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Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1969):

	Price
43 Part 1000-end (Rev.)	$2.75

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SO-67]

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

Alteration of Transition Area

On October 17, 1968, F.R. Doc. 68-12609 was published in the FEDERAL REGISTER (33 F.R. 15412), amending Part 71 of the Federal Aviation Regulations by designating the Alma, Ga., part-time control zone and transition area.

In the amendment, the effective period of the Alma, Ga., part-time transition area was published as "0600 to 2000 hours, local time daily." The effective period should have been "0600 to 2200 hours, local time daily." It is necessary to amend the FEDERAL REGISTER Document accordingly.

Since this amendment will impose no necessary and action is taken herein additional burden on the public and is required for reasons of safety, notice and public procedure hereon are unto amend the FEDERAL REGISTER Document accordingly.

In consideration of the foregoing, effective immedately, F.R. Doc. 68-12609 is amended as follows:

In line five of the Alma, Ga., part-time transition area description "* * * 0600 to 2000 hours, local time daily * * *" is deleted and "* * * 0600 to 2200 hours, local time daily * * *" is substituted therefor.

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

Issued in East Point, Ga., on February 14, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-2515; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 69-WE-8]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Colorado Springs, Colo., control zone.

The Peterson, Colo., VOR is scheduled for decommissioning on May 29, 1969. Since a portion of the Colorado Springs, Colo., control zone is described on the 075°M (087°T) radial of the VOR an editorial change is necessary to eliminate reference to the VOR. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.171 (34 F.R. 4557) the Colorado Springs, Colo., control zone is amended by deleting all after "* * * 6-mile radius zone to the VORTAC."

Effective date. This amendment shall be effective 0901 G.m.t., May 29, 1969.

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-2516; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-CE-106]

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

Designation of Federal Airways

On December 4, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18047) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate the U.S. portion of a segment of VOR Federal airway No. 337 between Windsor, Ontario, Canada, and Saginaw, Mich., and extend VOR Federal airway No. 450 from Muskegon, Mich., to Pompeii, Mich.

Interested people were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

Section 71.123 (34 F.R. 4509) is amended as follows:

a. V-337 is amended by deleting "12 AGL Windsor" and substituting "12 AGL Windsor; 12 AGL INT Windsor 335° and Saginaw, Mich., 131° radials; 12 AGL Saginaw." therefor.

b. V-450 is amended by deleting "From Muskegon, Mich.," and substituting "From INT Muskegon, Mich., 088° and Lansing, Mich., 358° radials; 12 AGL Muskegon;" therefor.

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

Issued in Washington, D.C., on February 18, 1969.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69-2517; Filed, Feb. 28, 1969; 8:48 a.m.]

[Airspace Docket No. 68-SO-104]

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

Designation of Transition Area

On January 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 263), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Kosciusko, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 33°05'20" N., long. 89°32'25" W.) for Kosciusko-Attala County Airport was obtained from Coast and Geodetic Survey. Accordingly, it is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

KOSCIUSKO, MISS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kosciusko-Attala County Airport (lat. 33°05'20" N., long. 89°32'25" W.); within 2 miles each side of the 142° and 310° bearings from the Kosciusko RBN (lat. 33°-05'29" N., long. 89°32'25" W.), extending from the 5-mile radius area to 8 miles southeast and northwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 142° and 310° bearings from the Kosciusko RBN, extending from the RBN to 12 miles southeast and northwest; within 5 miles each side of a direct course from the Greenwood, Miss., VORTAC to the Kosciusko RBN, excluding the portion that coincides with V-245 and V-9E.

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

Issued in East Point, Ga., on February 18, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-2518; Filed, Feb. 28, 1969; 8:49 a.m.]

[Airspace Docket No. 69-WA-12]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to designate a new restricted area at Albemarle Sound, N.C., superjacent to restricted area, R-5301B.

The Department of the Navy has requested, as a matter of urgent military necessity, that the ceiling of Restricted Area R-5301B be increased from 5,000 feet MSL to 15,000 feet MSL for the period March 1, 1969, through May 31, 1969, to permit the initiation, pursuance and completion of a classified defense project involving surface-to-air ordnance. The Navy stated that the classification and nature of the activity generating this requirement dictate use of this area only.

Since the Navy has stated that an urgent military need exists to accomplish a classified defense project, the Administrator finds that notice and public procedure are impractical and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended as hereinafter set forth.

Section 73.53 (34 F.R. 4841) is amended by adding the following:

R-5301C, ALBEMARLE SOUND, N.C.

Boundaries: A circular area within a 1½-nautical mile radius centered at lat. 36°05'25" N., long. 76°18'30" W.

Designated altitude. From 5,000 feet MSL to 15,000 feet MSL.

Time of designation. 0800 to 1700 local time, Monday through Friday, March 1, 1969, through May 31, 1969.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

This amendment becomes effective March 1, 1969, and is adopted under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 26, 1969.

FERRIS J. HOWLAND,
Acting Director,
Air Traffic Service.

[F.R. Doc. 69-2575; Filed, Feb. 28, 1969; 8:52 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 9441; Amdts. 151-30; 153-4]

PART 151—FEDERAL AID TO AIRPORTS

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Exclusive Rights at Airports

The purpose of these amendments is to clarify the policy of the Federal Aviation Administration relating to exclusive rights at airports, as set forth in Parts 151 and 153 of the Federal Aviation Regulations.

On August 31, 1966, the FAA issued Amendment 151-14 to conform § 151.121 with the current policy on exclusive rights, at airports on which sponsors desired assistance under the Federal-aid Airport Program, that were contrary to section 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a)) and the Policy on Exclusive Rights at Airports issued October 25, 1965 (30 F.R. 13661). Later, on April 28, 1967, the FAA issued Amendments 151-18 and 153-2 whose purpose was to further clarify and fully state the intent of the exclusive rights policy by specifically barring exclusive rights at airports thereafter controlled by the sponsor, and requiring termination of exclusive rights at airports thereafter owned or controlled by the sponsor.

However, §§ 151.121 and 153.13(d) still do not accurately reflect the exclusive rights policy. These provisions presently require the termination of existing exclusive rights at the earliest renewal, cancellation, or expiration date applicable to the agreements that established such exclusive rights. The FAA distinguishes between exclusive rights that were contrary to the policy at the time they were granted, and those that were not, by requiring termination at different times. The latter must be terminated at the earliest renewal, cancellation, or expiration date applicable to the agreement that established them, whereas the former must be terminated before any grant offer under the Federal-aid Airport Program, or upon any conveyance affected by Part 153. Therefore, the covenants in §§ 151.121 and 153.13(d) are amended to accurately make the distinction. In view of the changes made by this amendment, the sponsor's certification that there is no exclusive right not subject to termination is unnecessary, and it is deleted.

Since these amendments relate to public grants and benefits, notice and public procedure thereon are not required and they may be made effective upon publication.

In consideration of the foregoing, effective March 1, 1969, Parts 151 and 153 of the Federal Aviation Regulations are amended as follows:

1. By amending § 151.121 to read as follows:

§ 151.121 Procedures: offer; sponsor assurances.

Each sponsor must adopt the following covenant implementing the exclusive rights provisions of section 308(a) of the Federal Aviation Act of 1958, that is incorporated by reference into Part I of the Advance Planning Agreement:

The sponsor—

(a) Will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now or hereafter owned or controlled by it;

(b) Agrees that, in furtherance of the policy of the FAA under this covenant, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(c) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(d) Agrees that it will terminate any other exclusive right now existing at such an airport before the grant of any assistance under the Federal Airport Act.

2. By amending paragraph (d) of § 153.13 to read as follows:

§ 153.13 Covenants and reverter clauses in conveyances.

* * * * *

(d) That in furtherance of the policy of the FAA under this covenant the grantee—

(1) Agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial

photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(2) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right; and

(3) Agrees that it will terminate forthwith any other exclusive right now or hereafter existing at such an airport;

* * * * *

(Secs. 308(a), 313, Federal Aviation Act of 1958 (49 U.S.C. 1349(a), 1354); Federal Airport Act (49 U.S.C. 1101–1119); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(2), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on February 25, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2519; Filed, Feb. 28, 1969; 8:49 a.m.]

SUBCHAPTER O—AIRCRAFT LOAN GUARANTEE PROGRAM

[Docket No. 9442]

PART 199—AIRCRAFT LOAN GUARANTEE PROGRAM

On May 15, 1968, the Secretary of Transportation delegated to the Federal Aviation Administrator, effective June 13, 1968, all functions, powers, and duties of the Secretary under the Act of September 7, 1957, as amended (49 U.S.C. 1324 note), relating to the Government guarantee of private loans to air carriers for the purchase of aircraft and equipment (33 F.R. 8341).

Subsequent to this delegation, a new Part 199 of the Federal Aviation Regulations was adopted by the Administrator dealing with the deviation from the terms of Government guarantee of private loan to air carriers for the purchase of aircraft and equipment. This was the only function left in force under the Act of September 7, 1957, since the authority to guarantee loans under that Act had expired on September 7, 1967.

The most recent development occurred when Public Law 90–568 (82 Stat. 1003), which was approved on October 12, 1968, extended the authority to guarantee loans for an additional 5-year period to end on September 7, 1972.

