Filed, Apr. 27, 1970; 9:39 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 2, 1970 through September 15, 1970, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1970.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

APRIL 20, 1970.

[F.R. Doc. 70-5125; Filed, Apr. 27, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Sport fishing on the National Elk Refuge, Wyo., is permitted only on the areas designated by State fishing orders as open to fishing. These open areas, comprising 327 acres, are delineated on maps available at refuge headquarters, Jackson, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Use of boats or other floating devices is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1970.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson,, Wyo.

APRIL 14, 1970.

[F.R. Doc. 70-5124; Filed, Apr. 27, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONT.

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454–7), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10–2, 10 BIAM 7.0, sections 2.70–2.75, it is proposed to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1971 season.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, U.S. Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont. 59101, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26 and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1971 an assessment of $346,304.71 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 84,848.29 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1971 an assessment of $64,852.12 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,423.12 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1971 an assessment of $27,337.31 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,525.11 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[F.R. Doc. 70-5130; Filed, Apr. 27, 1970; 8:46 a.m.]

Fish and Wildlife Service

[50 CFR Part 80]

RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Technical Assistance

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 919; 16 U.S.C. 669i), and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i), it is proposed to revise Part 80 of Title 50, Code of Federal Regulations, by the addition of a § 80.40 to read as set forth below.

The proposed change will further define management activities of State fish and game departments approvable for reimbursement under the Federal Aid in Fish and Wildlife Restoration Acts and will insure adherence in the administration of these programs to the continuing policy of the Federal Government as stated under title I, section 101(a) of the National Environmental Policy Act of 1969 (Public Law 91–190). The proposed new section is as follows:

§ 80.40 Technical assistance.

Technical assistance provided to individuals, groups, and State, local, or municipal governments by State fish and game departments for matters relating to fish and wildlife management, land use planning, or improvements in environmental quality is approvable under the Federal Aid in Fish and Wildlife Restoration programs.

Although the proposed revision of the regulations is exempt from the rule-making requirements of the Administrative Procedures Act (5 U.S.C. 1003), it is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240 within 30 days of the publication of this notice in the FEDERAL REGISTER.

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

APRIL 20, 1970.

[F.R. Doc. 70-5126; Filed, Apr. 27, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1032, 1050]

[Dockets Nos. AO-355-A8, AO-313-A19]

MILK IN CENTRAL ILLINOIS AND SOUTHERN ILLINOIS MARKETING AREAS

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

This notice is supplemental to the notice of hearing which was issued on April 8, 1970, and published in the FEDERAL REGISTER on April 11, 1970 (35 F.R. 6009). Notice is hereby given that a joint hearing will be held at the Pere Marquette Hotel, 501 Main Street, Peoria, Ill., beginning at 10 a.m., local time, on May 13, 1970, with respect to proposed amendments previously announced to the tentative marketing

agreement and to the order regulating the handling of milk in the Central Illinois marketing area and to the additional proposed amendment set forth herein to the tentative marketing agreement and the order regulating the handling of milk in the Southern Illinois marketing area.

Further notice is hereby given 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), that the hearing notice issued April 8, 1970 (35 F.R. 6009), is hereby amended by adding the following proposals with respect to the Southern Illinois order.

Proposed by Associated Milk Producers, Inc., Mid-America Dairymen, Inc., and Prairie Farms Dairy:

Proposal No. 1. Revise § 1032.14(b)(2) to extend the months of unlimited diversion, presently May and June, to include the month of July.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order for the Southern Illinois marketing area conform with any amendments thereto that may result from this hearing.

Copies of this supplemental notice and notice of hearing and the orders may be procured from the market administrator, Post Office Box 1485, Maryland Heights, Mo. 63042 (street address: 2550 Schuetz Road), or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 23, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-5169; Filed, Apr. 27, 1970; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-PC-11]

CONTROL ZONES AND TRANSITION AREAS

Proposed Designation and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the Kailua, Kona, Hawaii, control zone and transition area and designate the Keahole, Kona, Hawaii, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, Hawaii 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace actions:

1. Revoke the Kailua, Kona, control zone.

2. Revoke the Kailua, Kona, transition area.

3. Designate the Keahole, Kona, control zone as follows:

KEAHOLE, KONA, HAWAII

Within a 5-mile radius of the Keahole Airport (lat. 19°44'35" N., long. 156°03'00" W.) and within 1.5 miles each side of the Kona VORTAC 340° radial, extending from the 5-mile radius zone to the VORTAC. This control zone would be effective from 0600 to 2200 hours, local time, daily.

4. Designate the Keahole, Kona, transition area as follows:

KEAHOLE, KONA, HAWAII

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Keahole Airport (lat. 19°44'35" N., long. 156°03'00" W.), within 4.5 miles each side of the Kona VORTAC 179° radial, extending from the 8.5-mile radius area to 11 miles south of the VORTAC and within 4.5 miles each side of the Kona VORTAC 348° radial, extending from the 8.5-mile radius area to 17.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the Kona VORTAC 179° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, within a 17-mile radius of the Kona VORTAC, extending counterclockwise from V-20 to the Kona VORTAC 179° radial, and within the area bounded on the northeast by V-20, on the west by a line 5 miles west of and parallel to the Maui, Hawaii, VORTAC 179° radial and on the south by a line 5 miles south of and parallel to the Kona VORTAC 281° radial.

The State of Hawaii is presently constructing a new airport at Keahole Point, Hawaii. This airport, expected to be operational in July of this year, will replace the present airport at Kailua, Kona, Hawaii. The proposed control zone and transition area are necessary to provide controlled airspace for aircraft executing approach and departure procedures at the new airport.

These amendments are proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 21, 1970.

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

[F.R. Doc. 70-5139; Filed, Apr. 27, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WA-61]

FEDERAL AIRWAYS AND REPORTING POINTS

Proposed Alteration, Revocation, and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter and revoke several Colored

Federal airways in Alaska and revoke and designate several Alaskan low altitude reporting points.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign A–1 segment from Sandspit, British Columbia, Canada, RR, direct to Sitka, Alaska, RR. The airspace in Canada would be excluded.

2. Realign A–2 segment from Big Delta, Alaska, RR, direct to Fairbanks, Alaska, RR.

3. Realign A–15 segment from Big Delta, Alaska, RR, direct to Fairbanks, Alaska, RR.

4. Realign and extend R–1 from Annette Island, Alaska, RR, direct 42 miles 1,200 feet AGL, 99 miles 5,500 feet MSL, 1,200 feet AGL to Sitka, Alaska, RR, direct to Sisters Island, Alaska, RBN, direct to Cape Spencer, Alaska, RBN, direct to the intersection of Cape Spencer RBN 273° T (243° M) bearing and the Yakutat, Alaska, RR, southeast course.

5. Realign R–27 from Summit, Alaska, RR, direct to Nenana, Alaska, RR, direct to Fairbanks, Alaska, RR.

6. Revoke R–41 in its entirety.

7. Revoke R–64 in its entirety.

8. Revoke R–103 segment from Kenai, Alaska, RR, to Anchorage, Alaska, RR.

9. Revoke B–2 in its entirety.

10. Realign B–38 from Petersburg, Alaska, RR, direct to Sisters Island, Alaska, RBN, direct to Haines, Alaska, RBN, direct to Whitehorse, Yukon Territory, Canada, RR. The airspace in Canada would be excluded.

11. Revoke B–43 in its entirety.

12. Revoke B–79 segment from Annette Island, Alaska, RR, to Northway, Alaska, RR. The airspace in Canada would be excluded.

13. Revoke the following Alaskan low altitude reporting points:

a. Dixon INT.

b. Yakobi INT.

14. Designate or redescribe the following Alaskan low altitude reporting points:

a. Designate the Harbor Point Intersection at the intersection of the southeast course of Yakutat, Alaska, RR, and the 273° T (243° M) bearing from Cape Spencer, Alaska, RBN.

b. Designate the Hazy Island Intersection at the intersection of the southwest course of Petersburg, Alaska, RR, and the 127° T (099° M) bearing from Sitka, Alaska, RR.

c. Designate the Muzon LF Intersection at the intersection of the southwest course of the Annette Island, Alaska, RR, and the 331° T (305° M) bearing from Sandspit, British Columbia, Canada, RR.

d. Redescribe the Port Alexander Intersection at the intersection of the southwest course of the Petersburg, Alaska, RR, and the 148° T (120° M) bearing from Sitka, Alaska, RR.

These proposals would provide an operational advantage to pilots and air traffic controllers by providing more direct routes and airway structures that will result in more efficient air traffic control service and improved airspace utilization. Additionally, simplified charting would result.

The present airway structure in the southeast area is partially based on the use of other than FAA radio beacons and some of these are candidates for decommissioning in the future. This proposal would avoid piecemeal route revisions as aids are withdrawn.

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

Issued in Washington, D.C., on April 21, 1970.

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

[F.R. Doc. 70-5140; Filed, Apr. 27, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-25]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 26 by adding a north alternate between Philip, S. Dak., and Pierre, S. Dak. An east alternate would be added to V–181 between Watertown, S. Dak., and Fargo, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal document also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. On V–26 a north alternate would be designated between the Philip, S. Dak., VORTAC and the Pierre, S. Dak., VORTAC.

2. On V–181 an east alternate would be designated between the Watertown, S. Dak., VORTAC and the Fargo, N. Dak., VORTAC.

There is an area of nonradar coverage at low altitudes on V–26 and V–181 between the above locations. Traffic between these locations has increased to the point that complicated control procedures and occasional delays are required to control arriving and departing aircraft. The proposed alternate airways would relieve this situation.

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

Issued in Washington, D.C., on April 21, 1970.

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

[F.R. Doc. 70-5141; Filed, Apr. 27, 1970; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 70-SO-20]

JET ROUTE SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter the segment of Jet Route No. 52 between Greenwood, Miss., and Birmingham, Ala.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW.,

Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering realigning J–52 segment from Greenwood via Columbus, Miss.; to Birmingham. This proposed alignment would precisely define the route so that en route aircraft utilizing this segment of J–52 would be provided more accurate course guidance. It would also provide lateral separation between turbojet aircraft operating along J–52 and aircraft departing Columbus AFB utilizing the West Point standard instrument departure procedure.

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

Issued in Washington, D.C. on April 21, 1970.

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

[F.R. Doc. 70–5142; Filed, Apr. 27, 1970; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16041; FCC 70–430]

NETWORK TELEVISION PROGRAMS NOT CLEARED BY REGULAR AFFILIATED STATIONS

Further Notice and Order Setting Oral Argument

APRIL 23, 1970.

Further notice concerning oral argument in Docket 16041, regarding availability of network television programs (Apr. 30, 1970).

The Commission has received five requests for time to participate in the oral argument in response to its recent notice (35 F.R. 5416) concerning network television programs not cleared by regular affiliated stations.

Accordingly, it is ordered, That oral argument in Docket 16041 will commence at 9:30 a.m., April 30, 1970, in Room 856 of the offices of the Federal Communications Commission at 1919 M Street NW., Washington, D.C. The order of appearance and the time allotted each party are as follows:

	Minutes
All-Channel Television Society (ACTS)	30
American Broadcasting Cos., Inc. (ABC)	30
Columbia Broadcasting System, Inc. (CBS)	30
National Broadcasting Co., Inc. (NBC)	30
CBS Television Affiliates Association	30

Parties wishing to file written material in connection with the subject matter of the oral argument are to do so with the Secretary of the Commission, on or before April 27, 1970. In accordance with § 1.419 of the rules, an original and 14 copies shall be filed.

Action by the Commission April 22, 1970. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox, and Johnson.

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

[F.R. Doc. 70–5143; Filed, Apr. 27, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

FARM CREDIT ADMINISTRATION

Designation of Instruments for Exemption Under Securities Exchange Act of 1934

APRIL 22, 1970.

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors.

Notice is hereby given that under that authority I have today designated for exemption Farm Credit Investment Bonds of the 12 Federal land banks and the 12 Federal intermediate credit banks which are to be issued pursuant to section 18 of the Federal Farm Loan Act of July 17, 1916 (12 U.S.C. 841) and section 2 of the 1923 amendment to the Federal Farm Loan Act, as added March 4, 1923 (12 U.S.C. 1042).

That designation for exemption may be revoked, modified or amended at any time by the Secretary of the Treasury with respect to Farm Credit Investment Bonds not issued prior to such time.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

[F.R. Doc. 70-5136; Filed, Apr. 27, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2747]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 17, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. R 2747, for the withdrawal of lands described below from prospecting, location, entry, and purchase under the mining laws, subject to valid existing rights.

