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SLIP LAWS

91st Congress, 1st Session
1969

Separate prints of Public Laws, published immediately after enactment, with marginal annotations and legislative history references.

Subscription Price:
$20.00 per Session

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402
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**Transportation Department**

See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration.

**Treasury Department**

See Customs Bureau; Internal Revenue Service.
By virtue of the authority vested in me by section 55(a) of the Internal Revenue Code of 1939, as amended (53 Stat. 29, 54 Stat. 1008; 26 U.S.C. (1952 Ed.) 55(a)), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, estate, or gift tax return for the years 1948 to 1969, inclusive, shall, during the Ninety-first Congress, be open to inspection by the Senate Committee on Government Operations or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

This order shall be effective upon its filing for publication in the Federal Register.

The White House,
February 7, 1969.

[FR Doc. 69-1761; Filed, Feb. 7, 1969; 12:51 p.m.]
Chapter III—Agricultural Research

§ 301.80—Regulated areas.

7 CFR 301.80-2, as amended, 32 P.R. thereon, in the quarantined States, are within the meaning of the provisions in designated as witchweed regulated areas

South Carolina

Columbus County. That part of the county

noting north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south of the intersection of said road with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bagoe Swamp, thence west to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence west along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Secondary Road 1989, thence north along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its junction with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1366, thence southwest along said road to its junction with the North Carolina State line.

The Hickman Bros. farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1003.

The Long, Earnest H., farm located on the northeast side of State Secondary Road 1954, and 0.1 mile north of its junction with State Secondary Road 1202.

The Norris, A. J., farm located on both sides of State Secondary Road 136 and 1.1 mile south of its junction with State Secondary Road 1005.

The Prince, J. Carl, farm located on both sides of State Secondary Road 1199 and 2.2 miles west of its junction with State Secondary Road 1103.

The Prince, Jennings L., farm located at the junction of State Secondary Road 1100 and State Secondary Road 1109.

The Squires, Alva O., farm located on the south side of State Highway 211 and 0.3 mile south of its intersection with State Secondary Road 1740.

The Suggs, Lacey, farm located at the end of a dirt road, 0.8 mile southeast of its junction with State Secondary Road 1108.

The White, Gadsden, farm located on the southwest side of State Highway 904 at a point 0.36 mile southeast of its junction with State Secondary Road 1127.

Crawford County. The Norman, Jerome, farm located on the north side of State Secondary Road 1393 and 0.5 mile north of its junction with State Secondary Road 1629.
RULES AND REGULATIONS

junction with State Secondary Road 1724, the west side of said road to its junction with State Secondary Road 1800, thence southwest along said road to its junction with State Secondary Road 1702 at Hallsville, thence northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1062 intersects the Duplin-Lenoir County line, thence extending southeast along said county line to its intersection with State Highway 11, thence extending northwest along said road to its junction with State Secondary Road 1102 at Albertson, thence north along said road to the point of beginning, excluding the town of Albertson.

The Beasley, E. M., farm located on the southwest side of State Secondary Road 1104 and at the junction of said road and State Secondary Road 1107.

The Bonham, Paisley, farm located on the north side of State Secondary Road 1977 and 1 mile east of Ferent.

The Bostic, P. J., farm located on the west side of State Highway 90, at the junction of said road and State Secondary Road 1730.

The Byrd, David O., farm located on the northeast side of State Secondary Road 1101, at the northeast corner of said road and State Secondary Road 1101 at the junction of said road.

The Crow, T. E., farm located on the southwest side of State Road 1231 and 0.8 mile west of the junction of said road with State Secondary Road 1802.

The Faison, T. H., farm located on the east side of State Secondary Road 1301 and 1.6 miles north of its junction with State Secondary Road 1101.

The Garner, S. B., farm located on the south side of State Secondary Road 1306 and 0.8 mile west of the junction of said road and State Secondary Road 1101.

The Hall, Janie Mae, farm located on the south side of State Secondary Road 1100 and 0.1 mile west of the junction of said road and State Secondary Road 1101.

The Hall, John, farm located at the junction of State Secondary Roads 1109 and 1120 on both sides of State Secondary Road 1109.

The Herrick, Paul, farm located on the west side of State Secondary Road 1109 and 0.7 mile south of the intersection of said road with State Secondary Road 1003.

The Jackson, Emmitt, farm located on the east side of State Secondary Road 1109 and 0.3 mile north of its junction with State Secondary Road 1109.

The Johnson, C. M., farm located on the southwest side of State Secondary Road 1101 and 0.6 mile northwest of the junction of said road with State Secondary Road 1110.

The Jones, J. A., farm located on the southwest side of State Secondary Road 1703 and 0.4 mile west of the junction of said road with State Secondary Road 1702.

The Kaimar, J. N., farm located on the southwest side of State Highway 1008 and 0.5 mile west of the junction of said road with State Secondary Road 1304.

The Kennedy, Owen, farm located on the east side of State Secondary Road 1700 and 0.6 mile southeast of the intersection of said road with State Secondary Road 1135.

The Jourdan, J. M., farm located on the southwest side of State Secondary Road 1130 and 0.7 mile north of its junction with State Secondary Road 1135.

The Joseph, T. H., farm located on the southwest side of State Secondary Road 1130 and 0.7 mile northwest of its junction with State Secondary Road 1135.

The Johnson, J., farm located on the southwest side of State Secondary Road 1130 and 0.2 mile east of State Secondary Road 1501 at a point 0.3 mile south of the intersection of said road with State Secondary Road 1135.

The Lee, Julian Hall, farm located on the north side of State Secondary Road 1103 and 0.3 mile east of the intersection of said road with State Secondary Road 1100.

The Marshburn, Freeman J., farm located on the northeast side of State Secondary Road 1119 at the southeast of the intersection of said road and State Secondary Road 1120.

The Maxwell, Myra, farm located on the northeast side of State Secondary Road 1700 at a point 0.4 mile north of the junction of said road with State Secondary Road 1701 and 0.1 mile northeast of the intersection of said road and State Secondary Road 1111.

The Maxwell, Myra, farm located at the end of a farm road 0.3 mile north of the junction of said farm road with State Secondary Road 1139 and 0.1 mile northeast of the intersection of said road and State Secondary Road 1139.

The Mercer, Catherine, farm located on the southwest side of State Secondary Road 1107 and 0.8 mile west of the junction of said road with State Secondary Road 1722.

The Mercer, Herbert C., farm located on the southwest side of State Secondary Road 1733 and 0.7 mile west of the junction of said road with State Secondary Road 1104.

The Norris, Maggie T., farm located on the south side of State Secondary Road 1700 and 1.4 miles east of the junction of said road with State Secondary Road 1104.

The Page, E. J., farm located on the west side of State Secondary Road 1105 and 0.2 mile east of the intersection of said road with State Secondary Road 1129.

The Page, P. H. Jr., farm located on the southwest side of State Secondary Road 1105 and 0.1 mile east of the intersection of said road with State Secondary Road 1100.

The Page, W. C., farm located on the north side of State Secondary Road 1105 and 0.2 mile east of the intersection of said road with the Duplin-Sampson County line.

The Page, W. C., farm located on both sides of State Secondary Roads 1128 and 0.1 mile southeast of the intersection of said road and State Secondary Road 1129.

The Page, William W., farm located on the south side of State Secondary Road 1101 and 0.5 mile west of the intersection of said road and State Secondary Road 1100.

The Pullen, William W., farm located on the south side of State Secondary Road 1101 and 0.6 mile west of the resulting line of said road and State Secondary Road 1100.

The Riverbank, George W., farm located on the southwest side of State Secondary Road 1101 and 0.4 mile southwest of the intersection of said road with State Secondary Road 1100.

The Summerlin, Oliver, farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The Thomas, J. E., farm located on the north side of State Secondary Road 1790 and 1.5 miles east of Sarecta.

The Turner, Luma, farm located on the south side of State Secondary Road 1790 and 0.5 mile west of the junction of said road with State Secondary Road 1722.

The Williams, Pate, farm located on the south side of State Secondary Road 1003 and 0.5 mile east of its intersection with State Secondary Road 1100.

The Williams, Lewis, farm located on the northeast side of State Secondary Road 1100 and 0.7 mile west of the intersection of said road with State Secondary Road 1003.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1200 intersect and extending southeast along said road to its junction with State Highway 47, then northeast along said highway to its junction with State Highway 27, then west along said highway to its junction with State Secondary Road 1107, said junction being 0.3 mile southeast of the intersection of said road with State Secondary Road 1129.

That area bounded by a line beginning at the end of said road and State Secondary Road 1200, thence north along said county line to its junction with State Secondary Road 1107, thence northeast along said county line to its junction with State Secondary Road 1107, thence west along said county line to its junction with the Duplin-Moore County line, thence north along said county line to its junction with State Secondary Road 1107, thence northeast along said county line to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1832 and 0.4 mile west of the junction of said road with State Secondary Road 1800.

That area bounded by a line beginning at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1640, said junction being 0.4 mile northeast of the junction of said sec­ondary road and State Secondary Road 1642.

That area bounded by a line beginning at the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1605.

The Edwards, Charles, farm located on the north side of State Secondary Road 1128 and 0.5 mile south of the junction of said road with State Secondary Road 1135.

The Harrington, Luke, farm located on both sides of State Secondary Road 1251 and 0.1 mile south of the junction of said road with State Secondary Road 1251.

The Mccleod, Carl, farm located on both sides of State Highway 1382 and 0.5 mile west of the junction of said highway and State Secondary Road 1382.

The Morgan, Robert, farm located on both sides of State Secondary Road 1321 and 0.4 mile east of the junction of said road with State Secondary Road 1321.

The Parker, E. O., farm located on the north side of State Secondary Road 2304 and 0.1 mile west of the junction of said road with State Highway 1547.

The Parrish, Eddie L., farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The Wagner, W. L., farm located on both sides of State Highway 1547 and 0.3 mile southwest of the intersection of said highway and State Secondary Road 1406.

The Bailey, N. A., farm located on the west side of the Duplin-Cumberland County line, thence south and west of the Fort Bragg Military Reservation.

Garnes Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Frank Road, lying within the Fort Bragg Military Reservation.

Johnston County. That area, bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 49 intersect and extending southwest along said road to its junction with the Johnston-Sampson County line, thence west along said county line to its intersection with State Secondary Road 1323, thence northeast along said highway to its intersection with State Secondary Road 1136, thence east along said road to the point of beginning.

The Barefoot, Wade H., farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.5 mile west of the intersection of said road with State Secondary Road 1145.

The Beasley, Hugh, farm located on the east side of State Secondary Road 1197 at a point 0.4 mile east of its junction with State Secondary Road 1197.

The Beasley, Rufus P., farm located on the west side of State Secondary Road 1198, and
0.6 mile south of the line of said road with State Secondary Road 1130.

The Williams, Roscoe, farm located on the east side of State Secondary Road 1119 and 0.3 mile northwest of the intersection of said road with State Secondary Road 1116.

The Douglass, Grady C., farm located in the northeast quadrant of the Junction of State Secondary Roads 1168 and 1001.

The Wooten, J. M., farm located on both sides of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

The McIntyre, James, farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the intersection of said road with State Secondary Road 1001.

Lea County. That area bounded by a line beginning at the southwest corner of Lea County, and extending northeast along State Secondary Road 1111 to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1324, thence east along said road to its junction with State Secondary Road 1323, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1329, thence south along said road to its junction with State Secondary Road 1328, thence southeast along said road to its junction with State Secondary Road 1327, thence southwest along said road to its junction with State Secondary Road 1326, thence southeast along said road to its junction with State Secondary Road 1325, thence southwest along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1323, thence southeast along said road to its junction with State Secondary Road 1322, thence southwest along said road to its junction with State Secondary Road 1002, thence north along said road to its junction with State Secondary Road 1001, thence east along said road to its junction with State Secondary Road 1000, thence south along said road to its junction with State Secondary Road 1167, thence south along said road to its junction with State Secondary Road 1166, thence south along said road to its junction with State Secondary Road 1165.

The Lea County. That area bounded by a line beginning at the northeast corner of Lea County, and extending east along State Secondary Road 1111 to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence northeast along said road to its junction with State Secondary Road 1329, thence south along said road to its junction with State Secondary Road 1328, thence southwest along said road to its junction with State Secondary Road 1327, thence southeast along said road to its junction with State Secondary Road 1326, thence southeast along said road to its junction with State Secondary Road 1325, thence southwest along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1323, thence southeast along said road to its junction with State Secondary Road 1322, thence southwest along said road to its junction with State Secondary Road 1002, thence north along said road to its junction with State Secondary Road 1001, thence east along said road to its junction with State Secondary Road 1000, thence south along said road to its junction with State Secondary Road 1167, thence south along said road to its junction with State Secondary Road 1166, thence south along said road to its junction with State Secondary Road 1165.

The Montgomery County. The Glover, Thessie, farm located at the end of a dirt road and 0.1 mile northeast of the intersection of said road with the Montgomery-Moore County line.

The Brown, Edward farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1154, at its junction with State Secondary Road 1155.

The Poole, Frank, Estate located on the northeast side of State Secondary Road 1554 and 0.1 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Thomas, Haywood N., farm located on the southeast side of State Secondary Road 1553 and 0.7 mile northeast of the intersection of said road with the Montgomery-Moore County line.

The Chalmers, Eugene, farm located on the east side of State Secondary Road 1143 and 0.6 mile west of the junction of said road with State Secondary Road 1140.

The Davis, Earl R., farm located on the south side of State Secondary Road 1143 and 0.3 mile west of the junction of said road with State Secondary Road 1140.
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State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The Barker, T. M., farm located on both sides of State Secondary Road 2036 and 0.7 mile east of the junction of said road with U.S. Highway 1A.

The Bass, M. C., farm located at the end of a dirt road and 0.1 mile south of the junction of said road with State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 212.

The Beasley, R. F., farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the intersection of said highway with U.S. Highway 1A.

The Black, Walter, farm located at the end of State Secondary Road 1239 and 0.4 mile north of the junction of said road with State Secondary Road 1218.

The Bryant, R. E., farm located on both sides of State Secondary Road 1235 and 0.3 mile southwest of the intersection of said road with State Secondary Road 2005.

The Burwell, Florence, farm located on the northeast side of State Secondary Road 1235 and 0.2 mile northwest of the intersection of said road with State Secondary Road 1218.

The Currie, Wilbur, farm located on the east side of State Secondary Road 1230 and 0.3 mile south of the junction of said road with State Secondary Road 1205.

The Denmark, Elba, farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 1200.

The Hardy, T. W., farm located on both sides of State Secondary Road 2097 and 0.2 mile southeast of the junction of said road with State Secondary Road 1200.

The Henning, J. G., Estate farm located on both sides of State Secondary Road 2097 and 0.4 mile north of the intersection of said road with State Secondary Road 1200.

The Jones, Martin, farm located on the north side of State Secondary Road 2016 and 0.3 mile east of its junction with State Secondary Road 2014.

The Lenton, A. W., farm located on the west side of State Secondary Road 1824 and 0.4 mile south of the intersection of said road with State Secondary Road 1200.

The Laton, W. E., farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1100.

The Marks, E. M., farm located on the south side of State Secondary Road 1803 and 0.2 mile southeast of the intersection of said road with State Secondary Road 1200.

The Martin, Conner, farm located on both sides of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road with State Secondary Road 1506.

The McRimmon, Grover, farm located at the end of State Secondary Road 2026 and 0.3 mile southwest of the junction of said road with State Secondary Road 2026.

The McNeill, Lena Bell, farm located on both sides of State Secondary Road 1207 and 0.7 mile southeast of the junction of said road with U.S. Highway 1A.

That area bounded by a line beginning at a point where State Secondary Road 1205 intersects the north side of State Secondary Road 1206 and 0.3 mile south of the junction of said road with State Secondary Road 1200. The Jones, Martin, farm located at the west side of State Secondary Road 1229 and 0.4 mile southwest of the junction of said road with State Secondary Road 1200.

The Laton, William A., farm located on the north side of State Secondary Road 1239 and 0.3 mile north of the junction of said road with State Secondary Road 1205.

The Marks, Charles, farm located on the northeast side of State Secondary Road 1235 and 0.3 mile southwest of the junction of said road with State Secondary Road 1218. The Hard, W. E., farm located on the east side of State Secondary Road 1101 and 0.5 mile southwest of the junction of said road with State Secondary Road 1200.

That area bounded by a line beginning at a point where State Secondary Road 1202 intersects the east side of State Secondary Road 1206 and 0.3 mile south of the junction of said road with State Secondary Road 1200.

That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the north side of State Secondary Road 1401 and 0.8 mile northwest of the junction of said road with State Secondary Road 1402. The Beasley, R. F., farm located on the east side of State Secondary Road 1206 and 0.4 mile southwest of the junction of said road with State Secondary Road 1200.

The Roger, B. E., farm located on both sides of State Secondary Road 1204 and 0.3 mile north of the junction of said road with State Secondary Road 1300.

The Taylor, G. S., farm located on the north side of State Secondary Road 1520 and 0.7 mile southwest of the junction of said road with State Secondary Road 1401.

The Williams, D. A., farm located on the southwest side of State Secondary Road 1205 and 0.7 mile northeast of the junction of said road and State Secondary Road 1401.

That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the north side of State Secondary Road 1105 and 0.7 mile northwest of the intersection of said road with State Secondary Road 1107. The Beasley, R. F., farm located on the west side of State Secondary Road 1205 and 0.5 mile southeast of the junction of said road with State Secondary Road 1200.

The Armstrong, Willie, farm located on both sides of State Secondary Road 1408 and 0.2 mile west of the intersection of said road with State Secondary Road 210.

The Eakin, Cecil, farm located on the southwest side of State Secondary Road 1410 and 0.4 mile north of the junction of said road with State Secondary Road 1409.

The Kea, Nora, farm located 0.1 mile west of State Secondary Road 1409 and 0.8 mile north of the junction of said road with State Secondary Road 1408.

The Frigden, W. D., farm located on the south side of State Secondary Road 1101 and 0.3 mile west of the junction of said road with State Secondary Road 1100.

The Laflatte, A. C., farm located on both sides of State Secondary Road 1803 and 0.2 mile southwest of the junction of said road and State Highway 210.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1402 and 0.3 mile northeast of the junction of said road and State Secondary Road 1401.

That area bounded by a line beginning at a point where State Secondary Road 1300 intersects the south side of State Secondary Road 1401 and 0.5 mile northwest of the junction of said road with State Secondary Road 1402.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

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That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.

That area bounded by a line beginning at a point where State Secondary Road 1302 intersects the south side of State Secondary Road 1300 and 0.4 mile southwest of the junction of said road with State Secondary Road 1300.
The Jones, W. R., farm located on the south side of State Secondary Road 1007 and 0.8 mile west of the intersection of said road and State Secondary Road 1439.

The Ayton, E. D., farm located in the southwest corner of the junction of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The Little, John, farm located on the southwest side of State Secondary Road 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1807.

The Love, T. J., farm located in the northeast corner of the junction of State Secondary Road 1442 with State Secondary Road 1477.

The McDonald, Leonard, farm located on the north side of State Secondary Road 1007 and 0.5 mile west of the intersection of said road and State Secondary Road 1608.

The McLawin, Ellis, farm located on the southwest side of State Secondary Road 1008 and 0.5 mile northeast of the junction of said road and State Secondary Road 1825.

The McNeill, Dalton, farm located on the southeast side of State Secondary Roads 1009 and 1.8 miles northeast of its junction with State Secondary Road 1476.

The Hughes, J. C., farm located on both sides of State Secondary Road 1007 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1490.

The Mathews, Lizzie, farm located in the southwest quadrant of the intersection of State Secondary Roads 1108 and 1971.

The Bostick, W. W., farm located on the northeast side of State Secondary Road 1109 and 0.1 mile east of the intersection of said road and State Secondary Road 1805.

The Quick, Douglas, farm located in the northeast quadrant of the intersection of State Secondary Roads 1102 and 1800.

The Quick, Julius, farm located on the northeast side of State Secondary Road 1102 and 0.8 mile northwest of its junction with State Secondary Road 1986.

The Rush, James, farm located on the southwest side of State Secondary Road 1104 and 0.2 mile southeast of its junction with State Secondary Road 1207.

The Ayton, E. D., farm located on the north side of State Secondary Road 1104 and 0.3 mile northwest of its intersection with State Secondary Road 1209.

The Strong, Marvin, farm located on the north side of State Secondary Road 1106 and 0.1 mile west of the intersection of said road and State Secondary Road 1343.

The Ayton, E. D., farm located on the southwest side of State Secondary Road 1108 and 0.3 mile northwest of its junction with State Secondary Road 1101.

The Ayton, E. D., farm located on the northeast side of State Secondary Road 1109 and 0.2 mile northwest of its junction with State Secondary Road 1120.

The Ayton, E. D., farm located on both sides of State Secondary Road 1109 and 0.4 mile northwest of its junction with State Secondary Road 1120.

The Ayton, E. D., farm located on both sides of State Secondary Road 1109 and 0.4 mile northwest of its junction with State Secondary Road 1120.

The Ayton, E. D., farm located on the south side of State Highway 79 and 0.5 mile west of its junction with State Secondary Road 1115.

The Ayton, E. D., farm located on the south side of State Highway 79 and 0.5 mile west of its junction with State Secondary Road 1115.

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The Ayton, E. D., farm located on the south side of State Highway 79 and 0.5 mile west of its junction with State Secondary Road 1115.

The Ayton, E. D., farm located on the south side of State Highway 79 and 0.5 mile west of its junction with State Secondary Road 1115.

The Ayton, E. D., farm located on the south side of State Highway 79 and 0.5 mile west of its junction with State Secondary Road 1115.
The Funderburk, Abraham, farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 114, said junction being 0.6 mile northeast of the junction of said highway and State Secondary Highway 116.

The Johnson, Clyde, farm located on the north side of State Secondary Highway 1007 and 0.1 mile west of its junction with State Secondary Highway 1211.

The Smith, Lillie, farm located on the southeast side of State Secondary Road 1102 and both sides of State Secondary Road 1124.

The Uzzle, Stanley, farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The White, Maudie and Sarah, farm located on State Hospital farm road and 0.1 mile south of its junction with State Secondary Highway 1211.

The White, Elmer, farm located on the north side of U.S. Highway 70 and 0.5 mile east of the intersection of said highway and S-4 0.9 mile south of the junction of said highway and State Secondary Road 1719.

The Casey, M. L., farm located on the north side of U.S. Highway 70 and 0.9 mile east of its intersection with said highway and State Secondary Road 1719.

The Johnson, W. D., farm located on the north side of State Secondary Highway 113 and 0.5 mile northeast of its junction with State Secondary Highway 41.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1206 at the junction of said roads.

South Carolina

Chesterfield County.

The Campbell, Coyt J., farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 1214. Said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Chapman, C. B., farm located on the west side of U.S. Highway 32 and 0.4 mile north of its junction with State Secondary Highway 22.

The Evans, Jule, farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 22 and State Secondary Highway 144. Said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Funderburk, Abraham, farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 114, said junction being 0.6 mile northeast of the junction of said highway and State Secondary Highway 116.

The Cooper, William, farm located on the north side of State Secondary Highway 179 and 1.1 miles east of its junction with State Secondary Highway 35.

The Howie, James Earle, farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Parker, Worth W., farm located on the highway and State Primary Highway 102, said junction being 1.3 miles northeast of the junction of said highway and State Secondary Highway 102.

The Smith, O. W., farm located on the southeast side of State Secondary Road 1102 and both sides of State Secondary Road 1124.

The Taylor, J. E., farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The Uzzle, Stanly, farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The White, Maudie and Sarah, farm located on State Hospital farm road and 0.1 mile south of its junction with State Secondary Highway 1211.

The White, W. D., farm located on the north side of U.S. Highway 70 and 0.5 mile east of the intersection of said highway and State Secondary Road 1719.

The Johnson, W. D., farm located on the north side of State Secondary Highway 113 and 0.5 mile northeast of its junction with State Secondary Highway 41.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1206 at the junction of said roads.
with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 452, thence east and southwest along State Secondary Highway 452 to its junction with State Secondary Highway 556, thence south along said highway to its junction with State Secondary Highway 556 and 0.1 mile north of its intersection with State Secondary Highway 136, said junction being 0.1 mile south of its intersection with State Secondary Highway 136.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 58 and 0.1 mile northeast of its junction with State Secondary Highway 58.

The Edwards, L. L., farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of its junction with State Secondary Highway 126.

Horry County. That area bounded by a line beginning at a point where State Secondary Highways 87 and State Secondary Highway 72 intersect and extending along State Secondary Highway 87 and State Secondary Highway 72 to the point of beginning.

The Bacot, Mary Hart, farm located on the east side of State Secondary Highway 26 and 0.1 mile south of its intersection with Cypress Branch.

The Benjamin, Willie, farm located on the south side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Burch, Corine Cherry, farm located on the west side of State Secondary Highway 63 and 0.1 mile south of its intersection with State Secondary Highway 136.

The Carroway, Hattie, farm located on the south side of State Secondary Highway 72 and 1.4 miles southwest of its intersection with U.S. Highway 52.

The Gause, L. J., farm located on the south side of State Secondary Highway 72 and 1.1 mile southwest of its junction with U.S. Highway 52.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 63, said junction being 1.5 miles southeast of the junction of said highway with U.S. Highway 301.

The Ham, Ralph, farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert, farm located on the south side of a dirt road and 1.3 miles west of its junction with State Secondary Highway 63, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 45.

The Hill, W. Max, farm located on the east side of State Secondary Highway 136 and 1.8 miles north of its intersection with State Secondary Highway 35.

The Rolliday, Henry, farm located on the west side of State Secondary Highway 81 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Yarborough, S. L., farm located on the west side of State Primary Highway 81 and 0.1 mile south of its intersection with Cypress Branch.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Anderson, W. C., farm located on the north side of a dirt road and 0.7 mile east of its junction with State Secondary Highway 57, said junction being 2.0 miles northeast of its intersection with State Secondary Highway 136.

The Powes, Lela, farm located on the north side of State Secondary Highway 376 and 0.1 mile north of its intersection with State Secondary Highway 136.

The Brown, W. E., farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The Powers, Lela, farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The Hall, James, farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The McPherson, R. F., farm located on the west side of State Secondary Highway 97 and 1.5 miles north of its intersection with State Secondary Highway 57.

The Powers, Lela, farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The Yarborough, S. L., farm located on the west side of State Primary Highway 81 and 0.1 mile south of its intersection with Cypress Branch.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Anderson, W. C., farm located on the north side of a dirt road and 0.7 mile east of its junction with State Secondary Highway 57, said junction being 2.0 miles northeast of its intersection with State Secondary Highway 136.

The Powes, Lela, farm located on the north side of State Secondary Highway 376 and 0.1 mile north of its intersection with State Secondary Highway 136.

The Brown, W. E., farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The Powers, Lela, farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The Hall, James, farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The McPherson, R. F., farm located on the west side of State Secondary Highway 97 and 1.5 miles north of its intersection with State Secondary Highway 57.

The Powers, Lela, farm located on both sides of State Secondary Highway 59 and 0.1 mile west of its intersection with State Secondary Highway 136.

The Yarborough, S. L., farm located on the west side of State Primary Highway 81 and 0.1 mile south of its intersection with Cypress Branch.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.
east 0.2 mile to its intersection with a dirt road, thence north long said dirt road to its junction with State Primary Highway 319, said northeast along said highway to its junction with State Secondary Highway 319, thence east and north along said highway to its junction with State Secondary Highway 1944, thence east along said highway to its junction with State Secondary Highway 1944, thence south along said highway to its junction with State Primary Highway 29, said junction being 2 miles southeast of said highway and State Secondary Highway 30, said junction being 0.7 miles southeast of the junction of said highway and State Secondary Highway 59.

The Graham, Bud Neal, farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.6 mile southeast of the junction of said dirt road and State Secondary Highway 78, said second junction being 0.7 miles southeast of said highway and State Secondary Highway 78.

The Bell, Nettie, farm located on both sides of a dirt road and 0.6 mile east of its junction with State Secondary Highway 28 and said junction being 0.3 mile east of its junction with State Secondary Highway 78, said junction being 0.9 mile northeast of the junction of said highway and U.S. Highway 378.

The Lewis, J. T., farm located on the north side of State Secondary Highway 168 and 0.9 mile northeast of its junction with U.S. Highway 501 and said junction being 2.9 miles northwest of Tatum.