This revision of Part 199, accordingly, provides procedures for the administration of the aircraft loan guarantee program extended by Public Law 90–568. It also designates the General Counsel of the FAA as the official responsible for administration of the program on behalf of the Administrator. The information submitted under this part shall become available to or shall be withheld from the public in accordance with Part 7 of the Department of Transportation Regulations, particularly § 7.59.

Since this revision relates to Departmental management, procedures, and practices, notice and public procedure thereon are not required, and it may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 199 of the Federal Aviation Regulations is revised, effective March 1, 1969, as hereinafter set forth:

Sec.
199.1 Applicability.
199.3 Applications for Government guarantees.
199.5 Contents of applications.
199.7 Action taken on applications.
199.9 Deviations from the terms of agreements.
199.11 Authority of FAA General Counsel.

AUTHORITY: The provisions of this Part 199 issued under the Act of Sept. 7, 1957, as amended (49 U.S.C. 1324 note; 82 Stat. 1003), secs. 6(a)(3)(A) and 9 of the Department of Transportation Act (49 U.S.C. 1655(a)(3)(A) and 1657), and § 1.4(b)(4) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(b)(4)).

§ 199.1 Applicability.

This part applies to applications for aircraft loan guarantees as provided by the Act of September 7, 1957 (49 U.S.C. 1324 note), and as extended by Public Law 90–568 (82 Stat. 1003), and to requests for approval of deviations from the terms of guarantee and loan agreements concluded after September 7, 1957.

§ 199.3 Applications for Government guarantees.

The lender shall make application for an aircraft loan guarantee under this part by filing with the General Counsel of the FAA an original and five copies of Form FAA 2950–1 and Form FAA 2950–2 prepared by the lender and air carrier, respectively, together with an original and five copies of any supporting documents. These forms may be obtained from the General Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590.

§ 199.5 Contents of applications.

Each application for an aircraft loan guarantee under this part must contain the following information:

(a) *Form FAA 2950–1, Application for aircraft loan guarantee to be submitted by the lender.* (1) Name and address of lender.

(2) Name and address of air carrier.

(3) Amount of loan, maturity date, interest rate, purchase price, term of loan (years), and guarantee requested.

(4) Disbursement schedule.

(5) Repayment schedule.

(6) Collateral.

(7) Indication whether lender would grant this loan, or a comparable loan, without Government guarantee.

(8) The lender's name, authorized signature, title, and date.

(b) *Form FAA 2950–2, Statement of carrier in support of application for aircraft loan guarantee.* (1) A list of all banks (or other sources) from which the air carrier has attempted to negotiate a loan during the past year.

(2) Indication whether the air carrier has attempted to obtain equity capital during the past year.

(3) The type, quantity, and cost of equipment to be purchased with the proceeds of this loan.

(4) Name and address of seller(s) of aircraft and major groups of spare parts.

(5) The purchase plan.

(6) Use to be made of new equipment.

(7) Expected financial effect of new equipment on air carrier.

(8) Names of common stockholders controlling, directly or indirectly, more than 5 percent of the stock of both the lender and the air carrier; and

(9) The air carrier's name and authorized signature, title, and date.

§ 199.7 Action taken on applications.

(a) Upon receipt of the application and supporting materials, the Administrator may communicate with the Civil Aeronautics Board and the lenders and air carriers, where necessary, in order to obtain additional or clarifying information before approving or disapproving the application.

(b) The Administrator may approve an application for an aircraft loan guarantee in accordance with the provisions of the Act of September 7, 1957, as amended.

§ 199.9 Deviation from the terms of agreements.

No deviation from the terms of any guarantee and loan agreements made after September 7, 1957, may be made without the prior approval by the Administrator. An original and four copies of requests for such approval, and an original and four copies of any supporting documents, shall be filed with the General Counsel of the FAA.

§ 199.11 Authority of FAA General Counsel.

The functions of the Administrator under §§ 199.7 and 199.9 are exercised by the General Counsel of the FAA.

Issued in Washington, D.C., on February 25, 1969.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2520; Filed, Feb. 28, 1969; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1490]

PART 13—PROHIBITED TRADE PRACTICES

Sanitary Carpet and Rug Cleaning Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements;* 13.73–90 Textile Fiber Products Identification Act; § 13.155 *Prices:* 13.155.40 Exaggerated as regular and customary; 13.155–70 Percentage savings. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Sanitary Carpet and Rug Cleaning Co., Inc., trading as Carpetland et al., Rockville, Md., Docket C-1490, Feb. 3, 1969]

In the Matter of Sanitary Carpet and Rug Cleaning Co., Inc., a Corporation, Trading and Doing Business as Carpetland, and Aram Sakayan and Edward Turmanian, Individually and as Officers of Said Corporation, and George Sakayan, Individually and as General Manager of Said Corporation

Consent order requiring a Rockville, Md., seller of rugs and carpets to cease misbranding, falsely advertising, and deceptively pricing its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sanitary Carpet and Rug Cleaning Co., Inc., a corporation, trading and doing business as Carpetland, or under any other name, and its officers, and Aram Sakayan and Edward Turmanian, individually and as officers of said corporation, and George Sakayan, individually and as general manager of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling, or padding, when such is the case.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents Sanitary Carpet and Rug Cleaning Co., Inc., a corporation, trading and doing business as Carpetland, or under any other name, and its officers, and Aram Sakayan and Edward Turmanian, individually and as officers of said corporation, and George Sakayan, individually and as general manager of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting, rugs, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Reg." or any other word or words of similar import or meaning, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business, or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents.

2. Using the word "Save", or any other word or words of similar import or meaning, in conjunction with a stated percentage, fraction, dollar, or other amount of savings: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the stated amount of savings actually represents the difference between the offering price and the actual bona fide price at which such merchandise has been sold or offered for sale on a regular basis to the public by respondents for a reasonably substantial period of time in the recent, regular course of their business.

3. Using the words "Warehouse Sale," "Sale price," or any other term or words of similar import or meaning, in conjunction with any stated price or prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that their prices for the merchandise so advertised have been substantially reduced below respondents' usual selling prices, or the prices at which such merchandise has been offered for sale in good faith by respondents during the recent, regular course of their business.

4. Using the words "Special Purchase Sale" or any other term or words of similar import or meaning, either alone or in conjunction with an offering price: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the offering price during said sale is a substantial reduction from the price usually and customarily paid by respondents for the same merchandise, and purchasers are thereby afforded bona fide savings from respondents' usual and customary retail prices for such merchandise.

5. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise, or misrepresenting in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

6. Representing, through advertisements or in any other manner, that sponge rubber padding will be installed with respondents' rugs or carpeting unless such padding is, in fact, installed in every instance as represented, or misrepresenting, in any manner the nature or type of padding sold or installed by respondents.

7. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 3, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2486; Filed, Feb. 28, 1969; 8:46 a.m.]

[Docket No. C-1491]

PART 13—PROHIBITED TRADE PRACTICES

Zwerdling-Gold, Inc., et al.

Subpart: Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Zwerdling-Gold, Inc., et al., New York, N.Y., Docket C-1491, Feb. 5, 1969]

In the Matter of Zwerdling-Gold, Inc., a Corporation, and Leo Zwerdling and Harry Gold, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Zwerdling-Gold, Inc., a corporation, and its officers and Leo Zwerdling and Harry Gold, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Zwerdling-Gold, Inc., a corporation, and its officers, and Leo Zwerdling and Harry Gold, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: February 5, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-2487; Filed, Feb. 28, 1969; 8:46 a.m.]

Title 22—FOREIGN RELATIONS

Chapter V—United States Information Agency

PART 501—APPOINTMENT OF FOREIGN SERVICE INFORMATION OFFICERS

Chapter V of Title 22 CFR is amended by adding a new part as follows:

Sec.

AUTHORITY: The provisions of this Part 501 issued under 22 U.S.C. 1221 et seq.; Public Law 90-494 of Aug. 20, 1968; E.O. 11434 of Nov. 8, 1968 (33 F.R. 16485).

§ 501.1 Policy.

It is the policy of the U.S. Information Agency that Foreign Service information officers occupy positions in which there is a need and reasonable opportunity for interchangeability of personnel between the Agency and posts abroad, and which are concerned with (a) the conduct, observation, or analysis of information and cultural activities, or (b) the executive management of, or administrative responsibility for, the overseas operations of the Agency's program.

§ 501.2 Eligibility for appointment as FSIO.

(a) Pursuant to Public Law 90-494 and section 511 of the Foreign Service Act of 1946, as amended, all Foreign Service information officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service information officer unless he has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution, and unless he has been a citizen of the United States for at least 10 years and, if married, is married to a citizen of the United States. The religion, race, sex, and political affiliations of a candidate will not be considered in designations, examinations, or certifications.

(b) Notwithstanding the provisions of 5 U.S.C. 3320 the fact that any applicant is a veteran or disabled veteran, as defined in 5 U.S.C. 2108 (1) or (2) will be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service information officers.

§ 501.3 Appointment of FSIO as chief of mission.

(a) *Appointment by President.* Chiefs of mission are appointed by the President, by and with the advice and consent of the Senate. They may be career members of the Foreign Service or they may be appointed from outside the Service.

(b) *Recommendation of Foreign Service information officers.* On the basis of recommendations made by the Board of the Foreign Service and the Director of USIA, the Secretary of State from time to time furnishes the President with the names of Foreign Service information officers qualified for appointment as chiefs of mission. The names of these officers, together with pertinent information concerning them, are given to the President to assist him in selecting qualified candidates for appointment as chiefs of mission.