The lands have previously been withdrawn for the San Bernardino National Forest Reserve by Presidential Proclamation No. 48 of February 25, 1893, now the San Bernardino National Forest, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining activity to permit development of a public recreation area and Visitor Information Center complex, which use would be incompatible with mineral development.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations, 43 CFR 2311.1-3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO NATIONAL FOREST

Holcomb Valley Historical and Recreation Site

In secs. 4 and 5, T. 2 N., R. 1 E., and secs. 28, 29, 31, 32, and 33, T. 3 N., R. 1 E., SBM, described as follows:

Beginning at the northwest corner of lot 6, sec. 31, T. 3 N., R. 1 E., SBM, thence easterly along the north line of secs. 31 and 32 to the westerly line of Mineral Survey 6484 (Pocilo and Alma Claim);
Thence northeasterly along the west line of Mineral Survey 6484 to its most northerly corner;
Thence southeasterly to the intersection of the northerly line of Mineral Survey 6484 and the north line of sec. 33, T. 3 N., R. 1 E., SBM, thence easterly to the northeast corner of sec. 33;
Thence southerly 70 chains to the northeast corner of the SE¼SE¼SE¼ of sec. 33;
Thence westerly 40 chains to the northwest corner of the SW¼SW¼SE¼ of sec. 33;
Thence southerly 10 chains to the southwest corner of the SW¼SW¼SE¼ of sec. 33;
Thence easterly approximately 1 chain;
Thence southerly 10 chains to the southwest corner of the NW¼NW¼NE¼ of sec. 4, T. 2 N., R. 1 E., SBM;
Thence easterly 10 chains;
Thence southerly 10 chains;
Thence easterly 10 chains;
Thence southerly 20 chains;
Thence westerly 30 chains;
Thence northerly 20 chains;
Thence westerly 20 chains;
Thence northerly 10 chains;
Thence westerly 50 chains;
Thence northerly 10 chains to the northwest corner of the NW¼NW¼NE¼ of sec. 5, T. 2 N., R. 1 E., SBM;
Thence westerly approximately 1 chain;
Thence northerly 20 chains to the northwest corner of the SW¼SE¼, sec. 32, T. 3 N., R. 1 E., SBM;
Thence easterly 30 chains to the northeast corner of the NW¼ of lot 2, sec. 32, T. 3 N., R. 1 E., SBM;
Thence northerly 30 chains;
Thence westerly 20 chains;
Thence southerly 10 chains to the northwest corner of the NE¼NW¼SE¼, sec. 32, T. 3 N., R. 1 E., SBM;
Thence westerly to the easterly line of lot 70, Mineral Survey 3055;
Thence southwest along the boundary of lot 70 to a point where the boundary of lot 70 turns westerly;
Thence N. 71° W., a distance of 320 feet to a point;
Thence northwest to the southernmost corner of the Last Chance Location (lot 67 of Mineral Survey 3055);
Thence northwest to the northeast corner of lot 64 of Mineral Survey 3055;
Thence N. 71°48'30" W. 144.35 feet along the north line of said claim;
Thence S. 17°21' W. 265.84 feet;
Thence S. 72°39' E. 88.66 feet to the easterly line of said claims;
Thence southwesterly 60.34 feet, more or less, along the east boundary of said lot 64 to a point;
Thence northwesterly along a line parallel with the northerly line of said lot approximately 49 chains to a point;
Thence N. 19°27' W. 679.5 feet to a point which lies S. 25°25' W. 1038.9 feet from the northernmost corner of lot 65 of Mineral Survey 3055;
Thence southwesterly to the northerly line of lot 64;
Thence northwesterly along the north line of lot 64 to the west line of lot 6, sec. 31, T. 3 N., R. 1 E., SBM;
Thence northerly to the point of beginning.

Excepting therefrom the following: Mineral Survey 92, Mineral Survey 94, Mineral Survey 95, all in said sec. 33, T. 3 N., R. 1 E., SBM, and also excepting lot 72 of Mineral Survey 3055 in said sec. 32, and Mineral Survey 6409 in said sec. 31, T. 3 N., R. 1 E., SBM.

The area described aggregates approximately 1,222.50 acres in San Bernardino County.

WALTER F. HOLMES,
Assistant Land Office Manager.

[F.R. Doc. 70-5127; Filed, Apr. 27, 1970; 8:46 a.m.]

[Serial No. I-2445]

IDAHO

Rochat Unit; Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

APRIL 20, 1970.

In F.R. Doc. 70-4024; filed April 2, 1970, appearing on page 5562 of the issue for April 3, 1970, the following correction should be made: "c. Mirror Lake Recreation Site, T. 41 N., R. 1 E., Boise Meridian, Sec. 8, SW¼NE¼, NW¼SE¼," should read:

MIRROR LAKE RECREATION SITE

T. 47 N., R. 1 E., Boise Meridian,
Sec. 8, SW¼NE¼, NW¼SE¼.

JOE T. FALLINI,
State Director.

[F.R. Doc. 70-5128; Filed, Apr. 27, 1970; 8:46 a.m.]

National Park Service

[Order 8]

ASSISTANT SUPERINTENDENT ET AL., NATCHEZ TRACE PARKWAY, TUPELO, MISS.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve, and administer contracts not in excess of $100,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. Construction contracts shall be entered into only with the advice and consent of the Director, Eastern Service Center. This authority may be exercised by the Assistant Superintendent in behalf of any office or area administered by the Superintendent of Natchez Trace Parkway.

2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $75,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. Construction contracts shall be entered into only with the advice and consent of the Director, Eastern Service Center. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by the Superintendent of Natchez Trace Parkway.

3. *General Supply Officer.* The General Supply Officer may execute, approve, and administer contracts not in excess of $50,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. Construction contracts shall be entered into only with the advice and consent of the Director, Eastern Service Center. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by the Superintendent of Natchez Trace Parkway.

4. *Supervisory Park Rangers.* The Supervisory Park Rangers in grades GS-9 and above may issue purchase orders not in excess of $300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

5. *Maintenance Supervisors.* Maintenance Supervisors in grades GS-11 and above may issue purchase orders not in excess of $300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

6. *Maintenance Foremen.* Maintenance Foremen may issue purchase orders not in excess of $300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

7. *Revocation.* This order supersedes Order No. 7 which was issued August 22, 1967.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 4 (31 F.R. 3135))

Dated: April 8, 1970.

ROBERT C. HARADEN,
Superintendent,
Natchez Trace Parkway.

[F.R. Doc. 70-5131; Filed, Apr. 27, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Dockets Nos. SH-283, SH-284]

SUGARCANE WAGES AND PRICES IN LOUISIANA AND FLORIDA

Notice of Hearings and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c) (1) and (2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Belle Glade, Fla., on May 26, 1970, in the Glades Auditorium, State Road 80, beginning at 9:30 a.m.;

At Houma, La., on June 5, 1970, in the Municipal Auditorium, 880 Verret Street, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective November 10, 1969 (34 F.R. 17800), and for Florida sugarcane fieldworkers in the wage determination which became effective November 10, 1969 (34 F.R. 17797), continue to be fair and reasonable under existing circumstances, or whether such determination(s) should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices to be paid for the 1970 crops of sugarcane in Louisiana and Florida, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearings to express their views and present appropriate data in regard to wages and prices.

While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair wages for fieldworkers and fair prices for sugarcane:

I. *Louisiana*—(a) *Wages.* (1) Need for changes in number of worker classifications and elimination of differential in wage rates for harvest and nonharvest workers.

(2) Wage rate differentials among unskilled, semiskilled, and skilled workers.

(b) *Prices.* (1) Periods to be used to determine the season's average prices of raw sugar and blackstrap molasses.

(2) Recommendations on matters pertaining to other pricing bases, such as the delivered average price.

II. *Florida*—(a) *Wages.* (1) Need for additional worker classifications such as workers employed in mechanical harvesting operations.

(2) Wage rate differentials among different classifications of workers.

(3) Statement of total tons of cane cut by hand, total amount of wages paid cane cutters, total hours worked, and average earnings per worker per hour, by months, for the 1969-70 crop.

(b) *Prices.* (1) Methods of determining for each producer the quantity of trash delivered with sugarcane which has been harvested mechanically.

The hearings after being called to order at the times and places mentioned herein may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officer(s).

T. O. Murphy, C. F. Denny, R. R. Stansberry, and James E. Agnew, are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Signed at Washington, D.C., on April 23, 1970.

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

[F.R. Doc. 70-5163; Filed, Apr. 27, 1970; 8:49 a.m.]

Office of the Secretary

INTEREST RATE PROVIDED IN REPARATION AWARDS

Policy Change

Notice of proposed policy change concerning the rate of interest to be provided, in addition to the payment of the principal amount of damages found to be due, in reparation awards under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a et seq.), and the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), was published in the FEDERAL REGISTER of March 14, 1970 (35 F.R. 4558). The notice afforded interested persons opportunity to submit written comments regarding the proposed policy not later than April 15, 1970. None was submitted opposing the proposal.

Reparation orders under the Perishable Agricultural Commodities Act, 1930, as amended, and reparation orders under the Packers and Stockyards Act, 1921, as amended, issued on and after June 1, 1970, where an award of interest is to be made, will provide for interest at the rate of 8 percent per annum.

Done at Washington, D.C., this 23d day of April 1970.

THOMAS J. FLAVIN,
Judicial Officer.

[F.R. Doc. 70-5170; Filed, Apr. 27, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

OHIO STATE UNIVERSITY

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. 70-00273-33-46040. Applicant: The Ohio State University, Department of Psychiatry, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used in numerous projects in the study of the pathology of the nervous system by faculty members. Besides, research, the microscope will be utilized by graduate students in a program to familiarize themselves with research techniques; by medical students to study ultrastructure; and by residents to learn the technique of electron microscopy and to pursue specific problems.

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 a low level (40,000X) electron microscope with a single accelerating voltage, which is relatively simple to operate. As such, it serves as a transitional instrument between light and electron microscopy in courses designed to teach the principles of electron microscopy. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B is a highly sophisticated research instrument which requires trained personnel for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 27, 1970, that the applicant requires for its intended uses an instrument which is simple in design and whose operations can be easily taught. The relative simplicity of the foreign article is therefore pertinent.

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 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. 70-5117; Filed, Apr. 27, 1970; 8:45 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 No. 70-00274-00-46040. Applicant: University of Minnesota, College of Dentistry, 519 Owre Hall, Minneapolis, Minn. 55455. Article: Exposure meter/shutter combination. 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 to a priorly imported electron microscope which was manufactured by the same source from which the accessory is being purchased.

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

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

[F.R. Doc. 70-5118; Filed, Apr. 27, 1970; 8:45 a.m.]

UNIVERSITY OF VIRGINIA

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. 70-00243-33-46040. Applicant: University of Virginia, Department of Biology, Gilmer Hall, Charlottesville, Va. 22903. Article: Electron miscroscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily for the training of graduate students and undergraduates in the uses and manipulation of high resolution instruments. In addition, they will do the early work of their research on this instrument. Finally, much preliminary research work, both of students and of our own will be done on this instrument.

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 applicant requires an electron microscope for training undergraduate and graduate students for early work in research, the use of the electron microscope and interpretation of results. The foreign article is a relatively simple instruments which provides characteristics that make it suitable for teaching. Among these are a device for preventing mishandling of specimens, automatically controlled exposure of micrographs, and calibrated digital focusing steps. The most closely comparable domestic electron microscope is the Model EMU-4B, which was formerly manufactured by the Radio Corp. of America (RCA), and is currently being produced by the Forgflo Corp. (Forgflo).

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 11, 1970, that the relatively simple design and ease of operation of this instrument make it superior as a teaching instrument to the more complex type of electron microscope represented by the Model EMU-4B.

For the foregoing reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article for the purposes for which the 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. 70-5119; Filed, Apr. 27, 1970; 8:46 a.m.]

WHITEHALL-COPLAY SCHOOL DISTRICT, PA.

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. 70-00267-16-61800. Applicant: Whitehall-Coplay School District, 3126 Lehigh Street, Whitehall, Pa. 18052. Article: Planetarium, Venus model. Manufacturer: Goto Optical Manufacturing Co., Japan.

Intended use of article: The article will be used for precision sky and apparent sky simulation for educational and public programs including astronomy and navigation instruction.

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 the article is intended to be used is being manufactured in the United States.

Reasons: The foreign article is a planetarium which provides a star positional accuracy of plus or minus (±) 5 minutes of arc. The most closely comparable domestic instrument is the Model STP Planetarium manufactured by the Spitz Laboratory Incorporated (Spitz). The Model STP provides a star positional accuracy of plus or minus (±) 20 minutes of arc. We are advised by the National Bureau of Standards (NBS) in a memorandum dated February 20, 1970 that the difference between ±5 minutes of arc and ±20 minutes of arc is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find the domestic Model STP Planetarium is not of equivalent scientific value to the foreign article for such purpose as the 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. 70-5115; Filed, Apr. 27, 1970; 8:45 a.m.]

WHITTIER 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. 70-00269-99-46040. Applicant: Whittier College, 13406 East Philadelphia Street, Whittier, Calif. 90608. Article: Electron microscope, Model HS-8-1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will function primarily as a teaching and training instrument for undergraduate and graduate students in the biological sciences. As a teaching facility, it will be used in 13 biology courses as outlined by the applicant and, in a 2-week introductory training course in techniques of electron microscopy. As a research facility, it will be used by both graduate students and faculty.

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 intermediate electron microscope which, in terms of sophistication and capabilities, lies between the simple, portable electron microscope and the highly complex research types. The applicant intends to use the foreign article for teaching beginning students the fundamentals of electron microscope techniques and, for this purpose, requires a transitional instrument for bridging the gap between the use of the light microscope and the research type of electron microscope. The most closely comparable domestic instrument available at the time the application was received was the EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a highly sophisticated and relatively complex research electron microscope intended for the use of an expert.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 26, 1970, that the foreign article, which is relatively simple in design and is easy to operate, is more suitable for teaching purposes than the Model EMU-4B. The greater ease of operation of the foreign article is, therefore, pertinent to the applicant's educational purposes. HEW further advises 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 of 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 application was received.

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

[F.R. Doc. 70-5116; Filed, Apr. 27, 1970; 8:45 a.m.]

Office of the Secretary

[Department Organization Order 15-3]

OFFICE OF PUBLIC AFFAIRS

Functions

The following order was issued by the Secretary of Commerce on April 15, 1970. This material supersedes the material appearing at 34 F.R. 7922 of May 20, 1969.

SECTION 1. *Purpose.* .01 This order prescribes the functions of the Office of Public Affairs.

.02 This revision modifies the functions of the Office, including adding to the Office responsibility for developing and publishing the Department's official news magazine.

SEC. 2. *General.* The Office of Public Affairs is continued as a Departmental office. It shall be headed by a Director who shall report and be responsible to the Secretary.

SEC. 3. *Functions.* The Office of Public Affairs shall:

a. Plan, develop and implement a coordinated public affairs and information program throughout the Department;

b. Develop and issue such guidance and instructions for the conduct of public affairs and information functions of primary operating units as may be necessary;

c. Act as the Department's principal liaison with appropriate officials of the White House and other Federal agencies in assuring that Commerce's public information activities are consistent and properly coordinated with the White House and with applicable Federal agencies;

d. Perform public affairs services required by the Under Secretary, other officials in the Office of the Secretary and, as appropriate, other officials of the Department, such services to include handling of news conferences, arranging radio and television broadcasts, preparation of speeches, and arranging personal appearances; assist the Secretary, as may be requested, in providing such services to the Secretary;

e. Develop and publish, in cooperation with Secretarial Officers and heads of operating units, the Department's official news magazine, "Commerce and Technology";

f. Exercise functional supervision, including reviews for effectiveness, of public information activities of operating units, whether performed by information staffs or otherwise, and review and advise on the effectiveness of operating units in public affairs matters;

g. Review and approve for release all Commerce news items and other informational material, including speeches and publications; and

h. Take positive actions to assure the establishment and maintenance of effective and productive working relationships with all news media.

