Done at Hyattsville, Md., this 13th day of November 1970.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 70-15549; Filed Nov. 18, 1970; 8:47 a.m.]

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

[Navel Orange Reg. 213]

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

Limitation of Handling

§ 907.513 Navel Orange Regulation 213.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359) 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 submitted 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date thereof. Such committee meeting was held on November 17, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 20, 1970, through November 26, 1970, are hereby fixed as follows:

(i) District 1: 528,000 cartons.

(ii) District 2: Unlimited movement.

(iii) District 3: 72,000 cartons.

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

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

Dated: November 18, 1970.

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

[F.R. Doc. 70-15699; Filed, Nov. 18, 1970; 11:14 a.m.]

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

GRADE AND SIZE REQUIREMENTS

Notice was published in the FEDERAL REGISTER issue of November 5, 1970 (35 F.R. 17046), that the Department was giving consideration to a proposed amendment of §§ 932.149 and 932.153 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161; 35 F.R. 13772, 14436, 13877, 14381) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was submitted by the Olive Administrative Committee, established pursuant to said marketing agreement and order as the agency to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

As published in said notice in the FEDERAL REGISTER (35 F.R. 17046), the fraction "one one-fortieth" in § 932.153 (b)(4) should have been "one one-hundred-fortieth." Such error is herein corrected.

Therefore, said rules and regulations are hereby amended as follows:

1. The title of § 932.149, as set forth at 35 F.R. 14436, is corrected, the introductory text is amended, paragraph (g) is redesignated as paragraph (h) and a new paragraph (g) is added reading as follows:

§ 932.149 Modified grade requirements for specified styles of canned olives of the ripe type.

Except as hereinafter specified in paragraph (g) of this section, the grade requirements prescribed in § 932.52(a)(1) are modified as follows with respect to specified styles of olives of the ripe type:

* * * * *

(g) During the period November 16, 1970, through January 31, 1971, the grade requirement for processed olives, used in the production of packaged olives of the ripe type shall be the grade requirement specified in § 932.52(a)(1) if such processed olives were processed prior to September 1, 1970, and are identified and kept separate and apart from any olives processed after August 31, 1970.

* * * * *

2. The introductory text of paragraph (a) of § 932.153 is amended, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added reading as follows:

§ 932.153 Establishment of sizes of processed olives for use in the production of halved, sliced, chopped, or minced styles of canned ripe olives.

(a) Except as hereinafter specified in paragraph (b) of this section, the minimum sizes of processed olives of the respective variety groups that may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives shall be not smaller than the following applicable minimum sizes:

* * * * *

(b) During the period November 16, 1970, through January 31, 1971, any handler may use processed olives of the respective variety groups in the production of halved, sliced, chopped, or minced styles of canned ripe olives if such processed olives meet the grade requirements specified in § 932.52(a)(1) and the following requirements:

(1) The olives shall have been processed prior to September 1, 1970;

(2) The olives shall be identified and kept separate and apart from any olives processed after August 31, 1970;

(3) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, shall be of a size which individually weigh one eighty-eighth pound: *Provided,* That not to exceed 15 percent of the olives in any lot may be smaller than one eighty-eighth pound;

(4) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh one one-hundred-fortieth pound:

Provided, That not to exceed 15 percent of the olives in any lot may be smaller than one one-hundred-fortieth pound;

(5) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh one one-hundred-eightieth pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than one one-hundred-eightieth pound;

(6) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh one one-hundred-fortieth pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than one one-hundred-fortieth pound.

* * * * *

It is hereby found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of olives is now in progress and to be of maximum benefit the provisions of this amendment should become effective on the date specified herein, (2) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (3) this amendment was unanimously recommended by members of the Olive Administrative Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views, and (4) this amendment relieves restrictions, during the period November 16, 1970, through January 31, 1971, on the handling of California olives processed prior to September 1, 1970.

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

Dated: November 16, 1970.