(c) *Status of Foreign Service information officers appointed as chiefs of mission.* Foreign Service information officers who are appointed as chiefs of mission retain their status as Foreign Service information officers.

§ 501.4 Noncompetitive interchange between Civil Service and Foreign Service.

(a) An agreement between the Civil Service Commission and the Agency under the provisions of Executive Order 11219 (3 CFR 1964–65 Comp. p. 303) provides for the noncompetitive appointment of present or former career or career-conditional Civil Service employees in the Foreign Service.

(b) Under this agreement former career personnel of the Agency's Foreign Service (FSCR, FSIO, or FSS), and such present personnel desiring to transfer, are eligible, under certain conditions, for noncompetitive career or career-conditional appointment in any Federal agency that desires to appoint them. The President has authorized the Civil Service Commission by Executive order to waive the requirement for competitive examination and appointment for such Agency career Foreign Service personnel.

(c) In order to provide a comparable basis for the appointment of career or career-conditional Civil Service employees in the Foreign Service, the Agency has agreed to waive written test requirements under certain conditions for career or unlimited appointment to the Foreign Service Staff Corps and to credit service under a Civil Service career type appointment toward the probationary period in the Staff Corps.

(d) In addition, the agreement recognizes the current provisions of the Foreign Service Act as a basis for the lateral entry appointment of present or former Civil Service personnel as Foreign Service information officers.

§ 501.5 Appointment to Class 7 or 8.

Appointment as a Foreign Service information officer of class 8, or of class 7, is governed by §§ 501.6—501.12.

§ 501.6 Written examination.

(a) *When and where given.* The written examination will usually be given annually in designated cities in the United States and at Foreign Service posts abroad on dates established by the Board of Examiners for the Foreign Service. Applicants must indicate in their applications whether they are applying for appointment as an FSO with the Department of State or for appointment as an FSIO with the United States Information Agency.

(b) *Designation to take the written examination.* No person will be permitted to take a written examination for appointment as Foreign Service information officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not as of that closing date filed an application with the Board. To be designated for the written examination a candidate, as of the date of the examination, shall have been a citizen of the United States for at least 7½ years and shall be at least 21 but under 31 years of age, except that an applicant who has been awarded a bachelor's degree by a college or university, or has completed successfully his junior year at a college or university, may qualify as to age if at least 20 but under 31 years of age.

(c) *Content.* The written examination is designed to permit the Board to test the candidate's intelligence and the breadth and quality of his knowledge and understanding. It will consist of four parts: (1) A general ability test, (2) an English expression test, (3) a general background test, and (4) three special optional tests: Option A—History, Government, Social Sciences, and Public Affairs; Option B—Administration; Option C—Economics and Commerce; one of which must be selected by the candidate except that candidates for the United States Information Agency will take Option A only.

(d) *Grading.* The several parts of the written examination are weighted in accordance with the rules laid down by the Board of Examiners.

§ 501.7 Oral examination.

The Board of Examiners for the Foreign Service has established the following rules regarding the oral examination:

(a) *When and where given.* The oral examination will be given throughout the year at Washington and periodically in selected cities in the United States and at selected Foreign Service posts abroad.

(b) *Eligibility.* If a candidate's weighted average on the four parts of the written examination is 70 or higher, he will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity and will be required to take the oral examination within 9 months after the date of the written examination. If a candidate fails to present himself for the oral examination on an agreed date within the 9-month period, his candidacy will automatically terminate except that time spent outside the United States and its territories for reasons acceptable to the Board of Examiners will not be counted against the 9-month period.

(c) *Examining process.* The oral examination will be given by a panel of deputy examiners selected by the Board of Examiners from a roster of Foreign Service officers, Foreign Service information officers, officers from the Department of State, the U.S. Information Agency and other Government agencies, and qualified private citizens who by prior service as members of selection boards or through other appropriate activities have demonstrated special qualifications for this work. The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine his competence to perform the work of a Foreign Service information officer at home and abroad, his potential for growth in the Service, and his suitability to serve as a representative of the United States abroad. Panels examining candidates for the Department of State will be chaired by a Foreign Service officer with the Department. Panels examining candidates for the United States Information Agency will be chaired by an officer from the Agency's Foreign Service. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(d) *Grading.* Candidates appearing for the oral examination will be graded "recommended for class 8," "recommended for class 7," or "not recommended." If recommended, the panel will assign a grade which will determine the candidate's numerical standing on the rank-order register of eligibles.

§ 501.8 Medical examination.

The Board of Examiners for the Foreign Service has established the following rules regarding the medical examination of candidates. (Regulations regarding medical examination of dependents are contained in the Foreign Affairs Manual available at the Department of State and U.S. Information Agency.)

(a) *Eligibility.* A candidate graded "recommended" on the oral examination will be eligible for the physical examination.

(b) *Purpose.* The medical examination is designed to determine the candidate's physical fitness to perform the duties of a Foreign Service information officer on a worldwide basis and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that he would become a satisfactory officer. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Director, Medical Division, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

(c) *Conduct of examination.* The medical examination will be conducted either

by medical officers of the Armed Forces, the Public Health Service, the Department, accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(d) *Determination.* The Board of Examiners will determine on the basis of the report of the physician(s) who conducted the medical examination whether the candidate has met the standards set forth in paragraph (b) in this section.

§ 501.9 Certification for appointment.

(a) No person will be certified as eligible for appointment as a Foreign Service information officer of class 8 unless he is at least 21 years of age, has been a citizen of the United States for at least 10 years, and, if married, is married to a citizen of the United States. A person shall be certified as eligible for direct appointment to class 7 if in addition to meeting these specifications he is at least 23 years old and has a record of 2 years of graduate training, employment, military service, or Peace Corps service which clearly demonstrates ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements, who pass their medical examinations, and who, on the basis of investigation, are found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on the rank-order register for class 8 appointments or, if deemed appropriate by the Board of Examiners in the light of their age and education or employment record, on the rank-order register for class 7 appointments, and they will be certified for appointment, in accordance with the needs of the Service, in the order of their standing on their respective registers.

(b) Separate registers for the Department of State candidates will be maintained according to the optional portions of the examination. Successful candidates for the U.S. Information Agency will have their names placed on a separate rank-order register and appointments will be made according to the needs of the Agency. Postponement of entrance on duty for required active military service, civilian Government service abroad, or Peace Corps volunteer service will be authorized. A candidate may be certified for appointment to class 7 or 8 without first having passed an examination in a foreign language, but his appointment will be subject to the condition that he may not receive more than one promotion unless, within a specified period of time, he achieves adequate proficiency in a foreign language.

§ 501.10 Leave-without-pay appointments.

In certain specified cases, leave-without-pay offers of appointment as Foreign Service Reserve officers may be made to candidates who have established their eligibility when such appointments will insure that well-qualified candidates will not be lost to the Service because they wish to continue advanced graduate studies that will improve their qualifications as future Foreign Service information officers. When they become available for duty they will be nominated for regular Foreign Service information officer appointments.

§ 501.11 Termination of eligibility.

(a) Candidates who have qualified but have not been appointed because of lack of vacancies will be dropped from the rank-order register 30 months after the date of the written examination: *Provided, however,* That reasonable time spent in civilian Government service abroad, including service as a Peace Corps volunteer or in required active military service subsequent to establishing eligibility for appointment will not be counted in the 30-month period.

(b) The Chairman of the Board of Examiners may extend the eligibility period when such extension is in his judgment justified in the interests of the Service. He shall report to the Board of Examiners the extensions he has approved.

§ 501.12 Travel expenses of candidates.

The travel and other personal expenses of candidates incurred in connection with the written and oral examination will not be borne by the Government, except that the Agency may issue round trip invitational travel orders to bring candidates for FSIO appointment to Washington at Government expense when it is determined that it is necessary in ascertaining a candidate's qualifications and adaptability for appointment.

§ 501.13 Lateral entry appointment of Foreign Service information officers to Classes 1 through 6.

Appointments of Foreign Service information officers, under the provisions of Public Law 90-494 and section 517 of the Foreign Service Act of 1946, as amended, are governed by this section.

(a) The lateral entry program is a means by which the intake of Foreign Service information officers through the junior Foreign Service information officer examination can be supplemented to meet total requirements for Foreign Service information officers. Lateral entry appointments are made only to Classes 1 through 6, insuring retention of the career principle of entry primarily at Classes 7 and 8 through competitive examination. Additional officers will be added to the Foreign Service Information Officer Corps through lateral entry on the basis of established service need for each class by functional specialty or general manpower requirements.

(b) The great majority of lateral entrants will be drawn from officers of the U.S. Information Agency of proven ability who possess high potential for advancement, or similar personnel of other foreign affairs agencies who may be appointed based on agreements between the Agency and those agencies.

(c) The need for other lateral entrants in Classes 1 through 6 is met by appointing applicants who are officers or former officers of other Federal Government agencies. Principally, these will be persons possessing skills and abilities in short supply in the Agency's Foreign Service appointed to meet rapidly changing requirements. On a limited and highly selective basis, however, other persons may be appointed who have demonstrated outstanding qualities of leadership and who possess capabilities, insights, techniques, experiences, and differences of outlook which would serve to enrich and stimulate the Agency's Foreign Service and enable them to perform effectively in assignments both abroad and in the Agency.

HEWSON A. RYAN,
Acting Director.