The Lewis, J. T., farm located on the southwest side of State Secondary Highway 22 and 46, said junction being 0.9 miles east of the junction of said highway and U.S. Highway 501.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 79, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Lord, Jesse, farm located on the east side of a dirt road and 1 mile northeast of its junction with State Secondary Highway 109, said junction being 0.1 mile northeast of the limits of the towns of Bennettsville, McCall, and Aynor.

The McColl, D. D., farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 171.

The Chavis, Graham W., farm located on the northeast side of State Secondary Highway 59 and 0.2 mile east of its intersection with State Primary Highway 9.

The Bell, H. B., farm located on the southwest side of State Secondary Highway 23 and 0.3 mile east of the junction of said highway and U.S. Highway 501.

The Fowler, Oscar J., farm located on the southwest side of State Secondary Highway 29 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Heeter, L. E., farm located on both sides of a dirt road and 0.2 mile northeast of said highway and State Secondary Highway 59, said junction being 0.5 mile northeast of the intersection of said highway and State Secondary Highway 10.

The Concrete, H. B., farm located on the northeast side of State Primary Highway 917, at its junction with State Secondary Highway 59.

The Johnson, Sam, farm located on the south side of a dirt road and 1 mile northeast of said highway and State Secondary Highway 79, said junction being 1.9 miles northwest of the junction of said highway and State Secondary Highway 78.

The Fowler, O. R., farm located on the northeast side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Jordan, Blease, farm located on the south side of State Secondary Highway 135, said junction being 0.7 miles northeast of the junction of said highway and State Secondary Highway 30.

The Lewis, J. T., farm located on the south side of State Secondary Highway 109, said junction being 1.9 miles northeast of the junction of said highway and State Secondary Highway 30.

The Johnson, Sam, farm located on the south side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 0.9 mile northeast of the junction of said highway and U.S. Highway 378.

The Lord, Jesse, farm located on the east side of a dirt road and 1 mile northeast of its junction with State Secondary Highway 109, said junction being 0.1 mile northeast of the limits of the towns of Bennettsville, McCall, and Aynor.

The McColl, D. D., farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 171.

The Fowler, Oscar J., farm located on the southwest side of State Secondary Highway 29 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Heeter, L. E., farm located on both sides of a dirt road and 0.2 mile northeast of said highway and State Secondary Highway 59, said junction being 0.5 mile northeast of the intersection of said highway and State Secondary Highway 10.

The Concrete, H. B., farm located on the northeast side of State Primary Highway 917, at its junction with State Secondary Highway 59.
Title 13—Business Credit and Assistance

Chapter I—Small Business Administration

PART 119—Economic Opportunity Loans

Terms and Conditions

Part 119 of the Code of Federal Regulations is hereby further amended as follows:

By revising paragraph (c) of §119.31 to read as follows:

§119.31 Terms and conditions.

(c) (1) Interest on direct loans shall be at the rate of 5% percent per annum.

On immediate participation loans, the interest rate shall be 5% percent per annum on SBA's share, and shall be a legal and reasonable rate, but not in excess of 8% percent per annum on the participant's share.

(3) The interest rate on guaranteed loans, subject to the approval of SBA, may be established by the participating financial institution at a rate that shall be legal and reasonable, when purchased by SBA, the rate of interest to the borrower on SBA's share of the loan shall be the SBA rate on direct loans (currently 5% percent) at the time the guaranteed loan was approved. When SBA purchases its guaranteed share, its payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by the participant and shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(4) The interest rate on SBA's share of EOL loans is based on a formula determined by the Secretary of the Treasury and can vary from time to time.

Effective date: January 18, 1969.

Howard J. Samuel, Administrator.

[F.R. Doc. 69-1693; Filed, Feb. 10, 1969; 8:46 a.m.]

[Rev. 3, Amdt. 9]

PART 120—Loan Policy

Terms and Conditions of Financial Assistance

Part 120 of the Code of Federal Regulations is hereby further amended as follows:

By revising subdivision (1) of sub-paragraph (b) of paragraph (b) of §120.3 to read as follows:

§120.3 Terms and conditions of financial assistance.
RULES AND REGULATIONS

Chapter I—FOOD AND DRUGS

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

§ 120.230 Diphenamid; tolerances for residues.

Tolerances are established for residues of the herbicide diphenamid (N,N-dimethyl-2,2'-diphenylacetamide) including its desmethyl metabolite (N-methyl-2,2'-diphenylacetamide) in or on raw agricultural commodities as follows: 1 part per million in or on potatoes and strawberries.

0.1 part per million (negligible residue) in or on the commodity group fruiting vegetables.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably 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 clearly sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: January 16, 1969.

HOWARD J. SAMUELS,
Administrator.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 201—DISTILLED SPIRITS PLANTS

Measuring Devices and Proofing Instruments

Correction

In F.R. Doc. 69-1326 appearing at page 1590 of the issue for Saturday, February 1, 1969, make the following change:

In amendatory paragraph 7, page 1590, line 2, delete the words "Brix saccharometers" and insert instead "specific gravity hydrometers".

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER J—CIVILIAN PERSONNEL

PART 891—SECURITY PROGRAM

Subchapter J of Chapter VII of Title 32 of the Code of Federal Regulations is revised as follows:

SUBPART A—GENERAL

Part 891.1 Purpose.

Part 891.2 Policy.

Part 891.3 Definitions.

Part 891.4 Establishment of boards.

SUBPART B—Standard and Criteria

Part 891.5 Standard.

Part 891.6 Criteria.

SUBPART C—Intruder Processing of Cases Involving Applicants and Employees

Part 891.7 Action by Office of Special Investigations.

Part 891.8 Action by Commander.

Part 891.9 Action by Director of Special Investigations.

Part 891.10 Action by Central Clearance Group.

SUBPART D—Miscellaneous Provisions

Part 891.11 Reinstatement, restoration to duty or reemployment of removed employees.

Part 891.12 Release of information.

Part 891.13 Change in status of an employee or applicant.


Part 891 prescribes policies and procedures to insure that the employment or retention in employment of any civilian officer or employee in a sensitive position within the Department of the Air Force is clearly consistent with the interests of the national security. It tells how to process cases in which the available information raises a question as to the security qualifications of civilian officers and employees and applicants for employment.

§ 891.1 Policy.

(a) No civilian will be employed for, assigned to, or retained in employment in a sensitive position in the Department of the Air Force unless his employment, assignment, or retention is clearly consistent with the interests of the national security. It tells how to process cases in which the available information raises a question as to the security qualifications of civilian officers and employees, and applicants for employment.

(b) Whenever there is developed or received any information indicating that the retention in employment of any officer or employee of the Air Force may not be clearly consistent with the interests of the national security, such information shall be forwarded to the Office of
Special Investigations. That Office, after such investigation as shall be appropriate, will forward the complete file to the installation commander for appropriate action under § 891.6.

(c) The use of the suspension and removal procedures authorized by 5 U.S.C. 7532 shall be limited to cases in which the integrity or the security of the Government are involved. Maximum use will be made of normal Civil Service removal procedures, where such procedures are adequate and appropriate. (In foreign countries, normal removal procedures will be used in cases involving employees and applicants who are not U.S. citizens.)

(d) The Air Force will provide every possible safeguard to make sure that an employee of the Air Force is not removed from his employment arbitrarily, or without full consideration and review of his case.

(e) No classified defense information, nor any information which might compromise investigative sources or methods or the identity of confidential informants, will be disclosed to any employee, his counsel, or representatives, or to any other persons not clearly authorized to have access to such information.

(f) Nothing contained in this part will be deemed to limit or affect the responsibility and authority of the Secretary and the Air Force to reassign persons to nonsensitive positions where the interests of the national security so require, and it does not restrict the commander’s authority to exclude or remove personnel from a sensitive position under normal Civil Service procedures.

§ 891.2 Definitions.

The following terms apply in this part:
(a) Secretary of the Air Force means the Secretary, the Under Secretary or an Assistant Secretary of the Air Force.
(b) National security refers to those activities and interests related to the protection of the military, economic, and productive strength of the United States, including the protection of the Government and its apparatus, against espionage, sabotage, subversion, and any other illegal acts which adversely affect the national defense.
(c) Sensitive position is any position within the Department of the Air Force the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security.
(d) Officially assigned position means the job or position occupied by an employee. It does not mean a position to which an employee may be detailed, for example, as an interim security measure.

§ 891.3 Responsibilities.

In carrying out the objectives and requirements of the security program, the following responsibilities are assigned:
(a) Overall supervision and responsibility for the program are vested in The Assistant Secretary to the Secretary of the Air Force, through the Deputy for Security Programs.
(b) The Deputy Chief of Staff, Personnel, through the Director of Civilian Personnel, is responsible for the general administration of the program and will continually appraise the adequacy of the program from the standpoint of effective personnel administration. The Director of Civilian Personnel will provide support for the Central Clearance Group.
(c) Each commander is responsible for taking actions necessary to carry out the policies in this part, and for processing all cases involving civilian employees. Each commander will also provide appropriate support for any security hearing board convened at his installation. Where arrangements for cross-service servicing of civilian personnel are required, the Air Force servicing commander will, when appropriate, provide advice and assistance and arrange for support for a security hearing board.
(d) The Inspector General, USAF, is responsible for continually appraising the adequacy of the program from the standpoint of effective security protection.

§ 891.4 Establishment of boards.

(a) The Central Security Board, established in the Department of the Air Force, is redesignated the Central Clearance Group. The Group will be composed of at least three members appointed by order of the Secretary of the Air Force who have shown a history of maturity and demonstrated good judgment. One will be nominated by the Deputy Inspector General, one by the Director of Civilian Personnel, and one by The Judge Advocate General of the Air Force. One of the members will be appointed to serve as Chairman. Any three members of the Group will constitute a quorum. The Group will perform the functions described in this part, and such other functions as may be directed by the Secretary of the Air Force or the Deputy for Security Programs.

(b) The Board is established on an Ad Hoc basis by the Secretary of the Air Force, and the Board is the agency authority duly constituted for the purpose of granting an employee a hearing under this part. The Board will be composed of not less than three impartial and disinterested members nominated as stated in this paragraph, and appointed by the Secretary of the Air Force all or a majority of whom shall be civilians. One member shall be designated as Chairman and, as such, is authorized to administer oaths. The Board is responsible to the Central Clearance Group and will be composed of at least three persons whom he selects from a roster maintained by the Air Force. Those nominated will be military or civilian officers or employees of any of the DoD components, other than the Air Force. The Board is established in accordance with the provisions of the Central Clearance Group. The commander will recommend one of the persons for appointment as chairman. Any three or more members present will constitute a quorum, provided that a majority of those are civilian. Each Board will hear and consider cases referred to it in accordance with this part.

(c) The Security Review Board is established in the Office of the Secretary of the Air Force in accordance with the provisions of this part. The members of the Board will be appointed under the authority of the Secretary of the Air Force. A majority of the members considering any one case will be civilians.

(d) The Director of Civilian Personnel will provide an Executive Secretary, Civilian Personnel Security Program, and establishes a Secretariat. The Executive Secretary will perform duties as prescribed in this part and administrative duties as directed by the Secretary, the Deputy for Security Programs, or the Central Clearance Group.

Subpart B—Standard and Criteria

§ 891.5 Standard.

The standard for employment and retention in employment is that, based on all the available information and evidence, the employment or retention in employment of an individual is clearly consistent with the interests of the national security.

§ 891.6 Criteria.

(a) In the application of standards mentioned in § 891.5, consideration will be given to, but not limited to, the following activities, interests, and associations which tend to show that the individual is not reliable or trustworthy.

(b) Any deliberate misrepresentation of facts, including false statements, omissions of material facts.

(c) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to cause drug addiction, or sexual perversion.

(d) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(e) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interest of the national security.

(f) The commission of any act of sabotage, espionage, treason, or sedition, or conspiring, aiding, or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.
RULES AND REGULATIONS

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States or with any person who has or who has previously had access to or knowledge of classified information which may be inimical to the interests of the United States or the alteration of the form of Government of the United States by unconstitutional means.

(4) Close continuing association of the type referred to in subparagraph (3) of this paragraph, even though later separated by distance if circumstances indicate that renewal of the association is probable.

(5) Membership in, affiliation, or sympathetic association of an organization with knowledge that it is totalitarian, Fascist, Communist, or similar organizations, movements, or groups of persons which is totalitarian, Fascist, or subversive, or which has an organization established as a front organization, or is of a security nature as defined in Chapter 732, Federal Personnel Manual, or is of a security nature as defined in paragraph (a) of § 891.6, the meaning of paragraph (a) of § 891.6, the Office of Special Investigations will send a copy of its transmittal letter to the Central Clearance Group. If it is the opinion of the Director of Special Investigations that immediate suspension of the employment or retention of the employee is necessary in the interests of the national security, he will forward a copy of the investigative file to the Central Clearance Group, with his recommendations and reasons therefor, prior to submitting it to the commander.

(b) Security determinations cannot be made in the abstract. Instead, the security determination in a particular case must be made in the light of all factually assigned position of the employee, or, in the case of the applicant, the particular position which he would occupy if employed. In addition, no general rules can be laid down which would resolve each individual case automatically. Consideration will be given to the employee's habits, activities, attitudes, associations, trustworthiness, reliability, and discretion and their bearing on the question of whether, because of his access to Government Installations, information, or matters of a classified nature, he is in the sensitive position involved, he might, either intentionally or inadvertently, disclose classified information to unauthorized persons, or otherwise act to the detriment of national security.

(16) Willful violation or disregard of security regulations.

(17) Acts of a reckless, irresponsible, or wanton nature which indicate such disregard as to suggest that the individual might disclose classified defense information to unauthorized persons, or otherwise assist such persons, whether deliberately or inadvertently, to the detriment of the security of the United States.

(18) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee or Federal or State court, regarding charges of his alleged disloyalty or other misconduct relevant to his security eligibility.

(19) Any excessive indebtedness, recurring financial difficulties, unexplained affluence, or repetitive absences without leave, which furnish reason to believe that the individual may act contrary to the interests of national security.

(20) Refusal by the individual on constitutional or other grounds, or intentional failure to complete required security forms or personal history statement, or failure, without reasonable excuse, in the course of investigation, interrogation, or hearing, to answer any pertinent question regarding the matters described in subparagraphs (1) through (19) of this paragraph.

Note: 1. Designations of organizations by the Attorney General of the United States are made solely to guide departments and agencies in the discharge of their obligations under Executive Order 10450. An individual's membership in, affiliation with, or sympathetic association with, whether specifically designated in connection with the Executive order or not, is but one of the factors which will be considered in making the security determination. In evaluating memberships, affiliations or associations with organizations, consideration will be given to the nature or character of the organization, whether specifically designated, and the opportunity afforded the individual through such association to engage in activities of the organization, and any other organizations, and any other organizations with which he is affiliated.

Note: 2. In addition to membership in, affiliation with, or sympathetic association with, an organization referred to in subparagraph (5) of this paragraph, consideration in making a determination will also be given to membership the individual may have or have held in fraternal organizations, civic organizations, charitable organizations, and any other organizations and activities of the individual's character, citizenship, civil interest, and standing within the community.

Subpart C—Initial Processing of Cases Involving Applicants and Employees
§ 891.7 Initial action by the Office of Special Investigations.

All investigative reports will be furnished the commander concerned. When derogatory information falls within the scope of paragraph (a) of § 891.6, the Office of Special Investigations will send a copy of its transmittal letter to the Central Clearance Group. If it is the opinion of the Director of Special Investigations that immediate suspension of an employee is necessary in the interests of the national security, he will forward a copy of the investigative file to the Central Clearance Group, with his recommendations and reasons therefor, prior to submitting it to the commander.

(a) All cases. (1) The employing activity will review the investigative reports to determine whether they contain derogatory information, and, if so, if the information is of a suitably nature as defined in Chapter 731, Federal Personnel Manual, or is of a security nature as defined in the Central Clearance Manual, or both. The employing activity will, if possible, make a decision as to employing or retaining in employment on the basis of the suitability information.
(b) Cases involving applicants. (1) In no case will the employing activity deny an applicant employment, or tell him that he is denied employment, for security reasons, without obtaining prior approval from the Central Clearance Group. The fact that the employing activity may have an investigative file containing information not within the meaning of § 891.6 does not preclude the employing activity from denying an applicant employment in accordance with normal Civil Service procedures for reasons other than security reasons.

(2) In no case will an employing activity tell an applicant that he is hired subject to a security investigation, or, hired subject to a favorable security determination, or words to that effect.

§ 891.9 Action by Director of Special Investigations.

The Director of Special Investigations will submit each case received, together with the pertinent information, and in those cases in which the employing activity has an investigative file, including all information developed through investigation, will be transmitted with the recommendation.

§ 891.10 Action by the Central Clearance Group.

(a) The Central Clearance Group will review each case it receives under § 891.9 to insure compliance with the policies and procedures contained in this part. The Group is authorized to request the Director of Special Investigations to conduct interviews of employees, or to conduct additional investigations with respect to any matter under consideration.

(b) The Group will submit its recommendations in any case to the Deputy for Security Programs. It may, in appropriate cases, recommend other administrative action, such as suspension for removal proceedings under normal Civil Service procedures instead of under this part. In each case in which a sensitive position is involved, and the individual concerned is not denied employment or removed from employment in that position through other procedures, the Group will make a security determination in the light of the standard and criteria in Subpart B of this part. The Deputy for Security Programs may authorize the Executive Secretary, or the Chairman of the Group, to close out cases favorably to the applicant, if both the employing activity and the Director of Special Investigations have made recommendations favorable to the employee or applicant concerned.

The Group, through its Executive Secretary, will notify the employing activity of the decision in each case, which, whenever appropriate, will include instructions concerning the security clearance of the applicant or employee.

(c) If the Group determines, under the standard and criteria in Subpart B of this part, that, based on all the available information, the employment or reemployment of the applicant or employee is clearly consistent with the interests of national security, it will recommend to the Deputy for Security Programs that action favorable to the employee or applicant is approved by the Secretary of Defense, or his designee for that purpose, and to the Civil Service Commission that the employee or applicant is approved by the Secretary of Defense, or his designee for that purpose. The determination and approval shall be made a part of the record.

§ 891.12 Release of information.

No information concerning the status of any security case will be disclosed to any person outside the Department of Defense unless the Civil Service Commission that the employee is eligible for employment and the person's employment is approved by the Secretary of Defense, or his designee for that purpose, which determination and approval shall be made a part of the record.

§ 891.13 Change in status of an employee or applicant.

Immediate action will be taken to notify the Director of Civilian Personnel, Headquarters USAF, of any change, such as separation, reassignment, or other change in the position or condition of employment of an employee, or availability of an applicant whose case has been processed. The Central Clearance Group will be notified if an employee, whose case has been processed under this part and closed favorably to him, is later separated for any reason. Commanders will establish local controls to assure that investigative reports concerning any employee who is separated, or concerning any applicant who is or is not eligible for employment, are forwarded to the Director of Special Investigations, Headquarters USAF, immediately.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSKE, JR.,

[F.R. Doc. 69-1679; Filed, Feb. 10, 1969; 8:45 a.m.]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 907—DELAYED ENLISTMENT

Subchapter K of Chapter VII of Title 32 of the Code of Federal Regulations is revised as follows:

Sec. 907.1 Purpose.
907.2 Applicability.
907.3 Eligiment criteria.
907.4 Place of enlistment.
907.5 Terms of enlistment.
907.6 Grade and date of rank.

Authority: The provisions of this Part 907 issued under sec. 912, 79A Stat. 486; 10 U.S.C. 907, as amended. References to Title 32 of the Code of Federal Regulations are to the Code of Federal Regulations, as revised as of the date noted.


§ 907.1 Purpose.

This part authorizes the program for enlisting qualified applicants in the Air
Force Reserve (AFRes) under 10 U.S.C. 511(b) and 10 U.S.C. 672(d). It states the policies and procedures governing a delayed enlistment program whereby applicants in the 50 States and the District of Columbia who enlist in the AFRes will enter on extended active duty or enlist in the Regular Air Force.

§ 907.2 Applicability.

This delayed enlistment program applies to any applicant who enlists in the AFRes and volunteers to enter on extended active duty (EAD) for a 4-year period within 120 days from the date of that enlistment. Instead of entering on EAD the Reservist may enlist in the Regular Air Force on a date determined by mutual agreement with Air Force recruiting officials or on a date directed by Air Training Command.

§ 907.3 Enlistment criteria.

An applicant must meet all of the qualifications for Regular Air Force enlistment in Part 888 of this chapter, except that:

(a) A high school student must be within 120 days of graduation.

(b) An applicant for Medically Remedial Enlistment Program (MREP) or for an Air Force band is ineligible.

(c) A member of a reserve component of an armed force may not enlist in the DEP.

(d) An applicant previously discharged from the Delayed Enlistment Program (DEP) is ineligible to enlist in this program.

§ 907.4 Place of enlistment.

Accomplish all enlistments in the AFRes (DEP) at the Armed Forces Examining and Entrance Stations (AFEES).

§ 907.5 Term of enlistment.

All enlistments are for 6 years.

§ 907.6 Grade and date of rank.

Applicant will be enlisted in the grade authorized in Part 888 of this chapter with date of rank as date of enlistment.

By order of the Secretary of the Air Force.


[F.R. Doc. 69-1680; Filed, Feb. 10, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Lake Mead National Recreation Area, Nev.


The purpose of this amendment is to designate a new area authorized for landing aircraft, as provided for under § 2.2(a) of this chapter.

Inasmuch as this amendment provides for the use of a new facility by the public and does not impose an additional restriction upon the public, advance publication of this notice of rulemaking is deemed to be unnecessary, impractical, and not in the public interest. In order that the public may have the benefit of the additional facility as soon as possible, this amendment shall take effect immediately upon publication in the Federal Register.

A new paragraph (6) is added to § 7.48 as follows:

§ 7.48 Lake Mead National Recreation Area.

(a) Aircraft, designated airstrips.* * *

(6) Echo Bay landing strip located at approximate latitude 36°19′ N., approximate longitude 114°27′ W.

* * * * *

C. E. JOHNSON,
Acting Superintendent, Lake Mead National Recreation Area.

[F.R. Doc. 69-1691; Filed, Feb. 10, 1969; 8:46 a.m.]
DEPARTMENT OF THE TREASURY
Bureau of Customs

19 CFR Parts 8, 10, 18, 25, 33

CUSTOMS CONVENTIONS

Notice of Proposed Rule Making

The United States on December 3, 1968, deposited instruments of accession to the following Conventions:

Customs Convention on the Temporary Importation of Professional Equipment.

Customs Convention on the A.T.A. Carnet for Commercial Samples.


Legislation necessary to implement the Conventions in respects not previously authorized under domestic law was enacted in Public Law 90-635, approved October 24, 1968 (T.D. 68-295).

The Customs Convention on the E.C.S. Carnets for Commercial Samples is a companion Convention to the International Convention to Facilitate the Importation of Commercial Samples and Advertising Material (7 U.S.T. 1636; TIAS 3920) to which the United States is a party.

There are not included in this notice proposed regulations to implement the Customs Convention on the International Transport of Goods under Cover of TIR Carnets, but such proposal will be published at the earliest practicable date.

Notice is hereby given that under authority of section 261 of the Revised Statutes (19 U.S.C. 66), section 624 of the Tariff Act of 1930 (19 U.S.C. 1524), and General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202 (Gen. Ednote 11)), in order to conform the Customs Regulations to the changes in the Tariff Schedules of the United States effected by Public Law 90-635, and implement the above-mentioned Goods Customs Conventions (with the exception stated in the preceding paragraph), it is proposed to amend the Customs Regulations as set forth in tentative form below:

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.6 [Amended]

The first sentence of paragraph (d) of § 8.6 is amended by inserting "or a carnet issued under Part 33 of this chapter after 5119-A", so that the sentence will read as follows: "Entry is made under an appraisement entry (customs Form 7501), a formal consumption entry (customs Form 7501), a combined entry for rewarehouse and withdrawal for consumption (customs Form 7519), and informal entry (customs Form 5119 or 5119-A), or a carnet issued under Part 33 of this chapter when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, at the port or station with the customs officer designated to receive such entry papers and any duties or taxes not paid to be paid at the time of making entry have been deposited with the customs officer designated to receive such monies."

§ 8.6 [Amended]

Paragraph (k) of § 8.6 is amended to read:

(k) A nonresident consignee has the right to make entry but the bond, customs Form 7531, 7533, or other appropriate form when required, shall have thereon a resident corporate surety or, when a carnet is used as an entry form, an approved resident guaranteeing association.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.31 [Amended]

Paragraph (a) of § 10.31 is amended by inserting "unless covered by a carnet provided for in Part 33 of this chapter," after "shall" in the first sentence; by inserting the following new sentence after the second sentence:

When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry.

and by changing "collector" in the final sentence to "district director of customs", so that the paragraph will read as follows:

(a) Entry of articles brought into the United States temporarily and claimed to be exempt from duty under Schedule A, Part 5C, Tariff Schedules of the United States, shall, unless covered by a carnet provided for in Part 33 of this chapter, be made on customs Form 7501, except that, when § 10.36 or § 10.36a is applicable, or the aggregate value of the articles is not over $350, the form prescribed for the informal entry of imports by mail, in baggage, or other, as the case may be, may be used. When entry is made on customs Form 7501, it shall be in original only except in the case of entries under Item 864.05, in which case a duplicate copy shall be required for statistical purposes. When articles are entered under a carnet, the importation voucher of the carnet shall serve as the entry.

In addition to the data usually shown on a regular consumption entry, there shall be set forth on each temporary importation bond the name of the owner of the carnet number under which entry is claimed, (2) a statement of the use to be made of the articles in sufficient detail to enable the district director of customs to determine whether they are entitled to entry as claimed, and (3) a declaration that the articles are not to be put to any other use and that they are not imported for sale or sale on approval.

Proposed Rule Making

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duties which it is estimated would accrue (or such larger amount as the district director shall state in writing to the entrant is necessary to protect the revenue) had all the articles covered by the entry been entered under an ordinary consumption entry. In the case of samples solely for use in taking orders entered under item 864.20, Tariff Schedules of the United States, such bond may be given in lieu of the bond on customs Form 7505, or, in case of the estimated duties determined shall be in an amount equal to 110 percent of the estimated duties determined at the time of entry. A term bond on customs Form 7563-A, a general term bond on customs Form 7595, or, in appropriate cases, a carnar under Part 33 of this chapter, may be given in lieu of the bond on customs Form 7563-A. Cash deposits of 110 percent of the estimated duties determined shall be accepted in lieu of sureties. When the articles are entered under item 864.05, 864.20, or 864.50, Tariff Schedules of the United States, without surety or cash deposit, and the bond shall be modified to so indicate.

§ 10.36 [Amended]

Section 10.36 is amended as follows:

The first sentence of paragraph (a) is amended to read: "Samples accompanying a commercial traveler who presents an adequate descriptive list of a sample of customs invoices, and professional equipment, tools of trade, and repair components for such equipment or tools imported in his baggage for his own use by a nonresident sojourning temporarily in the United States may be entered on the importer's baggage declaration under bond without deposit.

The first sentence of paragraph (d) is amended to read: "The privilege of clearance of commercial travelers' samples or professional equipment, tools of trade, and repair components for such equipment or tools imported into his baggage for his own use by a nonresident sojourning temporarily in the United States on a baggage declaration under bond without surety or cash deposit shall not be extended to a nonresident who, through fraud or culpable negligence, has failed to comply with the provisions of such a bond in connection with a prior arrival."
international traffic are hereby designated as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. The Commissioner of Customs is authorized to designate as instruments of international traffic, in decisions to be published in the weekly Customs Bulletin, such additional articles or classes of articles as he shall find should be so designated. Such instruments may be released without entry or the payment of duty, subject to the provisions of the bond.

(2) Repair components for a particular container of foreign production which is an instrument of international traffic may be entered for consumption without the payment of duty if the person making the entry files therewith his declaration that the repair component was imported to be used in the repair of a particular container of foreign production which is an instrument of international traffic, and the district director of customs is satisfied that the importer or the repair component had the declaration at the time of importation. Liquidation of the entry covering the repair component shall be suspended until proof of use is furnished or the time allowed for the production thereof has expired. Upon satisfactory proof of the use of the repair component, the entry shall be liquidated free of duty. When such proof is not filed within 3 years from the date of entry or any extension of time granted, the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States.