SEC. 4. *Saving Provision.* Nothing in this order shall affect the Departmental procedures and authorities established under and by Department Administrative Order 205-12, "Public Information" (formerly DO 64).

Effective date: April 15, 1970.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-5114; Filed, Apr. 27, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSISTANT SECRETARY (PLANNING AND EVALUATION)

Statement of Organization, Functions, and Delegation of Authority

Section 1-G of Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare reads as follows:

SECTION 1-G.00 *Mission.* The Assistant Secretary (Planning and Evaluation) serves as the principal advisor to the Secretary on economic and social analysis, program analysis, and Department-wide program planning and evaluation.

SEC. 1-G.10 *Organization.* A. The Assistant Secretary (Planning and Evaluation) reports to the Secretary.

B. The Office of the Assistant Secretary (Planning and Evaluation) consists of:

1. The Deputy Assistant Secretary (Program Analysis-Health).
2. The Deputy Assistant Secretary (Program Analysis-Education).
3. The Deputy Assistant Secretary (Program Analysis-Income Maintenance and Social Services).
4. The Deputy Assistant Secretary (Evaluation and Program Monitoring).
5. The Deputy Assistant Secretary (Interdepartmental Affairs):
   a. Office of Indian Affairs.
   b. Office for Spanish Surnamed Americans.
6. The Deputy Assistant Secretary (Program Systems).
7. The Assistant for Special Projects.

SEC. 1-G.20 *Functions.* A. The Assistant Secretary (Planning and Evaluation):

1. In cooperation with the Assistant Secretary (Legislation), the Assistant Secretary for Administration, and the Assistant Secretary, Comptroller implements the Department's planning, programing, and budgeting system by developing long-range objectives for the department, evaluating alternative means of achieving these objectives, conducting studies of the costs and benefits of Department programs and alternatives to these programs, providing staff leadership in the conduct of economic and systems analyses throughout the Department.

2. Develops and implements a system for improving the evaluation of programs throughout the Department.

B. The Deputy Assistant Secretary (Program Analysis-Health) is responsible for developing long-range objectives in the health area and conducting program analysis and alternative strategies in health. Is responsible for preparation of the Department's 5-Year Program and Financial Plan and Program Memorandum for health activities.

C. The Deputy Assistant Secretary (Program Analysis-Education) is responsible for long-range planning and analysis in the area of education and performs special assignments in other areas as necessary. Is responsible for preparation of the Department's 5-Year Program and Financial Plan and Program Memorandum for education activities.

D. The Deputy Assistant Secretary (Program Analysis-Income Maintenance and Social Services) is responsible for developing long-range objectives in these areas and analyzing the implications of alternative ways of reaching these objectives. Is responsible for preparation of the Department's 5-Year Program and Financial Plan and Program Memorandum for income maintenance and social services activities.

E. The Deputy Assistant Secretary (Evaluation and Program Monitoring) is responsible for the development and implementation of a system for improving the evaluation of health, education, and income maintenance and social services programs throughout the Department, for review of agencies' plans for program evaluation, for assistance to the agencies in developing and carrying out evaluation, and for the review and development of program monitoring functions throughout the Department.

F. The Deputy Assistant Secretary (Interdepartmental Affairs) is responsible for the coordination and liaison of program planning and evaluation matters in all areas where programs of the Department of Health, Education, and Welfare are intimately related to those of other departments and agencies as well as on matters which cross agency lines in a substantial way within the Department.

1. The Office of Indian Affairs is responsible for the coordination, development, and implementation of Department policies and programs pertaining to American Indians.

2. The Office for Spanish Surnamed Americans is responsible for the coordination, development, and implementation of Department policies and programs pertaining to Spanish Surnamed Americans.

G. The Deputy Assistant Secretary (Program Systems) coordinates the development and operation of the Department's program planning information systems, the structuring and procedural aspects of the Department-wide Program Planning activities, and the development of systems designed to measure the Nation's progress toward its stated goal. Supervises the collection, storage, retrieval, and dissemination of information required for planning and

evaluation. Provides the required computer systems support for the Office of the Assistant Secretary (Planning and Evaluation).

H. The Assistant for Special Projects performs special projects and other assignments.

Approved: April 20, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-5110; Filed, Apr. 27, 1970; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-183]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2 to Facility License No. DR-10. The amendment removes from the conditions and requirements of this license certain buildings and structures external to the reactor containment building of the deactivated ESADA-Vallecitos Experimental Superheat Reactor, located at the Vallecitos Nuclear Center, Alameda County, Calif.

By Application Amendment No. 16 dated October 16, 1969, the General Electric Company (GE) submitted proposed changes to the Technical Specifications incorporated in Amendment No. 1 to License No. DR-10. The proposed changes remove the dump condenser and miscellaneous equipment building, the gas-fired boiler, the cooling tower, the stack and the control room from the defined plant area for the EVESR facility. Additional information was submitted by Modification No. 1 (dated March 9, 1970) to Application Amendment No. 16. The building and structures removed from the conditions and requirements of Facility License No. DR-10 will remain under the control of GE, and be utilized for activities that are subject to AEC or State of California materials licenses.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's Application Amendment No. 16 dated October 16, 1969, (2) Modification No. 1 dated March 9, 1970, to Application Amendment No. 16, and (3) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of April 1970.

For the Atomic Energy Commission.

T. R. WILSON,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 70-5113; Filed, Apr. 27, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21796, 21797; Order 70-4-120]

CUTLASS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority April 23, 1970.

The Postmaster General filed notices of intent Nos. 70-1 and 70-2 pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, formerly Buker Airway, Inc., a final service mail rate of 60 cents per great circle aircraft mile for the transportation of mail by aircraft between Portland, Maine, Manchester, N.H., Albany, N.Y., and Newark, N.J. (Docket 21796) and a rate of 67 cents per great circle aircraft mile between Lebanon, N.H., Burlington, Vt., Albany, N.Y., and New York, N.Y. (LGA) (Docket 21797).

The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market.

On January 23, 1970, Mohawk Airlines, Inc., filed an objection to the notices of intent. Mohawk's objection is basically that the Post Office Department did not provide adequate reasons with supporting data why the proposed service is necessary. The Postmaster General filed a reply to Mohawk's objection on February 2, 1970, asking the Board to reject Mohawk's objection and institute the proposed services.

The Board in Order 70-4-119 denied Mohawk's objection and authorized the mail service as specified in notices of intent 70-1 and 70-2.

It is in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notices of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid to Cutlass Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Portland, Maine, Manchester, N.H., Albany, N.Y. and Newark, N.J. (Docket 21796) and 67 cents per great circle aircraft mile between Lebanon, N.H., Burlington, Vt., Albany, N.Y., and New York, N.Y. (LGA) (Docket 21797).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR Part 302, 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. Cutlass Aviation, Inc., the Postmaster General, Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above for the transportation of mail by aircraft, the facilities used and useful therfor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Cutlass Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below; and

3. This order shall be served upon Cutlass Aviation, Inc., the Postmaster General and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

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

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions for Board review will be applicable to final action by the staff under authority delegated in § 385.14(g).

be deemed to have waived the right to a hearing and all other procedural steps short 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. 70-5160; Filed, Apr. 27, 1970; 8:49 a.m.]

[Docket No. 20993; Order 70-4-114]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 22, 1970.

By Order 70-4-44, dated April 9, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-4-44 will herein be made final.

Accordingly, It is ordered, That:

Agreement C.A.B. 21380, R-26 and R-27, be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 70-5158; Filed, Apr. 27, 1970; 8:49 a.m.]

[Docket No. 21770; Order 70-4-115]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority, April 22, 1970.

By Order 70-4-38, dated April 9, 1970, action was deferred, with a view toward eventual approval, on a certain resolution incorporated in an agreement adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement would extend the availability of affinity-group fares for 40, 80, and 100 passengers to U.S. military personnel stationed abroad and their dependents traveling at their own expense.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-4-38 will herein be made final.

Accordingly, it is ordered, That:

Agreement C.A.B. 21693, R-1, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 70-5159; Filed, Apr. 27, 1970; 8:49 a.m.]

[Docket No. 22065; Order 70-4-122]

WTC AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of April 1970.

By tariff revisions filed March 23, 1970, and marked to become effective April 26, 1970, WTC Air Freight (WTC), an air freight forwarder, proposes to cancel its pick-up service, rates, and charges for furs in the New York terminal areas.

By Order 70-3-160, dated March 31, 1970, Docket 22065, the Board suspended and ordered investigated a proposal by numerous direct air carriers to cancel both pick-up and delivery services, rates and charges for furs at New York and Newark. In that order, the Board stated that fur shippers have been afforded those services for many years and that their abrupt cancellation may be unjust and unreasonable. We further stated that the failure to provide such services may unjustly discriminate against these shippers, vis-a-vis shippers in other areas where the services are provided.

The foregoing factors would warrant suspension of WTC's proposed cancellation also. The forwarder submitted no justification which would enable us to reach a different conclusion.

Upon consideration of all relevant factors, the Board finds that the proposed cancellation may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. We shall consolidate the foregoing investigation with that instituted in the airlines' proposal in Docket 22065.

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

It is ordered, That:

1. An investigation is instituted to determine whether the reference mark "#" shown in connection with the terminal areas of New York, N.Y., and the provisions in the explanation of such reference mark, on 19th revised page 58-G and 3rd revised page 66 of WTC Air Freight's C.A.B. No. 8, and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the reference mark "#" shown in connection with the terminal areas of New York, N.Y., and the provisions in the explanation of such reference mark, on 19th revised page 58-G and 3rd revised page 66 of WTC Air Freight's C.A.B. No. 8, are suspended and their use deferred to and including July 24, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be consolidated with that instituted in Docket 22065; and

4. Copies of this order shall be filed with the tariff and served upon WTC Air Freight, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-5161; Filed, Apr. 27, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18834, 18835; FCC 70-381]

BI-COUNTY BROADCASTING CORP. AND OGEMAW BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Bi-County Broadcasting Corporation (WCRM), Clare, Mich.; Has: 990 kc., 250 w., DA-Day, Requests: 1060 kc., 250 w., Day, Docket No. 18834, File No. BP-17987; Dean W. Manley, Jack E. Kauffman, and Robert S. Marshall doing business as Ogemaw Broadcasting Co., West Branch, Mich.; Requests: 1060 kc., 1 kw., Day, Docket No. 18835, File No. BP-18044; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications, and a petition in the nature of a petition to deny filed by Ogemaw Broadcasting Co.

2. The Ogemaw petition is directed against WCRM's proposal, but since it was filed approximately 7 weeks after the latter's published cut-off of June 18, 1968, it does not meet the requirements of § 1.580(i) of the rules as to timeliness and will be dismissed. We will, however, consider it as an informal objection pursuant to § 1.587.

3. Ogemaw's first claim is that a grant of a first local station in West Branch would be a more efficient use of the 1060 kc. channel than the use proposed by WCRM. The determination as to where the channel can be better utilized is a basic factor relevant to the standard section 307(b) issue. Since that

issue will be litigated in the forthcoming hearing, it would be premature to discuss Ogemaw's contention at this juncture.

4. Petitioner also asserts that WCRM's operation on 990 kc. has been marked by "serious infractions of the Commission's technical rules" and that thus it cannot be expected to operate any better on a different frequency. It is true that WCRM was cited for a number of technical infractions [1] approximately 2 years ago during a prior license period. Since that time, however, the license has been renewed and the difficulties resolved. Accordingly, we see no reason to include a specific issue with respect thereto.

5. Finally, Ogemaw alleges that an unauthorized transfer of control has taken place and that undisclosed principals are involved in WCRM. Petitioner bases this charge on the fact that its own principals were referred to one Russell Holcomb when they attempted to contact WCRM by phone for the purpose of discussing a possible solution to the mutual exclusivity aspect of the two proposals. Petitioner then checked the ownership records for WCRM and found that Mr. Holcomb was not listed as an officer or stockholder.

6. The Commission has checked its own ownership records and finds that Mr. Holcomb is not, in fact, listed as an officer, director, or stockholder of the licensee of WCRM. Examination of pertinent trade publications, however, indicates that Russell Holcomb is listed as the station's general manager. Under these circumstances, we believe that petitioner's allegations lack substance and cannot, at least at this time, be made the basis for an issue in the forthcoming hearing.

7. Examination of the Ogemaw Broadcasting Co. proposal indicates that the applicant has failed to keep its financial showing current. Accordingly, it will be necessary for it to establish its qualifications in hearing and a financial issue will be specified.

8. The town of West Branch has a 1960 census population of 2,025. In addition to providing service to this community and its immediate environs, Ogemaw Broadcasting's proposed service area will encompass a number of other small towns and extensive rural area having a population of approximately 95,000. Although the applicant appears to have made an attempt to determine the community needs of West Branch, the application does not indicate that efforts were made to survey the needs of any of the other towns within the proposed service area. Accordingly, a Suburban [2] issue will be included.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from Ogemaw Broadcasting Co. and the availability of other primary aural service (1 mv./m. or greater in the case of FM) to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of station WCRM and the availability of other primary aural service to such areas and populations.

(3) To determine the efforts made by Ogemaw Broadcasting Co., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine whether Ogemaw Broadcasting Co. is financially qualified to construct and operate its proposed station.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

11. *It is further ordered*, That, in the event of a grant of the application of Bi-County Broadcasting Corp., the construction permit shall contain the following condition: The east tower of the present two-tower array shall be dismantled.

12. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

14. *It is further ordered*, That the petition filed by Ogemaw Broadcasting Co. as a formal pleading is dismissed, and as an informal objection is denied.

Adopted: April 15, 1970.

Released: April 23, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-5144; Filed, Apr. 27, 1970; 8:48 a.m.]

[1] Most of the violations involved equipment and maintenance log deficiencies.

[2] Suburban Broadcasters, 30 FCC 1021 (1961).

[3] Commissioner Cox abstaining from voting; Commissioners Johnson and H. Rex Lee absent.

[4] Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961).

[Dockets Nos. 18836, 18837; FCC 70-397]

FRANKLIN BROADCASTING CO., INC., AND RADIO MEBANE-HILLSBOROUGH, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Franklin Broadcasting Co., Inc. (WYRN), Louisburg, N.C.; Has: 1480 kc., 500 w., Day, Requests: 1060 kc., 500 w., Day; Docket No. 18836, File No. BP-17793; Radio Mebane-Hillsborough, Inc., Mebane, N.C.; Requests: 1060 kc., 1 kw. (500 w. CH), DA, Day, Docket No. 18837, File No. BP-17988; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in prohibited overlap of contours as defined by § 73.37(a) of the Commission's rules.

2. In its Public Notice on Broadcast Applicant's Ascertainment of Community Needs, FCC 68-847, released August 22, 1968, 13 RR 2d 1903, and more recently in City of Camden, et al., 18 FCC 2d 412, 16 RR 2d 555, the Commission stated that applicants were expected to provide full information as to their awareness of and responsiveness to local community needs and interests. Neither of the applicants herein has provided an adequate showing on ascertainment of communtiy needs. Although Franklin Broadcasting Co.'s proposed 0.5 mv/m contour will encompass an area more than 50 percent greater than its present service area, it has submitted no ascertainment of community needs in the gain area. On the other hand, Radio Mebane-Hillsborough's showing contains neither the names of any individuals contacted nor a list of the community needs suggested by such persons. Consequently, a suburban [4] issue is required for both applicants.

3. Since the site photograph submitted by Radio Mebane-Hillsborough does not satisfactorily show the area of concern, it is necessary that an issue be

included to determine the suitability of the proposed transmitter site.

4. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from Radio Mebane-Hillsborough, Inc., and the availability of other primary aural service to such areas and populations (1.0 mv/m or greater in the case of FM).

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WYRN and the availability of other primary aural service to such areas and populations.

(3) To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which the applicants propose to meet those needs and interests.

(4) To determine whether the transmitter site proposed by Radio Mebane-Hillsborough is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

(5) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the proposals should be granted.

6. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 15, 1970.

Released: April 23, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70-5145; Filed, Apr. 27, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-19]

INTERMODAL SERVICE TO PORTLAND, OREG.

Order of Investigation

The city of Portland, through its Commission of Public Docks (Portland), has filed with this Commission two petitions requesting an investigation into the practices of Sea-Land Service, Inc., and the other members of the Trans-Pacific Freight Conference of Japan and the Trans-Pacific Freight Conference (Hong Kong) (the Conferences). Sea-Land, as a member of both conferences, operates a container service in the trades involved.

Specifically, Portland alleges that Sea-Land, pursuant to Rule 46 of the tariff of the Trans-Pacific Freight Conference of Japan and Rule 13 of the tariff of the Trans-Pacific Freight Conference (Hong Kong), transports containerized cargoes under bills of lading showing Portland as the port of destination and delivers such cargoes through the Port of Seattle, thence via inland motor carrier services to Portland with Sea-Land absorbing the inland motor carrier transportation charges. It is Portland's understanding that other conference carriers have future plans to regularly serve Portland through the Port of Seattle and use inland carrier services.

It is Portland's contention that the tariff rules at issue do not authorize the Sea-Land service, and that, accordingly, it is contrary to section 18(b), Shipping Act, 1916. Portland further believes that Sea-Land's service is contrary to the terms of the organic agreements of the conferences involved and violates sections 15, 16, and 17 of the Shipping Act, as well as the principles enunciated in section 8 of the Merchant Marine Act, 1920.[3]

The questions raised by Portland's protests are whether there are any provisions, either in the approved agreements of the two Conferences or in their tariffs on file with the Commission, which authorize the Conferences and their member lines to serve a port on a regular basis through an intermodal operation, and if so, whether such provisions are lawful. The determination of these matters is of prime importance for the guidance of the shipping industry and should be made the subject of a full hearing.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an investigation shall be instituted to determine whether the establishment of a regular service to Portland under which cargo is discharged from a vessel at Seattle, Wash., and transported by inland carrier to Portland, Oreg., as port of destination, at ocean carrier's expense:

1. Is authorized by the approved agreements of the Trans-Pacific Freight Conference of Japan (Agreement No. 150) and the Trans-Pacific Freight Conference (Hong Kong) (Agreement No. 14), and if so whether the agreements, to the extent they authorize such practice, should be disapproved, canceled or modified pursuant to section 15, Shipping Act, 1916.

2. Violates section 16, Shipping Act, 1916, by subjecting a person, locality or description of traffic to undue or unreasonable prejudice or disadvantage.

3. Violates section 17, Shipping Act, 1916, by resulting, through the absorption of inland transportation costs, in demanding, charging or collecting rates or charges which are unjustly discriminatory between shippers or ports.

4. Violates section 18(b), Shipping Act, 1916, by providing services not authorized by the conference tariffs.

5. Is contrary to the policy of section 8, Merchant Marine Act, 1920.

It is further ordered, That the Trans-Pacific Freight Conference of Japan and Trans-Pacific Freight Conference (Hong Kong) and their member lines as listed below, are hereby named respondents in this proceeding; and

It is further ordered, That a public hearing be held before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon all parties; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; and

It is further ordered, That any person other than those named as parties herein who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APRIL 22, 1970.

[2] Commissioner Robert E. Lee concurring in the result; Commissioner Cox abstaining from voting; Commissioners Johnson and H. Rex Lee absent.

[3] While section 8 is not specifically administered by the Commission, it is properly considered in Commission deliberations since, as an Act of Congress, it reflects a legislative pronouncement of the public interest.

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

James E. Mazure, Chairman, Sumitomo Seimei YAESU Building, 3,4-Chome, Yaesu, Chuo, Tokyo, 104 Japan.

MEMBER LINES

American Mail Line, Ltd., 1010 Washington Building, Seattle, Wash. 98101, U.S.A.
American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108, U.S.A.
Barber Lines A/S, Norske Folks Building, Second Floor, Ruselokkveien 26, Oslo, Norway.
Japan Line, Ltd., Kokusai Building, 1-1, 3-chome, Marunouchi, Chiyoda-ku, Tokyo, 100, Japan.
Kawasaki Kisen Kaisha, Ltd., 8, Kaigan-dori, Ikuta-ku, Kobe 650, Japan.
Knutsen Line, Knut Knutsen O.A.S., Post Office Box 173, N-5501, Haugesund, Norway.
Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105, U.S.A.
Mitsui O.S.K. Lines, Ltd., 3-3, 5-chome, Akasaka, Minato-ku, Tokyo 107, Japan.
Nippon Yusen Kaisha, 3-2, 2-chome, Marunounchi, Chiyoda-ku, Tokyo 100, Japan.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif. 94111, U.S.A.
Sea-Land Service Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207, U.S.A.
Showa Shipping Co., Ltd., Muromachi Building 1, 4-chome, Nihonbashi-Muromachi, Chuo-ku, Tokyo 103, Japan.
States Steamship Co., 320 California Street, San Francisco, Calif. 94104, U.S.A.
Transportacion Maritima Mexicana, S.A., Av. de Los Insurgentes Sur No. 432, Tercer Piso, Mexico 7 D.F., Mexico.
United Philippine Lines, Inc., U.P.L. Building, Santa Clara Street, Intramuros, Manila, Philippine Islands.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004, U.S.A.
Waterman Steamship Corp., 140 Broadway, New York, N.Y. 10005, U.S.A.
Yamashita-Shinnihon Steamship Co., Ltd., Palaceside Building, 1-1, Hitotsubashi 1-chome, Chiyoda-ku, Tokyo 100, Japan.

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

D. Dick, Chairman/Secretary, P & O Building, Hong Kong.

MEMBER LINES

American Mail Line, Ltd., 1010 Washington Building, Seattle, Wash. 98101, U.S.A.
American President Lines, Ltd., International Building, 601 California Street, San Francisco, Calif. 94108, U.S.A.
Barber Lines A/S, Barber Steamship Lines Inc., Sheraton-Whitehall Building, 17 Battery Place, New York, N.Y. 10004, U.S.A.
Japan Line, Ltd., Eiraku Building, 2, 1-Chome, Marunouchi, Chiyoda-Ku, Tokyo, Japan.
Kawasaki Kisen Kaisha, Ltd., Tokio Kaijo Building, 6, 1-Chome, Marunouchi, Chiyoda-Ku, Tokyo, Japan.
Knutsen Line, Knut Knutsen O.A.S., Haugesund, Norway.
Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105, U.S.A.
Mitsui O.S.K. Lines, Ltd., 36, Hitotsugi-Cho, Akasaka, Minato-Ku, Tokyo, Japan.
Nedlloyd & Hoegh Lines, N. V. Nedlloyd Lijnen, Post Office Box 240, Rotterdam 2, Holland.
M/S Leif Hoegh & Co., A/S, Parkveien 55, Oslo, Norway.
Nippon Yusen Kaisha, Ltd., Business Div. (I), American Dept., 20, 2-Chome, Marunouchi, Chiyoda-Ku, Tokyo, Japan.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif. 94111, U.S.A.
Peninsular & Oriental Steam Navigation Co. (Associate Member), Beaufort House, 2 Gravel Lane, London, E. 1., England.
Scindia Steam Navigation Co., Ltd., The, Scindia House, Dougall Road, Ballard Estate, Bombay-1, India.
Sea-Land Service, Inc., Fleet and Corbin Streets, Elizabeth, N.J. 07207, U.S.A.
Shipping Corporation of India Ltd., The, Steelcrete House, Fourth Floor, Dinshaw Wacha Road, Bombay-1, India.
Showa Shipping Co., Ltd., Tekko Building, 1, Marunouchi, 1-Chome, Chiyoda-Ku, Tokyo, Japan.
States Marine Lines (States Marine International Inc., Global Bulk Transport Inc., Isthmian Lines, Inc., as one member), 90 Broad Street, New York, 4, N.Y., U.S.A.
States Steamship Co., 320 California Street, San Francisco, Calif. 94104, U.S.A.
Transportation Maritima Mexicana, S.A., Av. de Los Insurgentes Sur No. 432, Tercer Piso, Mexico 7 D.F., Mexico.
United Philippine Lines, c/o C. F. Sharp & Co., Inc., UPL Building, Santa Clara Street, Walled City, Post Office Box 370, Manila, R.P.
United States Lines, Inc. (American Pioneer Line), 1 Broadway, New York, N.Y. 10004, U.S.A.
Yamashita-Shinnihon Steamship Co., Ltd., Palaceside Building, Sixth Floor, No. 1, Takehira-cho, Chiyoda-Ku, Tokyo, Japan.

[F.R. Doc. 70-5162; Filed, Apr. 27, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13633 etc.]

PENNZOIL PRODUCING CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules

APRIL 15, 1970.

On February 6, 1970, Pennzoil Producing Co. filed in Docket No. G-13633 etc., a petition to amend the orders issuing certificates of public convenience and necessity to Union Producing Co. pursuant to section 7(c) of the Natural Gas Act by changing the name of the certificate holder to Pennzoil Producing Co. to reflect a change in corporate name, effective as of January 1, 1970, all as more fully set forth in the petition to amend. Therefore, the orders issuing certificates will be amended; the related FPC gas rate schedules will be redesignated; and pending certificate and rate proceedings will be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Union Producing Co. in the dockets listed in the appendix hereto are amended by changing the name of the certificate holder to Pennzoil Producing Co., and in all other respects said orders shall remain in full force and effect.

(B) The Union Producing Co. FPC gas rate schedules listed in the appendix hereto are redesignated as Pennzoil Producing Co. FPC gas rate schedules and shall retain the same numerical designations.

(C) The proceedings listed in the appendix hereto in which Union Producing Co. is applicant or respondent are redesignated to reflect the change in corporate name to Pennzoil Producing Co.

By the Commission.