[F.R. Doc. 69-2531; Filed, Feb. 28, 1969; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7008]

FILING OF RETURNS AND OTHER DOCUMENTS WITH SERVICE CENTERS

On December 24, 1968, a notice of proposed rule making to amend 26 CFR Parts 170, 179, 194, 196, 197, 201, 240, 245, 296, and 301, with respect to filing returns and other documents with service centers, was published in the FEDERAL REGISTER (33 F.R. 19182). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

PARAGRAPH 1. Paragraph A is changed to recognize the amendments of § 170.91 made since publication of the notice of proposed rule making (33 F.R. 19182).

PAR. 2. Paragraph B13 is amended by striking "§ 179.180 reads" in the second sentence of the introductory paragraph and inserting in lieu thereof "§§ 179.180 and 179.181 read".

PAR. 3. Paragraph D1 is amended to change the number of the proposed new section from "§ 196.8a" to "§ 196.8b".

PAR. 4. Paragraph E7 is amended by inserting the word "tax" following "special (occupational)" in § 197.29d.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

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

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

Approved: February 25, 1969.

WILLIAM F. HELLMUTH, Jr.,
Acting Assistant Secretary of the Treasury.

In order to (1) conform 26 CFR Parts 179, 194, 196, 197, 201, 240, and 245 to the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89-713, 80 Stat. 1107), concerning the filing of returns and other documents with service centers; (2) conform 26 CFR Parts 170, 179, 194, 201, and 296 to existing rules in 26 CFR 301.6402-2(a)(2) and 301.6404-1(c) respecting the filing of claims; (3) implement an administrative decision respecting the adjudication by the assistant regional commissioner, alcohol and tobacco tax, of claims for refund or abatement of special tax; (4) simplify procedures for the amendment of special tax stamps by caterers who have multiple changes in location within a 30-day period; (5) provide for the filing of returns and other documents by hand carrying; and (6) conform 26 CFR 301.6402-2 and 301.6404-1, respecting the filing of claims, to existing rules in regulations administered by the Alcohol and Tobacco Tax Division, the regulations in 26 CFR Parts 170, 179, 194, 196, 197, 201, 240, 245, 296, and 301 are amended as follows:

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

PARAGRAPH A. 26 CFR Part 170 is amended as follows:

Section 170.91 is amended to provide that claims on Form 843 be filed with the assistant regional commissioner rather than with the district director and to provide for filing claims by hand carrying. As amended, § 170.91 reads as follows:

§ 170.91 Execution and filing of claim.

Claims to which this subpart is applicable shall be executed on Form 843 in accordance with instructions on the form and shall (except as hereinafter provided) be filed with the assistant regional commissioner for the region in which the tax was paid. (For provisions relating to hand-carried documents see § 301.6091-1(b) of this chapter.) Claims for credit or refund of taxes collected by directors of customs, to which the provisions of section 6423, I.R.C., are applicable and which Customs regulations (19 CFR Part 24) require to be filed with the assistant regional commissioner of the region in which the claimant is located, shall be executed and filed in accordance with applicable Customs regulations and this subpart. The claim shall set forth each ground upon which the claim is made in sufficient detail to apprise the assistant regional commissioner of the exact basis therefor. Allegations pertaining to the bearing of the ultimate burden relate to additional conditions which must be established for a claim to be allowed and are not in themselves legal grounds for allowance of a claim. There shall also be attached to the form and made a part of the claim the supporting data required by § 170.92. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim.

PART 179—MACHINE GUNS AND CERTAIN OTHER FIREARMS

PAR. B. 26 CFR Part 179 is amended as follows:

1. A new section, § 179.16a, is added, immediately following § 179.16, to define director of the service center. As added, § 179.16a reads as follows:

§ 179.16a Director of the Service Center.

"Director of the Service Center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 179.52 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide, and to make minor editorial changes. As amended, § 179.52 reads as follows:

§ 179.52 Registration, return, and payment of special (occupational) taxes.

Every person, prior to commencing any business taxable under section 5801, I.R.C., shall, for each place of business operated by such person, register, file a return (Form 11) with, and pay the proper tax to, the District Director of the internal revenue district in which each such place of business is located, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the Director of the Service Center serving the internal revenue district in which the place of business is located. Thereafter, such person shall, for each place of business, register, file a return (Form 11), and pay the proper tax on or before the 1st day of July each year during which he continues such business. If a person has paid special (occupational) taxes for a taxable year he will be furnished a return (Form 11), which shall be filled out and executed under penalty of perjury, for registration and tax payment for the succeeding taxable year if that person intends to continue in business. Properly completing, executing, and timely filing of a return (Form 11) will constitute compliance with section 5802, I.R.C. A person doing business under a style or trade name shall give his own name, followed by his style or trade name. In the case of a partnership, unincorporated association, firm, or company, other than a corporation, its style or trade name shall be given, also the name of each member and his place of residence. The class of business, as described in § 179.51, and the period for which special (occupational) tax is due, shall also be stated.

§ 179.52a [Amended]

3. Section 179.52a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

4. Section 179.52b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 179.52b reads as follows:

§ 179.52b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS-4 filed by the taxpayer. Form SS-4 may be obtained from the Director of the Service Center or from any District Director.

(b) An application on Form SS-4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS-4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

5. Section 179.52c is amended to provide for the filing of Form SS-4 with the director of the service center, where the instructions on or relating to Form SS-4 so provide. As amended, § 179.52c reads as follows:

§ 179.52c Execution of Form SS-4.

The application on Form SS-4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the District Director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS-4 so provide, Form SS-4 shall be filed with the Director of the Service Center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

6. A new section, § 179.52d, is added, immediately following § 179.52c, to provide for filing hand-carried returns with the district director. As added, § 179.52d reads as follows:

§ 179.52d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the Director of the Service Center and which are filed by hand carrying shall be filed with

the District Director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

7. Section 179.53 is amended to delete the reference to the issuance of special tax stamps by the district director. As amended, § 179.53 reads as follows:

§ 179.53 The special tax stamp, receipt for special (occupational) taxes.

Upon filing a properly completed and executed return (Form 11) accompanied by remittance of the full amount due, the taxpayer will be issued a special tax stamp as evidence of payment of the special (occupational) tax.

8. Section 179.55 is amended to provide for the issuance of a certificate in lieu of a lost or destroyed special tax stamp by the director of the service center. As amended, § 179.55 reads as follows:

§ 179.55 Certificates in lieu of stamps lost or destroyed.

When a special tax stamp has been lost or destroyed, such fact should be reported immediately to the Director of the Service Center who issued the stamp for the purpose of obtaining from him a certificate of payment in lieu of the lost or destroyed special tax stamp. Such certificate shall be posted in place of the stamp; otherwise liability will be incurred for failure to post the stamp.

9. Section 179.56 is amended to provide that changes of location be registered with the director of the service center. As amended, § 179.56 reads as follows:

§ 179.56 Engaging in business at more than one location.

A person shall pay the special (occupational) tax for each location where he engages in any business taxable under section 5801, I.R.C. However, a person paying a special (occupational) tax covering his principal place of business may utilize other locations solely for storage of firearms without incurring special (occupational) tax liability at such locations. A manufacturer, upon the single payment of the appropriate special (occupational) tax, may sell firearms of the type(s) covered by such tax, if such firearms are of his own manufacture, at the place of manufacture and at his principal office or place of business if no such firearms, except samples, are kept at such office or place of business. When a person changes the location of a business for which he has paid the special (occupational) tax, he will be liable for another such tax unless the change is properly registered with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued, as provided in § 179.64.

10. Section 179.60 is amended to provide that a successor to a business file Form 11 with the director of the service center. As amended, § 179.60 reads as follows:

§ 179.60 Changes through death of owner.

Whenever any person who has paid special (occupational) tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person shall, within 30 days after the date on which the successor begins to carry on the business, file a new return, Form 11, with the Director of the Service Center serving the internal revenue district in which the business is located. The return thus executed shall show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 179.66.)

11. Section 179.61 is amended to provide that changes through bankruptcy of a taxpayer be registered with the director of the service center. As amended, § 179.61 reads as follows:

§ 179.61 Changes through bankruptcy of owner.

A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special (occupational) tax liability. In such cases, the change shall be registered with the Director of the Service Center serving the internal revenue district in which the business is located in a manner similar to that required by § 179.60.

12. Section 179.64 is amended to provide that amended returns on Forms 11 showing a change in location be filed with the director of the service center. As amended, § 179.64 reads as follows:

§ 179.64 Notice by taxpayer.

Whenever a taxpayer removes his business to a location other than specified in his last special (occupational) tax return (see § 179.52), he shall, within 30 days after the date of removal, file another return (Form 11) with the Director of the Service Center serving the internal revenue district in which the special tax stamp was issued. Such return shall be designated as "removal registry," set forth the time of removal, and the address of the new location. The taxpayer's special tax stamp shall accompany the return for notation by the Director of the Service Center of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 179.66.

13. Sections 179.180 and 179.181 are amended to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center and to provide for filing claims by hand carrying. As amended, §§ 179.180 and 179.181 read as follows:

§ 179.180 Redemption of or allowance for stamps.

Where a "National Firearms Act" stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof or by refunding the amount or value thereof. Claim for redemption of the stamp should be filed on Form 843. Such claim shall be accompanied by the stamp or by a satisfactory explanation of the reason why the stamp cannot be returned, and shall be filed within 3 years after the purchase of the stamp. Claims filed prior to April 15, 1968, shall be filed with the District Director to whom the tax was paid. Claims filed after April 14, 1968, shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 830; 26 U.S.C. 6805)

§ 179.181 Refunds.