As used in this section, "instruments of international traffic" includes the normal accessories and equipment imported with any such instrument which is a "container" as defined in Article 1 of the Customs Convention on Containers.3

Footnote 38 to Part 10 is amended to read:

"Substantial containers and holders, if products of the United States (including shooks and staves of United States manufacture when returned as boxes or barrels containing merchandise), or if of foreign production and permanently imported and duty (if any) thereon paid, or if of a class specified by the Secretary of the Treasury as instruments of international traffic, are nevertheless subject to the provisions of the bond. 123.18 (b) of this chapter), the entry shall be liquidated dutiable under the appropriate item of the Tariff Schedules of the United States.

Part 10 is amended to add a new footnote 38a reading as follows:

"38a The term 'container' shall mean an article of transport equipment which is movable tank or other similar structure.

(i) Of a permanent character and accordingly strong enough to be suitable for repeated use;

(ii) Specially designed to facilitate the handling of goods, by one or more modes of transport, without intermediate reloading;

(iii) Fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and

(iv) So designed to be easy to fill and empty; and

(v) Having an internal volume of one cubic metre or more.

and shall include the normal accessories and equipment when imported with the container, the term 'container' includes neither vehicles nor conventional packing; " * *. *" (Article 1, Customs Convention on Containers).

A new paragraph (b) is added as follows:

(b) The reexportation of a container, as defined in Article 1 of the Customs Convention on Containers, which has become badly damaged, shall not be required in the case of a duly authenticated incident if the container (1) is subjected to applicable import duties and import taxes, or if it is abandoned free of all customs supervision at the expense of the parties concerned, following the procedure outlined in § 15.4 (c) of this chapter. Any salvaged parts and materials shall be subjected to applicable import duties and import taxes. Replaced parts which are not reexported shall be subjected to import duties and import taxes except where abandoned free of expense to the Government or destroyed under customs supervision at the expense of the parties concerned.

Paragraph (e) is amended to read:

(e) The person who filed the application for release under paragraph (a) (1) shall promptly notify a district director at a port of entry in the United States as defined in section 401 (2), Tariff Act of 1930, as amended, (1) that the container is to be abandoned or destroyed, as described in paragraph (b), or (2) that the instrument is the subject of a diversion or withdrawal as described in paragraph (d), and shall file with the district director a consumption entry for the instrument and pay all import duties and import taxes due thereon. The container, at the time of entry, at the time of withdrawal, or at the time of diversion, or at the time of destruction, may be returned free of expense to the Government or destroyed under customs supervision at the expense of the parties concerned.

Paragraph (d) is amended to read:

(d) Containers and other articles designated as instruments of international traffic in accordance with this section are nevertheless subject to the application of the east-coast laws of the United States. If the container is caught in the form prescribed by Annex 2 to that Convention.

A new § 10.41c is added as follows:

§ 10.41c Containers which may be accepted for transport under customs seal requirements.

Containers imported and reexported, with particular reference to the Customs Convention on Containers may be accepted for transport under customs seal (see § 18.4 of this chapter) if durably marked with the name and address of the owner, particular of tare, and identification marks and numbers; and if constructed and equipped as outlined in Annex 1 to the Customs Convention on Containers, as evidenced by an accompanying certificate of approval, the instrument is the subject of certification of a carnet. When articles other than those exported by mail or parcel post are examined and registered at one port and exported through another port, they shall be forwarded to the port of exportation for a transportation and exportation entry. In the case of commercial travelers' samples taken abroad for temporary use, district directors, in their discretion, may waive examination at the time of exportation, except where exportation involves certification of a carnet. When motion-picture films are to be taken aboard a vessel 200 tons or more during an outward voyage and are to be returned for the same purpose during an inward voyage on the same or another vessel, district directors may waive examination at the time of exportation. In the case of theatrical scenery, properties, and effects taken abroad for temporary use, district directors, in their discretion, may waive examination at the time of exportation.
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Section 25.1 is amended to read:

§ 25.1 Classes of bonds.

All bonds required to be given under the customs statutes or regulations shall be known as customs bonds and shall consist of two classes: Those approved by the Bureau and those approved by district directors of customs.4 Carnets provided for in Part 33 of this chapter are guaranteed by separate undertakings with the Government of the United States and, accordingly, are acceptable as bonds in appropriate cases under customs statutes or regulations requiring bonds.

§ 25.4 [Amended]

Paragraph (a) (15) of § 25.4 is amended to read:

(15) Bond for temporary importations, customs Form 7583, in an amount equal to double the estimated duties as determined at the time of entry (except in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade in which case the bond shall be in an amount equal to 110 percent of such estimated duties).

§ 33.3 Carnets.

A carnet issued in conformity with the provisions of a Convention identified in section 33.2 and of the regulations in this part constitutes an entry document within the scope contemplated by the applicable Convention and a bond for the performance of acts in compliance with the provisions of such Convention and the customs statutes and regulations which are involved. Such carnet shall (1) show the period for which it is valid, (2) be fully completed in accordance with the provisions of the Convention which provides for its issuance and (3) include an English translation whenever the goods covered by a carnet are described in another language.

Subpart B—Issuing and Guaranteeing Associations

§ 33.4 Approval.

(a) Before an association may be approved to serve as issuing association or guaranteeing association in the United States with respect to carnets authorized under a Customs Convention to which the United States has acceded, such association shall furnish the Commissioner:

(1) A written undertaking, in a form satisfactory to the Commissioner, to perform the functions and fulfill the obligations specified in the Convention under which carnets are to be issued and/or guaranteed; and

(2) A bond supporting such undertaking in an amount determined by the Commissioner.

(b) Notice of the approval of an issuing association or a guaranteeing association in the United States with respect to carnets authorized under a Customs Convention to which the United States has acceded shall be published in the Federal Register by the Commissioner.

§ 33.5 Termination of approval.

(a) The Commissioner may suspend or revoke the approval previously given to any issuing association or guaranteeing association for failure or refusal to perform the functions or fulfill the obligations specified in the Convention under which carnets are to be issued and/or guaranteed; and

(2) A bond supporting such undertaking in an amount determined by the Commissioner.

(b) Notice of the approval of an issuing association or a guaranteeing association in the United States with respect to carnets authorized under a Customs Convention to which the United States has acceded shall be published in the Federal Register by the Commissioner.

§ 33.6 Acceptance.

(a) Customs Convention on the A.T.A. Carnet.

§ 33.7 Scope.

(b) Customs Convention on the E.C.S. Carnets.

(c) E.C.S. carnet, “E.C.S. carnet” (Echantillons Commerciaux—Commercial Samples) means the document reproduced as the Annex to the Customs Convention on the Temporary Admission of Goods.

(d) A.T.A. carnet, “A.T.A. carnet” (Admission Temporaire—Temporary Admission) means the document reproduced as the Annex to the Customs Convention on the Temporary Admission of Goods.

Subpart C—Processing of Carnets

§ 33.8 Maximum period.

A carnet may be processed in the United States for a maximum period of

Subpart D—Miscellaneous

§ 33.9 Additions.

Subpart B—Issuing and Guaranteeing Associations

§ 33.10 Replacement of carnets.

Subpart D—Miscellaneous

§ 33.11 Discharge of carnets.

§ 33.12 Mail importations.

§ 33.13 Carnets.

¢ 33.14 Action against carnet user.
PROPOSED RULE MAKING

§ 33.3 Maximum period.
No A.T.A. or E.C.S. carnet with a period of validity exceeding 1 year from date of issue shall be accepted.

§ 33.9 Additions.
When an A.T.A. or E.C.S. carnet has been issued, no extra item shall be added to the list of goods enumerated on the reverse of the cover of the carnet or on any continuation sheet annexed thereto.

§ 33.10 Replacement of carnets.
In the case of destruction, loss, or theft of an A.T.A. or E.C.S. carnet while the goods which it covers are in the customs territory of the United States, the district director of customs at the port where such goods were imported may, upon request of the association which issued the carnet abroad, accept a replacement document, the validity of which expires on the same date as that of the carnet which it replaces, provided the district director determines that the description of merchandise in the replacement document fully corresponds to the description set forth in the importation voucher from the carnet to be replaced.

§ 33.11 Discharge of carnets.
When a district director of customs has unconditionally discharged a carnet by completion of the appropriate cerificate, no claim may be brought against the guaranteeing association for payment under the carnet, unless it can be established that the discharge was obtained improperly or fraudulently, or that there had been a breach of the conditions of temporary importation.

Subpart D—Miscellaneous

§ 33.12 Mail importations.
Carnets shall not be accepted for importations by mail.

§ 33.13 Samples for taking orders.
E.C.S. carnets may be accepted for unaccompanied samples of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogues: Provided, That the films:

(i) Relate to products or equipment offered for sale or for hire by a person establishment in the territory of any of the contracting parties;

(ii) Are of a kind suitable for exhibition to prospective customers but not for general exhibition to the public; and

(iii) Are imported in a package which contains not more than one copy of each film and which does not form part of a larger consignment of films.

There shall be presented with each E.C.S. carnet covering motion-picture advertising films a statement showing how each of the foregoing requirements is met.

§ 33.14 Action against carnet user.
In the event of fraud, violation, or abuse of the privileges of a Convention, action may be taken against the users of carnets for applicable duties and charges or liquidated damages, as the case may be. Penalties to which such persons have thereby rendered themselves liable may also be imposed.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this Notice in the Federal Register. No hearing will be held.

[Seal] LESTER D. JOHNSON,
Commissioner of Customs.
Approved: January 30, 1969.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[FR Doc. 69-7125: Filed, Feb. 10, 1969: 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[23 CFR No. 9417]"AIRWORTHINESS DIRECTIVE"

British Aircraft Corporation Model

Model BAC 1-11 200 and 400 Series Airplanes

Amendment 39-475 (32 F.R. 12910), AD 67-27-3, requires replacement of flap carriage links within a specified period on Model BAC 1-11, 200 and 400 Series airplanes to prevent fatigue failures. After amendment 39-475 was issued, the British Aircraft Corp. modified the retirement times of the flap links as a result of additional fatigue tests. The PAA, therefore, proposes to amend Amendment 39-475 to modify the retirement time for the flap links.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Council, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 7, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1544(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (40 U.S.C. 1556(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-475 (32 F.R. 12910), AD 67-27-3 as follows:

1. By amending paragraph (a) by striking out the number "12,000" in the second column and inserting the number "10,000" in place thereof.
2. By amending paragraph (b) by striking out the number "15,000" in the second column and inserting the number "12,000" in place thereof, and by striking out the number "12,000" in the third column and inserting the number "10,000" in place thereof.

3. By amending, by deleting the parenthetical statement at the end of the AD by striking out the words "Issue 2" and inserting in lieu thereof the words "Issue 6".


JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[Docket No. 9418]
[14 CFR Part 39]

AIRWORTHINESS DIRECTIVE

British Aircraft Corporation Model BAC 1-11, 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to British Aircraft Corp. Model BAC 1-11, 200 and 400 Series airplanes. It has been determined that an adverse tolerance can exist within the elevator centralizing spring pot unit which in conditions of sub-zero temperature could result in the inability to break the shear pin device contained within the unit if the shear pin does not fail and the spring pot jams, the elevator will be difficult to operate. Since this condition is likely to exist or develop in other aircraft of the same type design, this airworthiness directive is being proposed to require removal and modification of the spring pots from the right and left elevators.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW, Washington, D.C. 20590. All communications received on or before March 13, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**PROPOSED RULE MAKING**

**AIRWORTHINESS DIRECTIVE**

British Aircraft Corporation Model BAC 1-11, 203/AE and 204/AF Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to British Aircraft Corporation Model BAC 1-11, 203/204 Series airplanes. There has been an instance in which the power-plant fire extinguishing system lines on certain Vickers Viscount airplanes have been incorrectly assembled to the extinguishing bottle. Under these conditions, selection of the first shot of the appropriate fire extinguishing switch would result in discharge of the bottle in the wrong power-plant. Since this condition is likely to exist or develop in other aircraft of the same type design, this airworthiness directive is being proposed to require installation of interference brackets and retaining cables to the detachable clip assemblies at the fire extinguishing bottle neck at the inner and outer mountings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW, Washington, D.C. 20590. All communications received on or before March 13, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**AIRWORTHINESS DIRECTIVE**

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Vickers Viscount Models 744, 745D, and 810 Series airplanes. There have been instances in which the power-plant fire extinguishing system lines on certain Viscount airplanes have been incorrectly assembled to the extinguishing bottle. Under these conditions, selection of the first shot of the appropriate fire extinguishing switch would result in discharge of the bottle in the wrong power-plant. Since this condition is likely to exist or develop in other aircraft of the same type design, this airworthiness directive is being proposed to require installation of interference brackets and retaining cables to the detachable clip assemblies at the fire extinguishing bottle neck at the inner and outer mountings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW, Washington, D.C. 20590. All communications received on or before March 13, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).
section 6(c) of the Department of Transportation Act (49 U.S.C. 1550(c)).

In consideration of the foregoing, it is proposed to amend § 232.12 of Part 232 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**Proposed Rule Making**

(1) Each manufacturer, in accordance with § 375.6, shall furnish the following information in the form of Table I, for each of standards and instructions listed in the Table under the heading “Points of Ignition”:

<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 232.12</td>
<td>Each manufacturer, in accordance with § 375.6, shall furnish the following information in the format of Table I, for each of the points listed in the table under the heading “Points of Ignition”:</td>
</tr>
</tbody>
</table>

This amendment to a notice of proposed rule making is issued under the authority of sections 112(d) and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d), 1407) and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on February 6, 1969.

**John R. Jamesson, Deputy Federal Highway Administrator.**

(F.R. Doc. 69-1705; Filed, Feb. 10, 1969; 8:47 a.m.)

Federal Railroad Administration

149 CFR Part 232

(Docket No. FRA-DE-1 Notice 1)

**Power or Train Brakes Safety Appliance Act of 1958**

**Initial Terminal Road Train Airbrake Tests**

The Federal Railroad Administration currently has under study the rules, standards, and instructions adopted and prescribed by the Interstate Commerce Commission to become effective on August 9, 1958. The Interstate Commerce Commission was directed by Congress, in the Act, to make the necessary rule changes within 90 days. The existing rules, standards, and instructions are, therefore, those which were adopted by the industry itself more than 10 years ago. It is important to note that the Act further provided that such rules, standards, and instructions shall thereafter remain the rules, standards, and instructions of the Association of American Railroads. The rules, standards, and instructions in effect at that time are those of 1957.

The study being conducted by the Federal Railroad Administration, together with certain communications from the industry itself, are convincing that improvements should immediately be considered in respect to at least two sections of the rules listed in Table I: 232.12 and 232.11. Only § 232.12 will be considered in this notice of proposed rule making. Section 232.11 will be handled in a separate proceeding.

The entirety of § 232.12 will be considered in this proceeding, but the subject matter of particular concern at this time is that part of § 232.12(3) which deals with the receipt of trains in inter-change, and the provision requiring an intermediate inspection within a limit of not to exceed 500 miles. The issues concern whether adequate yet more practicable rules may be made while still maintaining safety. The help of all concerned is solicited. In particular, an affirmative approach to the Federal Railroad Administration is already well aware of many of the problems created by the arbitrary-appearing 500-mile limitation. A rule accomplishing the purpose, originally intended by this provision yet operationally feasible and fully as safe, is what the Administration hopes to achieve. Similarly, the recent changes in the railroad industry, particularly as to operating practices, many stemming in part from railroad mergers and single control of multiple legal railroad entities, have created situations requiring an up-to-date look at what constitutes a true interchange as the rule originally contemplated or should contemplate now. The industry has often complained of individual instances of undue hardships with no added safety, as to both the 500-mile rule and the interchange “between legal entities” but it has, at the same time, been slow to propose a substitute rule to accomplish the same safety end. It is this that we are seeking here.

Interested parties may submit written data, views, or arguments with or without the aid of the administrative law judge. Written submissions should be submitted in duplicate addressed to the Federal Railroad Administration, Federal Railroad Administration, Washington, D.C. 20591 and should be received before April 10, 1969. Since the Act requires a hearing, an oral hearing will also be held. The hearing will be held in the offices of the Federal Railroad Administration, Conference Room 2, before Examiner Robert R. Boyd beginning at 9:30 a.m., April 23, 1969. This will be a rule-making, nonadversary type hearing. It is emphasized that all interested persons are invited to participate in the oral hearing whether or not they filed written comments.

Written submissions, and the submissions made at the hearing, will be considered in determining whether to change the provisions under consideration and, if so, to what extent and in what specific manner. All submissions, including those made at the hearing, will be available for examination by interested persons, at any time within normal working hours, at the Office of Public Affairs, Room 206, Federal Railroad Administration, 400 Sixth Street SW., Washington, D.C. 20591.

This rule making proceeding is instituted under the authority of 49 United States Code, section 9.

Issued in Washington, D.C., on February 6, 1969.

**A. Scheffer Lang, Administrator, Federal Railroad Administration.**

(F.R. Doc. 69-1684; Filed, Feb. 10, 1969; 8:45 a.m.)
§ 232.11 Train air brake system tests.
for "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce". Before taking final action to adopt, deny, or modify the proposed boundary which the petitions set forth, the Secretary will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 600 Independence Avenue SW., Washington, D.C. 20590.

Communications received on or before March 19, 1969, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of daylight saving time. The Uniform Time Act of 1966 (15 U.S.C. 260-267), section 6(d) (5), of the Department of Transportation Act (49 U.S.C. 1655(e) (5)), and Appendix 1 to Part 5 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 5).

Issued in Washington, D.C., on February 6, 1969.

R. TENNEY JOHNSON, Acting General Counsel.

[FR. Doc. 69-1711; Filed, Feb. 10, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION
[47 CFR Part 73]
(Docket No. 18434; FCC 69-95)

ADVERTISEMENT OF CIGARETTES

Notice of Proposed Rule Making

1. The Cigarette Labeling and Advertising Act of 1965 (Public Law 89-92, 15 U.S.C. 1331 et seq.), which establishes * * * a comprehensive Federal program to deal with cigarette labeling and advertising, contains a provision which sets forth the general relationship between smoking and health * * * (Act, sec. 2, 15 U.S.C. § 1333), provides that the provisions "which affect the regulation of advertising shall terminate on July 1, 1969" (see 10, 15 U.S.C. § 1339). Congress' purpose was to establish an appropriate period at the conclusion of which it would review this important subject to determine what action should be taken in light of the experience and information obtained. The Commission believes that in its review, Congress should be fully apprised of any administrative action which this Agency might take, assuming the absence of a contrary congressional direction. That is the essential purpose of this notice. Specifically, we propose, for the comment of interested persons and for consideration by the Congress in its review, a proposed rule which would ban the broadcast of cigarette commercials by radio and television stations. We shall set forth briefly the background and basis of this proposed rule.

A. Background. 2. The Commission's previous action in this area was designed to carry out the congressional policy embodied in the 1965 Act of not, in effect, barring cigarette advertisements and at the same time promoting intensive smoker-education during the life of the Act.


3. For a more comprehensive discussion of the subject here before, the reader is referred to the Commission's report in this area. 4. It is the purpose of this notice to set forth briefly the background and basis of this proposed rule. The Commission now considers the merits of a proposed rule which would ban the broadcast of cigarette commercials by radio and television stations.

It is the purpose of this notice to set forth briefly the background and basis of this proposed rule. The Commission now considers the merits of a proposed rule which would ban the broadcast of cigarette commercials by radio and television stations.

In the 3½ years since the publication of that report, an unprecedented amount of additional information has accumulated. That information, while not new, has been analyzed and continued, or initiated in this country and abroad under the sponsorship of governments, universities, industries, and others. This research has been reviewed and no evidence has been revealed which brings into question the conclusions of the 1967 Report or the findings of Federal Communications Commission, Case No. 21285, C.A.D.C., November 21, 1968, petition for rehearing denied, 49 Fed. Cl. Rep. 182 (1969).

We shall turn to the subsequent relevant reports. As stated in the 1967 Report to Congress on the Health Consequences of Smoking by the Department of Health, Education, and Welfare:

In the 3½ years since the publication of that report, an unprecedented amount of additional information has accumulated. That information, while not new, has been analyzed and continued, or initiated in this country and abroad under the sponsorship of governments, universities, industries, and others. This research has been reviewed and no evidence has been revealed which brings into question the conclusions of the 1967 Report or the findings of

The present state of knowledge of these health consequences cannot, in the judgment of the Public Health Service, be summarized as follows:

1. Cigarette smokers have substantially higher rates of death and disability than their nonsmoking counterparts in the population. This means that cigarette smokers die at earlier ages and experience more days of disability than comparable nonsmokers.

2. A substantial portion of earlier deaths and excess disability would not have occurred if those affected had never smoked.

3. Cigarette smoking, practically none of the earlier deaths from lung cancer would have occurred; nor a substantial portion of the earlier deaths from chronic respiratory diseases (commonly known as bronchitis or pulmonary emphysema or both) nor a portion of the earlier deaths of cardiovascular origin. Excess disability from chronic pulmonary and cardiovascular diseases would also be less. Increased and possibly irreversible reduction of cigarette smoking could delay or avert a substantial portion of deaths which occur from lung cancer, a substantial portion of the earlier deaths of cardiovascular origin, and a portion of the earlier deaths and excess disability from chronic bronchopulmonary diseases, and a portion of the earlier deaths and excess disability from cardiovascular origin.

The 1968 Supplement has the following highlights:

General mortality information. Previous findings reported in 1967 indicate that cigarette smoking is associated with an increase in general mortality and morbidity and leads to a substantial excess of deaths of those people who smoke. In addition, evidence herein presented shows that life expectancy of smoking men is reduced by an average of 4 years in "light" cigarette smokers, those who smoke over two packs a day, and an average of 6 years in "heavy" cigarette smokers, those who smoke less than one-half pack per day.

Smoking and cardiovascular diseases. Current physiological evidence, in combination with additional epidemiological evidence, confirms previous findings and suggests additional possible mechanisms. While smoking can contribute to coronary heart disease, cigarette smoking adversely affects the blood vessels between the heart and the lungs for oxygen and other nutrients and their supply. Some of the harmful cardiovascular effects appear to be irreversible after cessation of cigarette smoking.

Because of the increasing convergence of epidemiological and physiological findings relative to coronary heart disease, it is concluded that cigarette smoking can contribute to the development of...
cardiovascular disease and particularly to death from coronary heart disease.

Smoking and chronic obstructive bronchopulmonary disease. Additional physiological and epidemiological evidence confirms the previous findings that cigarette smoking is the most important cause of chronic nonmalignant bronchopulmonary disease in the United States. Cigarette smoking can adversely affect pulmonary function. It is suggested that this can lead to cardiopulmonary disease, notably pulmonary hypertension and cor pulmonale. In these individuals who have severe chronic obstructive bronchitis.

Smoking and cancer. Additional evidence substantiates the previous findings that cigarette smoking is the main cause of lung cancer in men. Cigarette smoking is casually related to lung cancer in women but accounts for a smaller proportion of cases than in men. Smoking is a significant factor in the causation of the larynx and the development of cancer of the oral cavity. Further epidemiological data strengthen the association of cigarette smoking with cancer of the bronchus and of the oropharynx. 

4. We shall not set out the many detailed reports (e.g., the Hammond Study; the Dorn Study) discussed in these documents. We do point out that among the diseases as to which cigarette smoking is certainly an important or significant cause, there is an alarming rate of increase in mortality. There were 25,416 deaths from emphysema and/or chronic bronchitis in 1966 which represent a 35 percent increase over 1964. It is estimated that "•••• within 10 years, the death toll from these two diseases, which doubles every 5 years, could be well over 80,000 yearly, will die of the disease" (ibid). The 1967 Report indicates that cigarette smoking is associated with all forms of cancer—lung cancer, pancreatic cancer, and non-Hodgkin's lymphoma. 

5. We shall not set out the many detailed reports (e.g., the Hammond Study; the Dorn Study) discussed in these documents. We do point out that among the diseases as to which cigarette smoking is certainly an important or significant cause, there is an alarming rate of increase in mortality. There were 25,416 deaths from emphysema and/or chronic bronchitis in 1966 which represent a 35 percent increase over 1964. It is estimated that "•••• within 10 years, the death toll from these two diseases, which doubles every 5 years, could be well over 80,000 yearly, will die of the disease" (ibid). The 1967 Report indicates that cigarette smoking is associated with all forms of cancer—lung cancer, pancreatic cancer, and non-Hodgkin's lymphoma. 

6. The commercials do promote the use of cigarettes. As we developed in our 1967 document, that is understandably their purpose. We also note that in its 1968 report to Congress, the Federal Trade Commission concluded:

In 1964 and again in 1947, the Commission found that three principal themes dominate cigarette advertising. These are that (1) smoking is the cheapest form of tobacco use; (2) smoking is associated with cleanliness; and (3) it is an activity relatively free of hazard. A review of specimen 1967 and early 1968 advertising, obtained through the Commission's continuous monitoring program and also directly from cigarette advertisers, reveals that these three themes, the "satisfaction" theme, the "associative" theme, and the "warning" theme (relative to the dangers of cigarette smoking) theme continue to dominate. 

7. There is no question but that cigarette commercials have significant impact. Here we note initially that the broadcast industry is the recipient of more than 75 percent of the advertising dollar of cigarette manufacturers. In the amount of $344.4 million in 1967. This expenditure, when measured in terms of "exposures" on television to members of the general public in the broadcast audience (i.e., the number of cigarette commercials times the estimated program audience), resulted in 13.3 billion exposures in January 1968 alone. Finally, we note that the commercials reach children to a very significant extent. Based on figures from the FTC Report, 1968 Supplement, children ages 2-11, account for more than 13 percent of the "exposures" on television to cigarette advertisements, while teenagers, ages 12-17, account for another 10 percent; the remaining 77 percent represent adults above 18 years. The exposure rate of teenagers to televised cigarette advertisements was up nearly 16 percent and the rate for children under 15 percent, compared with a year earlier. 

8. There is, we believe, no need to develop further this facet. For the issue does not turn upon the precise extent of impact of the cigarette commercials. It is sufficient that the impact is significant and thus that the public health problem posed up is a public interest standard is also significant and cannot be overlooked. Indeed no one can seriously argue
that there is no significant impact—
that the millions spent in this respect year after year is to no significant

9. We have considered other factors. There is the argument that a prescription should only be across-the-board, and not just in the broadcast field; that a ban limited to the one field would result, as a practical matter, in a shift in advertising expenditures to the nonproscribed areas. The question of an across-the-board ban, of course, is solely for the Congress. Here we point out, first, that broadcasting is clearly the most effective medium for promotion of cigarettes, as shown by the above noted expenditures by cigarette manufacturers of 75 percent of the advertising dollar in this field; and second, in any event, we must decide whether the promotion of this product, so uniquely hazardous to health, is consistent with the public interest standard of the Communications Act. In the face of the public health discussion in paragraph 3, supra, we do not believe that this issue would have been resolved by the broadcasting facilities. The latter messages, for example, do contribute most significantly to the public interest. But the public interest issue posed cannot be resolved by some attempted balance between broadcast facilities and the rest of the tobacco industry, a fortiori, it is applicable to the tobacco industry generally. The premise of this action is clear—that the economic well-being of an industry, however substantial, cannot be secured at the expense of the public health. We intend to proceed on that premise, unless and until it is set aside by Congress.

10. The above discussion is pertinent to the entire cigarette industry. We recognize that this is a substantial industry employing thousands of persons and representing roughly an $8.4 billion contribution to the gross national product and a correspondingly sizable tax contribution.\(^2\)

The effect of a ban on cigarette commercials upon that industry is difficult to assess, and indeed is not possible at this stage. It is the contention of some that the broadcast industry to focus upon what its responsibilities are, and indeed regard it as a threshold matter—ahead of any final consideration of the issue by either the Commission or Congress. The broadcast industry does not accept the advertising of hard liquor (e.g., Television Code IX, no. 22). Since 1965, annual appropriations have been made for the National Clearinghouse for Smoking and Health at the level of $2 million under Public Health Services, Chronic Disease and Health Service, Department of Health, Education and Welfare, pp. 49-50; 101-125.