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

APPENDIX

FPC gas rate schedule No.	Certificate docket No.	Rate docket No.
1-27	G-13633	R170-282.
29-40	G-13633	R170-282.
41	G-13633	
42 [1]	G-13633	R170-283.
44-49 [1]	G-13633	R169-331.
50	G-13633	R169-333.
51-53 [1]	G-13633	R169-331.
54 [2]	G-13633	R169-332.
55 [1]	G-13633	R169-331.
57 [1]	G-13633	R169-331.
58	G-13633	R169-333.
59-60 [1]	G-13633	R169-331.
61	G-13633	R169-333.
63 [1]	G-13633	R170-283.
64	G-13633	R169-333, R170-337.
65 [1]	G-13633	R169-331, R170-338.
66 [1]	G-13633	
67	G-13633	R169-333.
70 [1]	G-13633	
72 [2]	G-13633	
76 [1]	G-13633	R169-331.
77	G-13633	R169-333.
78	G-13633	R170-282, R170-506.
80	G-13633	R170-282.
81	G-13633	R170-506.
82	G-13633	R169-333.
86 [1]	G-13633	R169-331.
88, 89 [1]	G-13633	R169-331.
90, 91	G-13633	
92	G-13633	R170-282.
93, 94 [1]	G-13633	R170-283, R170-599.
95	G-13633	R170-282.
97-115	G-13633	R169-333, R170-305.
117-120	G-13633	R169-333, R170-305.
122-135	G-13633	R169-333, R170-305.
137-162	G-13633	R169-333, R170-305.
164-180	G-13633	R169-333, R170-305.
181 [1]	G-13633	R169-331, R170-306.
182-190	G-13633	R169-333, R170-305.
191, 192 [1]	G-13633	
193, 194	G-13633	
195	G-13633	R170-282.
196	G-13633	
199	G-13633	
200	G-13633	
202	G-13633	R170-282.
206	G-13633	R169-333.
207 [1]	G-13633	R169-331.
208 [1]	G-13633	R169-330.
209 [1]	G-13633	R170-283.
210	G-13633	R169-329.
211-213	G-13633	R169-333.
215, 216	G-13633	R169-406.
217	G-13684	
218 [1]	G-13633	R169-407.
219	G-13633	
222	G-14370	R170-282.
223	G-14124	
224 [1]	G-15077	
225	G-13788	
226	G-15306	
227	G-17087	R170-282, R170-506.
228, 229	G-13633	R169-406.
230	G-18193	R170-282.
231	G-16232	R170-282.
232	G-19209	R170-282.
233	G-19450	R170-282.
234 [1]	G-13633	R169-407.
235 [1]	G-13633	
236	G-19514	R170-282, R170-506.
237 [1]	CI60-344	
238	CI60-509	R169-333, R170-282.
239	CI60-622	
240 [1]	CI61-335	R169-331.
241 [1]	CI61-1041	R169-331.
242 [1]	CI61-1040	R169-331.
243	CI60-1039	R169-333.
244	CI61-1111	
245 [1]	G-13633	R169-331, R170-283.
248	CI62-1104	R170-282.
249	CI61-318	R170-282.
250	CI62-639	R170-282, R170-506.
251	CI63-714	
252	CI64-1192	R170-282.
253	CI64-1192	R170-282, R170-506.
254	CI64-1358	
255-257	CI65-615	R169-333, R170-305.
258	G-13633	
259	CI66-106	R170-506.
260	CI66-447	
261	CI67-18	

FPC gas rate schedule No.	Certificate docket No.	Rate docket No.
262 [1]	CI67-221	
263	CI67-713	
264	CI67-1763	
265 [1]	CI68-78	
266	CI68-914	
267	CI68-1408	R170-596.
268	CI69-355	
269	CI69-573	R170-596.
270	CI69-522	R170-596.
271	CI69-256	
273 [3]	CI70-554	

[1] (Operator), et al.
[2] *et al.*
[3] Application to abandon sale pending in Docket No. CI70-435.
[4] Temporary certificate issued in name Pennzoil Producing Co.

[F.R. Doc. 70-5075; Filed, Apr. 27, 1970; 8:45 a.m.]

[Dockets Nos. R170-1490 etc.]

PENNZOIL PRODUCING CO. AND UNITED GAS PIPE LINE CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 15, 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] 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.
R170-1490..	Pennzoil Producing Co.[3], 900 Southwest Tower, Huston, Tex. 77002	1	10 11 11	United Gas Pipe Line Co. (Aqua Dulce Field, Nueces County Tex.) (R.R. District No. 4)	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	2	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	3	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	4	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	5	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	6	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	7	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	8	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	9	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	10	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	11	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	14.0	[8 9] 15.0	
	do	12	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	13	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	14	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	15	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	16	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	17	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	18	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	19	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	20	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	21	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	22	10 11 12	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	23	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	24	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	25	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	26	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	27	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	29	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	30	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	31	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	32	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	33	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	34	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	35	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	36	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	37	10 11 11	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	38	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	39	10 11 10	do	(3 6)	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	
	do	40	10 11 11	do	[3 4] $39,030	3-16-70	11-1-69	[5] 11-2-69	[6 7] 14.0	[8 9] 15.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1491..	Pennzoil Producing Co. (Operator), et al., [11] 900 Southwest Tower Houston, Tex. 77002.	63	[9] [11] 16	United Gas Pipe Line Co. (Burnell-No. Pettus Fields, Bee, Karnes and Goliad Counties, Tex.) (RR. District No. 2).	$7,520	3-16-70	11-1-69	[1] 11-2-69	[12] [13] 14.0	[14] [15] 16.0	
----do----		93	[9] [11] 10	United Gas Pipe Line Co. (East McFaddin Field, Victoria County, Tex.) (RR. District No. 2).	1,764	3-16-70	11-1-69	[1] 11-2-69	[12] [13] 14.7125	[14] [15] 16.0	

[1] Total amount shown opposite Rate Schedule No. 40.
[4] The Aqua Dulce Field is operated as a unit and therefore not practical to separate the sales and revenues for the 39 rate schedules herein.
[5] The suspension period is limited to 1 day.
[6] Settlement rate per Commission order issued Dec. 23, 1964, in Dockets Nos. G-13811, et al.
[7] Increased rate to 15 cents became effective on Mar. 16, 1970, subject to refund in Docket No. RI70-282.
[8] Pursuant to Opinion No. 567.
[9] Pressure base is 14.65 p.s.i.a.
[10] Includes documents establishing newly discovered reservoirs which entitled respondent to higher ceiling rates in accordance with Opinion No. 567.
[11] Applies only to gas well gas sales from the newly discovered reservoirs.
[12] Increase from 14 cents to 16 cents to 16.06 cents became effective subject to refund on Mar. 16, 1970, in Docket No. RI70-283.
[13] Settlement rate per Commission order issued Dec. 23, 1964, in Dockets Nos. G-13811, et al.
[14] Increase to 16.93125 cents became effective subject to refund on Mar. 16, 1970, in Docket No. RI70-283.
[15] Both buyer and seller are wholly owned subsidiaries of Pennzoil United, Inc.

Pennzoil Producing Co.'s (Penzoil) proposed increases to 15 cents per Mcf involves sales to United Gas Pipe Line Co. (United) in the Aqua Dulce Field, Nueces County, Tex. (Railroad District No. 4). The total revenues shown (opposite Rate Schedule No. 40) are for all of the 39 rate schedules since the Aqua Dulce Field is operated by Pennzoil as a unit. The remaining increases to United (Supplements Nos. 16 and 10 to Pennzoil's FPC Gas Rate Schedules Nos. 63 and 93, respectively) are for sales in Texas Railroad District No. 2. Pennzoil proposes a November 1, 1969 effective date for all of its increases. Effective as of March 16, 1970, Pennzoil commenced collecting, subject to refund in Dockets Nos. RI70-282 and RI70-283, rates under the subject rate schedules that are either equal to or exceed the dates proposed herein. The acceptance of these increases pursuant to Opinion No. 567 will thus permit Pennzoil to commence collecting the rates proposed herein, insofar as gas well gas produced from the newly discovered reservoirs are concerned, at an earlier date. The rates proposed herein do not exceed the 16 cents initial service ceiling established in the Commission's statement of general policy No. 61-1, as amended, for Texas Railroad District Nos. 2 and 4, but consistent with the Commission's policy of suspending for 1 day increases to affiliates that do not exceed the applicable area rate ceilings, we conclude that the proposed increases to United, insofar as they pertain to gas well gas produced from newly discovered reservoirs, should be suspended for 1 day from November 1, 1969, the proposed effective date. The gas being produced from old reservoirs, that is, reservoirs discovered prior to September 28, 1960, will continue to be sold at rates that became effective, subject to refund on March 16, 1970, in Dockets Nos. RI70-282 and RI70-283.

[F.R. Doc. 70-5033; Filed, Apr. 27, 1970; 8:45 a.m.]

[Dockets Nos. RI70-1492 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 15, 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] KENNETH F. PLUMB, *Acting 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.
RI70-1492..	Sun Oil Co.	473	[3] 2	Natural Gas Pipeline Co. of America (Mexico Federal P Area, Lea County, N. Mex.) (Permian Basin Area).	$1,731	3-19-70	[3] 4-19-70	9-19-70	16.586	[4] [5] 17.5	
	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	107	11	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	200	3-19-70	[3] 5- 8-70	10- 8-70	[3] 18.215	[3] [7] [8] 18.415	RI69-692.
	do	116	11	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	50	3-19-70	[3] 5- 8-70	10- 8-70	[3] 18.215	[3] [7] [8] 18.415	RI69-692.
RI70-1493..	Petroleum Corp. of Texas (Operator) et al.	1	3	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	400	3-20-70	[3] 4-20-70	9-20-70	[11] 14.0	[7] [10] [11] 15.0	RI64-455.
RI70-1494..	Sarkeys, Inc. (Operator) et al., 4400 North Lincoln Blvd., Oklahoma City, Okla. 73102.	1	8	Natural Gas Pipeline Co. of America (Dewey County, Okla.) (Oklahoma "Other" Area).	32,315	3-16-70	[3] 4-16-70	9-16-70	[3] 15.015	[3] [8] [12] 19.515	RI68-456.
RI70-1495..	Hunt Petroleum Corp., 1401 Elm St., Dallas, Tex. 75202.	3	3	Northern Natural Gas Co. (South Six Mile Extension Field, Beaver County, Okla.) (Panhandle Area).	500	3-16-70	[3] 4-16-70	9-16-70	[3] 17.015	[3] [7] [8] 18.015	RI68-87.
RI70-1496..	Kingwood Oil Co., 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	11	2	El Paso Natural Gas Co. (Ridgeway Field, Beaver County, Okla.) (Panhandle Area).	2,482	3-18-70	[3] 4-18-70	9-18-70	17.0	[3] [12] 23.0	
	do	12	2	Transwestern Pipeline Co. (Mocane Area, Beaver County, Okla.) (Panhandle Area).	7,494	3-19-70	[3] 4-19-70	9-19-70	[3] 19.5	[3] [7] [8] 26.0	RI66-387.
	do	6	2	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.)(RR. District No. 10).	661	3-19-70	[3] 4-19-70	9-19-70	[3] 17.5	[3] [7] [8] 18.5	RI-65379.
RI70-1497..	Kingwood Oil Co. (Operator) et al.	14	7	Natural Gas Pipeline Co. of America (Boyd Field, Beaver County, Okla.)(Panhandle Area).	635	3-19-70	[3] 4-19-70	9-19-70	[3] 17.0	[3] [7] [8] 18.0	RI64-800.
RI70-1498..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	283	[13] 7	Cities Service Gas Co. (Hugoton Field, Seward County, Kans.).	1,000	3-16-70	[3] 4-16-70	9-16-70	[3] 17.0	[3] [7] [8] 18.0	RI70-267.
	do	178	[13] 8	Transcontinental Gas Pipeline Corp. (Dilworth Dome Field, McMullen County, Tex.) (RR. District No. 1).	965	3-16-70	[3] 4-16-70	9-16-70	[13] [27] 15.0	[4] [13] [28] 16.2608	
RI70-1499..	Humble Oil & Refining Co., Houston, Tex. 77001.	200	12	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	61	3-19-70	[3] 5-10-70	10-10 70	[3] 18.615	[3] [7] [8] 18.815	RI69-644.
RI70-1500..	Bobby M. Burns, 400 First National Bldg., Wichita Falls, Tex. 76301.	1	3	Northern Natural Gas Co. (Farnworth Field, Ochiltree County, Tex.) (RR. District No. 10).	1,588	3-23-70	[3] 4-23-70	9-23-70	[3] 15.558125	[3] [7] [8] 17.365625	
RI70-1501..	White Shield Oil & Gas Corp. (Operator) et al., Post Office Box 2139, Tulsa, Okla. 74101.	4	2	United Gas Pipe Line Co. (Joaquin Field, Shelby and Panola Counties, Tex.) (RR. District No. 6).	57,600	3-19-70	[3] 4-19-70	9-19-70	[11] 15.0	[3] [14] [15] 17.0	
RI70-1502..	Phillips Petroleum Co., Bartlesville, Okla. 74003.	282	8	Northern Natural Gas Co. (Ivy A Lease, N. Hutchinson Field, Hutchinson County, Tex.) (RR. District No. 10).	4,164	3-19-70	[3] 4-19-70	9-19-70	[3] 14.1246	[3] [7] [8] 15.1335	RI63-245.
	do	296	2	Panhandle Eastern Pipe Line Co. (Leslie Field, Mead County, Kans.).	470	3-19-70	[3] 4-19-70	9-19-70	16.0	[3] [7] 17.0	RI-6316.
	do	344	2	Lone Star Gas Co. (Carter-Knox Field, Grady and Stephens Counties, Okla.) (Carter-Knox Area).	763	3-19-70	[3] 4-19-70	9-19-70	16.8	[3] [7] 19.0	
	do	449	2	Panhandle Eastern Pipe Line Co. (Anadarko Basin Area, Roger Mills County, Okla.) (Oklahoma "Other" Area).	429	3-19-70	[3] 4-19-70	9-19-70	[11] [16] 17.370	[3] [16] [17] [18] 19.686	
	do	402	3	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	5,430	3-19-70	[3] 4-19-70	9-19-70	[11] [16] 17.87	[3] [17] [18] 19.37	
	do	302	9	Kansas-Nebraska Natural Gas Co. (Greene and LeMasters Unit, Camrick Field, Texas County, Okla.) (Panhandle Area).	45	3-19-70	[3] 4-19-70	9-19-70	[3] [20] 17.0	[3] [7] [8] [20] 18.4	RI63-87.
RI70-1503..	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	38	9	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	806	3-23-70	[3] 4-23-70	9-23-70	[3] 13.0	[3] [8] [12] 15.0	RI69-349a
	do	50	8	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.).	240	3-23-70	[3] 4-23-70	9-23-70	[3] 13.0	[3] [8] [12] 15.0	RI69-349.
	do	52	9	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	168	3-23-70	[3] 4-23-70	9-23-70	[3] 13.0	[3] [8] [12] 15.0	RI69-349.
	do	300	4	Transwestern Pipeline Co., (Mocane Field, Beaver County, Okla.) (Panhandle Area).	288	3-23-70	[3] 4-23-70	9-23-70	[3] 18.0	[3] [8] [17] 19.51827	RI69-227.
	do	305	9	El Paso Natural Gas Co. (Highland Field, Beaver County, Okla.) (Panhandle Area).	197	3-23-70	[3] 4-23-70	9-23-70	18.0	[3] [17] 19.51556	RI69-349.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1504..	Petroleum Corp. of Texas et al., Post Office Box 911, Breckenridge, Tex. 76024.	18	2	South Texas Natural Gas Gathering Co. (Donna Field, Hidalgo County, Tex.) (RR. District No. 4).	$4,114	3-16-70	[3] 4-16-70	9-16-70	[21] [22] 13.5	[4] [21] 15.5572	
RI70-1505..	Sunset International Petroleum Corp. et al. 2400 Fidelity Union Tower, Dallas, Tex. 75201.	10	6	South Texas Natural Gas Gathering Co. (East Falfurrias Field, Jim Wells and Kleberg Counties, Tex.) (RR. District No. 4).	2,710	3- 9-70	[3] 6- 1-70	11-1-70	15.05625	[4] 16.06	RI68-445.
RI70-1506..	Texas Oil & Gas Corp. (Operator) et al. 1001 Americana Bldg., Houston, Tex. 77002.	56	1	Texas Eastern Transmission Corp. (Salt Dome Field, Lavaca County, Tex.) (RR. District No. 2).	13,709	3-16-70	4-16-70	9-16-70	[24] 16.0	[3] [23] 17.8779	
RI70-1507..	Walter Pidgeon et al..	1	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (La Copita Field, Starr County, Tex.) (RR. District No. 4).	887	3-19-70	[3] 4-19-70	9-19-70	[25] 14.6	[4] 16.6623	
RI70-1508..	Getty Oil Co.....	55	14	Texas Eastern Transmission Corp. (West George West Field, Live Oak County, Tex.) (RR. District No. 2).	708	3-16-70	[3] 4-16-70	9-16-70	[25] 14.661	[4] [25] 15.3733	RI70-753.
	.....do.....	171	3	United Gas Pipe Line Co. (Mustang Island Block 904, Nueces County, Tex.) (RR. District No. 4).	6,023	3-16-70	[3] 4-16-70	9-16-70	16.06	[3] [23] 17.06375	RI70-737.
	.....do.....	173	3	Natural Gas Pipeline Co. of America (Nine Mile Point, Aransas County, Tex.) (RR. District No. 4).	3,011	3-16-70	[3] 4-16-70	9-16-70	16.06	[4] 17.06375	RI70-485.
RI70-1509..	Schimmel Oil Co. (Operator) et al.	1	[1] 9	United Gas Pipe Line Co. (Poehler Field, Goliad County, Tex.) (RR. District No. 2).	.....	3-18-70	[3] 4-18-70	Accepted	.....	.....	
		1	11		1,023	3-18-70	[3] 4-18-70	9-18-70	16.6415	[3] [23] 18.34575	
RI70-1510..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	59	14	United Gas Pipe Line Co. (Cabeza Creek Area, De Witt, Goliad, and Karnes Counties, Tex.) (RR. District Nos. 1 and 2).	19,888	3-17-70	[3] 4-17-70	9-17-70	14.2156	[4] [7] 18.3458	RI70-46.