As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special (occupational) taxes. However, in exceptional cases, transfer tax, tax on the making of firearms, and/or special (occupational) tax may be paid pursuant to assessment. Claims for refund of such taxes, whether assessed or voluntarily paid, shall be filed on Form 843 within 3 years next after payment of the taxes. Claims filed prior to April 15, 1968, shall be filed with the District Director to whom the tax was paid or who assessed the tax. Claims filed after April 14, 1968, shall be filed with the Director of the Service Center serving the internal revenue district in which the tax was paid or assessed. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 808, 830; 26 U.S.C. 6511, 6805)

PART 194—LIQUOR DEALERS

PAR. C. 26 CFR Part 194 is amended as follows:

1. Section 194.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 194.11 reads as follows:

§ 194.11 Meaning of terms.

* * * * *

Director of the service center. A director of an internal revenue service center.

* * * * *

2. Section 194.27 is amended to provide for the filing of Form 11 with the

director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 194.27 reads as follows:

§ 194.27 Limited retail dealer; persons eligible.

Each person desiring to sell beer or wine, or both, to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen's organization desiring to sell beer or wine, or both, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, shall obtain, for each calendar month in which sales are to be made, a special tax stamp as a limited retail dealer in liquors: *Provided*, That no person or organization otherwise engaged in business as a dealer shall procure such limited special tax stamp. Application on Form 11 and payment of special tax at the rate specified in § 194.-101 shall be submitted to the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the sales are to be made, before any sales are made. If requested on Form 11, the director of the service center may issue the special tax stamp under the designation of (a) limited retail dealer in wine, if wine only is to be sold, or (b) limited retail dealer in beer, if beer only is to be sold.

(72 Stat. 1344, 1346; 26 U.S.C. 5122, 5142)

3. Section 194.55 is amended by adding a new paragraph (b) prescribing conditions under which additional liability to special (occupational) tax is incurred by caterers, and by making minor editorial changes. As amended, § 194.55 reads as follows:

§ 194.55 Caterers.

(a) *General.* Where a contract to furnish liquors is made by a caterer at his place of business where he holds a special tax stamp, no liability to special tax is incurred by the serving of the liquors at a different location.

(b) *Additional liability.* Where the contract of a caterer provides for the sale of liquors by the drink at a place, or simultaneously at different places, other than his place of business where he holds a special tax stamp, a separate liability to special tax is incurred at each such place.

(72 Stat. 1347; 26 U.S.C. 5143)

§§ 194.94, 194.152 [Amended]

4. Sections 194.94 and 194.152 are amended by changing "district director", wherever such term appears, to read "director of the service center who issued the stamp".

5. Paragraph (a) of § 194.104 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 194.-104(a) reads as follows:

§ 194.104 Filing return and payment of special tax.

(a) *Time for filing return.* Every person who intends to engage in a business subject to special tax under the provisions of this part shall, on or before the date such business is commenced, render a special tax return, Form 11, with remittance of tax to the district director of the internal revenue district in which the business is to be carried on, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located. The Form 11 and remittance of a dealer continuing business into a new fiscal year shall be rendered on or before July 1 of the new fiscal year.

* * * * *

(68A Stat. 732, 749, 72 Stat. 1346; 26 U.S.C. 6011, 6071, 5142)

6. Section 194.106 is amended to provide that Form 11 may be obtained from the director of the service center or from any district director. As amended, § 194.-106 reads as follows:

§ 194.106 Data required.

Special tax returns shall be made on Form 11, which may be procured from the director of the service center or from any district director. The dealer shall disclose in the spaces provided on the return—

(a) Where the dealer is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) Where a trade name is used, the exact trade name under which the business is conducted, in addition to information required in paragraphs (a) or (b) of this section;

(d) The employer identification number (see §§ 194.106a–194.106c);

(e) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(f) The kind of liquor business carried on, as classified in §§ 194.23–194.27;

(g) All other information provided for on the form.

(68A Stat. 732, 846, 75 Stat. 828; 26 U.S.C. 6011, 7011, 6109)

§ 194.106a [Amended]

7. Section 194.106a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

8. Section 194.106b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 194.106b reads as follows:

§ 194.106b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

9. Section 194.106c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 194.106c reads as follows:

§ 194.106c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

10. A new section, § 194.106d, is added, immediately following § 194.106c, to provide for filing hand-carried returns with the district director. As added, § 194.106d reads as follows:

§ 194.106d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

11. Section 194.107 is amended to provide that powers of attorney be filed with the internal revenue officer with whom

Form 11 is required to be filed. As amended, § 194.107 reads as follows:

§ 194.107 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a dealer by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Returns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the internal revenue officer with whom the Form 11 is required to be filed. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

12. Section 194.108 is amended to provide that applications for extension of time for filing Forms 11 be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 194.108 reads as follows:

§ 194.108 Extensions of time for filing returns.

The district director or the director of the service center may, before the tax is due and payable, grant such reasonable extension of time for the filing of Form 11 as he deems proper. Application for extension of time shall be made in writing to the internal revenue officer with whom Form 11 is required to be filed and shall contain a full recital of the causes of delay. Except in the case of taxpayers who are abroad, no such extension shall be more than 6 months.

(68A Stat. 751; 26 U.S.C. 6081)

13. Section 194.111 is amended to provide that statements requesting that a delinquency penalty be waived may be filed with the director of the service center. As amended, § 194.111 reads as follows:

§ 194.111 Delinquency penalty.

In every case where a special tax return is not filed at the time prescribed in § 194.104, or within any extension of time granted under § 194.108, the delinquency penalty specified in § 194.109 will be asserted and collected unless a reasonable cause for delay in filing the return is clearly established. A dealer who believes the circumstances which delayed his filing of the return are reasonable, and who desires to have the delinquency penalty waived, shall submit with his return a written statement under the penalties of perjury, affirmatively showing all of the circumstances alleged as reasonable causes for delay. If such return and statement are submitted to the district director or the director of the service center, the respective director shall determine whether the delay in filing was due to reasonable cause; if delivered to an internal revenue officer working under supervision of the assistant regional commissioner, the assistant regional commissioner shall make the determination. Any reason which appeals to a man of ordinary prudence and intelligence as a reasonable cause for the delay and which clearly shows no willful intent to avoid the provisions of the taxing statutes, or gross negligence, will be accepted as reasonable. Mere ignorance of the law will not be considered a reasonable cause.

(68A Stat. 821; 26 U.S.C. 6651)

14. Section 194.121 is amended to delete the reference to the issuance of stamps by the district director. As amended, § 194.121 reads as follows:

§ 194.121 Issuance of stamps.

Upon filing a return properly executed on Form 11, together with a remittance in the full amount due, the taxpayer will be issued an appropriately designated stamp. Special tax stamps will not be issued until the tax is fully paid.

(72 Stat. 1348; 26 U.S.C. 5144)

§§ 194.123, 194.130 [Amended]

15. Sections 194.123 and 194.130 are amended by changing "District directors", wherever such term appears, to read "Directors of service centers".

§ 194.124 [Amended]

16. Section 194.124 is amended (1) by changing "a district director" to read "the Internal Revenue Service", and (2) by deleting the phrase ", and on which posted" at the end of the last sentence to conform with section 204 of Public Law 90–618.

17. Section 194.126 is amended to make minor editorial changes. As amended, § 194.126 reads as follows:

§ 194.126 Stamps for supply boats or vessels.

Special tax stamps may be issued to persons carrying on the business of a retail dealer in liquor or a retail dealer in beer on supply boats or vessels operated by them, when such persons operate from a fixed address in a port or harbor and supply exclusively boats or other vessels, or persons thereon, at such port or harbor. Any person desiring to obtain a special tax stamp for such business shall specify on the Form 11, or on an attachment thereto, (a) that the business will consist of supplying exclusively boats, vessels, or persons thereon, (b) the name of the port or harbor at which the business is to be carried on, and (c) the fixed address from which operations are to be conducted. Where such sales are to be made from two or more supply boats or vessels, the dealer shall pay special tax and obtain a special tax stamp for each boat or vessel on which he will make such sales simultaneously; however, the dealer may transfer any such stamp from any boat or vessel on which he discontinues such sales to any other boat or vessel on which he proposes to conduct such business, without registering the transfer with the Internal Revenue Service. Special tax stamps issued for such retailing of liquors shall bear, in addition to the dealer's occupational classification, the phrase "on supply boats," and in the lower margin the notation, "Covers supplying exclusively of boats or vessels, or persons thereon, at the Port (or Harbor) of ----------."

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§§ 194.127, 194.133, 194.137 [Amended]

18. Sections 194.127, 194.133, and 194.137 are amended by changing "district director", wherever such term appears, to read "director of the service center".

§ 194.129 [Amended]

19. Section 194.129 is amended by changing "district directors" to read "directors of service centers".

20. Section 194.132 is amended to provide for the issuance of a certificate in lieu of a lost or destroyed special tax stamp by the director of the service center and to delete the reference to posting special (occupational) tax stamps and certificates in lieu of lost or destroyed stamps, to conform to section 204 of Public Law 90–618. As amended, § 194.132 reads as follows:

§ 194.132 Lost or destroyed.