11. If the foregoing principle is to be applied in the case of impact upon the tobacco industry, a fortiori, it is applicable to the issue of impact upon the broadcast industry. As a further matter, we are persuaded that cigarette advertising accounted for approximately 3 percent of the total television billings and 5.9 percent of radio billings;\(^3\) and that the broadcast industry generally is profitable.\(^4\) The industry would appear to absorb the loss of revenue from cigarette advertising and indeed its leaders have already warned of such a loss at industry meetings.\(^5\)


12. This brings us up to a most important consideration of the due process issue: a proceeding for a reasonable time to permit such consideration. In the words of Senator Magnuson and Mrs. Carpenter, (The Dark Side of the Marketplace, supra, p. 199):

"To ask but one other question: How, in the face of the tremendous evidence, can the broadcast industry become the main part of the cigarette companies in promoting the sale of new longer (100 millimeters or longer) cigarettes, which by virtue of their size, generally contain added dosages of tar and nicotine? See The Dark Side of the Marketplace, supra, pp. 199-199."

22 Since 1965, annual appropriations have been made for the National Clearinghouse for Smoking and Health at the level of $2 million under Public Health Services, Chronic Disease and Health Service, Department of Health, Education and Welfare, pp. 49-50; 101-125.


24 In 1967, the television industry showed a pre-Federal income tax profit of $414.5 millions, and in 1966, radio reported such a profit of $97.3 millions. (See FCC Public Notice 26067, Dec. 31, 1968, and FCC Public Notice 12026, Dec. 19, 1967.) While the TV statistics referred to by the America of 1961, do they indicate a generally healthy industry situation?

25 At the March 1967 meeting of State Broadcasters, the general counsel of the American Society of America of the Public health issue: "If I were a broadcaster over the next 5 or 10 years I would be looking for sources of revenue to replace cigarette advertising." (Broadcasting, July 8, 1968, p. 1.) While we do not assert that the British and U.S. television industries are necessarily comparable, we again claim that the British experience in this respect: "The immediate loss of revenue by independent TV companies was more than offset this year by increased revenue from advertisers of other products. Both metropolitan and provincial companies claimed a loss of revenue from cigarette ads." (1967 World Conference Summary, supra, p. 238.)
Congressmen suggest that the airwaves are whether there should be an exemption point of purchase is very useful in this critical area, should continue unabated, with the cigarette manufacturer afforded the opportunity to present his side in newscasts, documentaries, roundtable discussions, and other formats. All these are matters for license judicial D. Authority. 15. We believe, in view of the public health basis uniquely authenticated by official action, that we do have authority to act here under the public interest standard set out in sections 303, 307, 336, 309, and 315 of the Communications Act, 47 U.S.C. 303, 307, 336, 309, 315. While we here are reciting the authority as required by the Administrative Procedure Act, we believe that in this case of such a threat to public health (see par. 3), the authority to act is really a duty to act. We stress again that our action is limited to this unique situation and product, that we are unaware of any other product commercials calling for such action, and expressly disclaim any intention so to proceed against any other commercial. Finally, as to the First Amendment issue generally, we note that product advertising, if it comes within the First Amendment, is at least less rigorously scrutinized than other forms of speech. The issue is thus whether the First Amendment protects the advertising of a product as to which there is a substantial showing that it is the main cause of lung cancer, the most important cause of emphysema and chronic bronchitis, and so on. We do not believe so. Finally, we have noted the argument that since cigarettes may be legally purchased, it is wrong both legally and as matter of policy to proscribe the advertising of such a legal product. But the short answer is that while, in light of the national experience with liquor, the prohibition of a particular product such as cigarettes may be impracticable (again a matter solely for the consideration of the Congress), it does not follow at all that the promotion of the product should be permitted, either legally or as a matter of policy. Remedial actions in the promotion area may well be feasible and serve the public interest.

Conclusion. 16. Our proposed action is in line with the 1968 HEW Report and the recommendations of the FTC that there be a ban on cigarette advertising on television and radio. It flows, we believe, directly and as a matter of common sense from the public interest standard view of the hazard to public health here involved. We therefore issue the notice at this early date in 1969 so that Congress may be afforded the fullest possible opportunity to take the proposal into account in its review of the matter. We again stress the question of voluntary action by the broadcast industry and our recognition that insofar as the Government is concerned, Congress must be the final arbiter of this matter and must signal what action is to be taken.

17. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before May 6, 1969, and reply comments on or before July 7, 1969. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.


Released: February 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] Ben F. Waple, Secretary.

[F.R. Doc. 69-1703; Filed, Feb. 10, 1969; 8:49 a.m.]

1968 FTC Report, supra, p. 31. We also note that several other nations ban advertising on either television or radio (e.g., Czechoslovakia, Denmark, France, Ireland). See also Valentine v. Chrestensen, 316 U.S. 22 (1942); Breard v. Alexandria, 341 U.S. 622, 642 (1951); Murphy v. Pennsylvania, 319 U.S. 105, 110-111 (1942); Martin v. Struthers, 319 U.S. 141, 142 n. 1 (1942).
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" 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 March 24, 1969.

By the Commission.

Cordon M. Grant,
Secretary.

---

### Notices

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By the Commission.

Cordon M. Grant,
Secretary.

---

### Amendments A

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<th>DecNet No.</th>
<th>Respondent</th>
<th>Rate schedule No.</th>
<th>Purchaser and producing area</th>
<th>Amount of annual increase</th>
<th>Date filing tendered (in dockets No.):</th>
<th>Effective date unless suspended (in dockets No.):</th>
<th>Date suspended until:</th>
<th>Centis per Mcf Rate in effect</th>
<th>Proposed increased rate in effect</th>
<th>Rate in effect subject to reduction in dockets No.</th>
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See footnotes at end of table.

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FEDERAL REGISTER, VOL. 34, NO. 28—TUESDAY, FEBRUARY 11, 1969
RI69-504. Consolidated Oil & Gas, Inc., referred to herein as Consolidated, request permission to become effective as of January 1, 1969, for its proposed rate increase. Texaco, Inc. has not been shown for waiving the 30-day effective dates for Consolidated, U.S. Natural, and Chevron is advised that a notice of mission's order issued December 7, 1967, in the Commission's statement of General Policy No. 61-1, as amended (18 CFR 2.56). [F.R. Doc. 69-1629; Filed, Feb. 10, 1969; 8:45 a.m.]

Findings and Order After Statutory Hearing


Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successor co-respondents, redesignating proceedings, accepting agreement and undertaking, and accepting related rate schedules and supplements for filing.

FEDERAL REGISTER, VOL. 34, NO. 28—TUESDAY, FEBRUARY 11, 1969

NOTICES
NOTICES

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicant has designated its FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas services in interstate commerce as indicated in the tabulation herein. All sales certificates herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

At a hearing held on January 23, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration thereof, finds:

(1) Each Applicant herein is a "natural gas company" within the meaning of the Natural Gas Act as hereofore found, and the applications are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be "natural gas companies" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas heretofore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore issued should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sales hereofore authorized to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale hereofore authorized to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity, and such abandonments should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates hereafter issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom the authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Whitestone Petroleum Corp. should be substituted in lieu of O. C. Holt, previously issued in Docket No. R165-291, that said proceeding should be hereinafter ordered and conditioned.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale hereofore authorized to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the sale hereofore authorized to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity that sales made pursuant to the FPC Gas Rate Schedule No. 7 of the Natural Gas Act as heretofore found, and the applications and petitions, as supplemented and amended, are engaged in the sale of natural gas in interstate commerce for resale, subject to the jurisdiction of the Commission, and will, therefore, be "natural gas companies" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(14) Each Applicant herein is a "natural gas company" within the meaning of the Natural Gas Act as hereofore found, and the applications are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be "natural gas companies" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction...
NOTICES

of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(b) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(c) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or actions relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved impair approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(d) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) (3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. G-8733, CI67-662, and CI68-1240 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of the gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: Provided, however, that the adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery Applicants in Dockets Nos. G-8733, CI67-662, and CI68-1240 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(c) Applicants in Dockets Nos. CI67-662 and CI68-1240 shall advise the Commission of any contemplated testing of the gas for the removal of liquefied hydrocarbons.

(d) The initial rate for the sale authorized in Docket No. CI69-530 shall be 18.5 cents per Mcf at 15.025 p.s.i.a., subject to B.t.u. adjustment upward from 1,050 B.t.u. or downward from 1,000 B.t.u. per cubic foot, measured on a wet basis but not to exceed the rate provided in the rate schedule. Within 90 days from the delivery of the first rate, Applicant shall file three copies of a rate schedule quality statement as specified by paragraph (E) of Opinion No. 546.

(e) The sale authorized in Docket No. CI61-691 shall be made at the initial rate of 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1 by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(f) The sale authorized in Dockets No. CI66-1310 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

(g) The orders issuing certificates in Dockets Nos. G-8733, G-20259, CI61-691, CI65-464, CI66-129, CI65-223, CI65-1159, CI65-1336, CI66-1310, CI67-662, and CI68-1240 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(h) The sale hereinafter authorized to be made in Docket No. CI66-1310 is made pursuant to the authorization granted in Docket No. CI65-464, in paragraph (P) above, and the certificate hereinafter issued in Docket No. G-10834 is terminated.

(i) The related rate schedule and certificate in Docket No. CI65-464 is redesignated as Mobil Oil Corp. (Operator) as indicated in the tabulation herein.

(j) The orders issuing certificates in Dockets Nos. CI64-1147 and CI63-153 are amended by substituting the successors in interest as certificate holders.

(k) The orders issuing certificates in Dockets Nos. CI65-13, CI65-1159, and CI61-691 are amended to reflect the change in operator as indicated in the tabulation herein.

(l) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(m) The certificates heretofore issued in Docket Nos. G-6835, G-13710, G-14809, and G-14818 are terminated.

(n) O. C. Holt is substituted in lieu of Keating-Parker Drilling Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI64-418 and the proceeding is redesignated accordingly.

(o) Whitestone Petroleum Corp. is substituted in lieu of Whitehall Oil Co., Inc., as respondent in the proceeding pending in Docket No. RI65-291; said proceeding is redesignated accordingly, and the agreement and undertaking submitted by Whitestone Petroleum Corp. in said proceeding is accepted for filing.

(p) Whitestone Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking submitted by it in Docket No. RI65-291 shall remain in full force and effect until discharged by the Commission.

(q) Bi r m e r Engineering, Inc., Agent (Operator) et al., is made a corespondent in the proceeding pending in Docket No. RI68-348 with respect to sales made pursuant to its PPC Gas Rate Schedule No. 7.

(r) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] G ord e n M. G h a n t ,
Secretary.

1 O. C. Holt.
2 Whitehall Petroleum Corp.
<table>
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<tr>
<th>Docket No.</th>
<th>Applicant</th>
<th>Purchaser, field, and location</th>
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<td>Amendatory agreement 145 8</td>
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<td>Colorado Interstate Gas Co., Western Colorado Field, Montezuma County, Colo.</td>
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**NOTICES**

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<td>Whitehall Oil Co., Inc., 4500 West 63rd St., Kansas City, Mo.</td>
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**Footnotes continued on page 1968.**
### Notices

**Order Accepting Contract Agreement, Providing for Hearings on and Suspension of Proposed Changes in Rates, Permitting Increased Rate Filing To Be Withdrawn, Severing and Terminating Related Suspension Proceeding**

**January 31, 1969.**

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

1. **Does not consolidate for hearing or dispose of the several matters herein.**

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<th>Docket No.</th>
<th>Respondent</th>
<th>Amount of annual Increase</th>
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<th>Rate in effect</th>
<th>Proposed Increase Rate</th>
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<td>RI69-404</td>
<td>Estate of Russell Mansfield (Operator) et al., Post Office Box 720, Bartlesville, Okla.</td>
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<td>Robert F. White (Operator) et al., 714 Union Center Blvd., Wichita, Kans. 67202</td>
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<td>Northern Natural Gas Producing Co. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001</td>
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**Footnotes:**

- Letter agreement dated Oct. 3, 1968, provides, among other things, for a renegotiated rate of 10 cents for the 5-year period beginning Oct. 1, 1968, with 1 cent increase every 5 years thereafter, deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to file for any higher applicable area rate established by the Commission.
- The stated effective date is the first day after expiration of the statutory notice.
- The stated effective date is the effective date requested by Respondent.
- Reconsolidated rate includes 1 cent increase.
- Pressure base is 14.50 p.s.i.a.
- Subject to a downward B.t.u. adjustment.
- Increase from "fractured" rate to contractually provided rate.
- Periodic rate increase.

**FEDERAL REGISTER, VOL. 34, NO. 28—TUESDAY, FEBRUARY 11, 1969**
Estate of Russell Maguire (Operator) et al. (Maguire) and Robert F. White (Operator) et al. (White), request that their proposed rate increases be permitted to become effective on January 1, 1969. Foster Petroleum Corp. (Foster) requests an effective date of February 7, 1969, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 6(b) of the Natural Gas Act to permit the earlier effective dates for Maguire, White, and Foster’s rate filings and such requests are denied.

Concurrently with the filing of its rate increase, Sohio Petroleum Co. (Sohio) submitted a letter agreement dated October 3, 1968, designated as Supplement No. 12 to Sohio’s FPC Gas Rate Schedule No. 135, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Sohio’s proposed contract agreement to become effective as of February 2, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

Foster is proposing a three-step periodic rate increase from 15 cents to 18 cents per Mcf. A prior increase from 15 cents to 16 cents per Mcf was suspended in Docket No. RI61-312 until June 5, 1969, and according to Sayre, the proposed increase is not subject to refund. Foster has requested that the prior increase (Supplement No. 4 to Foster’s FPC Gas Rate Schedule No. 13) be permitted to be withdrawn and the related suspension proceeding in Docket No. RI61-312 be terminated. Since the suspended 16 cents per Mcf rate contained in Supplement No. 4 to its aforementioned rate schedule has not been made effective pursuant to section 4(e) of the Natural Gas Act and no monies have been collected subject to refund under the rate schedule involved, we believe that the public interest to grant Foster’s request to withdraw Supplement No. 4 to its FPC Gas Rate Schedule No. 13 and to terminate the related suspension proceeding in Docket No. RI61-312.

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 2.55). The proposed increased rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: (1) Good cause exists for permitting withdrawal of Supplement No. 4 to Foster’s FPC Gas Rate Schedule No. 13 and for terminating the related suspension proceeding in Docket No. RI61-312.

(2) Good cause has been shown for accepting for filing Sohio’s contract agreement dated October 3, 1968, designated as Supplement No. 12 to Sohio’s FPC Gas Rate Schedule No. 135 and for permitting such supplement to become effective on February 2, 1969, the date of expiration of the statutory notice.

(3) Except for the supplements set forth in paragraph (2) above, it is necessary and proper in the public interest to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 4 to Foster’s FPC Gas Rate Schedule No. 13 is permitted to be withdrawn and the related suspension proceeding in Docket No. RI61-312 is severed from the Area Rate Proceeding (Hugo-Anadarko), Docket No. ARE4-1 et al., and is terminated.

(B) Supplement No. 12 to Sohio’s FPC Gas Rate Schedule No. 135 is accepted for filing and permitted to become effective on February 2, 1969, the expiration date of the statutory notice.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission’s rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, ch. 1), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplement set forth in paragraph (B) above).

(D) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until these proceedings have been disposed of and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until these proceedings have been disposed of and until the period of suspension has expired, unless otherwise ordered by the Commission.

(F) Notice 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 1.37(f)) on or before March 17, 1969.

By the Commission.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

SOHIO PETROLEUM CO. ET AL.

February 3, 1969.

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 concerning the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as hereinafter ordered.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (16 CFR, ch. 1), 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 schedule 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 suspensions to the rate schedule filing by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein provided. If within 30 days from the date of the issuance of this order Respondents shall 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 by the Commission within 15 days after the issuance of this order of their failure to observe the requirements of this order, agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements nor the rate schedule sought to be altered shall be changed until the 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 1.37(f)) on or before March 17, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, Secretary.

FEUDER REGISTER, VOL. 34, NO. 25-TUESDAY, FEBRUARY 11, 1969
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<th>Rate Schedule No.</th>
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<th>Amount of annual increase</th>
<th>Date Notice of Change in Rate Filing Tendered</th>
<th>Effective date unsuspended</th>
<th>Date Notice of Change in Rate Filing Suspended unless extended until</th>
<th>Costs per Mf for liquid guarantee</th>
<th>Rate Proposed by Respondent</th>
<th>In effect</th>
<th>Subject to refund in dockets No.</th>
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*Contract dated after Sept. 28, 1969, the expiration date of the Commission’s statement of general policy No. 61-1. 

1 The stated effective date is the effective date requested by Respondent.

2 The filing contains a 1 cent per Mcf minimum guarantee but this 1 cent has been excluded from the proposed increase. Sohio is advised that a notice of change in rate will be required if it intends to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission’s order issued December 7, 1967, in Docket No. RI64-469 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al. (F.R. Doc. 69-165; Filed Feb. 10, 1969; 8:45 a.m.)

U.S. Natural Gas Corp. (U.S. Natural) requests that its proposed rate increase be permitted to become effective as of February 3, 1969. Good cause has not been shown permitting its proposed rate increase to become effective as of February 3, 1969. Natural Gas Act to permit an earlier effective date for U.S. Natural’s rate filing and such request is denied.

The contracts related to the rate filings proposed by Sohio Petroleum Co. (Sohio) and U.S. Natural were executed subsequent to the Commission’s statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial guarantee for liquids provision but this initial guarantee for liquids in the future.

The contracts related to Sohio’s rate filing contain a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed increased rate. Sohio is advised that a notice of change in rate will be required if it intends to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission’s order issued December 7, 1967, in Docket No. RI64-469 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al. (F.R. Doc. 69-165; Filed Feb. 10, 1969; 8:45 a.m.)

The basic contract related to Sohio’s rate filing contains a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed increased rate. Sohio is advised that a notice of change in rate will be required if it intends to collect the 1 cent per Mcf minimum guarantee for liquids in the future. See the Commission’s order issued December 7, 1967, in Docket No. RI64-469 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al. (F.R. Doc. 69-165; Filed Feb. 10, 1969; 8:45 a.m.)

DEPARTMENT OF THE TREASURY

Bureau of Customs

NOTICES

APPENDIX A

Department of the Interior

Bureau of Land Management

[Montana 1969]

MONTANA

Notice of Classification of Public Land for Multiple-Use Management, Amendment

February 4, 1969.

The Customs Convention on the International Transport of Goods under Cover of TIR Carnets to which the Senate gave its advice and consent to United States accession on March 1, 1967, provides in Chapter III, Article 5, that, subject to such conditions and guarantees as it shall determine, each Contracting Party may authorize associations to issue TIR carnets either directly or through corresponding associations, and to set as guarantees:

The duties, obligations, and responsibilities of the issuing association and guaranteeing association are found in Chapters III and IV of the TIR Convention.

Legislation necessary to implement the TIR Convention, among others, was enacted in Public Law 90-635, approved October 24, 1968.

Notice is hereby given that by virtue of the authority vested in the Secretary of the Treasury by Executive Order No. 11430 (34 F.R. 9161) and delegated to me by Treasury Order No. 165-31 (34 F.R. 1567) applications to undertake the obligations of issuing association and guaranteeing association under the TIR Convention will be accepted and considered by the Bureau of Customs. Such application should be accompanied by evidence that the applicant can satisfactorily perform the functions required of the issuing association and guaranteeing association.

To be considered, such applications must be received in the Bureau of Customs, Washington, D.C. 20240, not later than 30 days from the publication of this notice. No hearings will be held.

The text of the TIR Convention is filed with this document in the office of the Federal Register.

[SEAL]

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 69-1713; Filed, Feb. 10, 1969; 8:48 a.m.]

CHIEF, DIVISION OF CADAstral SURVEY

Redelegation of Authority Regarding Lands and Resources

Bureau Order No. 701, dated July 23, 1964, is further amended at follows:

Part V—Redelegation of Authority to the Chief, Division of Cadastral Survey

Sec. 5.0 Functions of Chief, Division of Cadastral Survey. (a) In accordance with existing policies, regulations and procedures of this Department, and under the direct supervision of the Assistant Director—Technical Services, the Chief, Division of Cadastral Survey, of the Bureau of Land Management is authorized to perform all functions and act for and on behalf of the Director all documents relating to the classification of public land for multiple-use management, amendment, and to perform all functions and act for and on behalf of the Director all documents relating to the classification of public land for multiple-use management, amendment.

FLORIDA DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Federal Register, Vol. 34, No. 28—Tuesday, February 11, 1969]
and (3) approval of all types of protracted surveys.

February 4, 1969.

John O. Crow, Associate Director.

[FR Doc. 69-1632; Filed, Feb. 10, 1969; 8:45 a.m.]

Bureau of Land Management
[Serial Nos. F-503, F-870]

ALASKA

Notice of Hearing on Proposed Classification of Lands

Notice is hereby given pursuant to the Federal Register, Volume 33, pages 14787-14788. R.

Second Avenue, Fairbanks, Alaska 99701.

R.

Robert C. Krumm, Manager, Fairbanks District and Land Office.

[F.R. Doc. 69-1706; Filed, Feb. 10, 1969; 8:45 a.m.]

Fish and Wildlife Service
[Docket No. C-299]

HOWARD ALBERT AND DOUGLAS EARL LOCKARD

Notice of Loan Application

February 4, 1969.

Howard Albert Lockard and Douglas Earl Lockard, 1152 Amber Street, San Pedro, Calif. 90732, have applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 54-foot length overall steel vessel to engage in the fishery for tuna, bonito, swordfish, salmon, sole, flounder, California halibut, hake, sablefish, perch, and rockfishes.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (56 CFR Part 259, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20246. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. M. Patton, Acting Director,

[FR Doc. 69-1695; Filed, Feb. 10, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Notice of Specific Approval

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved under said regulations as indicated below:

SPECFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only:

ALABAMA

- Adams & Eagle, Inc.; Marion.
- Arab Stock Yard; Arab.
- Atmore Truckers Association, Inc.; Atmore.
- Dadeville Stockyards, Inc.; Dadeville.
- Enterprise Livestock Company; Enterprise.
- Escambia County Cooperative, Inc.; Brewton.
- Farmers Cooperative Market, Inc.; Prisco City.
- Farmers Cooperative Market, Inc.; Opp.
- Payette Stockyards; Payette.
- Florence Trading Post; Florence.
- Fort Payne Livestock Commission; Fort Payne.
- Genera Stockyard; Genera.
- Hartford Livestock Company; Hartford.
- Headland Stockyard, Inc.; Headland.
- Henry County Livestock Association, Inc.; Abbeville.
- Hogge-Capital Stockyards; Montgomery.
- Hogges-Hurtsboro Stockyards; Hurtsboro.
- Hodges-Selma Stockyards; Selma.
- Hooper Auction Company, Inc.; Montgomery.
- Kenamer Livestock Company, Inc.; Gunterville.
- Kenneth-Murray & Company; Montgomery.
- Limestone County Stockyard; Athens.
- Linden Stockyard; Linden.
- Livingston Stockyard; Livingston.
- Madison County Livestock Market; Huntsville.
- Monroe Livestock Market, Inc.; Morrovelo.
- Montgomery Livestock Commission; Montgomery.
- Pickens County Livestock Commission; Albertville.
- Ramsey & Sons, Inc.; Dothan.
- Roscoe Stockyards, Inc.; Roscoe.
- Roberson Livestock Auction, Inc.; Robertsville.
- L. A. Roll & Son Cattle Company; Montgomery.
- Sunnem Livestock Auction; Samson.
- Stokes & Brotgen Stockyard, Inc.; Andalusia.
- Triple S Stockyards, Inc.; Montgomery.
- Union Stock Yards; Eufaula.
- Valley Stock Yard; Decatur.
- West Alabama Stockyards, Inc.; Eubaw.
- White Livestock Commission Co., Inc.; Morris.
- Winfield Livestock Commission Co.; Winfield.

ARIZONA

- Arizona Livestock Auction; Phoenix.
- Phoenix Livestock Auction; Phoenix.
- Arizona Livestock Marketing Association; Tucson.
- Arizona Livestock Auction; Phoenix.

ARKANSAS

- Allen-White Auction; Russellville.
- Ash Flat Sale Barn; Ash Flat.
- Beebe Auction Company; Beebe.
- Bentonville Commission Sales; Bentonville.
- Carson-Montgomery Auction; Searcy.
- Roy Cley Sales Barn; Morrilton.
- Clark County Livestock Auction; Arkadelphia.
- Cuming Sales Company; Corning.
- County Line Sale; Ratcliff.
- Davis Livestock Auction; Batesville.
- DeSueur Livestock Auction; Decatur.
- Homer County Auction Company; Monticello.
- Rusk Sales Barn; Eldora.
- Farmers Livestock Auction; Springdale.
- Gravette Community Sales; Gravette.
- Gravette Stockyard; Gravette.
- Hill & Montgomery Auction; Batesville.
- Hope Livestock Commission Co.; Hope.
- Jonesboro Stockyard; Jonesboro.
- Magnolia Livestock Auction; Magnolia.
- Mountain Home Livestock Auction; Mountain Home.
- Monticello Stockyards; Jonesboro.
- Polk County Auction; Mena.
- Randolph County Livestock Auction; Ponca City.
- Salem Livestock Auction; Salem.
- Scott County Livestock Auction; Waldron.
- Searcy County Auction; Marshall.
- Shane & Rodman Livestock Comm.; North Little Rock.
- Siloam Springs Sale Barn; Siloam Springs.
- Washington County Sale Barn; Fayetteville.

CALIFORNIA

- California Livestock Marketing Association; Red Bluff.
- Chino Stockyards; Chino.
- Oakland Livestock Auction Yard; Oakland.
- Products Livestock Marketing Association; Antioch (Boyce).
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Norvel Reed & Sons, Inc.; Jamestown.
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Steuben County Livestock Market; Bath.
Sullivans Brothers Livestock Exchange; Utica.
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Benthall's Stockyard; Rich Square.
Brite and Tatam Livestock Co., Inc.; Elizabeth City.
Carolina Stockyards Co.; Siler City.
Cattlemen's Livestock Yard, Inc.; Canton.
Central Carolina Farmers Livestock Market; Hillsborough.
Creesh Livestock Market, Inc.; Norlin.
Demond's Livestock Yards; Shelby.
Farmers Livestock Exchange; Morganton.
D. F. Foust Livestock Co., Inc.; Greenboro.
Franklin Livestock Auction; Franklin.
Hill's Stockyard; Kinston.
Gus Z. Lancaster Stockyards, Inc.; Rocky Mount.
Lumberton Auction Co., Inc.; Lumberton.
R. D. Martin Livestock Market (76.12(b) only); Aberdeen.
Morgan Livestock Co.; Charlotte.
Mount Airy Livestock Market, Inc.; Mount Airy.
Murphy Livestock Auction Co.; Murphy.
North Georgia Livestock Exchange; Woodstock.
Pates Stockyard; Pembroke.
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Raleigh Stockyards; Raleigh.
Sheby Sales Barn; Shelby.
Swen and Turner, Inc. (76.12(b) only); Elizabeth City.
Union County Livestock Auction, Inc.; Mineral Springs.
Western Carolina Livestock Market, Inc.; Boone.
Western Carolina Livestock Market, Inc.; Asheville.
West Jefferson Livestock Market; West Jefferson.
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Ashley Livestock Sales Company; Ashley.
Badlands Auction Company; Watford City.
Beulah Livestock Auction Market, Inc.; Beulah.
Carrington Livestock Auction, Inc.; Carrington.
Dobler's Eldendale Livestock Sales Co.; Dickinson.
Ridgley Livestock Sales Company; Edgerton.
Hannan Livestock Company; Hettinger.
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Home Base Auction Company; Bowman.
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J. K. I. Cattle Company; Williston.
Kamarath Sales Pavilion; Minot.
Krist Livestock Auction Company; Mandan.
Lake Region Auction and Livestock Market, Inc.; Devil's Lake.
Linton Livestock Sales, Inc.; Linton.
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Missouri Slope Livestock Auction, Inc.; Bismarck.
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Oakes Livestock Terminal; Oakes.
Park River Livestock Auction Market; Park River.
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Schmiddles Livestock Auction Company, Dickinson.
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Carrollton Livestock Auction; Carrollton.
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Damas Auction; Damascus.
Delta Livestock Auction & Commission Co.; Delta.
Dorset Livestock Sales; Dorset.
Farmers Livestock Auction, Inc.; Marietta.
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• Peoples Stockyard; Cookeville.
• Phoenix Livestock; Fayetteville.
• Plateau Livestock Exchange; Crossville.
• Pulaski Stockyard; Pulaski.
NOTICES

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of §785 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and concerning cattle not known to be affected with brucellosis. These establishments are approved for the purposes of paragraphs (a) and (b) of §78.12 only.