[1] Formerly Sun Oil Co.—DX Division FPC Gas Rate Schedule No. 298.
[2] The stated effective date is the effective date requested by Respondent.
[3] Increase to contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment from base of 1000.
[6] Periodic rate increase.
[7] Subject to a downward B.t.u. adjustment.
[8] The stated effective date is the first day after expiration of the statutory notice period.
[9] Pressure base is 15.025 p.s.i.a.
[10] Includes 1-cent minimum guarantee for liquids.
[11] Filing from initial certificated rate to first periodic increase.
[12] Applicable only to acreage added by Supplement Nos. 2 and 3.
[13] Respondent filing from initial certificated rate to initial contract rate.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17 cents plus upward B.t.u. adjustment after increase (1,158 B.t.u. gas).
[16] "Fractured" rate increase.
[17] Includes 0.87-cent upward B.t.u. adjustment.
[18] Redetermined rate increase.
[19] Buyer deducts 1.75 cents from price shown for compression.
[20] Subject to a 0.25-cent dehydration charge.
[21] Proposed rate of 14.5 cents suspended in Docket No. RI67-89 but not yet made effective subject to refund.
[22] Respondent is filing to initial contract rate plus tax reimbursement.
[23] Permanently certificated initial rate.
[24] Applicable only to acreage added by Supplement No. 7.
[25] Subject to a 0.88-cent downward B.t.u. adjustment.
[26] Subject to a 0.8250-cent downward B.t.u. adjustment.
[27] Pursuant to second amendment to statement of general policy No. 61-1.
[28] Includes 0.5-cent dehydration charge.
[29] Two agreements each dated Sept. 3, 1969, one providing for the termination of a prior agreement dated Aug. 7, 1969, and the other providing for a renegotiated price of 18.3 cents for the 5-year period commencing June 19, 1969, and 20.3 cents thereafter, one-half reimbursement for future taxes, and any higher area rate.
[30] Renegotiated rate increase.

Several of the producers herein request effective dates for which adequate notice has not been given. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the producers' rate filings and such requests are denied.

Humble Oil & Refining Co. (Humble), requests that should the Commission suspend its proposed rate filing that the suspension period with respect thereto be limited to one day, or as short a period as possible. Good cause has not been shown for limiting to one day the suspension period with respect to Humble's rate filing and such request is denied.

Kingwood Oil Co. (Kingwood), reqeusts waiver of the statutory notice and no suspension period with respect to its rate filings. Good cause has not been shown for permitting earlier effective dates for Kingwood's rate filings with no suspension periods and such request is denied.

Concurrently with the filing of their rate increase, Schimmel Oil Co. (Operator), et al. (Schimmel) submitted two contract agreements, designated as Supplement No. 9 to Schimmel's FPC Gas Rate Schedule No. 1, which provides for their proposed rate increase. We believe that it would be in the public interest to accept for filing Schimmel's contract agreements to become effective as of April 18, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended herein for 5 months from April 18, 1970, the proposed effective date.

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. 70-5034; Filed, Apr. 27, 1970; 8:45 a.m.]

[Docket No. RI70-1489]

UNION DRILLING, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 15, 1970.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge 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 a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its 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, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its 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 supplement to the rate schedule filed by respondent 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 respondent shall executive 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 a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

[1] Since Union has previously filed an acceptable general undertaking in accordance with Order No. 377, it will not be necessary for Union to file any agreement and undertaking herein. Union's proposed rate will become effective, subject to refund, as of the expiration of the suspension period without any further action by Union.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding 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.*

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.
RI70-1489..	Union Drilling, Inc. (Operator) et al.	40	[2] 2	Equitable Gas Co. (Holly and Salt Lick Districts, Braxton County, W. Va.).	(8)	3-16-70	[4] 4-16-70	Accepted			
		[7] 40	[5] 3			3-16-70	[4] 4-16-70	[3] 4-17-70	[10] [11] 25.096	[5] [9] 28.0	

[2] Supplemental agreement. Provides for increased rate for transporting gas subject to seller constructing 7 miles of 4-inch pipeline. Respondent has advised that pipeline has been completed. [3] Not stated.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Applicable only to gas produced from sands down to Top of Onondaga Formation.
[7] Contract dated after Sept. 28, 1960, date of issuance of statement of general policy No. 61-1.
[8] Applicable only to gas transported by Union.
[9] Pressure base is 15.325 p.s.i.a.
[10] Converted from 25 cents per Mcf at 62° F.
[11] Rate for gas from new wells on currently dedicated acreage or from old wells drilled deeper or worked over is 27.1038 cents per Mcf, effective subject to refund in Docket No. RI70-1417.

Union Drilling, Inc. (Operator), et al. (Union) request that their proposed rate increase and supplemental agreement be permitted to become effective as of March 2, 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 Union's rate filings and such request is denied.

Concurrently with the filing of their rate increase, Union submitted a supplemental agreement, designated as Supplement No. 2 to Union's FPC Gas Rate Schedule No. 40, which provides the basis for their proposed rate increase. We believe that it would be in the public interest to accept for filing Union's supplemental agreement to become effective as of April 16, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as ordered herein.

The contract related to Union's rate filing was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed rate exceeds the area increased rate ceiling but does not exceed the initial service ceiling for West Virginia. We believe in this situation, Union's rate filing should be suspended for 1 day from April 16, 1970, the date of expiration of the statutory notice.

[F.R. Doc. 70-5035; Filed, Apr. 27, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

PEOPLES TRUST OF NEW JERSEY

Order Approving Merger of Banks

In the matter of the application of Peoples Trust of New Jersey for approval of merger with The Peoples National Bank of Hackettstown.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Peoples Trust of New Jersey, Hackensack, N.J., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Peoples National Bank of Hackettstown, Hackettstown, N.J., under the charter and name of Peoples Trust of New Jersey. As an incident to the merger, the four offices of The Peoples National Bank of Hackettstown would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

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 said merger 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 New York pursuant to delegated authority.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

By order of the Board of Governors,[2] April 21, 1970.

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

[F.R. Doc. 70-5120; Filed, Apr. 27, 1970; 8:46 a.m.]

UNION BANK AND TRUST COMPANY

Order Approving Acquisition of Bank's Assets

In the matter of the application of Union Bank and Trust Co. for approval of acquisition of assets of Union State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Union Bank and Trust Co., Ottumwa, Iowa, a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of Union State Bank, Richland, Iowa, and, as an incident thereto, Union Bank and Trust Co. has applied, under section 9 of the Federal Reserve Act (12 U.S.C. 321), for the Board's prior approval of the establishment by that bank of a branch at the location of the sole office of Union State Bank. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board, has been published pursuant to the Bank Merger Act.

Upon consideration of all relevant material in the light of the factors set forth

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed transaction:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved: *Provided*, That said acquisition of assets and assumption of deposit liabilities and establishment of the branch 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 Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] April 21, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-5121; Filed, Apr. 27, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4870]

AMERICAN NATURAL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Notes

APRIL 20, 1970.

Notice is hereby given that American Natural Gas Co. ("American Natural"), 30 Rockefeller Plaza, Suite 4950, New York, N.Y. 10020, a registered holding company, and its subsidiary companies, Michigan Consolidated Gas Co. ("Michigan Consolidated"), Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), and Wisconsin Gas Co. ("Wisconsin Gas"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

American Natural proposes to issue and sell its notes, from time to time until January 1, 1973, up to a maximum of $40 million outstanding at any one time to the Institutional Investment Division of First National City Bank, New York, N.Y. ("Investment Division"), which administers, as Trustee, pension and other funds of many corporations. It is stated that the Investment Division has a continuous flow of funds from its internal operations and follows a practice of pooling these funds for loans to various corporations through its nominee, King & Co. The interest rate on the proposed notes will be equivalent to the highest rate paid daily by General Motors Acceptance Corp. on its commercial paper with a maturity of 30 to 180 days. American Natural will be notified by the Investment Division of any change in the interest rate. The notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature January 1 of the following year. The Investment Division will have the right, however, to demand payment at any time of all or any part of the principal of the loan or loans outstanding. American Natural will have the right to prepay the notes at any time without penalty.

American Natural proposes to loan the funds obtained from the Investment Division to its subsidiary companies on the same terms, conditions, and maturities as it obtains the funds. The amounts borrowed from the Investment Division would be made available as required by the subsidiary companies in the following maximum amounts: Michigan Wisconsin, $30 million; Michigan Consolidated, $15 million; and Wisconsin Gas, $10 million; although not more than $40 million would be outstanding at any one time under the arrangement. While it is anticipated that borrowings from the Investment Division will be available on a continuing basis, when repayment is required of all or a portion of the funds borrowed, the subsidiary companies that have borrowed from American Natural will pay their notes to American Natural, approximately pro rata, to the extent repayment is requested by the Investment Division. When the Investment Division again has funds available, American Natural will borrow the amounts tendered and reloan them to its subsidiary companies.

American Natural anticipates, under the proposed arrangement, that its subsidiary companies will be able to borrow money at a lower cost than borrowing from banks under lines of credit. It states, as an example, that during March 1970 the interest rate from the Investment Division will have ranged from a high of 8.16 percent to a low of 7.52 percent compared with a prime rate of 8½ percent to March 25, 1970 and 8 percent thereafter.

It is proposed that initially American Natural will borrow $30 million from the Investment Division and that of this amount, $25 million will be loaned to Michigan Wisconsin and $5 million to Michigan Consolidated. In order to assure the availability of funds, in addition to cash on hand, to make any required repayments and to provide for financing construction, lines of credit aggregating $25 million have been obtained from First National City Bank ("Bank"), as follows: $20 million by Michigan Wisconsin and $5 million by Michigan Consolidated. Borrowings from the Bank will be at the prevailing prime rate of the Bank on notes that mature no later than July 1, 1971. The interest rate will be adjusted every 90 days from the date of first borrowing to the prevailing prime rate. If additional lines of credit are deemed necessary up to the maximum aggregate of $40 million of bank borrowings proposed, or when new lines of credit are obtained from the Bank for periods subsequent to July 1, 1971, the companies will file a post-effective amendment.

American Natural also requests authority to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,500, including legal fees of $500. It is further stated that the Public Service Commission of Wisconsin has jurisdiction over the borrowings by Wisconsin Gas and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 12, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-5132; Filed, Apr. 27, 1970; 8:47 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. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[24S-2168]

JACKPOT EXPLORATION CORP.

Findings and Opinion and Order Permanently Suspending Exemption

APRIL 22, 1970.

In the matter of Jackpot Exploration Corp., East 802 Pacific, Spokane, Wash.

EXEMPTION FROM REGISTRATION

Grounds for suspension of exemption—Opportunity to correct deficiencies. Where notification and offering circular, filed pursuant to Regulation A for purpose of obtaining exemption from registration requirements of Securities Act of 1933, were materially deficient in that, among other things, offering circular failed to disclose adequately and accurately history of prior exploration of issuer's mining property and negative results of issuer's drilling, and notification omitted or misstated required information regarding jurisdictions in which offering was to be made and prior issuance of unregistered stock, held, since offering circular raised serious questions as to its adequacy it was in the public interest in first instance to suspend exemption temporarily without issuance by staff of deficiency letter, and in view of deficiencies and lack of care to present adequate and accurate filing, exemption should be permanently suspended notwithstanding issuer's willingness to file correcting amendments.