If a special tax stamp has been lost or destroyed, the dealer shall immediately notify the director of the service center who issued the stamp. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the dealer who submits an affidavit showing to the satisfaction of the director of the service center that the stamp was lost or destroyed.

21. Section 194.134 is amended to provide that directors of service centers correct errors on special tax stamps. As amended, § 194.134 reads as follows:

§ 194.134 Errors disclosed by taxpayers.

On receipt of a special tax stamp, the dealer will examine it to insure that the name and address are correctly stated; if not, the taxpayer will return the stamp to the director of the service center who issued the stamp with a statement showing the nature of the error and the correct name or address. The director of the service center, on receipt of such stamp and statement, will compare the data on the stamp with that of the Form 11 in his files, correct the error if made in his office, and return the stamp to the taxpayer. However, if the error was in the taxpayer's preparation of the Form 11, the director of the service center will require such taxpayer to file a new Form 11, designated "Amended Return," setting forth the taxpayer's correct name and

address, and a statement explaining the error on the original Form 11. On receipt of the amended Form 11, and at satisfactory explanation of the error, the director of the service center will make the proper correction on the stamp and return it to the taxpayer.

22. Section 194.136 is amended to provide for the filing of amended returns on Form 11 with the director of the service center. As amended, § 194.136 reads as follows:

§ 194.136 General.

Where a dealer through error has filed a return and paid special tax for an incorrect period of liability or incorrect class of business, he shall prepare a correct Form 11 for each taxable year involved, designating it as an "Amended Return," and submit the amended return, or returns, with remittance for the total tax and additions to the tax (delinquency penalties and interest) incurred, to the district director or the director of the service center with whom the original Form 11 was filed or, if the error is discovered by an internal revenue officer, to such officer: *Provided*, That, subject to the limitations imposed by section 6511, I.R.C., the tax (including additions thereto) paid for the incorrect period of liability or incorrect class of business may be allowed as a credit against the correct tax (including any additions thereto) as provided in § 194.137 or § 194.139 on surrender of the incorrect stamp or stamps with the amended return or returns noted to show that credit is requested. Tax (including additions thereto) paid for a stamp for an incorrect period of liability or incorrect class of business which is not credited as provided in § 194.137 or §194.139, including any creditable tax and additions thereto in excess of the correct tax (including additions thereto), may be refunded pursuant to the provisions of Subpart M of this part where the dealer has filed a correct return on Form 11 with remittance for the correct amount of tax (including any additions thereto). A new stamp will be issued only in respect of a current period of liability.

(68A Stat. 732; 26 U.S.C. 6011)

23. The heading and text of §194.139 are amended to provide that the director of the service center credit the tax for an incorrect special tax stamp. As amended, the heading and text of § 194.139 read as follows:

§ 194.139 Credit for incorrect stamp.

The director of the service center may credit the tax (including additions thereto) paid for an incorrect stamp if the taxpayer has filed an amended return on Form 11, as provided in § 194.136, and has, with his amended return, surrendered the incorrect stamp for credit and submitted a remittance for the difference between the incorrect tax and the correct tax. Where the tax (and additions thereto) paid for the incorrect stamp surrendered exceeds the amount due, the director of the service center shall advise the dealer to file claim for refund of such excess on Form 843. The applicable provisions of Subpart M of this part shall govern claims for refund.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

24. Section 194.151 is amended (a) by changing "district director", wherever the term appears, to read "director of the service center", (b) by simplifying procedures for amending caterers' special tax stamps to register multiple changes in location, and (c) by making minor editorial changes. As amended, § 194.151 reads as follows:

§ 194.151 Amended return, Form 11; endorsement on stamp.

(a) *General.* A dealer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified on his original special tax return on Form 11, and stated on his special tax stamp, shall, within 30 days from the date he begins to carry on such business at the new location, register the change with the director of the service center who issued the stamp, by filing a new return on Form 11, designated "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the director of the service center for endorsement of the change in location: *Provided*, That the dealer may deliver the amended return and the stamp at any internal revenue office, or to any internal revenue officer inspecting the business, in lieu of submitting them directly to the director of the service center. The director of the service center or the internal revenue officer receiving such return and stamp shall, if the return is submitted to him within the 30-day period, enter the proper endorsement on the stamp and return it to the taxpayer.

(b) *Caterers.* Notwithstanding the provisions of paragraph (a) of this section, a caterer who has paid special tax for a location other than his place of business for which he holds a special tax stamp and who, during the period for which special tax for the other location was paid (as set out in § 194.55(b)) sells liquor by the drink at locations other than the address specified on his special tax stamp, shall, within 30 days of the date of the first such sale, register all changes in location during that period. Such registration shall be accomplished by filing with the director of the service center who issued the stamp a new return on Form 11, designated "Caterer-Amended Return," accompanied by Form 4440, in duplicate, showing the name and address of each place catered and the date and hour liquor sales were conducted at each address. A new registration on Form 4440 with a new amended return on Form 11 shall be filed within 30 days succeeding any sales not previously registered. However, if a caterer sells liquors by the drink simultaneously at two or more different locations, only one such location may be listed on Form 4440; and a special tax stamp must be purchased to cover each of the other locations at which liquors were sold simultaneously. On receipt of the Form 11 and attached Form 4440, the director of the service center shall, if the return was submitted within the 30-day period, endorse both copies of Form 4440 and return the duplicate copy to the taxpayer, who shall attach it to the applicable special tax stamp.

25. Section 194.169 is amended to change "district director", wherever the term appears, to read "director of the service center" and to make minor editorial changes. As amended, § 194.169 reads as follows:

§ 194.169 Change of control, persons having right of succession.

Certain persons other than the special-tax payer may, without paying additional special tax, secure the right to carry on the same business at the same address for the remainder of the taxable period for which the special tax was paid. Such persons are—

(a) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased dealer;

(b) A husband or wife succeeding to the business of his or her living spouse;

(c) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

(d) The partner or partners remaining after death or withdrawal of a member of a partnership.

In order to secure such right, the person or persons continuing the business shall file with the director of the service center who issued the stamp, within 30 days from the date on which the successor begins to carry on the business, an amended special tax return on Form 11, showing the basis of the succession, and shall surrender the unexpired special tax stamp for endorsement of the change in control: *Provided*, That the person succeeding to the business may deliver the amended return and stamp at any internal revenue office, or to any internal revenue officer inspecting the business, in lieu of submitting them to the director of the service center. If the applicant has the right of succession and the return and stamp are submitted on time, the director of the service center or other internal revenue officer receiving them will enter the proper endorsement on the stamp and return it to the successor.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

26. Section 194.201 is amended (a) to remove specific references to adjudication of claims by assistant regional commissioners, (b) to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center, and (c) to provide for filing claims by hand carrying. As amended, § 194.201 reads as follows:

§ 194.201 Claims.

Claims for abatement of assessment of special tax (including penalties and interest), or for refund of an overpayment of special tax (including interest and penalties), shall be filed on Form 843. Claims filed prior to April 15, 1968, shall be filed with the district director to

whom the special tax was paid or who assessed the tax. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid or assessed. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b), 301.6402–2(a), and 301.6404–1(c) of this chapter.) Each claim shall set forth in detail each ground on which it is made and shall contain facts sufficient to apprise the Internal Revenue Service of the exact basis thereof. If the claim is for refund of special tax for which a stamp was issued, such stamp shall be attached to and made a part of the claim, or the claimant shall include in his claim evidence satisfactory to the Internal Revenue Service that the stamp cannot be submitted.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

PART 196—STILLS

PAR. D. 26 CFR Part 196 is amended as follows:

1. A new section, § 196.8b, is added, immediately following § 196.8a to define director of the service center. As added, § 196.8b reads as follows:

§ 196.8b Director of the service center.

"Director of the service center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 196.32 is amended to make minor conforming changes. As amended, § 196.32 reads as follows:

§ 196.32 Action by assistant regional commissioner.

The assistant regional commissioner will determine in each instance whether changes, repairs, or alterations of any still or condenser constitute the manufacture of a new still or condenser, and will in each case notify the manufacturer of his decision. In any instance where tax liability has been incurred, the assistant regional commissioner will promptly notify the appropriate district director or director of the service center of such tax liability. The district director or director of the service center will thereupon take appropriate action to collect the required special taxes. Such investigations and inspections in connection therewith will be made as the assistant regional commissioner deems necessary. In the event of doubt whether the changes, repairs, or alterations of any still or condenser are of such nature or extent as to incur tax, the assistant regional commissioner will refer the case, together with all the evidence available, including a sketch of the apparatus showing the extent of new materials and replacements, to the Director, Alcohol and Tobacco Tax Division, for a ruling.

(72 Stat. 1339; 26 U.S.C. 5102)

3. Section 196.34 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 196.34 reads as follows:

§ 196.34 Special tax return.

Special (occupational) taxes imposed on manufacturers of stills or condensers and the special (commodity) taxes on such articles will be paid by the manufacturer pursuant to the filing of a special tax return, Form 11, showing the information required by the headings on the form and the instructions thereon or issued in respect thereto. Special tax returns on Form 11 shall be filed with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the place of manufacture is located.