ARIZONA

Barney’s Pork House; Decatur.
Bartel’s Frozen Foods; Amado.
Beasley Packing Company, Inc.; Andalusia.
Borden Packing Company; Midland City.
Browning Abattoir; Browning.
Daulphin’s Clover Farm and Processing Plant; Brewton.
Decatur Packing Company; Decatur.
Florence Frozen Foods; Florence Plant.
Florence Packing Company; Florence.
Hooper Packing Company; Los Angeles.
Leeds Packing Company; Leeds.
Morgan Packing Company; Tuscaloosa.
Nelms & Son; Decatur.
Roanoake Packing Co.; Roanoke.
Robertsdale Locker Plant; Robertsdale.
White Rock Packing Company; Dothan.
Williams Packing Company; Gadman.

ARIZONA

Evans Meat Company; Phoenix.
Jernest Meat Packing Company, Phoenix.
Maricopa Packing Company; Phoenix.
O. K. Wholesale Meat Company; Phoenix.
Paramount Packing Company; Casa Grande.
Salford Packing Company; Safford.
Southwest Meat Company, Inc.; Yuma.
Sione & Randall Meat Company; Mesa.
Tempe Meat Company, Inc.; Tempe.
Vern Bushy Meat Company; Tucson.

ARKANSAS

Barnett’s Slaughtering House; Crockett.
Branneit’s Country Market; Lowell.
Browner Packing Company; Wynne.
Broadway Packing Company; Jonesboro.
Brown Packing Company; Little Rock.
Burton Wholesale Meats, Roy; North Little Rock.
Butcher Wholesale Meats; Camden.
Calhoun General Merchandise; Brown; Monette.
Carroll Packing Co.; Paragould.
Charleston Frozen Foods; Charleston.
Columbia Packing Company; Magnolia.
Community Abattoir, Inc.; Fort Smith.
Dumas Packing Company; El Dorado.
Fletcher Beef Co.; Jim; Fayetteville.
Philip Freer & Son; Ivan.
Garners Abattoir & Meat Processing Co.; Van Buren.
Guio Packing Company; Blytheville.

DUMAS PACKING COMPANY; Magnolia.

ARIZONA

Evans Meat Company; Phoenix.
Jernest Meat Packing Company, Phoenix.
Maricopa Packing Company; Phoenix.
O. K. Wholesale Meat Company; Phoenix.
Paramount Packing Company; Casa Grande.
Salford Packing Company; Safford.
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Butcher Wholesale Meats; Camden.
Calhoun General Merchandise; Brown; Monette.
Carroll Packing Co.; Paragould.
Charleston Frozen Foods; Charleston.
Columbia Packing Company; Magnolia.
Community Abattoir, Inc.; Fort Smith.
Dumas Packing Company; El Dorado.
Fletcher Beef Co.; Jim; Fayetteville.
Philip Freer & Son; Ivan.
Garners Abattoir & Meat Processing Co.; Van Buren.
Guio Packing Company; Blytheville.

DUMAS PACKING COMPANY; Magnolia.

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Sione & Randall Meat Company; Mesa.
Tempe Meat Company, Inc.; Tempe.
Vern Bushy Meat Company; Tucson.

ARKANSAS

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Brown Packing Company; Little Rock.
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Butcher Wholesale Meats; Camden.
Calhoun General Merchandise; Brown; Monette.
Carroll Packing Co.; Paragould.
Charleston Frozen Foods; Charleston.
Columbia Packing Company; Magnolia.
Community Abattoir, Inc.; Fort Smith.
Dumas Packing Company; El Dorado.
Fletcher Beef Co.; Jim; Fayetteville.
Philip Freer & Son; Ivan.
Garners Abattoir & Meat Processing Co.; Van Buren.
Guio Packing Company; Blytheville.

DUMAS PACKING COMPANY; Magnolia.
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<th>Location</th>
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|       |                              | Farm Boy Meats of Evansville, Inc.; Ev-

FEDERAL REGISTER, VOL. 34, NO. 29—TUESDAY, FEBRUARY 11, 1969
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- Thompson's Locker and Grocery; Harris.
- Steele Packing Company; Centerville.
- Valley Locker Service; Rock Valley.
- Tonyne Processing Plant; Haverdan.

- A & H Butchers; Arkansas City.
- Topeka Processing Plant; Atchison.
- Adams Bros. Packing Company; Colby.
- Valley Slaughterhouse Establishment; Kinsley.
- Anthony Meat; Anthony.
- Ayres Packing Plant; Greensburg.
- Ball Lockers; Baxter Springs.
- Beatrice Lockers; Beatrice.
- Beverly Independent Slaughterhouse Establishment; Salina.
- Beverley Meat and Locker, Inc.; Salina.
- Bichelmeier Slaughterhouse; Kansas City.
- Brooks Locker Service; Blue Rapids.
- Burd Locker and Grocery; Atwood.
- Butchers Packing Company; Coffeyville.
- Claude Cady Slaughtering Establishment; Osborne.
- Colby Lockers; Colby.
- Coldwater Lockers; Coldwater.
- Comanche Meat Company; Wichita.
- Community Locker Service; Medicine Lodge.
- Davenport Meat Plant; Lawrence.
- Dye Slaughterhouse; Meade.
- Emporia Packing Company; Emporia.
- Fairview Packing Plant; Falls City.
- Fiore Slaughterhouse; Girard.
- Galena Packing Company; Girard.
- Goodland Packing Company; Goodland.
- Haddam Locker; Haddam.
- Haag Locker Plant; Fairview.
- Hammond Locker; Haysville.
- Hentzler Packing Company; Topeka.
- Hosseney's Dressing Beef; Coffeyville.
- Hueter Packing Company; Haysville.
- Keating's of Manchester, Inc.; Manchester.
- Kimmal Packing Company; Norton.
- Kowal Lockers; Kowal.
- Kreuger & Sons; Waterville.
- Kroes Beef Company; Kansas City.
- Kuehn Packing Company; Kansas City.
- Lengermeier Grocery & Market; Haysville.
- Leverett's of Manchester, Inc.; Manchester.
- M & M Packing Company; Topeka.
- Mahers Packing Company; Kansas City.
- Menghini Bros. Slaughterhouse Establishment; Frontenac.
- Miller Locker System; Erie.
- Miller Packing Company; Wilson.
- Modern Market & Lockers; Winona.
- Oberlin Locker; Oberlin.
- Oklahoma Locker and Grocery; Goodland.

**IOWA—continued**

- Scarville Food Market; Scarville.
- Steele Packing Company; Centerville.
- Swa City Locker; Swa City.
- Thompson Processing Service; Bloomfield.
- Valley Locker Service; Rock Valley.
- Tonyne Processing Plant; Haverdan.

- A & H Butchers; Arkansas City.
- Topeka Processing Plant; Atchison.
- Adams Bros. Packing Company; Colby.
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- Burd Locker and Grocery; Atwood.
- Butchers Packing Company; Coffeyville.
- Claude Cady Slaughtering Establishment; Osborne.
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- Coldwater Lockers; Coldwater.
- Comanche Meat Company; Wichita.
- Community Locker Service; Medicine Lodge.
- Davenport Meat Plant; Lawrence.
- Dye Slaughterhouse; Meade.
- Emporia Packing Company; Emporia.
- Fairview Packing Plant; Falls City.
- Fiore Slaughterhouse; Girard.
- Galena Packing Company; Girard.
- Goodland Packing Company; Goodland.
- Haddam Locker; Haddam.
- Haag Locker Plant; Fairview.
- Hammond Locker; Haysville.
- Hentzler Packing Company; Topeka.
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- Miller Locker System; Erie.
- Miller Packing Company; Wilson.
- Modern Market & Lockers; Winona.
- Oberlin Locker; Oberlin.
- Oklahoma Locker and Grocery; Goodland.

**NOTICES**

- Old Fashion Meat Market; De Soto.
- P & B Packing Company; Hays.
- Palace Meat Market; Hays.
- Phillips Slaughterhouse; Hill City.
- Phillipsburg Locker; Phillipsburg.
- Pratt Frozen Food Locker; Pratt.
- Reagleside Slaughterhouse Establishment; Liberal.
- Riddit Slaughtering Co.; Osawatomie.
- Schneidt Slaughterhouse; Greensburg.
- Snow's Locker Plant; Kansas City.
- Spring Hill Packing Company; Spring Hill.
- Stearns & Son Lockers; Herndon.
- Sunflower Packing Company; Wichita.
- Swin Locker Service; Marysville.
- Synneve Grocery & Locker; Marysville.
- Valley Vista Locker Service; Topeka.
- Joseph Visch & Sons; Hoxie.
- Washburn Packing Company; Hutchinson.
- Welch's Frozen Food Center; Franklin.
- Wiley & Green Packing Company; Leavenworth.
- Wilkerson Meat Company; Pittsburg.
- Winchester Packing Company, Inc.; South Hutchinson.
- Winkler's Slaughterhouse, Liberal.
- Woody's Wholesale Meats; St. Marys.
- W. C. Wurst Locker Service; Great Bend.
- Yountoote Frozen Foods Locker; Tonganoxie.

**KANSAS**

- Ashland Meat Company; Ashland.
- Boone's Abattoir; Barstow.
- C. M. Chapman; Kansas City.
- Elim Hill Meats, Inc.; Lexington.
- Emery Gillett Wholesale Meats, Inc.; Ashland.
- Field Packing Company; Owensboro.
- Field Packing Co.; Bowling Green.
- Fratley Packing Company; Paducah.
- Hahn Brothers, Inc.; Westminster.
- Holiday Packing Co.; Paducah.
- Louisvile Beef Company; Louisville.
- Meigler Bros.; Paducah.
- Mr. Sterling Packing Co.; Mount Sterling.
- Parker Sausage Company; Georgetown.
- C. Rice Packing Co.; Covington.
- Riversides Packing Co.; Paducah.
- J. F. Schneider & Son, Inc.; Middleboro.
- Shoolery & Sons, Est.; Middlesboro.
- Walton Locker & Slaughtering House; Walton.
- Bob White Packing Company; Bowling Green.

**LOUISIANA**

- Austin Packing Co.; Houma.
- Berry Packing Co. H. O.; Bastrop.
- Brits Packing Co.; Shreveport.
- C. W. Lee Packing Co.; Baton Rouge.
- Chiappe's Packing Plant (John Micelle); Lake Charles.
- Millwood Packing Company; Shreveport.
- Old South Packing Company; Baton Rouge.
- Port City Packing Co., Inc.; Huntsville.
- Thompson Packing Co.; Thibodaux.
- Western Packing Co.; Slidell.

**MARYLAND**

- Arturore Locker Plant; Frederick.
- Bauterlein, Edward C.; Hampstead.
- Benson Meat Produce Company; Fallston.
- Ballinger's Meat Market; Emmitsburg.
- Bofield, E. H.; Emmitsburg.
- Brook Meadow Provision Company; Hagerstown.
- Bullock, G. Winslow; Westminster.
- Burger, William R.; Port Deposit.
- C. W. Lee Packing Co.; Port Deposit.
- Crolley, E. H.; Ocean City.
- Crystal Ice & Cold Storage Company; Cambridge.
- Cumberland Meats, Inc.; Cumberland.
- Dutterer's of Manchester, Inc.; Manchester.
- English's Meat Market; Elkort.
- Ergele, Jr., Walter L.; Frostburg.
- Gladhill Meat Market; Damascus.
- Glosner, John E.; Hagerstown.
- Grewe, R. S.; Cumberland.
- Hahn Brothers, Inc.; Westminster.
- Harsh, Jr., M. D.; Williamsport.
- Hege, H. C.; Baltimore.
- Heinen's Packing Co., Inc.; Baltimore.
- Hermander's Packing Co., Inc.; Baltimore.
- Holinger, C. M.; Hagerstown.
- Joels, Anthony; Baltimore.
- Judge Meat and Poultry Market; Cumberland.
- Lotta Wholesale Meats, John F.; Frostburg.
- Main & Sons, C. P.; Middletown.
- Martin's Meats; Joppa.
- Maurer & Miller Meats, Inc.; Manchester.
- Miller's Market, Inc.; Oakland.
- Montgomery Brothers, Hasting Sun.
- Moer, Weaver P.; Boonsboro.
- Mount Airy Locker Company; Mount Airy.
- Myers Sons, Inc., William F.; Westminster.
- Panestil Packing Company; Emporia.
- Predonia Packing Company; Predonia.
- Wood's Wholesale Meats; St. Marys.
- C. C. Wurst Locker Service; Graifield.

**KENTUCKY**

- Ashland Meats Company; Ashland.
- Boone's Abattoir; Barstow.
- S. M. Campbell Co.; Gray.
- Ashland Meat Company; Ashland.
- C. C. Wurst Locker Service; Grainfield.

**MICHIGAN**

- Ada Beef Company; Ada.
- Allendale Beef Co.; Allendale.
- Anderson Packing Co., Inc.; J. S.; Muskegon.
- Bailey's Wholesale Meats; Menominee.
- Beards & Sons, Max; Kalamazoo.
- Choice Packing Co. Detroit.
- Cohens Meat Market; Port Huron.
- Detwiler & Son, Mark; St. Johns.
- Dykstra Wholesale Beef; Grand Rapids.
- Edson, Inc., Lee; Huddleston.

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**NOTICE**

**NEW YORK—continued**

Condii Packing Company, Inc.; Henrietta.
Country Bubking, Inc.; Nicholls.
Cuomo, Alphonsi; Altamont.
Cuomo, Nell; Schenectady.
Davis Brokering Corp.; Lansing.
Dallen, Ed; Wyoming.
Dye's Meat Market; Bridgewater.
Easton Meat, Kansas City.
East River Packing Co.; East River.
Ehmer, Karl Farms Corp.; La Grangeville.
Ehmer, Karl Farms Corp.; Hillsboro.
F & M Packing Co., Inc.; Hillsboro.
Flanders, W. E. & Sons; West Valley.
Frank Brothers Farms, Inc.; Poughkeepsie.
Frank Brothers Farms, Inc.; Greenburgh.
Frank Brothers Farms, Inc.; Woodside.
Frank Brothers Farms, Inc.; Woodside.
Frieden, A. S.; Queens.
Gorham Meat Products Co.; Gorham.
Hokan's Slaughter House; Angola.
Klinck & Schaller, Inc.; Buffalo.
Kroger, Emmerich; Buffalo.
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NOTICES

Pennsylvania State University, University Park.

Pratt Packing Company; Collegeville.

Pueblo Packing Company; Pueblo.

Prine Packing Company; New Carlisle.

Pittsburgh Packing Company; Pittsburgh.

Pittsburgh Packing Association; Pittsburgh.

Pittsburgh Packing Company; Pittsburgh.

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The names of the following stockyards and slaughtering establishments are changed to read as follows:

**STOCKYARDS**

**ARKANSAS**
From: Valley Livestock Auction; Bussellville.
To: Allen-Eldred Auction; Bussellville.
From: Glenn Edgar Auction; Bateville.
To: Davis Livestock Auction; Bateville.
From: Farmers & Ranchers Auction; Bateville.
To: Hill & Montgomery Auction; Bateville.

**FLORIDA**
From: Tindell Livestock Auction Market; Graceville.
To: Tindell Livestock Auction Market, Inc.; Graceville.

**GEORGIA**
From: Toccoa Livestock Auction; Toccoa.
To: McClure-Burnett Commission Co.; Toccoa.

**ILLINOIS**
From: Arnold Cattle Company; Atkinson.
To: Atkinson Market, Inc.; Atkinson.

**IOWA**
From: Creston Sales Co.; Creston.
To: Creston Livestock Auction Market; Creston.
From: Donnellson Commission Exchange; Donnellson.
To: Donnellson Livestock Sales, Inc.; Donnellson.
From: Dunlap Sale Company; Dunlap.
To: Dunlap Livestock Auction; Dunlap.
From: Garner Sales Company; Garner.
To: Garner Livestock Sales, Inc.; Garner.
From: Iowa Falls Livestock; Iowa Falls.
To: Iowa Falls Livestock; Iowa Falls.
From: Kalona Sales Co., Inc.; Kalona.
To: Kalona Sales Barn; Kalona.
From: Lehigh Valley Auction Co.; Moorhead.
To: Moorhead Auction Company; Moorhead.
From: Washington Livestock Sales Co.; Winfield.
To: Washington Livestock Market; Webster City.
From: Webster City Livestock Auction Co.; Webster City.
To: Winnebago Coop Association; Decorah.
From: Winneshiek Coop Sales Commission; Decorah.

**KANSAS**
From: Hanson Livestock Auction Co.; Hutchinson.
To: Hutchinson Livestock Commission Co.; Hutchinson.
From: C & S Livestock Commission Company; Norton.
To: Norton Livestock Auction Co.; Norton.
From: Winfield Livestock Auction Co.; Winfield.
To: Winfield Auction Company; Winfield.

**KENTUCKY**
From: Berry and Whitford Stockyard; Mayfield.
To: Mayfield Livestock Sales; Mayfield.

**MISSISSIPPI**
From: North Mississippi Livestock Cooperative; Corinth.
To: Alcorn County Stockyards; Corinth.
From: Hattiesburg Livestock Yards, Inc.; Hattiesburg.
To: Hattiesburg Livestock Market; Hattiesburg.
From: Hub City Stockyards, Inc.; Hattiesburg.
To: Southern Stockyards; Hattiesburg.

**NEBRASKA**
From: Beaver Valley Livestock Market; Beaver City.
To: Beaver Valley Livestock Co., Inc.; Beaver City.
From: Norfolk Livestock Sales Co.; Norfolk.
To: Norfolk Livestock Market, Inc.; Norfolk.
From: Morrison Livestock Commission Co.; Gering.
To: Producers Livestock Marketing Assoc.; Gering.
From: Union Livestock Commission Company; Gering.
To: Twin City Livestock Auction Company; Gering.
To: Wayne Livestock Auction Co., Inc.; Wayne.

**NEW YORK**
From: Pavilion Livestock Market; Pavilion.
To: Hamlen Livestock Market, Inc.; Pavilion.
From: Norvel Reed Auction Sale; Sherman.
To: Norvel Reed & Sons, Inc.; Sherman.

**NORTH DAKOTA**
From: Ellendale Livestock Sales Co.; Ellendale.
To: Dobie's Ellendale Livestock Sales Co.; Ellendale.

**OREGON**
From: Klamath Stockmen's Comm. Co., Inc.; Klamath Falls.
To: Klamath Auction Yard, Inc.; Klamath Falls.

**PENN S YLVANIA**
From: Mages & Farrell, Inc.; Mercer.
To: Mercer Livestock Auction; Mercer.

**TEXAS**
From: Marshall-IvyLivestock Exchange; Longview.
To: Longview Livestock Comm.; Longview.
From: Sealy Livestock Auction Company; Sealy.
To: Port City Stockyards Co.; Sealy.
From: Super Tyler Livestock Commission Co.; Tyler.
To: Tyler Livestock Marketing Comm.; Tyler.

**WEST VIRGINIA**
From: Evans Stock Yards, Inc.; Elkins.
To: Elkins Stockyards, Inc.; Elkins.

**SLAUGHTERING ESTABLISHMENTS**

**ARKANSAS**
From: Clough's Country Market; Lowell.
To: Bramlett's Country Market; Lowell.
From: Robertson Packing Co.; Booneville.
To: Laster Packing Co.; Booneville.
From: Drew County Frozen Foods; Monticello.
To: McManus Food Bank; Monticello.
From: Cooper Packing Co.; Melbourne.
To: Melbourne Packing Co.; Melbourne.
From: Higgin Bros. Locker Plant; Sheridan.
To: Mitchell Locker Plant; Sheridan.
From: McKeever Wholesale Meats; Monticello.
To: Monticello Packing Co.; Monticello.

**IN D I A N A**
From: Denny & Barker, Inc.; Huntington.
To: Denny Packing Co.; Huntington.
From: Maho Packing Co., Inc.; Evansville.
To: Farm Boy Meats of Evansville, Inc.; Evansville.
From: Kuoan Meat Packing; Gary.
To: Kuoan Food Shop; Gary.
From: Marburger Packing Co.; Peru.
To: Marburger Packing Co.; Peru.
NOTICES

IOWA
From: Forest City Locker Company; Forest City.
To: Holts Frozen Foods; Forest City.
To: Jim & Dean's Town & Country Market, Inc.; Council Bluffs.
From: New Altam Locker Plant; New Albin.
To: Potter Cheese Factories, Inc.; New Albin.
From: Rock Rapids Coop Creamery Association; Rock Rapids.
To: Rock Rapids Locker & Fresser Provisioning; Rock Rapids.

MARYLAND
From: Benson Wholesale Meats; Mountain Lake Park.
To: 153 Meat Market; Mountain Lake Park.

NEVADA
From: B & J Packing Co.; Elko.
To: Ruby Mountain Packing Co.; Elko.
From: J. H. Matthews & Son; Sandina.
To: Pershing Packing Company; Sandina.

PENNSYLVANIA
From: Vernon O. Miller; Fayetteville.
To: Fayetteville Abattoir; Fayetteville.
From: Summit Farms; Milan.
To: Wilcock, Gilbert; Milan.

TEXAS
From: Collins Packing Co.; Morton.
To: Morton Packing Co.; Morton.
From: Quinn's Slaughter Establishment; Foulanty.
To: Eugene Pressou's Slaughter House; Foulanty.
From: McKenna, Inc.; Lynchburg.
To: Dinner Bell Meat Products; Lynchburg.

WASHINGTON
From: Snohomish Meat Co. No. 77; Snohomish.
To: Thors Meat No. 77; Snohomish.
From: Webber & Ettier Co., Inc. No. 20; Sumner.
To: Weber Inc. No. 20; Sumner.

WEST VIRGINIA
From: C. B. Smith Packing Co.; Parkersburg.
To: Cloverdale Packing Co.; Parkersburg.

The following stockyards and slaughtering establishments are deleted from the specifically approved list:

STOCKYARDS

ARKANSAS
Nelson Livestock Auction; Tatum.
Valley Livestock Auction; Caza Grande.

AUGUSTA
Flippin Sales Co.; Flippin.
Glenwood Commission Co.; Glenwood.
Lewis Sales Barn; Majors; Conway.
Montgomery County Auction; Mount Ida.
Rector Auction; Searcy.
Valley Livestock Auction; Russellville.

COLORADO
Ots Sales Barn; Otis.
Stratton Sales Barn; Stratton.

IOWA
Tri-States Marketing Association, Inc.; Shenandoah.
Tripool Livestock Auction; Tripool.

KANSAS
Leavevaweth Livestock Auction Company; Leavenworth.
Lincoln Sales Company; Lincoln.
Lindsborg Livestock Commission Company; Lindsborg.
Mound City Livestock Auction; Mound City.
Stiwell Community Sale; Stiwell.
Weaver and Dunn Livestock Auction Company; Syracuse.

KENTUCKY
Hopkinsville Livestock Co.; Hopkinsville.
Princeton Livestock Co.; Princeton.

MISSOURI
Baker (Roy) Sales Company; Butler.
Kirksville Community Sale (North Barn); Kirksville.
Neosho Auction Sales, Inc.; Neosho.
Nevada Sales Company, Inc.; Rich Hill.
Princeton Sales Company; Princeton.
Rolla Auction Company; Rolla.

MONTANA
Miles City Salesyards Company; Miles City.

NEBRASKA
Dovel Sales Barn; Council Bluffs.
Plattesmouth Sales Barn; Plattesmouth.

NEVADA
Nevada Livestock Co.; Fallon.

NEW YORK
Cobleskill Commission Auction Inc.; Cobleskill.
N. Johncox Sons Commission Auction; Palmyra.
Kimball Stand Commission Sales; Jamestown.
Southern Tier Livestock Market; Whitney Point.
Stilson Tweedle; Walton.

NORTH CAROLINA
Warrenton Livestock Market; Warrenton.

OHIO
Producers Livestock Association; Chillicothe.

OREGON
Auction Center; Hood River.
Coca-Curry Livestock Auction; Bandon.
Douglas Livestock Market; Wubul.
Enterprise Livestock Auction Co.; Enterprise.
Hermiston Livestock Commission Co.; Hermiston.
Klamath Auction Yard, Inc.; Klamath Falls.
Madras Livestock Auction, Inc.; Madras.
McMinnville Auction Yard; McMinnville.
Northwestern Livestock Commission Co.; Hermiston.
Redmond Auction Yard, Inc.; Redmond.
Rogue Valley Livestock Auction, Inc.; Central Point.
Sicherer Livestock Auction; Sutherlin.
The Dalles Auction Yard; The Dalles.
Valley Livestock Sales; Lebanon.

 PENNSYLVANIA
Magee & Parrell; Mercers.

TEXAS
Collin County Commission Company; McKinney.
Mathews Livestock Commission Company; San Saba.
San Saba Cattle Commission; San Saba.
Texhoma Cattle Company; Whitesboro.
West Texas Livestock Sales Company; Plainview.
Sealy Livestock Auction Company; Sealy.

UTAH
Tri-State Livestock Auction, Inc.; St. George.

WASHINGTON
Port Payne Locker & Storage Plant; Port Payne.
Greensburg Packing Company, Inc.; Greensburg.
Valley Pride Packing Co., Inc.; Huntsville.

ARIZONA
Arizona Meat Packers; Tucson.
Western Meat Packing Co.; Tucson.

ARKANSAS
Quality Packing Co.; Truman.
Sedalia Slaughter House; Paris.

COLORADO
Louis Altherger Packing Plant; Denver.
Loveland Packing Company; Loveland.

CONNECTICUT
Bridgeport Municipal Abattoir; Bridgeport.
Gameau & Son; Plainfield.
General Packing Company; Torrington.

FLORIDA
Loeb & Getfried; Hialeah.

ILLINOIS
Kunkel Packing & Provision Co.; Quincy.
Quincy Beef & Veal; Quincy.

INDIANA
Blouingshers Market; Tell City.
Gilbert Slaughterhouse; Van Buren.
Goff Inc.; Pendleton.
Jenkins Food Market; Harrison, Ohio.
Longerich Slaughter House; Monroe.

IOWA
Estherville Lockers; Estherville.
Larchwood Locker; Lime Springs.
Smith & Son; Anamosa.

LOUISIANA

MARYLAND
Fraleys, J. Austin; Thurmont.
Gathiersburg Locker Service; Gathiersburg.
Late, Howard F.; Thurmont.
Meitz, Walter M.; Williamsport.

MASSACHUSETTS
Johnson, Lewis; Tarptown.
Town & Country Slaughterhouse; Dartmouth.
Waterman, George; Rehoboth.

MISSISSIPPI
Laney's Slaughter House; Biloxi.

MONTANA
Wagner Provision Company; Gibbstown.

NEW JERSEY
Antel Locker Plant; Antel.
T. M. Dean Wholesale Meat Company; Hobbs.
Palmer Packing Company; Albuquerque.
Wofford Slaughtering Establishment; Santa Fe.
Behr, Moritz; Catakell.
Clark, Duane A.; Allegany.
Western Food Supply; Ogdin Falls.
Fort Plain Packing Co., Inc.; Nellerton.
Freeman's Wholesale Meats; Deposit.
Gertken's Meat Co.; Ithaca.
Goldin Packing Corp.; Rochester.
Greene, Robert; Otto.
Hans, Edward; Buffalo.
Loomer Packers & L. Wasserman Market, Inc.; Schenectady.
Maple Brook Packing House; Binghamton.
NOTICES

Cleveland Union Stock Yards Co.

Notice of Petition To Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued in the case of The Secretary of Agriculture v. Cleveland Union Stock Yards Co., respondent (P & S. Docket No. 442) on July 18, 1934, prescribing the rates and charges to be assessed by the respondent for the stockyard services rendered by it at the Cleveland Union Stock Yards Co. stockyard, Cleveland, Ohio. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding.

On November 27, 1958, a petition was filed by respondent requesting that the rate orders in this proceeding be vacated and the proceeding discontinued, in conformity with §203.11 (9 CFR 203.11) of the Statements of General Policy under the Packers and Stockyards Act on the following basis:

In the period since the original order was issued livestock marketing in Ohio and throughout the nation has undergone tremendous changes, and terminal livestock markets, such as that in Cleveland, no longer dominate the marketing of livestock in their respective trade territories. Livestock marketing has become decentralized, and is now being accomplished through a large number of different kinds of markets and marketing channels. The livestock slaughtering and meat packing industry of Cleveland has also been substantially dispersed, and, except for cattle, moved to other locations. The proportion of cattle bought on the Cleveland market has declined and large numbers of recipients of delivery direct to packers without being offered for sale on the public market.