Appearances: Jack H. Bookey and Walter P. Pitts of the Seattle Regional Office of the Commission, for the Division of Corporation Finance.

Robert D. McGoldrick, for Jackpot Exploration Corp.

Jackpot Exploration Corp., a Washington corporation organized in July 1968 which has been conducting explorations for gold on certain mining claims in Idaho, filed with us on February 19, 1969, a notification on Form 1-A and an offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to section 3(b) thereof and Regulation A thereunder, with respect to a proposed public offering of 300,000 shares of its no-par value common stock at $1 per share.

On April 17, 1969, we entered an order pursuant to Rule 261 of Regulation A temporarily suspending the exemption. The temporary suspension order stated there was reasonable cause to believe that the notification and offering circular contained materially misleading statements concerning, among other things, the extent and results of exploratory work by the issuer and the issuer's predecessor, the economic feasibility of the production of gold, if discovered, and the proposed use of the proceeds of the offering; and that the issuer had failed to disclose required information regarding the jurisdictions in which the offering was to be made and the issuance of securities within 1 year of the filing.

At the issuer's request a hearing was held to determine whether to vacate that order or to enter an order permanently suspending the exemption. The hearing examiner submitted an initial decision in which he found that the notification and offering circular were deficient as alleged in the temporary suspension order, and concluded that a permanent suspension order should issue. We granted a petition filed by the issuer for review of the initial decision, and briefs were submitted by the issuer and by our Division of Corporation Finance. On the basis of our independent review of the record, we make the following findings.

DEFICIENCIES

The mining properties. The issuer holds a lessee's interest in four unpatented mining claims ("Jackpot claims") on the Salmon River in the Camp Howard Mining District near White Bird, Idaho, an extremely rugged mountainous area in which the lessor's late husband, Robert C. Old, had intermittently prospected for gold from about 1932 to about 1962.

The offering circular stated that in 1934 Old began dredging work in the river; he found some gold and in 1954 he examined the bottom of the river for the source of the gold and found "a ledge of gold-bearing rock in place and according to his wife quite a bit of gold was taken out, although there are no shipping records"; in 1955 he began drilling on the Jackpot claims near the river's edge in an effort to determine the direction of what was thought to be a fissure type vein; he expended over $10,000 in the drilling which continued until 1962; of the three holes which he drilled, two were completed and the third had approximately 50 feet to go "to cut the vein"; one of the completed holes located two "ore horizons" and the other, one ore horizon; and the sole surface expression of "the deposit" was a few seams of quartz in the rock.

It further stated that when the issuer acquired the lease interest in 1968, it drilled an additional three holes to determine "the nature and attitude of the mineralized structure"; the drill cores obtained by the issuer in this drilling were not analyzed and will not be until enough work is done to understand the origin and nature of "the deposition of the mineral"; at that time the drill cores "will be completely studied petrologically, mineralogically, and analytically"; gold is "the only metal of economic interest in the deposit"; further drilling will be necessary "to delineate the deposit at depth and laterally"; and the proposed public offering is intended to raise funds to continue drilling and related activities.

The principal question in this proceeding is whether the issuer's offering circular accurately states and properly qualifies the known material facts concerning the history of the mining claims, as required by Item 8A(e) of Schedule I of Form 1-A.[1] That requirement is designed to give the prospective investor an accurate basis for evaluating the risks involved in the proposed venture. We find that the offering circular does not meet that standard.

The descriptions in the offering circular of Old's prospecting activity, and particularly the references to "deposit," "vein," "ore horizons," and "mineralized structure," were materially misleading. Among other things, no disclosure was made that such descriptions were based solely on records and maps left by Old, supplemented by the recollections of his wife, and that Old was not a geologist or engineer. In describing the drilling by the issuer, which was intended to test the accuracy of the information derived from Old's records and maps, the offering circular failed to disclose that the three holes drilled by issuer intersected no ore horizons and found no mineral structures, or that one of the holes so drilled was about 1 foot from one in which Old was reported to have found two "ore horizons." And in stating that the drill cores would not be analyzed until further work was done, the offering circular omitted to disclose, as Adam Miller, issuer's president, testified, that no "free" gold or gold worthy of assay was found in the drill cores from these holes and that it would have been a waste of time and money to assay them.

The use of the term "deposit" carried an implication not justified by the lack of success experienced by Old over many years and the negative results of the issuer's own drilling. We have held that the term "ore" is applied properly only to mineralized material which may be mined at a profit,[2] and while the term in other contexts may include materials without regard to commercial extraction possibilities, we agree with the hearing examiner that in the context of an offering circular intended to offer stock for public sale, the use of the term ore without qualification implies ore of commercial value. Moreover, the statement that "quite a bit of gold was taken out" was misleading in view of the omission to state that Old had obtained no income from material taken from the Jackpot claims and that he recovered only small amounts of gold from the river which he traded for groceries.

The misleading nature of the statements with respect to the extent and results of the exploratory work done by Old and by the issuer in relation to the economic feasibility of the production of gold and to the proposed use of the proceeds of the offering is not dissipated by the fact that elsewhere, on the face of the offering circular and in an introductory section, there were included statements that the securities were offered as a "speculation," that the project for which funds were sought was entirely exploratory in nature, and that no assurance could be given that gold would

[1] Item 8A(e) directs that: "If the properties are known to have been previously explored, developed or mined by anyone and that fact or the results of such work is material, furnish information as to such work insofar as it is known and material."

[2] National Boston Montana Mines Corporation, 2 S.E.C. 226, 258 (1937); Marquette Mines, Inc., 8 S.E.C. 172, 179 (1940); National Lithium Corporation, 40 S.E.C. 747, 752 (1961).

be discovered and produced in commercial quantities on the issuer's properties. While cautionary statements were appropriate, such statements in one part of an offering circular cannot be deemed to cure the misleading impression conveyed by the other statements we have discussed and a failure to disclose vital facts cannot be offset by a general disclaimer.[3]

Other matters. Under Item 8 of the notification, calling for information with respect to the jurisdictions in which the securities were to be offered, the issuer stated only that it was not subject to Rule 253(b), which sets forth certain requirements for an issuer organized or conducting business in Canada, and failed to list the jurisdictions in which it did propose to offer securities. Under Item 9 of the notification, which called for information with respect to unregistered securities issued or sold within 1 year of the filing, the issuer stated "none," although it appears that 770,000 shares of stock were so issued.

It is clear that the notification was deficient with respect to these two items.[4] The issuer asserts that it had not yet decided in which jurisdictions it was going to make its offering and points out that the offering circular stated that the securities proposed to be offered had been registered in the State of Washington.[5] The issuer further contends that it misunderstood the question in Item 9 as referring only to sales of unregistered securities to the public, and that there was no intent to mislead. In this connection it points out that the offering circular shows that 770,000 shares had been issued to 14 persons who were incorporators or persons to whom stock had been issued in exchange for leases or services, and that all these shares were held in escrow in compliance with Rule 253(c). However, disclosures in an offering circular cannot be considered to cure defects in the notification. In order to insure a complete presentation of all required information, it is necessary that the answer to each item be complete and accurate in itself through a full statement of the relevant facts, or at least by appropriate cross-reference to another part of the filing in which the facts are stated.[6]

CONCLUSIONS

The issuer asserts that there have been no sales of stock to the public, that no use has been made of the offering circular except to file it with us for review, that any deficiencies in the filing were unintentional, that it was not furnished with a letter of comments by our staff or given an opportunity to correct the deficiencies before the temporary suspension order was issued, and that it was not given an opportunity to amend the filing thereafter, which it is willing to do. The issuer contends that under the circumstances it was premature to issue the temporary suspension and that it would be unfair to make it permanent. We cannot agree.

Contrary to issuer's suggestion, the issuer was not entitled to a deficiency letter as a matter of right. While it is stated in § 202.3 of the Code of Federal Regulations (17 CFR 202.3) that "the usual practice is to bring the deficiency to the attention" of the issuer, that section further provides that "this informal procedure is not generally employed where the deficiencies appear to stem from careless disregard of the statutes and rules or a deliberate attempt to conceal or mislead or where the Commission deems formal proceedings necessary in the public interest." The public interest warranted issuance of the temporary suspension order without our staff first sending a deficiency letter in view of the serious questions as to the adequacy of the offering circular.[7]

It is equally clear that the issuer does not have an absolute right to amend its filing as an alternative to or substitute for a permanent suspension. The exemption afforded by Regulation A is a conditional one based on compliance with express provisions and standards, and Rule 261 specifically provides that we may suspend an exemption in the event of noncompliance. The opportunity to amend or withdraw a deficient filing cannot be permitted to impair the required standards of careful and honest filings or to encourage a practice of irresponsible or deliberate submission of inadequate material to be followed by withdrawal or correction when deficiencies are found by our staff.[8]

In this case there were a number of serious deficiencies, primarily the failure to disclose material facts with respect to the prior exploration of the mining claims and the negative results of the issuer's drilling, as well as a number of deficiencies which at the least demonstrate a lack of care in the preparation of the filing. Under all the circumstances we cannot find that this filing demonstrates such a diligent and careful effort to present an accurate and adequate filing as to lead us in the exercise of our discretion to vacate the suspension.

We conclude, as did the hearing examiner, that it is appropriate in the public interest to make the suspension permanent. The suspension of the privilege of selling securities under Regulation A will leave the issuer free to offer its securities to the public if it complies with the registration provisions of the Act by filing a registration statement, from which a public investor may make an informed judgment as to whether the issuer's business venture involves risks which he is willing to assume.[9]

We have considered the initial decision of the hearing examiner and the exceptions thereto, and to whatever extent such exceptions involve issues which are relevant and material to the decision of this case, we have by our findings and opinion herein ruled upon them. We hereby expressly sustain such exceptions to the extent that they are in accord with the views set forth herein, and we expressly overrule them to the extent that they are inconsistent with such views.

Accordingly, it is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the proposed public offering by Jackpot Exploration Corp. be, and it hereby is, permanently suspended.

By the Commission (Chairman Budge and Commissioners Owens, Smith, Needham and Herlong).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-5133; Filed, Apr. 27, 1970; 8:47 a.m.]

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[3] See, for example, Continental Distillers & Importers Corp., 1 S.E.C. 54, 80-81 (1935); Mining & Development Corporation, 1 S.E.C. 786, 798-799 (1936); Income Estates of America, Inc., 2 S.E.C. 434, 442 (1937); Queensboro Gold Mines, Ltd., 2 S.E.C. 860, 862 (1937); National Lithium Corporation, 40 S.E.C. 746, 761 (1961).

[4] The hearing examiner also found that the filing was misleading in including the names of two broker-dealer firms as underwriters. This deficiency was not included in the original allegations in the suspension order nor was it specifically added by amendment. (See Rule 6(d) of our rules of practice.) Moreover, one of the named firms had executed a consent to being named as an underwriter in the filing, although it had not participated in the preparation of the notification or the offering circular. No agreement or consent had been obtained from the second firm, which was named as an underwriter in the offering circular but not in the notification. We are inclined to accept the issuer's statement that this firm's name was left in the offering circular by mistake. While this appears as another instance of a careless preparation of the filing, under all the circumstances, we do not base our decision herein on the listing of the underwriters.

[5] It should be noted that Miller testified that he intended to offer the stock in Washington and Idaho.

[6] Cf. Ypres Cadillac Mines Limited, 3 S.E.C. 41, 49 (1938); Comico Corporation, 39 S.E.C. 62, 73 (1959).

[7] Mutual Employees Trademark, Inc., 40 S.E.C. 1092, 1097-98 (1962); Capitol Leasing Corporation, Securities Act Release No. 4714, p. 5 (Aug. 18, 1964).

[8] Inspiration Lead Company, Inc., 39 S.E.C. 108, 114 (1959); Edsco Manufacturing Co., Inc., 40 S.E.C. 865, 869 (1961); General Aeromation, Inc., 41 S.E.C. 219, 227-228 (1962); Del Consolidated Industries, Inc., Securities Act Release No. 4795, p. 5 (July 26, 1965). We have also noted that our policy of considering amendments to a Regulation A filing after the issuance of a temporary suspension order would be more limited than in the case of a registration statement in view of the simplified requirements under Regulation A. See Illowata Oil Company, 38 S.E.C. 720, 723-24 (1958); Hart Oil Corporation, 39 S.E.C. 427, 432 (1959).

[9] Gold Crown Mining Corporation, 39 S.E.C. 619, 622 (1960); Aluminum Top Shingle Corporation, 40 S.E.C. 941, 946-947 (1961); U.S. Systems, Inc., Securities Act Release No. 4734, page 3 (Nov. 24, 1964). Moreover, while under Rule 252(c) a suspension order will bar the use of Regulation A by the issuer for 5 years, it may file an application for relief from such bar upon a proper showing made pursuant to Rule 252(f). Nevada Consolidated Mines, Inc., Securities Act Release No. 4717 (Aug. 20, 1964).

SMALL BUSINESS ADMINISTRATION

CONILL VENTURE CORP.

Notice of Issuance of Small Business Investment Company License

On March 19, 1970, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (35 F.R. 4788) stating that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license as a small business investment company by Conill Venture Corp., 231 South La Salle Street, Chicago, Ill. 60604.

Interested parties were given to the close of business, March 29, 1970, to submit their written comments to SBA. No comments were received. Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 07/07-0078 to Conill Venture Corp. to operate as a small business investment company.

Dated: April 14, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-5134; Filed, Apr. 27, 1970; 8:47 a.m.]

[Declaration of Disaster Loan Area 759]

NEW JERSEY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Passaic, Morris, and Somerset Counties, N.J.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on April 3 through April 5, 1970.

OFFICE

Small Business Administration Regional Office, 970 Broad Street, Newark, N.J. 07102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1970.

Dated: April 16, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-5135; Filed, Apr. 27, 1970; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

STORY AND CLARK PIANO CO., GRAND HAVEN, MICH.

Worker Request for Certification of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on April 20, 1970, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Allied Industrial Workers of America, AFL-CIO, on behalf of workers of the Grand Haven, Mich., piano plant of the Story and Clark Piano Co., Division of Chicago Musical Instrument Co. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos) of February 21, 1970. In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foregin Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before May 15, 1970.