§ 196.34a [Amended]

4. Section 196.34a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

5. Section 196.34b is amended to make minor editorial and conforming changes, to delete paragraph (b) and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 196.34b reads as follows:

§ 196.34b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

6. Section 196.34c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 196.34c reads as follows:

§ 196.34c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business or manufactures a commodity subject to special tax under this part, except that where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

7. A new section, § 196.34d is added, immediately following § 196.34c, to provide for filing hand-carried returns with the district director. As added, § 196.34d reads as follows:

§ 196.34d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

8. Section 196.35 is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 196.35 reads as follows:

§ 196.35 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by an authorized member of the firm; and the return of a corporation shall be signed by an authorized officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney-in-fact, his signature should be preceded by the name of the principal followed by his title. Returns signed by persons as agents will not be accepted unless they file with the internal revenue officer with whom the Form 11 is required to be filed a power of attorney, authorizing them so to act. Form 11 must contain or be verified by a written declaration that it has been executed under the penalties of perjury.

(68A Stat. 749, 846; 26 U.S.C. 6065, 7011)

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

PAR. E. 26 CFR Part 197 is amended as follows:

1. A new section, § 197.8a, is added, immediately following § 197.8, to define director of the service center. As added, § 197.8a reads as follows:

§ 197.8a Director of the service center.

"Director of the service center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 197.28 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 197.28 reads as follows:

§ 197.28 Filing of return and payment of special tax.

Returns shall be executed on Form 11, and shall be filed, with remittances, with the district director for the district in which the place of manufacture is located, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the place of manufacture is located.

3. Section 197.29 is amended to provide that Form 11 may be obtained from the director of the service center or from any district director. As amended, § 197.29 reads as follows:

§ 197.29 General.

Special-tax returns, Form 11, may be procured from the director of the service center or from any district director and shall disclose, in the spaces provided, the following:

(a) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business is conducted.

(b) The employer identification number (see §§ 197.29a–197.29c);

(c) The exact location of the place of business, as by name and number of building or street, and where these do not exist, by some particularization in addition to the post office address.

(d) The kind of business carried on.

(e) Except in the case of a corporation, the true names of all persons having a proprietary interest in the business. While it is not necessary that the names of all persons having a proprietary interest in the business appear on the special-tax stamp, the names must be disclosed on the return, Form 11.

§ 197.29a [Amended]

4. Section 197.29a is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

5. Section 197.29b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 197.29b reads as follows:

§ 197.29b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

6. Section 197.29c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 197.29c reads as follows:

§ 197.29c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

7. A new section, § 197.29d, is added, immediately following § 197.29c, to provide for filing hand-carried returns with the district director. As added, § 197.29d reads as follows:

§ 197.29d Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

8. Section 197.30 is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 197.30 reads as follows:

§ 197.30 Signature.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity, as "individual owner," "member or firm," or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns executed by persons as agents will not be accepted unless they file with the internal revenue officer with whom Form 11 is required to be filed a power of attorney authorizing them so to act.

9. Section 197.40 is amended to make editorial and conforming changes. As amended, § 197.40 reads as follows:

§ 197.40 Issuance of stamps.

Each manufacturer of nonbeverage products, upon filing a properly executed return on Form 11, together with the proper remittance in the full amount due, will be issued a special-tax stamp designated "Manufacturer of Nonbeverage Products." Such special-tax stamp may not be sold or otherwise transferred to another person.

10. The heading and text of § 197.41 are amended to provide for the issuance of a certificate in lieu of a lost or destroyed special tax stamp by the director of the service center and to delete the reference to posting special (occupational) tax stamps, to conform to section 204 of Public Law 90–618. As amended, the heading and text of § 197.41 read as follows:

§ 197.41 Lost or destroyed stamps.

If a special tax stamp is lost or accidentally destroyed, the taxpayer should immediately notify the director of the service center who issued the stamp, who will issue to the taxpayer a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp."

11. Section 197.42 is amended to provide that directors of service centers correct errors on special tax stamps. As amended, § 197.42 reads as follows:

§ 197.42 Corrections of errors on stamps.

On receipt of a special-tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated thereon. If an error has been made the stamp should be returned to the director of the service center who issued the stamp, with a statement showing the nature of the error and setting forth the proper name or address. The director of the service center, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the director of the service center has been made, he will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the director of the service center

will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will make the proper correction on the stamp, and return it to the taxpayer.

12. Section 197.43 is amended to provide that changes of location be registered with the director of the service center and to make a minor technical change. As amended, § 197.43 reads as follows:

§ 197.43 General.

A special-tax payer who, during the fiscal year for which special tax was paid, removes his place of manufacture to a place other than that specified in his special-tax stamp, shall register the change with the director of the service center who issued the stamp within 90 days after he moves into the new premises, by executing a new return on Form 11, designated as "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special-tax stamp to the director of the service center who issued the stamp for endorsement of the change in location.

(72 Stat. 1374; 26 U.S.C. 5143)

§§ 197.46, 197.50 [Amended]

13. Sections 197.46 and 197.50 are amended by changing "district director", wherever such term appears, to read "director of the service center", and by changing "must", wherever such term appears, to read "shall".

14. Section 197.48 is amended to provide that a successor to a business file Form 11 with the director of the service center. As amended, § 197.48 reads as follows:

§ 197.48 General.

Certain persons other than the special-tax payer may, without paying additional special tax, be eligible to the same privileges granted by law to the taxpayer during the remainder of the fiscal year for which the special tax was paid. To secure such right, such person or persons shall file with the director of the service center who issued the stamp, within 90 days after the date on which the successor or successors assume control, a return on Form 11, showing the basis of the succession.

15. Sections 197.55 and 197.58 are amended to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center and to provide for filing claims by hand carrying. As amended, §§ 197.55 and 197.58 read as follows:

§ 197.55 Change to higher rate.

A manufacturer of nonbeverage products who pays a special tax of $25 per annum and has filed or intends to file a claim or claims for drawback covering distilled spirits in excess of 25 proof gallons used during the year for which the special tax was paid shall pay special tax of $50 or $100, as the case may be, and obtain a stamp therefor. On payment of the special tax at the higher rate, the manufacturer may surrender the special tax stamp showing payment of $25, with a claim on Form 843 for refund. Claims filed prior to April 15, 1968, shall be filed with the district director to whom the special tax was paid. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.) Similar procedure will govern in the case of a manufacturer of nonbeverage products who pays special tax of $50 and has filed or intends to file claim for drawback covering distilled spirits used in excess of 50 proof gallons.

(68A Stat. 791; 26 U.S.C. 6402)

§ 197.58 Filing of claims.

Claim for refund of special tax shall be filed on Form 843. Claims filed prior to April 15, 1968, shall be filed with the district director to whom the special tax was paid. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.) The claim shall set forth in detail and state each ground upon which it is made, and facts sufficient to apprise the assistant regional commissioner of the exact basis thereof. The special tax stamp shall be attached to the claim.

(68A Stat. 791; 26 U.S.C. 6402)

16. Section 197.111 is amended to make minor editorial and conforming changes. As amended, § 197.111 reads as follows:

§ 197.111 Identification of special tax stamp.

If special tax has been paid, the claim shall be accompanied by a statement identifying the special tax stamp by serial number, denomination, and fiscal year for which issued, and the internal revenue office from which issued.

PART 201—DISTILLED SPIRITS PLANTS

PAR. F. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 201.11 reads as follows:

§ 201.11 Meaning of terms.

* * * * *

Director of the service center. A director of an internal revenue service center.

* * * * *

2. Section 201.31 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide and to delete the reference to posting special (occupational) tax stamps, to conform to section 204 of Public Law 90–618. As amended, § 201.31 reads as follows:

§ 201.31 Rectifier's special tax.

Every person engaging in business as a rectifier, within the meaning of the term as defined in Subpart B of this part, shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay special tax at the applicable rate prescribed in section 5081, I.R.C. The tax is imposed as of the first day of July in each year, or on commencing such business. In the former case the tax is reckoned for 1 year and in the latter case it is reckoned proportionately from the first day of the month in which the liability to special tax commenced and to and including the 30th day of June following. Section 5142, I.R.C., provides that no person shall engage in or carry on the business of a rectifier until he has paid the special tax therefor.

(68A Stat. 846, 72 Stat. 1338, 1346, 1347; 26 U.S.C. 7011, 5081, 5082, 5142, 5143)

3. Section 201.32 is amended to provide that claims on Form 843 filed after April 14, 1968, be filed with the director of the service center and to provide for filing claims by hand carrying. As amended, § 201.32 reads as follows:

§ 201.32 Change to higher or lower rate.

A rectifier who has paid the special tax as a rectifier of less than 20,000 proof gallons and who exceeds that quantity shall immediately file with the district director an amended Form 11, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay the special tax as a rectifier of 20,000 proof gallons or more. The rectifier may submit the stamp representing the special tax paid at the lower rate with a claim on Form 843 for refund of such tax. A rectifier who has paid special tax at the higher rate, but actually rectifies less than 20,000 proof gallons of spirits or wines during the year, may file an amended Form 11 as provided in this section, and pay the special tax as a rectifier of less than 20,000 proof gallons. The rectifier may submit the stamp representing the special tax paid at the higher rate with a claim on Form 843 for refund of such tax. Claims filed prior to April 15, 1968, shall be filed with the district director to whom the special tax was paid. Claims filed after April 14, 1968, shall be filed with the director of the service center serving the internal revenue district in which the special tax was paid. (For provisions relating to hand-carried documents and manner of filing, see §§ 301.6091–1(b) and 301.6402–2(a), respectively, of this chapter.)