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

[F.R. Doc. 70-15602; Filed, Nov. 18, 1970; 8:51 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5098, 34-9006, 35-16875, 39-281, IC-6220, IAA-274]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Procedures Regarding Public Availability of Requests for No-Action and Interpretative Letters and Responses

The Securities and Exchange Commission has adopted a new § 200.81 of the Code of Federal Regulations (17 CFR 20081) concerning public availability of requests for no-action and interpretative letters and the responses made by the Commission's staff to such requests, and has amended the provisions of § 200.80(c)(4) to reflect the changes therein necessitated by the Commission's action. Notice of the proposed action was published July 14, 1970 (see Securities Act Release No. 5073; 35 F.R. 11702). Section 200.81 provides generally that requests for interpretative advice or no-action letters and written responses to such requests shall be treated as public records of the Commission after a response has been made.

Section 200.81 provides that no-action and interpretative letters and the responses thereto will be available for public inspection or copying 30 days after the staff has given or sent the responses to the person requesting it. In particular cases where it appears that a further delay in publication would be appropriate, the letter and response thereto will be given confidential treatment for a reasonable period not exceeding an additional 90 days upon application therefor. The burden will be on the person requesting the no-action position or interpretation to establish the need for confidential treatment and it will not be granted unless such need is clearly shown. Moreover, requests for confidential treatment should be limited to the minimum period necessary under the circumstances. Only in exceptional situations, such as mergers or acquisition programs, will the full 90-day period be allowed.

It is contemplated that from time to time where the subject matter of a no-action or interpretative letter is of particular interest or importance, such letter and response thereto will be published in summarized form in the Commission's daily News Digest. This will call attention to the position taken in the staff's response and interested persons can, if they so desire, inspect the full text of the letter and response thereto in the public file. In addition, copies of the letter and response may be purchased at prescribed rates by writing to the Public Reference Room, Securities and Exchange Commission, Washington, D.C. 20549.

A note to paragraph (b) of the rule requires that all requests for interpretative advice or a no-action position shall indicate in a separate caption at the beginning of the request each section of the Act or rule involved. If more than one section or rule is involved, a separate copy of the request must be submitted for each such section or rule and an additional copy for the use of the staff of the Commission. Comments on the proposed rule indicated concern that the requests and responses thereto should be available in a form which will facilitate reference to those relating to a particular section or rule. Cooperation of the bar and other persons in complying with the note to paragraph (b) will aid in accomplishing this result.

The rule will operate prospectively and will apply to all requests submitted on or after December 1, 1970.

It should be recognized that no-action and interpretative responses by the staff are subject to reconsideration and should not be regarded as precedents binding on the Commission.

To avoid possible confusion as a result of the adoption of the foregoing section, the Commission has amended § 200.80 of the Code of Federal Regulations (17 CFR 200.80) to delete the clause now comprising subdivision (i) of paragraph (c)(4) of the section, relating to the confidential treatment of interpretative and no-action letters. As so amended, paragraph (c)(4) of § 200.80 is amended to read as set forth below.

Commission action. Part 200 of Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

I. A new § 200.81 is added to read as set forth below:

§ 200.81 Publication of interpretative and no-action letters and other written communications.

(a) Except as provided in paragraphs (b) and (c) of this section, every letter or other written communication requesting the staff of the Commission to provide interpretative legal advice with respect to any statute administered by the Commission or any rule or regulation adopted thereunder, or requesting a statement that, on the basis of the facts stated in such letter or other communication, the staff would not recommend that the Commission take any enforcement action, together with any written response thereto, shall be made available upon request for inspection and copying by any person 30 days after the response has been sent or given to the person requesting it.

(b) Any person submitting such letter or other written communication may also submit therewith a request that it be accorded confidential treatment for a specified period of time, not exceeding 90 days after the expiration of such 30 days, together with a statement setting forth the considerations upon which the request for such treatment is based. If the staff determines that the request is reasonable and appropriate it will be granted and the letter or other communication will not be made available for public inspection or copying until the expiration of the specified period. If it appears to the staff that the request for confidential treatment should be denied, the staff shall so advise the person making the request and such person may withdraw the letter or other communication within 30 days thereafter. In such case, no response will be sent or given and the letter or other communication shall remain in the Commission's files but will not be made public. If such letter or other communication is not so withdrawn, it shall be deemed to be available for public inspection and copying together with any written response thereto.