Signed at Wasington, D.C., this 20th day of April 1970.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[F.R. Doc. 70-5111; Filed, Apr. 27, 1970; 8:45 a.m.]

UNIROYAL RUBBER FOOTWEAR PLANT, WOONSOCKET, R.I.

Certification of Eligibility of Workers To Apply for Adjustment Assistance; Notice of Investigation

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the production and maintenance workers and a similar petition filed on behalf of all salaried employees of Uniroyal Rubber Footwear Plant, Woonsocket, R.I. (Nos. TEA-W-13 and TEA-W-14). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided is Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before May 4, 1970.

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

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[F.R. Doc. 70-5148; Filed, Apr. 27, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 1002; Car Distribution Direction 84, Amdt. 2]

BALTIMORE AND OHIO RAILROAD CO. AND BURLINGTON NORTHERN, INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 84, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 84 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 26, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5156; Filed, Apr. 27, 1970; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 80, Amdt. 2]

ILLINOIS CENTRAL RAILROAD CO. AND CHICAGO AND NORTH WESTERN RAILWAY CO.

Car Distribution

Upon further consideration of Car Distribution Direction No. 80, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 80 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 26, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5152; Filed, Apr. 27, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 85]

KANSAS CITY SOUTHERN RAILWAY CO. AND BURLINGTON NORTHERN, INC.

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Kansas City Southern Railway Co. shall deliver to the Burlington Northern Inc., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date: This direction shall become effective at 12:01 a.m., April 27, 1970.

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

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

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5157; Filed, Apr. 27, 1970; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 67, Amdt. 10]

PENN CENTRAL CO. AND BURLINGTON NORTHERN, INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 67, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 67 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 26, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5150; Filed, Apr. 27, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 81, Amdt. 3]

ST. LOUIS-SAN FRANCISCO RAILWAY CO. AND BURLINGTON NORTHERN, INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 81, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 81 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 26, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5153; Filed, Apr. 27, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 83, Amdt. 2]

SEABOARD COAST LINE RAILROAD CO. ET. AL.

Car Distribution

To: Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., and Chicago and North Western Railway Co.

Upon further consideration of Car Distribution Direction No. 83, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 83 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 26, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5155; Filed, Apr. 27, 1970; 8:49 a.m.]

[S.O. 1002; Car Distribution Direction 79, Amdt. 6]

SOUTHERN PACIFIC CO. AND BURLINGTON NORTHERN, INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 79, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 79 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 26, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5151; Filed, Apr. 27, 1970; 8:48 a.m.]

[S.O. 1002; Car Distribution Direction 82, Amdt. 3]

SOUTHERN RAILWAY CO. AND BURLINGTON NORTHERN, INC.

Car Distribution

Upon further consideration of Car Distribution Direction No. 82, and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 82 be, and it is hereby, amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This direction shall expire at 11:59 p.m., May 31, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 26, 1970, and that it shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-5154; Filed, Apr. 27, 1970; 8:49 a.m.]

[Notice 66]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 23, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issues 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-13426 (Sub-No. 2 TA), filed April 21, 1970. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, Ill. 60174. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail department stores, between Detroit, Mich., on the one hand, and, on the other, points in St. Clair, Macomb, Oakland, Livingston, Washington, Wayne, and Monroe Counties, Mich.; restricted to service for Sears, Roebuck & Co., for 120 days. Applicant states that shipments will be tendered to applicant by Sears, Roebuck & Co., at applicants' terminal in Detroit. Shipments will move from Chicago to Detroit by authorized contract motor carrier. Supporting shipper: Sears, Roebuck & Co., 7447 Skokie Boulevard, Skokie, Ill. 60076. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 19105 (Sub-No. 29 TA), filed April 21, 1970. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 3544 (South Goldsboro Street Extended), Wilson, N.C. 27893. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y. commercial zone, to Charlotte, Hickory, and Winston-Salem, N.C., for 180 days. Supporting shipper: Standard Fruit and Steamship Co., Suite 418, 425 Broadhollow Road, Melville, N.Y. 11746. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 103993 (Sub-No. 519 TA), filed April 16, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from Fredericksburg, Va., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Kentucky, Tennessee, North Carolina, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Trailblazer of Virginia, 1319 Lafayette Boulevard, Fredericksburg, Va. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106398 (Sub-No. 468 TA), filed April 13, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, in initial movements, in truckaway service, from the plantsite of Skyline Corp., Dewey, Okla., to points in Texas, Kansas, Missouri, Arkansas, Louiciana, Colorado, New Mexico, and Nebraska, for 180 days. Supporting shipper: M. W. Fore, Skyline Corp., Harvard Tower, 4800 South Harvard, Suite 322, Tulsa, Okla. 74145. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 107295 (Sub-No. 364 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: *Lumber, lumber products, plywood, mouldings, and door jambs*, from the plantsite and warehouse facilities of Empire Lumber Co., Grandville, Mich., to points in Illinois, Indiana, Ohio, and Wisconsin, for 180 days. Supporting shipper: Empire Lumber Co., 2971 Franklin Street, Post Office Box 248, Grandville, Mich. 49418. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 365 TA), filed April 20, 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: *Roofing, roofing materials and supplies;* from Camden, Ark., to points in West Virginia and Pennsylvania, for 180 days. Supporting shipper: Celotex Corp., 1500 North Dale Mabry Highway, Tampa, Fla. 33600. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 113651 (Sub-No. 133 TA), filed April 20, 1970. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Sioux Center, Iowa, to points in Connecticut, Delaware, Indiana, Maine, Maryland, Washington, D.C., Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 114789 (Sub-No. 27 TA), filed April 21, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: James Levitus (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from St. Paul, Minn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, for 180 days. Supporting shipper: Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119522 (Sub-No. 15 TA) filed April 20, 1970. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Post Office Box 2159, Anderson, Ind. 46011. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television cabinets and parts thereof*, from Bryan, Ohio to the plantsite of RCA Corp. in Bloomington, Ind., and *returned shipments*, from the plantsite of RCA Corp. at Bloomington, Ind., to Bryan, Ohio, for 180 days. Supporting shipper: RCA Consumer Electronics Division, 1300 South Rogers Street, Bloomington, Ind. 47401. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 123124 (Sub-No. 4 TA) (Correction), filed March 26, 1970, published in the FEDERAL REGISTER issue of April 10, 1970, and republished as part corrected, this issue. Applicant: W. A. BOOTH, doing business as BOOTH DELIVERY SERVICE, 408 15th Street North, Fargo, N. Dak. 58102. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. NOTE: The purpose of this partial republication is to show "dairy products", as part of the commodity description, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

No. MC 124078 (Sub-No. 430 TA), filed April 20, 1970. Applicant: SCHWEMAN 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: *Carbon dioxide*, in shipper-owned trailers, from Toledo, Ohio, to points in Indiana, Michigan, New York, and Pennsylvania, for 150 days. Supporting shipper: Airco Industrial Gases, Division of Air Reduction Co., Inc., 575 Mountain Avenue, Murray Hill, N.J. 07974 (R. D. Howard, Transport Equipment Fleet Administrator). 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 124708 (Sub-No. 21 TA), filed April 20, 1970. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Suite 320, First Westside Bank Building, Omaha, Nebr. 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsites of Iowa Beef Processors, Inc., located at Emporia, Kans., and Dakota City, Nebr., to points in Arizona, California, New Mexico, Nevada, Oregon, Washington, and Utah, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 125844 (Sub-No. 20 TA), filed April 20, 1970. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Placenta, derivatives of placenta, blood, derivatives of blood, cells, tissue and/or tissue culture, and materials and supplies used in connection therewith* from (1) points in the United States to points in Florida and Kentucky, and (2) points in Florida to points in the United States, for 180 days. Supporting shipper: Charles F. Neilson, Vice President, Gray Industries, Inc., Post Office Box 23518, Fort Lauderdale, Fla. 33307. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 126276 (Sub-No. 29 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, container components, and supplies and materials used in the manufacture and distribution thereof*, when moving in the same vehicles with metal containers and container components, between the plantsite of Crown Cork & Seal Co., Inc., at Chicago, Ill., and the plantsite and facilities of Crown Cork & Seal Co., Inc., at Faribault, Minn., for 150 days. Supporting shipper: Crown Cork & Seal Co., Inc., 3501 W. 31st Street, Chicago, Ill. 60623. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 30 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 St. Louis, Mo., to points in Illinois (except points in the Chicago, Ill. commercial zone), for 150 days. Supporting shipper: Crown Cork & Seal Co., Inc., 3501 W. 31st Street, Chicago, Ill. 60623. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128867 (Sub-No. 1 TA), filed April 21, 1970. Applicant: GERALD A. McCAHILL AND JAMES W. NADEAU, doing business as G AND J CARTAGE COMPANY, 20536 Pennsylvania, Taylor, Mich. 48180. Applicant's representative: Edward Sanders, 1551 Penobscot Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk sand molding*, bonded, for Lawrence Refractories Co., from South Rockwood, Mich., to plantsite of Jones & Laughlin Steel Corp., Cleveland, Ohio, in bins on flat-bed trailers, for 150 days. Supporting shipper: Lawrence Refractories Co., South Rockwood, Mich. Send protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 134264 (Sub-No. 3 TA), filed April 16, 1970. Applicant: OCKENFEL's TRANSFER, INC., Post Office Box 5, Iowa City, Iowa 52240. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, 901 South Madison, Ottumwa, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic drainage tubing and related articles and supplies*, between Iowa City, Iowa, on the one hand, and, on the other, the plantsite of Advanced Drainage of Ohio, Inc., near Malinta, Ohio, and Wooster, Ohio, for 180 days. Supporting shipper: Advanced Drainage Systems, Inc., Post Office Box 912, Iowa City, Iowa 52240. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 134516 TA, filed April 21, 1970. Applicant: DAVID MARTIN, doing business as NANDRA TRUCKING CO., Gaylord, Minn. 55334. Applicant's representative: Sidney S. Feinberg, 400 Dain Tower, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Minneapolis, Minn., to points in South Dakota, North Dakota, Illinois, Michigan, and Wisconsin; and return, for 180 days. Supporting shipper: Capp-Homes, Inc., and International Homes, Inc., Divisions of Evans Products Co., 3355 Hiawatha Avenue, Minneapolis, Minn. 55406. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134517 TA, filed April 21, 1970. Applicant: SAM ZASLOWSKY, 371 East 48th Street, Brooklyn, N.Y. 11203. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet and facial tissues*, from New York, N.Y., to points in Essex, Somerset, Middlesex, Union, Bergen, Passaic, Hudson, and Morris Counties, N.J., for 180 days. Supporting shipper: Allegheny Tissue Corp., Traffic & Woodline Streets, Ridgewood, N.Y. 11227. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

MOTOR CARRIER OF PASSENGERS

No. MC 134415 (Sub-No. 1 TA), filed April 17, 1970. Applicant: PERDUE FOODS, INC., Post Office Box 1537, Salisbury, Md. 21801. Applicant's representative: Donald W. Mabe, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operation, between points in Northampton and Accomack Counties, Va., on the one hand, and, on the other, the plantsite of Perdue Foods, Inc., Salisbury, Md., for 180 days. Supporting shipper: Perdue Foods, Inc., Post Office Box 1537, Salisbury, Md. 21801; Donald W. Mabe, Vice President-General Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

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

[F.R. Doc. 70-5149; Filed, Apr. 27, 1970; 8:48 a.m.]

[S.O. 994; ICC Order 45]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Missouri-Kansas-Texas Railroad Co. is unable to transport traffic over its line between Chanute, Kans., and Parsons, Kans., because of floods.

It is ordered, That:

(a) The Missouri-Kansas-Texas Railroad Co., being unable to transport traffic over its line between Chanute, Kans., and Parsons, Kans., because of floods, that line is hereby authorized to reroute and divert such traffic via any available route, to expedite the movement.

(b) Concurrence of receiving road to be obtained: The Missouri-Kansas-Texas Railroad Co. shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2 p.m., April 20, 1970.

(g) Expiration date: This order shall expire at 11:59 p.m., April 27, 1970, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 20, 1970.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 70-5092; Filed, Apr. 24, 1970; 8:50 a.m.]

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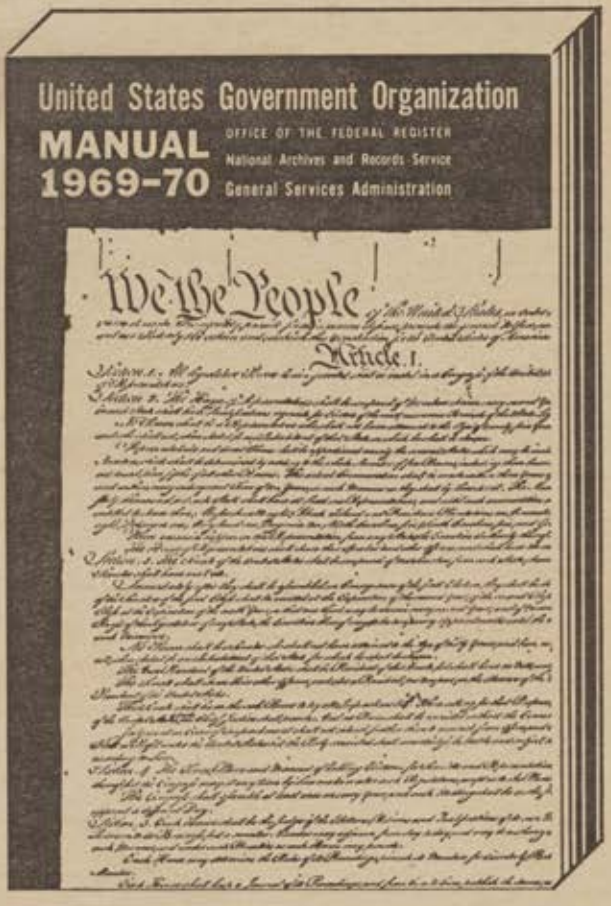

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