The Cleveland Union Stock Yards Co., as of July 13, 1968, terminated its stockyard operations in Cleveland, Ohio, and discontinued furnishing all stockyard services; and has sold all of its real estate, including the stockyard facilities at Cleveland, Ohio, to an independent real estate developer—Batak Corp.

The stockyard operations formerly carried on by The Cleveland Union Stock Yards Co. are now conducted by Cleveland Livestock Market, Inc., in facilities rented from the new owner on a monthly basis for an indefinite tenure.

Cleveland Livestock Market, Inc., is entirely independent of The Cleveland Union Stock Yards Co.

Neither the marketing structure in the trade territory, the marketing practices of producers, the economic conditions in the industry nor the services rendered by respondent, justifies the continuation of the formal order and the procedure for modification of rates and charges assessed by respondent, because it is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the Federal Register.

Done at Hyattsville, Md., this 4th day of February 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Services.

[FR Doc. 69-1674; Filed, Feb. 10, 1969; 8:45 a.m.]

Packers and Stockyards Administration

[F. P. & S. Docket No. 442]

Cleveland Union Stock Yards Co.

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[FR Doc. 69-1674; Filed, Feb. 10, 1969; 8:45 a.m.]

Packers and Stockyards Administration

[F. P. & S. Docket No. 442]
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Air Pollution Control Administration

AIR POLLUTION PREVENTION AND CONTROL

Issuance of Air Quality Criteria and Information on Recommended Control Techniques

Pursuant to section 107 (b) and (c) of the Clean Air Act (42 U.S.C. 1857e-2 (b) and (c)), notice is hereby given that the National Air Pollution Control Administration, after consultation with appropriate advisory committees and Federal departments and agencies, has issued the following documents:

- Control Techniques for Particulate Air Pollutants (NAPCA Publication No. AP-51).

The air quality criteria reflect the latest scientific knowledge useful in indicating the kind and extent of identifiable effects on health and welfare which may be expected from the presence of sulfur oxides and particulate matter, both separately and in combination, in varying quantities in the ambient air. Moreover, "Air Quality Criteria for Sulfur Oxides," which was originally issued in March 1867, has been reevaluated in accordance with the consultation procedure and other provisions of section 107 (b) (1) of the Act and reflects the results of this reevaluation.

The control technology documents provide information, including cost information, on those techniques currently available and recommended for application to sources of sulfur oxides and particulate air pollutants. Each document named in this notice has been officially transmitted to the Governor of every State, and to the agency in each State that is officially designated by the Governor as the official State air pollution control agency for purposes of the Act. In accordance with section 108 (c) (1) of the Act, upon receipt of the above named documents, the Governors of those States in which air quality control regions are designated have 90 days to file with the Secretary of Health, Education, and Welfare a letter of intent that the State will within 180 days adopt, after public hearings, ambient air quality standards for sulfur oxides and particulates applicable to any designated air quality control region, or portions thereof, within such State and within 180 days thereafter, and from time to time as may be necessary, adopt a plan for the implementation, maintenance and enforcement of such standards.

The State standards and plan shall be the air quality standards applicable to the State if the standards and plan are established in accordance with the letter of intent and if the Secretary determines that the State standards are consistent with the air quality criteria and recommended control techniques; that the plan is consistent with the purposes of the Act insofar as it assures achieving the standards of air quality within a reasonable time; that a means of enforcement of the standards is provided by State action; and that State procedures exist immediately to make a particular pollution source or combination of sources (including moving sources), which present an imminent and substantial endangerment to the health of persons, to stop the emission of contaminants or to take such other action as may be necessary.


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

[FR. Doc. 89-1769; Filed, Feb. 10, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-155]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are regulated by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from May 23, 1968 to August 23, 1968 (List Nos. 1 to 34). These actions were taken in accordance with the procedures set forth in 46 CFR 275-1 to 275-56, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The general authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 567, 373, 390h, 416, 481, 489, 520, and 1203 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations published in the Coast Guard case file 360 of title 46, United States Code, and the delegation in 46 CFR 1.4(a) (2).

3. In this document are listed the approved items which shall be in effect for a period of 5 years from the date issued unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPSÖR, ADULTS AND CHILDREN (JACKET TYPE) MODELS 1 and 5

NOTE: Approved for use on all vessels and motorboats.


- BUOYS, LIFE, RING, CORK OR Balsa WOOD


- BOATYARD APPARATUS

Approval No. 160.016/20/0, 7.5" x 4.0" (11" x 11" body section), rectangular solid balsa wood buoyant apparatus, 20-person capacity, assembly d.wg. No. 45005 dated April 30, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective July 15, 1968. (It is an extension of Approval No. 160.016/20/0 dated Oct. 22, 1963.)

- GAS MASKS, SELF-CONTAINED BREATHING APPARATUS AND SUPPLIES-AIR RESPIRATORS

Approval No. 160.011/6/1, Bullard supplied fresh air hose mask No. 1003, Bureau of Mines Approval No. BM-1903, consisting of BM-1903 face piece, BM-1903 blower (both centrifugal type and positive pressure type), BM-1903 harness, and BM-1903 or BM-103A hose, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, manufactured by E.D. Bullard Co., 3250 Bedgeaw, Sausalito, Calif. 94965, effective July 12, 1968. (It is an extension of Approval No. 160.011/6/1 dated Oct. 2, 1963.)

- WITCHES, LIFEBOAT

Approval No. 160.015/70/1, Type H-68 PA lifeboat, in section 60, equipped with mechanical davits, fitted with wire rope not more than one-half inch in diameter and with not more than seven wraps of the falls on the drums; approved for use with a minimum working load of 4,000 pounds pull at the drums (3,400 pounds per fall); identified
by general arrangement dwg. No. W-50115, revision A dated April 17, 1968; manufactured others not less than one-eighth inch to be inserted between winch base and foundation; stainless steel bolts to secure winch base to foundation; manufactured by Welin Davit & Boat, Perth Amboy, N.J. 08861, effective August 31, 1968. (It reinstates and supersedes Approval No. 160.015/70/0 terminated Feb. 16, 1967.)

Approval No. 160.015/77/0, Type HMG, size 4 lifeboat winch for use with mechanical davits, fitted with wire rope of 1/4-inch diameter and with not more than four wraps of the falls on the drums, approved for a maximum working load of 5,600 pounds pull at the drums (1,000 pounds per fall), identified by general arrangement dwg. No. 1608 dated September 15, 1957, and revised January 2, 1958, manufactured by C. C. Galbraith and Son, Inc., Manchester Avenue and Maple Place, Keyport, N.J. 07735, effective July 12, 1958. (It is an extension of Approval No. 160.015/49/0, issued Aug. 17, 1957, and change of address of manufacturer.)

Approval No. 160.015/95/0, hydraulic launching system for Brucker Survival Capsule, 28-person capacity (if it is replacement lifeboat), identified by general arrangement dwg. No. C-2016 dated April 1958 and revised May 20, 1968 (if mechanical disengaging apparatus is fitted. It shall be of an approved type and installed in accordance with drawings approved by the Commandant), manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Keyport, N.J. 07735, effective June 21, 1968. (It supersedes Approval No. 160.035/15/3 dated Jan. 21, 1964, to show change in construction.)

Lifeboats

Approval No. 160.035/15/4, 200' x 5.2' steel, oar-propelled lifeboat, 18-person capacity, identified by general arrangement and construction dwg. No. 24-001-01, Rev. A dated May 15, 1968, approved for use only on non-self-propelled drilling rigs, fixed structures, and artificial islands (formerly Approval No. 160.035/306/0 terminated Mar. 23, 1968.)

Approval No. 160.035/26/4 dated June 3, 1963, to show change in construction.

Approval No. 160.035/100/1, 24.0' x 7.75' x 3.2' steel, oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. 3059 revised July 3, 1963, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective August 15, 1968. (It supersedes Approval No. 160.035/26/2 dated June 3, 1963, to show change in construction.)

Approval No. 160.035/166/2, 30.0' x 10.0' x 4.0' steel, oar-propelled lifeboat, 72-person capacity, identified by general arrangement and construction dwg. No. C-3070H dated October 5, 1957, revised December 7, 1967, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective May 27, 1968. (It supersedes Approval No. 160.035/106/1 dated July 3, 1963, to show change in construction.)

Approval No. 160.035/228/1, 30.0' x 10.0' x 4.0' steel, motor-propelled lifeboat, Class I, 70-person capacity, identified by general arrangement dwg. No. C-3070. Rev. A dated May 27, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective May 24, 1968. (It reinstates and supersedes Approval No. 160.035/228/1 dated July 16, 1968.)

Approval No. 160.035/291/1, 31.0' x 11.25' x 4.5' steel, hand-propelled lifeboat, 60-person capacity, identified by general arrangement and construction dwg. No. 24-001-02, Rev. A dated August 1, 1968, approved for use only on non-self-propelled drilling rigs, fixed structures, and artificial islands (formerly Approval No. 160.035/454/0, 28.0' x 9.0' x 3.8' aluminum, oar-propelled lifeboat, 59-person capacity, identified by general arrangement and construction dwg. No. 28-003-01 dated May 25, 1968, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective August 3, 1958.)

Approval No. 160.035/454/0, 24.0' x 7.75' x 3.3' steel hand-propelled lifeboat, 39-person capacity, identified by general arrangement and construction dwg. No. 24-001-02, Rev. A dated August 1, 1968, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective May 26, 1968.

Approval No. 160.035/545/0, 24.0' x 7.75' x 3.3' stock hand-propelled lifeboat, 39-person capacity, approved for use only on non-self-propelled drilling rigs, fixed structures, and artificial islands (formerly Approval No. 160.035/454/0, 24.0' x 7.75' x 3.3' steel hand-propelled lifeboat, 39-person capacity, identified by general arrangement and construction dwg. No. 24-001-02, Rev. A dated August 1, 1968, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective August 3, 1958.)

Pumps, Bilge, Lifeboat

Approval No. 160.041/3/1, size No. 1 lifeboat bilge pump, identified as assembly dwg. No. 270, Rev. A dated June 10, 1968, manufactured by Allied Marine Equipment Corp., Division of Textile Products, 204 Railroad Avenue, Hackensack, N.J. 07601, effective June 17, 1968. (It is an extension of Approval No. 160.041/3/1 dated Sept. 27, 1963.)

Boat Vests, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

Note: Approved for use on motorboats of Classes A, B, C, or D carrying passengers for hire.

Approval No. 160.047/556/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Biddy Schellkopf Products, Inc., 465 S. Madison Ave., Eberly, W. Va. 25627, for Belknap Hardware and Manufacturing Co., 111 East Main Street,
NOTICES

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/1/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, effective August 21, 1968. (It is an extension of Approval No. 160.052/1/0 dated Sept. 27, 1963.)

Approval No. 160.052/2/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, effective August 21, 1968. (It is an extension of Approval No. 160.052/2/0 dated Sept. 27, 1963.)

Approval No. 160.052/3/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, effective August 22, 1968. (It is an extension of Approval No. 160.052/3/0 dated Sept. 27, 1963.)

Approval No. 160.052/4/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, effective August 23, 1968. (It is an extension of Approval No. 160.052/4/0 dated Sept. 27, 1963.)

Approval No. 160.052/5/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, for Hawkeye Sporting Goods Co., Post Office Box 615, Des Moines, Iowa 50303, effective August 23, 1968. (It is an extension of Approval No. 160.052/5/0 dated Sept. 27, 1963.)

Approval No. 160.052/6/0, Type I, Model CPS, child small unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, for Hawkeye Sporting Goods Co., Post Office Box 615, Des Moines, Iowa 50303, effective August 23, 1968. (It is an extension of Approval No. 160.052/6/0 dated Sept. 27, 1963.)


Approval No. 160.053/1/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/1/0 dated Sept. 27, 1963.)

Approval No. 160.053/2/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/2/0 dated Sept. 27, 1963.)

Approval No. 160.053/3/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/3/0 dated Sept. 27, 1963.)

Approval No. 160.053/4/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/4/0 dated Sept. 27, 1963.)

Approval No. 160.053/5/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/5/0 dated Sept. 27, 1963.)

Approval No. 160.053/6/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/6/0 dated Sept. 27, 1963.)

Approval No. 160.053/7/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/7/0 dated Sept. 27, 1963.)

Approval No. 160.053/8/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.053, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Belknap Hardware and Manufacturing Co., Division Street at 30th St. Cloud, Minn. 56301, effective August 21, 1968. (It is an extension of Approval No. 160.053/8/0 dated Sept. 27, 1963.)


BOILERS (HEATING)

Approval No. 162.003/182/0, Way-Wolf heating boiler, 100,000 Btu per hour, max. design steam pressure 30 p.s.i.; assembly and detail per Way-Wolf drawings H-432, H-426-4, H-426-5, H-473, and calculation sheets for sizes 3343-10 E; approved limited to bare boiler; manufactured by Way-Wolf Associates, Inc. 45-10 Vernon Boulevard, Long Island City, N.Y. 11102, effective July 15, 1968. (It is an extension of Approval No. 162.003/182/0 dated Sept. 4, 1963.)

RELIABILITY VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.019/35/0, Type No. 174A relief valve for hot water heating boilers, dwg. No. 174A (P.D.), dated January 9, 1967, approved for sizes and relieving capacities shown below:

<table>
<thead>
<tr>
<th>Size (male)</th>
<th>Relieving capacity (lb. per hour at 30 p.s.i.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/2</td>
<td>500,000</td>
</tr>
<tr>
<td>1</td>
<td>1,196,000</td>
</tr>
<tr>
<td>1 1/2</td>
<td>2,714,000</td>
</tr>
<tr>
<td>2</td>
<td>3,026,000</td>
</tr>
<tr>
<td>2 1/4</td>
<td>3,015,000</td>
</tr>
</tbody>
</table>

manufactured by Waits Regulator Co., Lawrence, Mass. 01842, effective July 23, 1968. (It reinstates Approval No. 162.019/35/0 which expired March 25, 1968.)

Valves, Pressure-Vacuum Relief, and Spill

Approval No. 162.017/47/1, Figure No. 37 duplex pressure vacuum relief valve, enclosed pattern, without unloader, weight-loaded poppets, all bronze construction, dwg. No. C-495-D, Rev. D dated April 16, 1953, approved for 4” tank connection and 6” vacuum vent header connection (4” x 6”), manufactured by Varic, Inc., 2820 North Alameda Street, Box 4249, Compton, Calif. 90223, effective June 6, 1956. (It is an extension of Approval No. 162.017/47/1 dated Aug. 7, 1963.)

Approval No. 162.017/49/1, Figure No. 37A duplex pressure vacuum relief valve, enclosed pattern fitted with vacuum valve unloader, weight-loaded poppets, all bronze construction, dwg. No. C-495-D, Rev. D dated April 16, 1953, approved for 4” tank connection and 6” vacuum vent header connection (4” x 6”), manufactured by Varic, Inc., 2820 North Alameda Street, Post Office Box 4429, Compton, Calif. 90223, effective June 6, 1956. (It is an extension of Approval No. 162.017/49/1 dated Aug. 7, 1963.)

Approval No. 162.017/51/1, Figure No. 73A, pressure only relief and spill valve, atmospheric pattern, flanged connection, weight-loaded poppet, all bronze construction, dwg. No. C-503-C, Rev. C dated October 2, 1952, approved for 3” and 4” valve sizes, manufactured by Varec, Inc., 2820 North Alameda Street, Post Office Box 4429, Compton, Calif. 90223, effective June 6, 1956. (It is an extension of Approval No. 162.017/51/1 dated Aug. 7, 1963.)

Approval No. 162.017/71/0, Figure No. 732 pressure vacuum relief valve, atmospheric pattern, screwed connection, weight-loaded poppet, all bronze construction, dwg. No. C-1809 dated April 2, 1967, approved for 2”, 2 1/2”, 3”, and 4” pipe sizes, manufactured by Varec, Inc., 2820 North Alameda Street, Post Office Box 4429, Compton, Calif. 90223, effective June 6, 1968. (It is an extension of Approval No. 162.017/71/0 dated Aug. 7, 1963.)

Approval No. 162.017/73/0, Figure No. 734 pressure vacuum relief valve, enclosed pattern, without unloader, weight-loaded poppets, all bronze construction, dwg. No. C-1806-A, Rev. A dated May 13, 1952, approved for 4” pipe size, manufactured by Varic, Inc., 2820 North Alameda Street, Box 4249, Compton, Calif. 90223, effective June 11, 1958. (It is an extension of Approval No. 162.017/73/0 dated Aug. 7, 1963.)

Approval No. 162.017/79/2, Figure No. 734 pressure vacuum relief valve, enclosed pattern, without unloader, weight-loaded poppets, all bronze construction, dwg. No. C-1806-A, Rev. A dated May 13, 1952, approved for 4” pipe size, manufactured by Varic, Inc., 2820 North Alameda Street, Box 4249, Compton, Calif. 90223, effective June 11, 1958. (It is an extension of Approval No. 162.017/79/2 dated Aug. 7, 1963.)
NOTICES

Approval No. 162.018/68/0, Type 1706 safety relief valve for liquefied compressed gas service, stainless steel construction, metal to metal seat with Buna-N "O" ring seal, dwg. No. A-1706 dated October 19, 1967, and accompanying bill of material, approved for maximum set pressure of 300 p.s.i., for 2½" by 2½" size, and for discharge capacities listed below:

<table>
<thead>
<tr>
<th>Set pressure, p.s.i.</th>
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</table>

(manufactured with both 150# and 300# USASI flanges), manufactured by Midland Manufacturing Corp., 7753 Gross Point Road, Skokie, Ill. 60076, effective June 14, 1968.

Approval No. 162.018/69/0, Type 1006 safety relief valve for liquefied compressed gas service, stainless steel construction, metal to metal seat with Buna-N "O" ring seal, dwg. No. A-1006 dated October 27, 1967, and accompanying bill of material, approved for a maximum set pressure of 300 p.s.i. for 3" size, and for discharge capacities listed below:

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(manufactured with both 150# and 300# USASI flanges), manufactured by Midland Manufacturing Corp., 7753 Gross Point Road, Skokie, Ill. 60076, effective June 14, 1968.

Approval No. 162.019/68/0, Type 250 pressure vacuum relief valve, atmospheric pattern, flanged inlet, weight-loaded poppets, all bronze construction, dwg. No. C-1910 dated April 3, 1952, approved for 2½", 3" and 4" pipe sizes, manufactured by Varec, Inc., 2280 North Alameda Street, Post Office Box 4429, Compton, Calif. 90233, effective June 11, 1968. (It is an extension of Approval No. 162.017/74/0 dated August 7, 1963.)

Approval No. 162.017/75/1, Figure No. 735 pressure vacuum relief valve, atmospheric pattern, screwed connection, weight-loaded poppets, all bronze construction, dwg. No. C-1810, dated April 3, 1952, approved for 2½", 3" and 4" pipe sizes, manufactured by Varec, Inc., 2280 North Alameda Street, Post Office Box 4429, Compton, Calif. 90233, effective June 11, 1968. (It is an extension of Approval No. 162.017/75/1 dated August 7, 1963.)

Approval No. 162.017/76/1, Figure No. 733A pressure vacuum relief valve, atmospheric pattern, screwed connection, weight-loaded poppets, all bronze construction, dwg. No. C-1810 dated April 3, 1952, approved for 2½", 3" and 4" pipe sizes, manufactured by Varec, Inc., 2280 North Alameda Street, Post Office Box 4429, Compton, Calif. 90233, effective June 11, 1968. (It is an extension of Approval No. 162.017/76/1 dated August 7, 1963.)

Approval No. 162.019/69/0, Type 250 pressure vacuum relief valve, atmospheric pattern, flanged inlet, weight-loaded poppets, all bronze construction, dwg. No. C-1910 dated April 3, 1952, approved for 2½", 3" and 4" pipe sizes, manufactured by Varec, Inc., 2280 North Alameda Street, Post Office Box 4429, Compton, Calif. 90233, effective June 11, 1968. (It is an extension of Approval No. 162.017/75/1 dated August 7, 1963.)

Approval No. 162.017/102/0, vacuum relief valve, weight-loaded poppets, dwg. No. C-6458 dated May 15, 1958, ASTM A-351 Grade CF-8 stainless steel, dated May 15, 1958, for use at a maximum pressure of 65 p.s.i.g. for 2½" size, and for use as a vacuum relief valve only, manufactured by Varec, Inc., 301 East Alondra Boulevard, Gardena, Calif. 90247, effective May 23, 1963.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/65/0, Type 1706 safety relief valve for liquefied compressed gas service, stainless steel body and pressure parts, steel trim, metal to metal seat with Buna-N "O" ring seal, dwg. No. A-1706 dated October 19, 1967 and accompanying bill of material, approved for maximum set pressure of 300 p.s.i., for 2½" by 2½" size, and for discharge capacities listed below:

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(manufactured with both 150# and 300# USASI flanges), manufactured by Midland Manufacturing Corp., 7753 Gross Point Road, Skokie, Ill. 60076, effective June 14, 1968.

Approval No. 162.019/66/0, Type 3106 safety relief valve for liquefied compressed gas service, stainless steel pressure parts, steel trim, metal to metal seat with Buna-N "O" ring seal, dwg. No. A-3106 dated November 6, 1967, and accompanying bill of material, approved for maximum set pressure of 250 p.s.i. for 3" size, and for discharge capacities listed below:

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(manufactured with both 150# and 300# USASI flanges), manufactured by Midland Manufacturing Corp., 7753 Gross Point Road, Skokie, Ill. 60076, effective June 14, 1968. (It is an extension of Approval No. 162.018/66/0 dated August 7, 1968, to show change in construction.)

Approval No. 162.019/67/0, Type 1006 safety relief valve for liquefied compressed gas service, stainless steel construction, metal to metal seat with Buna-N "O" ring seal, dwg. No. A-1006 dated October 27, 1967, and accompanying bill of material, approved for a maximum set pressure of 300 p.s.i. for 3" size, and for discharge capacities listed below:

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FEDERAL REGISTER, VOL. 34, NO. 28—TUESDAY, FEBRUARY 11, 1969
DECK COVERINGS

Approval No. 164.006/38/0, "Kompolite" magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367-88: FR 1976 dated July 1, 1942, and modified in accordance with letter from Kompolite Co., dated May 26, 1969, approved for use without other insulating material as meeting Class A-60 requirements in a 11/2-inch thickness, formerly approved by Chartres Co., Inc., 55 Webster Avenue, New Rochelle, N.Y. 10801, effective June 17, 1968. (It is an extension of Approval No. 164.006/38/0 dated Sept. 24, 1963, and change of name of manufacturer.)

Approval No. 164.006/49/0, "Magnalith" magnesite type deck covering identical to that described in Chartres Co., Inc., dated April 1, 1963, and May 30, 1963, approved for use without other insulating material as meeting Class A-60 requirements in a 1 1/2-inch thickness, manufactured by Chartres Co., Inc., 2121 Chartres Street, New Orleans, La. 70116, effective June 17, 1968. (It is an extension of Approval No. 164.006/49/0 dated Sept. 4, 1963.)

Approval No. 164.006/50/0, "O'Neill's Insulating Underlayment," perlite aggregate oxychloride cement deck covering, identical to that described in Ehret Magnesia Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Alliance Wall Corp., Wyncote, Pa. 19095, effective July 25, 1968. (It is an extension of Approval No. 164.006/50/0 dated Oct. 31, 1963.)

BULKHEAD PANELS


INCOMPRESSIBLE MATERIALS

Approval No. 164.009/50/0, "Therm-alite" 85 percent magnesia type pipe and block insulation identical to that described in Ehret Magnesia Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Baldwin-Ehret-Hill, Inc., 500 Brannan Avenue, Trenton, N.J. 08690, effective June 3, 1963.

Approval No. 164.009/56/0, "Precision Molded Caltemp" asbestos-hydrous calcium silicate type, identical to that described in Ehret Magnesia Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Baldwin-Ehret-Hill, Inc., 500 Brannan Avenue, Trenton, N.J. 08690, effective June 3, 1963. (It is an extension of Approval No. 164.009/56/0 dated June 3, 1963.)

Approval No. 164.009/76/0, "Fibreboard Paper Products Corp., Post Office Box 4331, Oakland, Calif. 94604), manufactured by Fibreboard Corp., Industrial Products Division, 475 Brannan Street, San Francisco, Calif. 94113, effective July 22, 1968. (It is an extension of Approval No. 164.009/76/0 dated Oct. 30, 1963, and change of name and address of manufacturer.)

Approval No. 164.009/77/0, "Fibreboard Paper Products Corp., Post Office Box 4331, Oakland, Calif. 94604), manufactured by Fibreboard Corp., Industrial Products Division, 475 Brannan Street, San Francisco, Calif. 94113, effective July 22, 1968. (It is an extension of Approval No. 164.009/77/0 dated Oct. 30, 1963, and change of name and address of manufacturer.)


W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 69-1716; Filed, Feb. 10, 1969; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[DOCKET NO. 50-148]

UNIVERSITY OF KANSAS

Notice of Issuance of Amended Facility License

The Atomic Energy Commission has issued Amendment No. 7, as set forth below, to Facility License No. R-78 to The University of Kansas. The license authorizes the University to possess and operate its pool-type nuclear reactor located at Lawrence, Kansas. The amendment, effective as of the date of the amendment, incorporates Technical Specifications for operation of the reactor facility in accordance with the application for license amendment No. 7, dated November 18, 1968. The amendment also republishes the license in its entirety to incorporate previously issued amendments and to more specifically state the record keeping and reporting requirements.

The Commission has found that prior public notice of proposed issuance of this amended license is not necessary in the public interest since the operation of the reactor in accordance with the terms of the amended license does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the Federal Register, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 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 for license amendment dated November 18, 1968; (2) the Environmental Safety Evaluation prepared by the Division of Reactor Licensing; and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 29th day of January 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-78, Ammd. 7]

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter I; the Nonproliferation of Nuclear Material and the Use of Nuclear Material in Conformance with Construction Permit No. CP-42 and will operate in conformance with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The University of Kansas is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to ensure that the reactor is operated in conformance with the Commission's regulations; and

D. The University of Kansas is technically and financially qualified to assume financial responsibility for the conduct of educational activities, and will use the reactor (herein "the reactor") which is owned by the Atomic Energy Commission for the conduct of educational activities, and will use the reactor (herein "the reactor") which is owned by The University of Kansas and located on the University's campus in Lawrence, Kansas, and described in the University's application for license amendment No. 7, dated August 9, 1969, and amendments thereto, including amendment dated November 18, 1968 (hereinafter "the application"), and authorized for construction by

FEDERAL REGISTER, VOL. 34, NO. 28—TUESDAY, FEBRUARY 11, 1969
NOTICES

Construction Permit No. CPRR-52, issued to The University of Kansas on April 7, 1969.

B. Subject to the conditions and requirements of the Commission herein incorporated, The University of Kansas, pursuant to section 106 of the Atomic Energy Act of 1954, as amended, has filed an application, dated December 28, 1967, for a construction permit to construct and operate a pressurized water nuclear reactor on a 420-acre site including the reasonableness of certain of Deerfield's estimated costs; (b) the efforts made by Deerfield to ascertain the program needs of its community and the manner in which such needs are to be provided for initial operation at approximately 2,660 megawatts (thermal), with a net electrical output of approximately 1,847 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C.

Dated at Bethesda, Md., this 31st day of January, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[PR. Doc. 66-1387; Filed, Feb. 10, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

ALMARDON INCORPORATED OF FLORIDA AND DEERFIELD RADIO, INC.

Memorandum Opinion and Order Amending and Enlarging Issues


1. Almardon Incorporated of Florida (Almardon) and Deerfield Radio, Inc. (Deerfield) are mutually exclusive applicants for new FM stations at Pompano Beach, Fla., and Deerfield Beach, Fla., respectively.

The applications were designated for hearing by Commission Order (FCC 69R-575, released June 4, 1968) which specified, inter alia, a limited financial issue against Deerfield and a section 307(b) issue. Now before the Review Board is a petition to enlarge issues, and a petition for modification or enlargement of issues, both filed on June 24, 1968, by Almardon seeking issues. Inquiring into (a) the availability to Deerfield of sufficient funds to construct and operate its proposal, including the reasonableness of certain of Deerfield's estimated costs; (b) the efforts made by Deerfield to ascertain the program needs of its community and the manner in which such needs are to be provided for initial operation at approximately 2,660 megawatts (thermal), with a net electrical output of approximately 1,847 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C.