NOTE: All letters or other written communications requesting interpretative advice or a no action position shall indicate prominently, in a separate caption at the beginning of the request, each section of the Act and each rule to which the request relates. If more than one section or rule

is involved, a separate copy of the request shall be submitted for each section or rule involved and an additional copy for the use of the staff of the Commission.

(c) This section shall not apply, however, to letters of comment or other communications relating to the accuracy or adequacy of any registration statement, report, proxy, or information statement or other document filed with the Commission, or relating to the extent to which such statement, report, or document complies with any applicable requirement.

II. Subparagraph (4) of paragraph (c) of § 200.80 is amended to read as follows:

§ 200.80 Commission records and information.

* * * * *

(c) * * *

(4) Trade secrets and commercial and financial information obtained from a person and privileged or confidential, including:

(i) Information contained in letters of comment in connection with registration statements, applications for registration or other material filed with the Commission, replies thereto, and related material which is deemed to have been submitted to the Commission in confidence or to be confidential at the instance of the registrant or person who has filed such material unless the contrary clearly appears; and

(ii) Information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, such as preliminary proxy material filed pursuant to Rule 14a-6 under the Securities Exchange Act (17 CFR 240.14a-6), reports filed pursuant to Rule 322 (c) and (d) under the Securities Act (17 CFR 230.322 (c) and (d)), agreements filed pursuant to Rule 320(e) under the Securities Act (17 CFR 230.320 (e)) or Rule 15c-3-1(c)(7)(G) under the Securities Exchange Act (17 CFR 240.15c3-1(c)(7)(vii)) and schedules filed pursuant to Part II of Form X-17A-5 (17 CFR 249.617) in accordance with Rule 17a-5(b)(3) under the Securities Exchange Act (17 CFR 240.17a-5(b)(3)); and

(iii) Information contained in reports, summaries, analyses, letters, or memoranda arising out of or in connection with an examination or inspection or other investigation of the books and records of any person.

* * * * *

The foregoing rule shall be effective with respect to requests for interpretative advice or a no-action position submitted to the Commission on or after December 1, 1970.

(Secs. 19, 209, 48 Stat. 85, 908, 15 U.S.C. 77s; sec. 23a, 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b-11)

By the Commission, October 29, 1970.

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

[F.R. Doc. 70-15662; Filed, Nov. 18, 1970; 8:51 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Methoxychlor

No comments and no requests for referral to an advisory committee were received in response to the notice published in the FEDERAL REGISTER of August 25, 1970 (35 F.R. 13525), proposing establishment of a tolerance of 7 parts per million for residues of methoxychlor in or on sweetpotatoes and yams for reasons given. The Commissioner of Food and Drugs concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.120 is amended by adding after the paragraph "14 parts per million * * *" a new paragraph "7 parts per million * * *" and by revising the paragraph "1 part per million * * *," as follows:

§ 120.120 Methoxychlor; tolerances for residues.

* * * * *

7 parts per million in or on sweetpotatoes and yams from preharvest and postharvest application.

* * * * *

1 part per million in or on potatoes.

* * * * *

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

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

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: November 5, 1970.

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

[F.R. Doc. 70-15525; Filed, Nov. 18, 1970; 8:45 a.m.]

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

Insecticide Mixture

No comments or requests for referral to an advisory committee were received in response to the notice published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13583), proposing that § 120.255 be amended to clarify the tolerances regarding corn for reasons given. The Commissioner of Food and Drugs concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), § 120.255 is revised to read as follows:

§ 120.255 *m*-(1-Methylbutyl)phenyl methylcarbamate and *m*-(1-ethylpropyl)phenylmethylcarbamate; tolerances for residues.

Tolerances are established for negligible residues of an insecticide that is a mixture consisting of 75 percent *m*-(1-methylbutyl)phenyl methylcarbamate and 25 percent *m*-(1-ethylpropyl)phenyl methylcarbamate in or on the raw agricultural commodities corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), and corn fodder and forage at 0.05 part per million (such tolerances to cover residues of both components).

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

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