Dated at Bethesda, Md., this 31st day of January, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[PR. Doc. 66-1387; Filed, Feb. 10, 1969; 8:45 a.m.]

DUOUESNE LIGHT CO. ET AL.

Notice of Receipt of Application for Construction Permit and Facility License

Duquesne Light Co., 435 Sixth Avenue, Pittsburgh, Pa., pursuant to section 104 (b) of Title 19, U.S.C., as amended, has filed an application, dated January 10, 1969, for authorization to construct and operate a pressurized water nuclear reactor on a 420-acre site located on the south bank of the Ohio River, about 25 miles northwest of Pittsburgh, and approximately 5 miles east of East Liverpool, Ohio, in Beaver County, Pa. The application notes that Duquesne Light Co. will share undivided ownership of the plant and the site with Ohio Edison Co. and Pennsylvania Power Co. as tenants in common, and that the company will share in the costs of construction and operation of the proposed facility.

The proposed reactor, designated as the Beaver Valley Power Station, is designed for initial operation at approximately 2,660 megawatts (thermal), with a net electrical output of approximately 1,847 megawatts.
NOTICES

995

met (Suburban issue); and (c) whether Deerfield will realistically provide a local transmission service to the community or for some other larger community and whether it should therefore be considered, under section 307(b), a proposal for Deerfield Beach or for such other community (the Suburban issue). The requests will be considered seriatim.

FINANCIAL QUALIFICATIONS

2. In support of its first requested issue, Almardon notes that, according to the Deerfield application $135,783 would be required to meet Deerfield's construction costs and first year operating expenses. To meet this requirement, Deerfield relies on stock subscriptions totaling $10,000 plus a bank loan of $150,000; the bank commitment requires personal endorsements by Deerfield's principal stockholders, Messrs. Sherman and Ruwich. Almardon observes that because Sherman and Ruwich have interests in a standard broadcast application for Fort Lauderdale; that this Fort Lauderdale application is to be financed, in part, by a bank loan of $175,000 which requires personal endorsement by these individuals; and that, therefore, the two applications will require a total of $325,000 in personally endorsed bank loans.

Almardon points out that Sherman and Ruwich have submitted statements showing, in the case of the Fort Lauderdale application, only that each has in excess of $25,000 above all liabilities, and, in the case of the Deerfield application, setting forth only that Deerfield has a capital of $30,000 above all liabilities. Almardon concludes that such assertions are entirely insufficient to establish the availability of such funds, and, that, in view of the commitments to the Fort Lauderdale application, there is a serious question as to the availability of funds for Deerfield. Almardon also notes that Deerfield has allocated $10,000 to cover legal, engineering and miscellaneous expenses; it contends that, since the Deerfield application has been designated for hearing and prehearing conferences have been held, such amount is "totally insufficient." Almardon concludes that the financial issue should be expanded to reflect the foregoing considerations.

3. Neither the Bureau nor Deerfield contests the expansion of the issues to inquire into the availability of funds to construct and operate the Deerfield station; Deerfield claims "that the effect of the Fort Lauderdale commitment may properly be considered under the financial issue as presently framed." However, both contended that Deerfield could not inquiry into the reasonableness of Deerfield's estimate of $10,000 to cover legal, engineering and miscellaneous expenses. As Almardon states, the applicant's request rests on a bare conclusory assertion unsupported by factual allegations and documentation as required by § 1.229 (c).

4. The Review Board is of the view that a full inquiry into the availability of funds to finance the Deerfield proposal is warranted and that the present issue is less than clear as to the scope of such inquiry. As presently framed, the issue presupposes the availability of the $10,000 in stock subscriptions. The issue does not, however, take into consideration Deerfield's financial statements submitted with respect to all of the Deerfield stockholders, see Gordon Sherman, 4 FCC 2d 337, 8 FCC 2d 502 (1968); Sherman and Ruwich have submitted statements given to the possible impact of the financial needs of the Fort Lauderdale station upon the availability of funds to Deerfield, see Sawnee Broadcasting Co., FCC 66-349, 3 FCC 2d 561. However, the contentions as to the reasonableness of Deerfield's estimate of legal, engineering and miscellaneous expenses are totally inadequate to warrant the addition of any issue in this regard, being no more than an unsupported assertion. Accordingly, issue number (2) designated herein will be appropriately amended.

"SUBURBAN" ISSUE

5. Almardon contends that Deerfield has failed to make a meaningful survey of community needs and that the application is not supported by evidence that a full inquiry into the availability of funds to implement the application. Almardon also contends that the Bureau has failed to make a meaningful survey of community needs and that the application is less than clear as to the scope of such inquiry. As presently framed, the issue presupposes the availability of the $10,000 in stock subscriptions. The issue does not, however, take into consideration Deerfield's financial statements submitted with respect to all of the Deerfield stockholders, see Gordon Sherman, 4 FCC 2d 337, 8 FCC 2d 502 (1968); Sherman and Ruwich have submitted statements given to the possible impact of the financial needs of the Fort Lauderdale station upon the availability of funds to Deerfield, see Sawnee Broadcasting Co., FCC 66-349, 3 FCC 2d 561. However, the contentions as to the reasonableness of Deerfield's estimate of legal, engineering and miscellaneous expenses are totally inadequate to warrant the addition of any issue in this regard, being no more than an unsupported assertion. Accordingly, issue number (2) designated herein will be appropriately amended.
The Bureau argues that, on the basis of the Review Board opinion in American Colonial Broadcasting Corp., 12 FCC 2d 123, 6 RR 2d 522 (1966); Berwick Broadcasting Corp., 12 FCC 2d 8, 12 RR 2d 665 (1968); and WMID, Inc., 13 FCC 2d 412, 13 RR 2d 605 (1968), the issue is proper to the Bureau the factors of coverage of the larger city, proximity to the larger city, and location within an Urbanized Area, do not, standing alone, raise a Suburban Community question. In particular, since, under the proposed Suburban issue, Deerfield would be required to show that it will meet its community program needs. Almardon acknowledges that the proximity to Fort Lauderdale and the location of Deerfield's station within the Urbanized Area, do not, standing alone, raise a Suburban Community question. Accordingly, the Board is of the opinion that the petitioners' allegations are insufficient to raise a Suburban Community issue. As the Bureau points out, and Almardon concedes, the factors of proximity of the Deerfield station to Fort Lauderdale, location within the urbanized area, and placement of a signal over the larger city do not, standing alone, raise a Suburban Community question in an FM proceeding.

In the Berwick case, supra, where the Board is of the opinion that the Deerfield station will derive its revenues from the same sources as the Fort Lauderdale station. Nor has the petitionor disputed Deerfield's allegation that it would have to locate its transmitter site 16 miles north of the city of Deerfield to avoid placing a 3.16 mw/m signal over Fort Lauderdale. Finally, the deficiencies in Deerfield's ascertainment of its community needs are (and have been made herein) properly the subject of Suburban inquiry; survey inadequacies, while relevant do not, under the circumstances here, serve as an adequate basis for the imposition of a Suburban Community issue. Thus, unlike the situation in the Berwick case, supra, where the applicant proposed to duplicate, in part, the programming of its existing standard broadcast station located in the nearby big city, there is no positive indication that Deerfield is programming for a community other than its specified station's location. Accordingly, because the contentsions are more than a substantial question as to whether Deerfield will provide a realistic local transmission service, the requested Suburban Community issue has not been shown to be warranted.

11. Accordingly, it is ordered, That the petition to enlarge issues, and the petition for modification or enlargement of issues, both filed June 24, 1968, by Almardon Incorporated of Florida are granted to the extent hereinafter indicated, and are denied in all other respects.

12. It is further ordered, That Issue (2) designated herein is amended to read in full as follows:

(3) To determine whether Deerfield Radio, Inc., the efforts made by such applicant to ascertain the needs and interests of the community to be served and the means by which such applicants propose to meet such interests and needs.


Released: February 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION[

[SEAL]

BEN F. WATERS
Secretary.

(F.R. Doc. 69-794; Filed, Feb. 10, 1969; 6:46 a.m.)
NOTICES

Office of Emergency Preparedness

California

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of California, dated January 28, 1969, and published February 1, 1969 (34 F.R. 1020) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 26, 1969:

El Dorado, Monterey, Kern, Kings, Madera, Mariposa, San Joaquin, Stanislaus, Shasta, Mendocino, Butte, Yuba, and Tuolumne.


G. A. Lincoln,
Director,
Office of Emergency Preparedness.

Federal Register, Vol. 34, No. 28—Tuesday, February 11, 1969

Secretary.

General Services Administration

Atomic Energy Commission

Delegation of Authority Regarding Traffic Control at Nevada Test Site

1. Purpose. This regulation delegates authority to the Atomic Energy Commission to assist in controlling traffic at the Atomic Energy Commission's Nevada Test Site, including the Rocket Development Station in Nye County, Nev.

2. Effective date. This regulation is effective immediately.

3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Atomic Energy Commission to make all needed rules and regulations for the control of traffic at the Nevada Test Site, Nye County, Nev., to annex thereto such reasonable penalties, within the limits authorized by statute, as will insure their enforcement, and to use the facilities and services of State and local law enforcement agencies for enforcement thereof.

b. This delegation of authority may be redelegated to any officer or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited acts, and policies, procedures, and controls prescribed by the General Services Administration.

Lawson B. Knott, Jr.
Administrator of General Services.

February 4, 1969.

[FR Doc. 69-1681; Filed, Feb. 10, 1969; 8:45 a.m.]

Securities and Exchange Commission

Crestline Uranium & Mining Co.

Order Suspending Trading

February 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 6, 1969, through February 15, 1969, both dates inclusive.

By the Commission.
[Seal]
Orval L. DeBois,
Secretary.

[F.R. Doc. 69-1707; Filed, Feb. 10, 1969; 8:48 a.m.]

Norsul Oil & Mining Ltd.

Order Suspending Trading

February 5, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Norsul Oil & Mining Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 6, 1969, through February 15, 1969, both dates inclusive.

By the Commission.
[Seal]
Orval L. DeBois,
Secretary.

[F.R. Doc. 69-1708; Filed, Feb. 10, 1969; 8:48 a.m.]

Interstate Commerce Commission

Motor Carrier Temporary Authority Applications

February 6, 1969.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protest 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 filed with the District Supervisor, the office of which is set forth above. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, from Rensselaer, N.Y., and South Portland, Maine to Charlestown, Claremont, Newport, Bradford, and Newport, N.H., and Ascutney, Bellow, and Chittenden, Vt. Supporting shipper: The R. E. Hinkley Co., Inc., Washington Street, Claremont, N.H. 03743; Corbet Oil Co., Inc., Post Office Box 238, Newton, Mass. 02160. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquor, in bulk, from the mill of United Nuclear-Homestake Partners, Post Office Box 98, Grants, N. Mex. 87020. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 1290 12th and Constitution Avenue NW, Washington, D.C. 20423.


No. MC 133411 TA, filed February 3, 1969. Applicant: WILLARD SCHULZ, doing business as SCHULZ TRUCKING, INC., Post Office Box 979, Grants, N. Mex. 87020. Applicant's representative: Donald B. Taylor, Box 5063, Minneapolis, Minn.
55406. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting:
contract carrier, 55406. Authority sought to operate as a
in Wisconsin, Illinois, and Michigan, for
Supervisor, Interstate Commerce Com-
Send protests to: A. N. Spath, District
Wing Milling Co., Red Wing, Minn. 55066.
mission, Bureau of Operations, 448 Fed-
South Fourth Street, Minneapolis, Minn.
180 days. Supporting shipper: The Red
prescribed thereunder. 49 CFR Part
to section 212(b) of the Interstate Com-
rules and regulations
1132), appear below:

8:40 a.m.]
[Notice 261]

MOTOR CARRIER TRANSFER PROCEEDINGS

February 6, 1969.

Synopses of orders entered pursuant to section 212 (b) of the Interstate Com-
merce Act, and rules and regulations prescribed thereunder (49 CFR Part
appear below:

As provided in the Commission's special
rules of practice any interested
person may file a petition seeking reconsideration of the following numbered
proceedings within 20 days from the date of publication of this notice. Pursuant to section 17 (3) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70989. By order of January 29, 1969, the Motor Carrier Board approved the transfer to Lee Clyde Cook, doing business as Lee C. Cook, Emporium, Pa., of the operating rights in certificate No. MC-125498 issued August 25, 1964, to John Victor Young, doing business as Kelvington YOUNG, doing business as Kelvington

No. MC-FC-70971. By order of January 29, 1969, the Motor Carrier Board approved the transfer to De Leo Inc., Philadelphia, Pa., of permit No. MC-

No. MC-FC-71038. By order of January 29, 1969, the Motor Carrier Board approved the transfer to ANFR, Ltd., of the operating rights in certificate No. MC-12571 issued June 24, 1963, to ANFR, Inc., New York, N.Y., authorizing operations as a broker at New York, N.Y., in connection with the transportation of passengers and their baggage, in round-trip all expense tours, during the season extending from November 1 to April 15, inclusive, of each year, beginning and ending at New York, N.Y., and extending to points in New York, Massachusetts, and Vermont, being operations as a broker at New York, N.Y., in connection with the transportation of passengers and their baggage, in round-trip all expense tours, during the season extending from November 1 to April 15, inclusive, of each year, beginning and ending at New York, N.Y., and extending to points in New York, Massachusetts, and Vermont.

No. MC-FC-71040. By order of January 29, 1969, the Motor Carrier Board approved the transfer to ANFR, Ltd., Merrick, Long Island, N.Y., of the license in No. MC-12571 issued June 24, 1963, to ANFR, Inc., New York, N.Y., authorizing operations as a broker at New York, N.Y., in connection with the transportation of passengers and their baggage, in round-trip all expense tours, during the season extending from November 1 to April 15, inclusive, of each year, beginning and ending at New York, N.Y., and extending to points in New York, Massachusetts, and Vermont.

No. MC-FC-71044. By order of January 29, 1969, the Motor Carrier Board approved the transfer to ANFR, Ltd., Merrick, Long Island, N.Y., of the license in No. MC-12571 issued June 24, 1963, to ANFR, Inc., New York, N.Y., authorizing operations as a broker at New York, N.Y., in connection with the transportation of passengers and their baggage, in round-trip all expense tours, during the season extending from November 1 to April 15, inclusive, of each year, beginning and ending at New York, N.Y., and extending to points in New York, Massachusetts, and Vermont.

[SEAL] H. NEIL GABSON, Secretary.
[FR Doc. 69-1715; Filed, Feb. 10, 1969; 8:40 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February

3 CFR
EXECUTIVE ORDER:
11454. ... 1935

5 CFR
534. ... 1980

7 CFR
26. ... 1859

180. ... 1937

301. ... 1937

401. ... 1920

419. ... 1920

724. ... 1920

725. ... 1931

726. ... 1921

906. ... 1921, 1969

1008. ... 1921

13 CFR
119. ... 1945

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236. ... 2002

265. ... 1963

14 CFR
39. ... 1769

71. ... 1769

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FEDERAL REGISTER, VOL. 34, NO. 28— TUESDAY, FEBRUARY 11, 1969
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PART 226—TRUTH IN LENDING

1. Effective July 1, 1969, Part 226 is added as follows:

2a. This part implements the provisions of the Truth in Lending Act, which is title I of the Consumer Credit Protection Act (Public Law 90-311; 82 Stat. 166; 15 U.S.C. 1601f). Notice of proposed rule making with respect to this part was published in the Federal Register on October 18, 1968 (33 F.R. 15508).

b. Proposals published in the notice of proposed rule making have been revised in response to comments received on those proposals and further staff study. Numerous editorial and minor statutory changes were made in an effort to avoid ambiguities and clarify certain provisions. In addition a variety of substantive changes were made in the proposed regulation. These changes will aid both in facilitating compliance with the Act by creditors and insuring that consumer credit customers receive meaningful disclosures. The complex and highly technical nature of the regulation and the provisions found in §226.11 of the proposed regulation have been removed from the body of the regulation and placed in Supplement I. The general rule for the computation of the annual percentage rate and certain provisions regarding charts and tables have been moved from that section to §226.5 of the regulation. Supplement I will not be needed by most creditors. It is incorporated in the regulation by reference. It will be published in the Federal Register on February 12, 1969, and is available without charge upon written request to the Board.

The Board has prepared sets of tables which may be used by creditors to determine the annual percentage rate required to be disclosed by the Act. Table FRB-1 covers up to 100 monthly payments; Table FRB-200-M covers 61 to 120 monthly payments; Table FRB-300-M covers 121 to 480 monthly payments and Table FRB-100-W covers up to 104 weekly payments. These four tables, bound as Volume I, are available from the Board or any of the 12 Federal Reserve Banks. Another set of tables and instructions, bound as Volume II, can be used in conjunction with the first volume to compute annual percentage rates for transactions with irregular payments or those involving multiple advances. Each volume of tables is available at a price of $1 per copy for single orders, and 85 cents per copy on orders of 10 or more copies. Payment should accompany each written request to the Board.

Although Congress assigned the Board the responsibility of writing the regulation, enforcement was assigned to nine different Federal agencies. The Federal Trade Commission has enforcement responsibilities since it will have jurisdiction over all retailers in addition to other creditors not specifically under the jurisdiction of the other Federal agencies. The other enforcement agencies are as follows: the Federal Reserve Board for State banks which are members of the Federal Reserve System; the Federal Deposit Insurance Corporation for insured State banks which are not members of the Federal Reserve System; the Comptroller of the Currency for national banks; the Federal Home Loan Bank Board for federally insured savings and loan associations; the Board of Federal Credit Unions for Federal credit unions; the Interstate Commerce Commission for carriers which it regulates; the Civil Aeronautics Board for airlines; the Agriculture Department for creditors under the Packers and Stockyards Act. Inquiries from creditors should be addressed to the agency charged by Congress with enforcement for that particular group of creditors.

Dated at Washington, D.C., this 31st day of January 1969.

By order of the Board of Governors.

ROBERT P. FORRESTER,
Assistant Secretary.
who cultivates, plants, propagates, or nurtures those agricultural products. "Agricultural products" includes agriculture, horticultural, viticultural, and dairy farming, beekeeping, production of poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(d) "Amount financed" means the amount of credit of which the customer will have the actual use determined in accordance with paragraphs (e) (7) and (4) of § 226.3.

(e) "Annual percentage rate" means the annual percentage rate of finance charge determined in accordance with § 226.5.

(f) "Arrange for the extension of credit" means to provide or offer to provide consumer credit which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit receives or will receive a fee, compensation, or other consideration for such service or has knowledge of the credit terms and participate in the preparation of the contract documents required in connection with the extension of credit. It does not include honoring a credit card or similar device where no finance charge is imposed at the time of that transaction.

(g) "Billing cycle" means the time interval between regular periodic billing statement dates. Such intervals may be considered equal intervals of time unless a billing date varies more than 4 days from the regular date.

(h) "Board" refers to the Board of Governors of the Federal Reserve System.

(i) "Cash price" means the price at which the creditor offers, in the ordinary course of business, to sell for cash the property or services which are the subject of a consumer credit transaction. It may include the cash price of accessories or services related to the sale such as taxes to the extent imposed on the property or services involved and it may include the cash price of accessories or services related to the sale such as taxes to the extent imposed on the property and services involved and it may be considered equal to the cash price plus any finance charge which is the subject of the transaction is pursuant to an agreement to extend credit in excess of $25,000. A transaction shall be considered consummated at the time a contractual relationship is created between a creditor and a customer irrespective of the time of performance of either party.

(j) "Billing date" means the date on which the creditor provides a customer with a statement of the charges for delayed payment, and any discount allowed for early payment and a customer irrespective of the time of performance of either party.

(k) "Billing cycle" means the time interval between regular periodic billing statement dates. Such intervals may be considered equal intervals of time unless a billing date varies more than 4 days from the regular date.

(l) "Board" refers to the Board of Governors of the Federal Reserve System.

(m) "Credit" means credit offered or extended to a natural person, in which the money, property, or service which is the subject of the transaction is primarily for personal, family, house- or agricultural purposes and for which, either a finance charge is or may be imposed or which pursuant to an agreement to extend credit is or may be payable in more than four installments. "Consumer loan" is the type of "consumer credit."

(n) "Credit" means the right granted by a creditor to a customer to defer payment of debt, incur debt and defer its payment, or purchase property or services and defer payment therefor. (See also paragraph (bb) of this section.)

(o) "Customer" means a person who in the ordinary course of business regularly extends or arranges for the extension of consumer credit, or offers to extend or arrange for the extension of consumer credit.

(p) "Credit sale" means any sale with respect to which consumer credit is extended or arranged by the seller. The term includes any contract in the form of a bill of sale, lease or if the bill or lease contracts to pay as compensation for the use a sum substantially equivalent to or in excess of the aggregate value of the property and services in connection with the extension of consumer credit.

(q) "Dwelling" means a residential-type property or services which is real property and contains one or more family housing units, or a residential condominium unit which is considered equal to the cash price plus any finance charge which is the subject of the transaction is pursuant to an agreement to extend credit in excess of $25,000. A transaction shall be considered consummated at the time a contractual relationship is created between a creditor and a customer irrespective of the time of performance of either party.

(r) "Definite time" means a time certain period. (See also § 226.4.)

(s) "Organization" means a corporation, trust, estate, partnership, co-operative, association, government, or governmental subdivision, agency, or instrumentality.

(t) "Period" means a day, week, month, or other subdivision of a year.

(u) "Periodic rate" means a percentage rate of finance charge which, under an open end credit plan, is or may be imposed by a creditor against a balance of that transaction.

(v) "Person" means a natural person or an organization.

(w) "Real property" means property which is real property under the law of the State in which it is located.

(x) "Real property transaction" means an extension of credit in connection with which a security interest in real property is or will be retained or acquired.

(y) "Residence" means any real property in which the customer resides or expects to reside. The term includes a parcel of land on which the customer resides or expects to reside.

(z) "Security interest" and "security" mean any interest in property which secures payment or performance of an obligation. The terms include interests not limited to, security interests under the Uniform Commercial Code, real property mortgages, deeds of trust, and other consensual or confessed liens whether or not foreclosed or charged against real estate. "Artisan's, and other similar liens, vendor's liens in both real and personal property, the interest of a seller in a contract for the sale of real property, any lien on property arising by operation of law, and any interest in a lease when used to secure payment or performance of an obligation.

(aa) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(bb) Unless the context indicates otherwise, the words "credit" shall be construed to mean "consumer credit," "loan" to mean "consumer loan," and "transaction" to mean "consumer credit transaction."

(cc) A transaction shall be considered consummated at the time a contractual relationship is created between a creditor and a customer irrespective of the time of performance of either party.

(dd) Captions and catchlines are intended solely as aids to convenient reference, and no inference as to the extent of any provision of this part may be drawn from them.

§ 226.3 Exempted transactions.

This part does not apply to the following:

(a) Business or governmental credit. Extensions of credit to organizations, including governments, or for business or commercial purposes, other than agricultural purposes.

(b) Certain transactions in security or commodities accounts. Transactions in securities or commodities accounts with a broker-dealer registered with the Securities and Exchange Commission.

(c) Nonreal property credit over $25,000. Credit transactions, other than real property transactions, in which the amount financed exceeds $25,000, on which the transaction is pursuant to an express written commitment by the creditor to extend credit in excess of $25,000.

(d) Certain public utility bills. Transactions under public utility tariffs in connection with which a security interest in real property is or will be retained or acquired. (See also § 226.3 (e) (7), or (d) (1), as applicable, or would be so required if the transactions were subject to this part.)
§ 226.4 Determination of finance charge.

(a) General rule. Except as otherwise provided in this section, the amount of the finance charge in connection with a credit extension shall be determined as the sum of all charges, payable directly or indirectly by the customer, and imposed directly or indirectly by the creditor, as an incident to or as a part of the extension of credit, whether paid or payable by the customer, the seller, or any other person on behalf of the customer to the creditor or to a third party, including any of the following types of charges:

(1) Interest, time price differential, and any amount payable under a discount or other system of additional charges.

(2) Service, transaction, activity, or carrying charge.

(3) Loan fee, points, finder’s fee, or similar charge.

(4) Fee for an appraisal, investigation, or credit report.

(b) Charges or premiums for credit insurance life, accident, health, or loss of income insurance, written in connection with any credit transaction unless

(1) The insurance coverage is not required by the creditor and this fact is clearly and conspicuously disclosed in writing to the customer; and

(II) Any customer desiring such insurance coverage gives specific dated and separately signed affirmative written indication of such desire after receiving written disclosure to him of the cost of such insurance.

(c) Charges or premiums for insurance, written in connection with any credit transaction, against loss or damage to property or against liability arising out of the ownership or use of property, unless a clear, conspicuous, and specific statement in writing is furnished by the creditor to the customer setting forth the cost of the insurance if obtained from or through the creditor and stating that the customer may choose the person through which the insurance is to be obtained.

(7) Premium or other charge for any other guarantee or insurance protecting the creditor against the customer’s default or other credit loss.

(8) Any charge imposed by a creditor upon another creditor for purchasing or providing coverage of or accepting responsibility for any charge required to be paid or payable by the customer, which is assigned to the creditor or to a third party, including any of the following types of charges:

(1) Interest, time price differential, and any amount payable under a discount or other system of additional charges.

(2) Service, transaction, activity, or carrying charge.

(3) Loan fee, points, finder’s fee, or similar charge.

(4) Fee for an appraisal, investigation, or credit report.

(5) License, certificate of title, and registration fees imposed by law.

(6) Late payment, delinquency, default, reinstatement charges. A late payment, delinquency, default, or other such charge is not a finance charge unless the payment of such checks was otherwise agreed upon in writing.

(7) Fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to the credit transaction.

(8) The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the creditor in connection with the transaction, except where the premium does not exceed the fees and charges described in subparagraph (1) of this paragraph which would otherwise be payable.

(9) Taxes not included in the cash prices.

(10) License, certificate of title, and registration fees imposed by law.

(11) Late payment, delinquency, default, or other such charge is not a finance charge unless the payment of such checks was otherwise agreed upon in writing.

(12) Service, transaction, activity, or carrying charge.

(13) Loan fee, points, finder’s fee, or similar charge.

(14) Fee for an appraisal, investigation, or credit report.

(15) License, certificate of title, and registration fees imposed by law.

(16) Late payment, delinquency, default, or other such charge is not a finance charge unless the payment of such checks was otherwise agreed upon in writing.

(17) Fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to the credit transaction.

(18) The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the creditor in connection with the transaction, except where the premium does not exceed the fees and charges described in subparagraph (1) of this paragraph which would otherwise be payable.

(19) Taxes not included in the cash prices.

(f) Prohibited offsets. Interest, dividends, or other income received or to be received by the customer on deposits or other investments in real or personal property in which a creditor holds a security interest shall not be deducted from the amount of the finance charge or taken into consideration in computing the annual percentage rate except that where such an obligation is anticipated to be paid upon a stated maturity, the stated maturity shall be used for the purpose of such computations.

(g) Demand obligations. Obligations other than those debited to an open end credit account which are payable on demand shall be considered to have a maturity of one-half year for the purpose of computing the amount of the finance charge and the annual percentage rate.

§ 226.5 Determination of annual percentage rate.

(a) General rule—open end credit accounts. The annual percentage rates for open end credit accounts shall be computed so as to permit disclosure with an accuracy at least to the nearest quarter of 1 percent. Such rate or rates shall be determined in accordance with § 226.7 (a) (4) for purposes of disclosure before opening an account, § 226.16 (c) (4) for purposes of disclosure at the time the account is opened, and in accordance with the following manner for purposes of disclosure on periodic statements:

(1) Where the finance charge is exclusively the product of the application of one or more periodic rates

(1) By multiplying each periodic rate by the number of periods in a year, or

(2) After the creditor’s option, if the finance charge is the result of the application of two or more periodic rates, by dividing the total finance charge for the billing cycle by the sum of the balances to which the periodic rates were applied by multiplying each periodic rate by the sum of the balances (expressed as a percentage) by the number of billing cycles in a year.

(2) Where the creditor imposes all periodic finance charges in amounts based on specified ranges or brackets of balances, the periodic rate shall be determined by dividing the amount of the finance charge for the period, by the product of the median balance within the range or bracket of balances to which it is applicable, and the annual percentage rate shall be determined by multiplying that periodic rate (expressed as a
(c) Charts and tables. (1) The Regulation Z Annual Percentage Rate Tables produced by the Board may be used to determine the annual percentage rate, and any such rate determined from these tables in accordance with instructions which shall be given in the table and consistent with the requirements of this section. Volume I contains Table FRB—100-M covering 1 to 50 monthly payments, Table FRB—300-E covering 51 to 120 monthly payments, Table FRB—900 covering 121 to 360 monthly payments, Table FRB—970 covering 361 to 480 monthly payments, and Table FRB—100-W covering 1 to 104 weekly payments.

(2) The Board's Regulation Z Annual Percentage Rate Tables also may be utilized for the purpose of determining the annual percentage rate provided:

(i) It is prepared in accordance with the general rule set forth in paragraph (b) (1) or (2) of this section;

(ii) It bears the name and address of the person responsible for its production, an identification number assigned to it by that person which shall be the same for each chart or table, and a production date on each chart or table, and

(iii) Except as provided in subdivision (iv) of this subparagraph, it permits determination of the annual percentage rate to the nearest one-quarter of 1 percent for the range of balances covered by the chart or table; and

(iv) If applicable to ranges or brackets of balances, it discloses the amount of the finance charge and the annual percentage rate on the median balance within each range or bracket of balances where a creditor imposes the same finance charge for all balances within a specified range or bracket of balances, and provided further that if the annual percentage rate determined on the median balance understates the annual percentage rate determined on the lowest balance in that range or bracket by more than 8 percent of the rate on the lowest balance, then the annual percentage rate for that range or bracket shall be computed upon any balance lower than the amount of a regular payment; and

(3) In the event an error in disclosure of the amount of a finance charge or an annual percentage rate occurs because of a corresponding error in a chart or table acquired or produced in good faith by the creditor, that error in disclosure shall not, in itself, be considered a violation of this subdivision, except when circumstances may leave a reasonable doubt as to the accuracy of the information and the creditor fails to correct the error in disclosure promptly upon discovery of the error, that creditor shall not, in the event of an error in disclosure of the amount of a finance charge or an annual percentage rate, be held responsible for any understatement of the finance charge and the annual percentage rate described in subdivision (c) (1) or (2) of this section.

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the further requirements of this section, and at the time and in the terminology prescribed in applicable sections. Where the terms "finance charge" and "annual percentage rate" are required to be used, they shall be printed more conspicuously than other terminology required by this part. Except with respect to the requirements of § 226.10, all numerical amounts and percentages shall be stated in figures and shall be printed in not less than the equivalent of 10-point type, 0.075-inch character type, or elite size type; written numerals, or shall be legibly handwritten.

(b) Inconsistent State requirements. With respect to disclosures required by this part, State law is inconsistent with the requirements of the Act and this part, within the meaning of section 111 (a) of the Act, to the extent that it

(1) Requires a creditor to make disclosures different from the requirements of this part with respect to form, content, terminology, or time of delivery;

(2) Requires disclosure of the amount or other item of information required to be disclosed, or needed to determine a required disclosure, in a manner other than that prescribed in § 226.4; or

(3) Requires disclosure of the annual percentage rate of the finance charge determined in a manner other than that prescribed in § 226.5.

(c) Additional information. At the creditor's option, additional information or explanations may be supplied with any disclosure required by this part, but none shall be stated, utilized, or placed so as to mislead or confuse the customer or contradict, obscure, or detract attention from the information required by this part to be disclosed. Any creditor who elects to make disclosures specified in any provision of State law which, under paragraph (b) of this section, is inconsistent with the requirements of the Act and this part may

(1) Make such inconsistent disclosures on a separate paper apart from the disclosures required to be made by this part;

(2) Make such inconsistent disclosures on the same statement on which disclosures required by this part are made, provided:

(i) All disclosures required by this part, which are separate and above any other disclosures,

(ii) Disclosures required by this part are identified by a clear and conspicuous heading indicating that they are made in compliance with Federal law, and

(iii) All inconsistent disclosures appear separately and below a conspicuous demarcation line, and are identified by a clear and conspicuous heading indicating that the statements made are inconsistent with the disclosure requirements of the Federal Truth in Lending Act.

(d) Multiple creditors; joint disclosure. If there is more than one creditor involved in the transaction, each creditor shall be clearly identified and shall be responsible for making only those disclosures required by this part which are within his knowledge and the current relationship with the customer. If two or more creditors make a joint disclosure, each creditor shall be clearly identified. The disclosures required under paragraphs (b) and (c) of § 226.6 shall be made by the creditor who has initiated the final action which may be rescinded under the provisions of § 226.9. If there is more than one creditor, the creditor need furnish a statement of disclosures required by this part to only one of them other than an endorser, co-maker, guarantor, or a similar party.

(e) Unknown information estimate. If at the time disclosures must be made, an amount or other item of information required to be disclosed, or needed to determine a required disclosure, is unknown or not available to the creditor, and the creditor has made a reasonable effort to determine the required information, the creditor may use an estimated amount or an approximation of the information, provided the estimate or approximation is clearly identified as such, is based on the best information available to the creditor, and is not used for the purpose of circumventing or evading the disclosure requirements of this part.

(f) Effect of subsequent occurrence. If information is undisclosed in accordance with this part is subsequently rendered inaccurate as the result of any act, occurrence, or agreement subsequent to the delivery of required disclosures, the inaccuracy resulting therefrom does not constitute a violation of this part.

(g) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(h) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(i) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(j) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(k) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

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(q) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

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(s) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(t) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(u) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(v) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(w) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(x) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(y) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

(z) Overtest. The disclosure of the amount of the finance charge or a percentage which is greater than the amount of the finance charge or percentage required to be disclosed under this part does not in itself constitute a violation of this part.

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(1) Percentage rate as dollars per hundred. Prior to January 1, 1971, any rate required under this part to be disclosed as a percentage rate may, at the option of the creditor, be expressed in the form of the corresponding ratio of dollars per hundred dollars using the term "dollars finance charge per year per $100 of unpaid balance." (For example, an add-on finance charge of 4 percent per year on an obligation payable in 36 equal monthly installments is equivalent to an annual percentage rate rounded to the nearest quarter of 1 percent, or 7.50 percent which may be stated as "$7.50 finance charge per year per $100 of unpaid balance.")

(2) Transition period. Any creditor who can demonstrate that he has taken bona fide steps, prior to July 1, 1969, to obtain printed forms which are necessary to comply with requirements of this part may, until such forms are received but in no event later than December 31, 1969, utilize existing supplies of printed forms for the purpose of complying with the disclosure requirements under § 226.9. Provided, that such forms are altered or supplemented as necessary to assure that all of the items of information required to be disclosed to the customer are set forth clearly and conspicuously.

§ 226.7 Open end credit accounts—specific disclosures.

(a) Opening new account. Before the first transaction is made on any open end credit account, the creditor shall disclose to the customer in a single written statement, which the customer may retain, in terminology consistent with the requirements of paragraph (b) of this section, each of the following items, to the extent applicable:

(1) The conditions under which a finance charge may be imposed, including a description of the type of charge and any, whether written or credit extended may be paid without incurring a finance charge.

(2) The method of determining the balance upon which a finance charge may be imposed.

(3) The method of determining the amount of the finance charge, including the method of determining any minimum, fixed, check service, transaction, activity, or similar charge, which may be imposed as a finance charge.

(4) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year, the Comparative Index of Credit Cost in accordance with § 226.11.

(5) The conditions under which any or all of the above items may be imposed, and the method by which they will be determined.

(6) The conditions under which any or all of the above items may be imposed, and the method by which they will be determined.

(7) The conditions under which any or all of the above items may be imposed, and the method by which they will be determined.
with all other finance charges imposed during the billing cycle, and the annual percentage rate to be disclosed shall be determined by:

1. Dividing the sum of all of the finance charges imposed during the billing cycle by the sum of the balances to which the periodic rates apply (or by the average of daily balances if a daily rate is used), plus the sum of the amounts financed to which the specific transaction charges apply, and

2. Multiplying the result (expressed as a percentage) by the number of billing cycles in a year.

(7) If the creditor so elects, the Comparative Annual Credit Cost in accordance with § 226.11.

(8) The balance on which the finance charge was computed, and a statement of how that balance was determined. If any balance is to be disclosed under paragraph (d) of this section, the annual percentage rate to be disclosed shall be determined by dividing the amount of the finance charge by the amount financed and multiplying the quotient (expressed as a percentage) by 12.

(2) The amount and date of each extension of credit or the date such extension of credit is debited to the account during the billing cycle and, unless previously furnished, a brief identification of each of the items included in such other credits.

(3) The total amounts credited to the account during the billing cycle for payments, using the term "payment," and for other credits including returns, rebates of finance charges, and adjustments, using the term "credits," and unless previously furnished, a brief identification of each of the items included in such other credits.

(4) The amount of any finance charge, using the term "finance charge," and the periodic rate or rate determined under § 226.5(a), using appropriate descriptive terminology.

(5) The annual percentage rate or rates determined under § 226.5(a), using the term "annual percentage rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), and the range of balances to which it is applicable.

(6) The annual percentage rate or rates determined under § 226.5(a), using the term "annual percentage rate" (or "rates"), and, where there is more than one rate, the amount of the balance to which each rate is applicable. Where the creditor of the open end credit account imposes finance charges with respect to specific transactions during the billing cycle, such charges shall be combined.
credit shall be furnished the customer with a duplicate of the instrument or a statement by which the required disclosures are made, if any, on which the creditor is identified. All of the disclosures shall be made together on either

(1) The note or other instrument evidencing the obligation on the same side of the page and above or adjacent to the place for the customer’s signature; or

(2) One side of a separate statement which identifies the transaction.

(b) Disclosures in sale and nonsale credit. In any transaction subject to this section, the following items, as applicable, shall be disclosed:

(1) The date on which the finance charge begins to accrue if different from the date of the transaction.

(2) The finance charge expressed as an annual percentage rate, using the term “annual percentage rate,” except in the case of a finance charge.

(i) Which does not exceed $5 and is applicable to an amount financed not exceeding $75.

(ii) Which does not exceed $7.50 and is applicable to an amount financed exceeding $75.

A creditor may not divide an extension of credit into two or more transactions to avoid the disclosure of an annual percentage rate, nor may any other percentage rate be disclosed if none is stated in reliance upon subdivision (i) or (ii) of this subparagraph.

(3) The number, amount, and due dates or periods of payments scheduled to repay the indebtedness and, except in the case of a loan secured by a first lien or equivalent security interest on a dwelling, the sum of such payments, unless the term, “total of payments,” is disclosed.

If any payment is more than twice the amount of an otherwise regularly scheduled equal payment, the creditor shall identify the amount of such payment by the term “balloon payment” and shall disclose the conditions under which it may be imposed.

(4) The amount, or method of computing, any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer.

(c) Credit sales. In the case of a credit sale, in addition to the items required to be disclosed under paragraph (b) of this section, the following items, as applicable, shall be disclosed:

(1) The cash price of the property or service purchased, using the term “cash price.”

(2) The amount of the downpayment, if any, as applicable, the terms “prepayment,” “downpayment,” and “required deposit balance,” individually itemized, which are included in the amount financed.

(3) The finance charge payable separately and deducted in a credit sale in accordance with paragraph (e) (6) of this section, and in other extensions of credit shall be excluded from the amount disclosed under paragraph (d) (1) of this section, and shall be disclosed in accordance with paragraph (d) (2) of this section:

(i) Any finance charge paid separately, in cash or otherwise, directly or indirectly to the creditor or with the creditor’s knowledge to another person, or witheld by the creditor from the proceeds of the credit extended.

(ii) Any deposit balance or any investment which the creditor requires the customer to make, maintain, or increase in a specified amount or proportion as a condition to the extension of credit except:

(a) An escrow account under paragraph (e) (3) of §226.4.

(iii) Any amounts required to be deducted under paragraph (e) of this section, using, as applicable, the terms “prepaid finance charge” and “required deposit balance,” and if both are applicable, the total of such items using the term “total prepaid finance charge and required deposit balance.”

(d) Disclosures in sale and nonsale credit. If any payment is more than twice the amount of any default, delinquent, or equivalent security interest held, retained or acquired.

(5) A description or identification of the type of security interest held, retained or acquired.

(6) A description or identification of the property to which the security interest relates or, if such property is not identifiable, a clear identification of the transaction.

(7) The number, amount, and due dates or periods of payments scheduled to repay the indebtedness and, except in the case of a sale of a dwelling:

(i) The total amount of the finance charge, with description of each amount included, using the term “finance charge,” and

(ii) The sum of the amounts determined under subparagraphs (1) (4), and (8) (1) of this paragraph, using the term “deferred payment price.”

(8) Loans and other nonsale credit. In the case of a loan or extension of credit which is not a credit sale, in addition to the items required to be disclosed under paragraph (b) of this section, the following items, as applicable, shall be disclosed:

(1) The amount of credit, excluding items set forth in paragraph (e) of this section, which will be paid to the customer or for the customer’s benefit, by another person on his behalf, including all charges, individually itemized, which are included in the amount of credit extended but which are not part of the finance charge, using the terms “amount financed.”

(2) Any amount referred to in paragraph (e) of this section required to be disclosed under paragraph (1) of this paragraph as applicable, the terms “prepaid finance charge” and “required deposit balance,” and, if both are applicable, the total of such items using the term “total prepaid finance charge and required deposit balance.”

(3) Except in the case of a loan secured by a first lien or equivalent security interest on a dwelling and made to finance the purchase of that dwelling, the total amount of the finance charge, with description of each amount included, using the term “finance charge.”

(4) Finance charges deducted or excluded as provided by this paragraph shall, nevertheless, be included in determining the finance charge under §226.4.

The disclosures required by this subparagraph shall be made pursuant to federally insured student loan programs under Public Law 89-339, Title IV Part B of the Higher Education Act of 1965, as amended.

The disclosures required by this subparagraph need not be made with respect to interim student loans made pursuant to federally insured student loan programs under Public Law 89-339, Title IV Part B of the Higher Education Act of 1965, as amended.

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(1) A deposit balance which will be wholly applied toward satisfaction of the customer's obligation in the transaction.

(2) A deposit balance or investment which was in existence prior to the extension of credit and which is offered by the customer as security for that extension.

(3) A deposit balance or Investment which was acquired or established from the proceeds of an extension of credit for or upon written request of the customer.

First lien to finance construction of dwelling. In any case where a first lien or equivalent security interest in real property is retained or acquired by a creditor in connection with the financing of the initial construction of a dwelling, or in connection with a loan to satisfy the proceeds of an extension of credit request of the customer.

Refinancing, consolidating, or increasing. If any existing extension of credit is refinanced, or two or more extensions of credit are consolidated, or an existing obligation is increased, that transaction shall be considered a new transaction subject to the disclosure requirements of this part. The method of computing the finance charge shall be the same as if the transaction were a new transaction subject to this part, and the disclosures required under this section shall be made.

Orders by mail or telephone. If a creditor receives a purchase order or a request for an extension of credit by mail, telephone, or written communication without personal solicitation, the disclosures required under this section may be made any time not later than the date the first payment is due, provided:

1. In the case of credit sales, the cash price, the downpayment, the finance charge, the deferred payment price, the number, frequency, and amount of payments, and the annual percentage rate for representative amounts or ranges of credit are set forth in or are determinable from the creditor's catalog or other printed material distributed to the public.

2. In the case of loans or other extensions of credit, the amount of the loan, the finance charge, the total scheduled finance charges, the number, frequency, and amount of payments, and the annual percentage rate for representative amounts or ranges of credit are set forth in or are determinable from the creditor's catalog or other printed material distributed to the public, in the contract of loan, or in other printed material delivered or made available to the customer.

Series of sales. If a credit sale is one of a series of transactions made pursuant to an agreement providing for the addition of the amount financed plus the finance charge for the current sale to an existing outstanding balance, then the disclosures and computations for the current sale may be made at any time not later than the date the first payment for that sale is due, provided:

1. The customer has approved in writing both the annual percentage rate and the method of treating any unearned portion of the finance charge on an existing outstanding balance in computing the finance charge or charges; and

2. The creditor retains no security interest in any property as to which he has received payments aggregating the amount of the sale price including any finance charges attributable thereto. For the purposes of this subparagraph, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced item shall be deemed first paid for.

Advances under loan commitments. If a loan is one of a series of advances made pursuant to a written agreement under which a creditor is or may be obligated to extend credit to a customer up to a specified amount, and the customer has approved in writing the annual percentage rate or rates, the method of computing the finance charge or charges, and the agreement shall be considered a single transaction, and the disclosures required under this section at the creditor's option may be made only at the time the agreement is executed.

Orders by mail or telephone. If a creditor receives a purchase order or a request for an extension of credit by mail, telephone, or written communication without personal solicitation, the disclosures required under this section may be made any time not later than the date the first payment is due, provided:

1. In the case of credit sales, the cash price, the downpayment, the total scheduled finance charges, the number, frequency, and amount of payments, and the annual percentage rate for representative amounts or ranges of credit are set forth in or are determinable from the creditor's catalog or other printed material distributed to the public.

2. In the case of loans or other extensions of credit, the amount of the loan, the finance charge, the total scheduled finance charges, the number, frequency, and amount of payments, and the annual percentage rate for representative amounts or ranges of credit are set forth in or are determinable from the creditor's catalog or other printed material distributed to the public, in the contract of loan, or in other printed material delivered or made available to the customer.

Series of sales. If a credit sale is one of a series of transactions made pursuant to an agreement providing for the addition of the amount financed plus the finance charge for the current sale to an existing outstanding balance, then the disclosures and computations for the current sale may be made at any time not later than the date the first payment for that sale is due, provided:

1. The customer has approved in writing both the annual percentage rate and the method of treating any unearned portion of the finance charge on an existing outstanding balance in computing the finance charge or charges; and

2. The creditor retains no security interest in any property as to which he has received payments aggregating the amount of the sale price including any finance charges attributable thereto. For the purposes of this subparagraph, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced item shall be deemed first paid for.

Advances under loan commitments. If a loan is one of a series of advances made pursuant to a written agreement under which a creditor is or may be obligated to extend credit to a customer up to a specified amount, and the customer has approved in writing the annual percentage rate or rates, the method of computing the finance charge or charges, and the agreement shall be considered a single transaction, and the disclosures required under this section at the creditor's option may be made only at the time the agreement is executed.

Discount for prompt payment. Except as provided under § 226.3(d), the amount of any discount allowed for payment of a single payment obligation on or before a specified date, or charge for delaying payment after a specified date, shall be stated, and shall be considered a finance charge imposed on the least amount payable in satisfaction of the obligation (amount financed) for the period of time between the specified due date of the obligation, or in the absence of a designated due date, the date the billing cycle ends, except as provided in paragraph (2) of this section, each such billing statement shall, in addition to stating the amount of that "finance charge," use that term, state the "annual percentage rate," using that term, computed so that the amount of the finance charge may be disclosed with an accuracy to the nearest cent, and so determined by (1) dividing the amount of the finance charge by the amount financed; (2) dividing the quotient so obtained by the number of days between the specified due date of the obligation, or in the absence of a designated due date, the date the billing cycle ends; and (3) multiplying the quotient so obtained (expressed as a percentage) by 365. (For example, a $1,000 purchase of grain, subject to terms of 2%/10 days, net 30 days, results in a finance charge of $20, and an amount financed of $980 for a period of 30 days. The "annual percentage rate" is 37.24% which may be rounded to 37.25% or 37.26%.)

§ 226.9 Right to rescind certain transactions.

(a) General rule. Except as otherwise provided in this section, in the case of

(b) Any statement, notice, or reminder of payment due on any transaction payable in installments which is mailed periodically to the customer in advance of the due date of the installment shall be a periodic billing statement for the purpose of this paragraph.
any credit transaction in which a security interest is or will be retained or acquired in any real property which is used or is expected to be used as the principal residence of the customer, the customer shall have the right to rescind that transaction until midnight of the third business day following the date of consummation of that transaction or the date of delivery of the disclosures required under this section and all other requirements of this section are satisfied by the creditor, whichever is later, by notifying the creditor by mail, telegram, or other writing of his intention to do so. Notification by mail shall be considered given at the time mailed; notification by telegram shall be considered given at the time filed for transmission; and notification by other writing shall be considered given at the time delivered to the creditor’s designated place of business.

(b) Notice of opportunity to rescind. Whenever a customer has the right to rescind a transaction under paragraph (a) of this section, the creditor shall give notice of that fact to the customer by furnishing the customer with two copies of the notice set out below, one of which may be used by the customer to cancel the transaction. The notice shall be in capital and lower case letters of not less than 12-point bold-faced type on one side of a separate statement which identifies the transaction to which it relates. Such notice shall refer to and set forth the entire paragraph (d) of this section, “Effect of rescission.” If such paragraph appears on the reverse side of the statement, the face of the statement shall state: “See reverse side for important information about your right of rescission.” Before furnishing copies of the notice to the customer, the creditor shall state both his name and the name of the creditor’s place of business, the date of consummation of the transaction, and the location of the property or at the residence of the customer, by which the customer may give notice of cancellation.

Notice to customer required by Federal Law: You have entered into a transaction on the ____________ which may result in a lien, mortgage, or other security interest on your home. You have a legal right under Federal Law to cancel this transaction, if you desire to do so, without any penalty or obligation for three business days from the above date or any later date on which all material disclosures required under the Truth in Lending Act have been given to you. If you cancel the transaction, any lien, mortgage, or other security interest on your home arising from this transaction is automatically released. You also have the right to refuse a refund of any downpayment or other consideration if you cancel. If you decide to cancel this transaction, you may do so by notifying:

(Name of creditor)

4For the purposes of this section, a business day is any calendar day except Sunday, or the following business holidays: New Year’s Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving, and Christmas.

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(c) Delay of performance. Except as provided in paragraph (c) of this section, the creditor in any transaction subject to this section shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

1. Disburse any money other than in escrow;

2. Make any physical changes in the property of the customer;

3. Perform any work or service for the customer; or

4. Make any deliveries to the residence of the customer if the creditor has retained or will acquire a security interest other than one arising by operation of law.

(d) Effect of rescission. When a customer exercises his right to rescind under paragraph (a) of this section, he is not liable for any finance or other charge, and any security interest becomes void upon such a rescission. Within 10 days after receipt of a notice of rescission, the creditor shall return to the customer any money or property given as earnest money, downpayment, or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction. If the creditor has delivered any property to the customer, the customer may retain possession of it. Upon the performance of the obligations under this section, the customer shall tender the property to the creditor, except that if return of the property in kind would be impracticable or inequitable, the customer shall tender its reasonable value. Tender shall be made at the location of the property or at the residence of the customer, at the option of the customer. If the creditor does not take possession of the property within 10 days after the tender by the customer, ownership of the property vests in the customer without obligation on his part to pay for it.

(e) Waiver of right of rescission. A customer may modify or waive his right to rescind a transaction subject to the provisions of this section provided:

1. That the extension of credit is needed in order to meet a bona fide immediate personal financial emergency of the customer;

2. The customer has determined that a delay of 3 business days in performance of the creditor’s obligations under the transaction will jeopardize the welfare, health, or safety of natural persons or endanger property which the customer owns or for which he is responsible; and

3. The customer furnishes the creditor with a separate dated and signed personal statement describing the situation requiring immediate remedy and modifying or waiving his right of rescission. The customer may use forms for that purpose which may result in a lien, mortgage, or other security interest on your home.

(f) Form of notice. Any notice to customer required by Federal Law shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

(f) Form of notice. Any notice to customer required by Federal Law shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

(f) Form of notice. Any notice to customer required by Federal Law shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:

(f) Form of notice. Any notice to customer required by Federal Law shall not perform, or cause or permit the performance of, any of the following actions until after the rescission period has expired and he has reasonably satisfied himself that the customer has not exercised his right of rescission:
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information in sufficient detail to permit determination of the disclosures required by this section in a table or schedule of credit terms, such catalog or multiple-page advertisement shall be considered a single advertisement provided:

1. The table or schedule and the disclosures made therein are set forth clearly and conspicuously, and
2. Any statement of credit terms appearing in any place other than in that table or schedule of credit terms clearly and conspicuously refers to the page or pages on which that table or schedule appears, unless that statement discloses all of the credit terms required to be stated under this section. For the purpose of this subparagraph, cash price is not a credit term.

(c) Advertising of open end credit. No advertisement to aid, promote, or assist directly or indirectly the extension of open end credit may set forth any of the terms described in paragraph (a) of § 226.7, the Comparative Index of Credit Cost, except that no downpayment, a specified periodic payment, or a specified period of payment is required or any of the following items unless it also clearly and conspicuously sets forth all the following items in the manner prescribed in paragraph (b) of § 226.7:

1. An explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.
2. The method of determining the balance upon which a finance charge may be imposed.
3. The method of determining the amount of the finance charge, including the determination of any minimum, fixed, check service, transaction, activity, or similar charge, which may be imposed as a finance charge.
4. Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.
5. The conditions under which any other charges may be imposed, and the method by which they will be determined.
6. The minimum periodic payment required.
7. Advertising of credit other than open end. No advertisement to aid, promote, or assist directly or indirectly the extension of residential real estate, loan, or other extension of credit, other than open end credit, subject to the provisions of this part, shall state:

1. The rate of a finance charge unless it states the rate of that charge expressed as "annual percentage rate," using that term;
2. The amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge, credit, unless it states all of the following items in terminology prescribed under § 226.8:

(i) The cash price or the amount of the loan, as applicable.
(ii) The amount of the downpayment required or that no downpayment is required, as applicable.
(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.
(iv) The amount of the finance charge expressed as an annual percentage rate. The exemptions from disclosure of an annual percentage rate permitted in paragraph (b) (2) of § 226.8 shall not apply to this subdivision.
(v) Except in the case of the sale of a dwelling or a loan secured by a first lien on a dwelling to purchase that dwelling, the deferred payment price or the sum of the payments, as applicable.

§ 226.11 Comparative Index of Credit Cost for open end credit.

(a) General rule. Any creditor who elects to disclose the Comparative Index of Credit Cost on open end credit accounts:

1. Shall compute the Comparative Index of Credit Cost in accordance with paragraph (b) of this section.
2. Shall recompute the Comparative Index of Credit Cost in accordance with paragraph (b) of this section based upon any new open end credit account terms to be adopted, and shall disclose the new Comparative Index of Credit Cost in accordance with paragraph (c) (2) of this section concurrently with the notice required under paragraph (c) of § 226.7.
3. Shall, when making such disclosure under the provisions of subparagraphs (a) (5) and (b) (7) of § 226.7, make the disclosure to all open end credit account customers, and
4. Shall not utilize such disclosure so as to mislead, or confuse the customer or contradict, obscure, or detract attention from the required disclosures.

(b) Computation of Comparative Index of Credit Cost. The Comparative Index of Credit Cost for each open end credit plan shall be computed by applying the creditor's terms of that plan to the following hypothetical factors:

1. A single transaction in the amount of $100 is debited on the first day of a billing cycle to an open end credit account having no previous balance, and paid in required minimum consecutive installments on the last day of each succeeding billing cycle until the transaction and all finance charges are paid in full. The actual percentage cost of credit on your account may be higher or lower depending on the dates and amounts of charges and payments.
2. Disclose any newly computed Comparative Index of Credit Cost in the form of the statement prescribed in subparagraph (1) of this paragraph, except that the statement shall be preceded by the words "Effective as of ___ " (date) and the words "will be" shall be substituted for the word "is" in the second line of the statement.

§ 226.12 Exemption of certain State regulated transactions.

(a) Exemption for State regulated transactions. In accordance with the provisions of Supplement II to Regulation Z (§ 226.12—supplement), any State may make application to the Board for exemption of any class of transactions within that State from the requirements of Chapter 2 of the Act and the corresponding provisions of this part: Provided, That—

1. Under the law of that State that class of transactions is subject to requirements substantially similar to those imposed under chapter 2 of the Act and the corresponding provisions of this part; and
2. There is adequate provision for enforcement.

(b) Procedures and criteria. On or before July 1, 1969, the Board will promulgate and publish Supplement II to Regulation Z (§ 226.12—supplement) in which will be set forth, as established by the Board, the procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section. Upon publication of Supplement II of Regulation Z application may be made to the Board for such determination.