(68A Stat. 791, 830, 72 Stat. 1338; 26 U.S.C. 6402, 6805, 5081)

4. Section 201.32b is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed and to

make a minor technical change. As amended, § 201.32b reads as follows:

§ 201.32b Execution of Form 11.

The return on Form 11 of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a rectifier by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Returns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the internal revenue officer with whom Form 11 is required to be filed. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

§ 201.32c [Amended]

5. Section 201.32c is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

6. Section 201.32d is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 201.32d reads as follows:

§ 201.32d Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11 but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

7. Section 201.32e is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 201.32e reads as follows:

§ 201.32e Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

8. A new section, § 201.32f, is added, immediately following § 201.32e, to provide for filing hand-carried returns with the district director. As added, § 201.32f reads as follows:

§ 201.32f Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§§ 201.380a, 201.451a [Amended]

9. Sections 201.380a and 201.451a are amended by deleting the phrase "on or after October 1, 1962" at the end of the first sentence.

10. Section 201.380b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 201.380b reads as follows:

§ 201.380b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 2521 or Form 2522, but who prior to the filing of his first return on Form 2521 or Form 2522 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2521 or Form 2522 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

11. Sections 201.380c and 201.451c are amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, §§ 201.380c and 201.451c read as follows:

§ 201.380c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e. Form SS–4 shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2521 or 2522, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district.

(75 Stat. 828; 26 U.S.C. 6109)

§ 201.451c Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 201.32e. Form SS–4 shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2523 or 2527, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district.

(75 Stat. 828; 26 U.S.C. 6109)

PART 240—WINE

PAR. G. 26 CFR Part 240 is amended as follows:

1. Section 240.19a is redesignated at § 240.19b, and a new § 240.19a is added to define director of the service center. As added, § 240.19a reads as follows:

§ 240.19a Director of the service center.

"Director of the service center" shall mean the Director, Internal Revenue Service Center, in each of the internal revenue regions.

2. Section 240.343 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 240.343 reads as follows:

§ 240.343 Annual special tax.

The special tax year commences on July 1 and ends on June 30 of the next year. All persons liable for special tax shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal

revenue district in which the business is located, and pay the special tax to him on or before July 1 of each year. If the Form 11, with remittance, is not actually delivered to the district director or the director of the service center on or before July 1, the date of the postmark stamped on the cover in which such return is mailed, if made by a U.S. post office, shall be deemed to be the date of filing.

(68A Stat. 846, 895, 72 Stat. 1346, 1347; 26 U.S.C. 7011, 7502, 5142, 5143)

3. Section 240.344 is amended to make a conforming change. As amended, § 240.344 reads as follows:

§ 240.344 Business commenced after July.

Where business is commenced after July, the tax will be prorated from the first day of the month in which business was commenced to June 30 following. In such case, if the Form 11, with remittance, is not actually delivered to the district director or the director of the service center before the day on which the business was commenced, the date of the postmark stamped on the cover in which such return is mailed, if made by a United States post office, shall be deemed to be the date of filing.

(72 Stat. 1346, 1347; 26 U.S.C. 5141, 5143)

4. A new section, § 240.345, is added, immediately following § 240.344, to provide for filing hand-carried returns with the district director. As added, § 240.345 reads as follows:

§ 240.345 Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special ((occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

§ 240.594a [Amended]

5. Section 240.594a is amended by deleting the phrase "on or after October 1, 1962" at the end of the first sentence.

6. Section 240.594b is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 240.594b reads as follows:

§ 240.594b Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 2050 or Form 2052, but who prior to the filing of his first return on Form 2050 or Form 2052 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2050 or Form 2052 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

7. Section 240.594c is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 240.594c reads as follows:

§ 240.594c Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2050 or 2052, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

PART 245—BEER

PAR. H. 26 CFR Part 245 is amended as follows:

1. Section 245.5 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 245.5 reads as follows:

§ 245.5 Meaning of terms.

* * * * *

Director of the service center. "Director of the service center" shall mean the director of the internal revenue service center in each of the internal revenue regions.

* * * * *

2. Section 245.76 is amended to provide for the filing of Form 11 with the director of the service center, where the instructions on or relating to Form 11 so provide. As amended, § 245.76 reads as follows:

§ 245.76 Special tax return.

Every person liable to special tax shall render his return on Form 11 with remittance to the district director of the district in which the business is carried on, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 245.76b [Amended]

3. Section 245.76b is amended by deleting the phrase "for any period commencing after September 30, 1962" at the end of the first sentence.

4. Section 245.76c is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 245.76c reads as follows:

§ 245.76c Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 11, but who prior to the filing of his first return on Form 11 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 11 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number regardless of the number of places of business for which the taxpayer is required to file Form 11.

(75 Stat. 828; 26 U.S.C. 6109)

5. Section 245.76d is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 245.76d reads as follows:

§ 245.76d Execution of Form SS–4.

The application on Form SS–4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the district director of any internal revenue district in which the taxpayer operates a business subject to special tax, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district. The application shall be signed by (a) the individual, if the person is an individual; (b) the president, vice president, or other principal officer, if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (d) the fiduciary, if the person is a trust or estate.

(75 Stat. 828; 26 U.S.C. 6109)

6. A new section, § 245.76e, is added, to provide for filing hand-carried returns with the district director. As added, § 245.76e reads as follows:

§ 245.76e Hand-carried returns.

Notwithstanding the provisions of this part relating to the filing of returns on Form 11 for special (occupational) tax, such returns which are required, by the instructions on the form or issued in respect thereof, to be filed with the director of the service center and which are filed by hand carrying shall be filed with the district director of the internal revenue district in which the taxpayer's business is located.

(68A Stat. 752, as amended; 26 U.S.C. 6091)

7. Section 245.77 is amended to provide that powers of attorney be filed with the internal revenue officer with whom Form 11 is required to be filed. As amended, § 245.77 reads as follows:

§ 245.77 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by any one of the partners; the return of a corporation shall be signed by any officer. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney in fact, his signature should be preceded by the name of the principal and be followed by his title. A return signed by a person as agent will not be accepted unless there is filed with the internal revenue officer with whom Form 11 is required to be filed a power of attorney authorizing the agent to perform such act. Form 11 must contain or be verified by a written declaration that it has been executed under penalties of perjury.

(68A Stat. 748, 749, 757, 846; 26 U.S.C. 6061, 6065, 6151, 7011)

8. Section 245.97 is amended to provide that amended returns on Form 11 showing a change in name be filed with the director of the service center. As amended, § 245.97 reads as follows:

§ 245.97 Change in name; amended Form 11.

Where there is a change in the corporate name or firm name, or in the trade name, or names, the brewer shall, within 30 days after such change is made, file with the director of the service center who issued the stamp an additional return on Form 11, covering the new corporate name, firm name, or trade name or names, as the case may be. The special tax stamp, or stamps, shall be forwarded to the director of the service center who issued the stamp for appropriate notation with respect to such change.

(68A Stat. 846; 26 U.S.C. 7011)

9. Section 245.98 is amended to provide that a successor to a business file Form 11 with the director of the service center, and to make a minor technical change. As amended, § 245.98 reads as follows:

§ 245.98 Liability; change in proprietorship.

Where there is a change in proprietorship of the brewery, the successor shall procure the required special tax stamps: *Provided*, That persons having right of succession as provided in § 245.99, may carry on the business for the remainder of the period for which the special tax was paid, if, within 30 days after the date on which such successor begins to carry on the business, a return on Form 11 showing the basis of the succession is filed with the director of the service center who issued the stamp. The person so succeeding to a business for which special tax has been paid and who fails to register such succession as provided in this subpart is liable for special tax computed from the first day of the calendar month in which he began to carry on such business.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

10. Section 245.100 is amended to provide that amended returns on Form 11 showing a change in location be filed with the director of the service center, and to make a minor technical change. As amended, § 245.100 reads as follows:

§ 245.100 Liability; change in location.

Where there is a change in location, the brewer shall, within 30 days after such change is made, file with the director of the service center who issued the stamp an amended return on Form 11 covering the new location of the brewery; otherwise, new special tax stamps shall be purchased. The special tax stamp, or stamps, shall be forwarded to the director of the service center for endorsement of the change in location.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 245.117d [Amended]

11. Section 245.117d is amended by deleting the phrase "on or after October 1, 1962" at the end of the first sentence.

12. Section 245.117e is amended to make minor editorial and conforming changes, to delete paragraph (b), and to redesignate paragraphs (c) and (d) as paragraphs (b) and (c). As amended, § 245.117e reads as follows:

§ 245.117e Application for employer identification number.

(a) An employer identification number will be assigned pursuant to application on Form SS–4 filed by the taxpayer. Form SS–4 may be obtained from the director of the service center or from any district director.

(b) An application on Form SS–4 for an employer identification number shall be made by every taxpayer who files a return on Form 2034, but who prior to the filing of his first return on Form 2034 has neither secured an employer identification number nor made application therefor. Such application on Form SS–4 shall be filed on or before the seventh day after the date on which such first return on Form 2034 is filed.

(c) Each taxpayer shall make application for and shall be assigned only one employer identification number, regardless of the number of places of business for which the taxpayer is required to file a tax return under the provisions of this part.

(75 Stat. 828; 26 U.S.C. 6109)

13. Section 245.117f is amended to provide for the filing of Form SS–4 with the director of the service center, where the instructions on or relating to Form SS–4 so provide. As amended, § 245.117f reads as follows:

§ 245.117f Execution of Form SS–4.

The application on Form SS–4 shall be prepared in accordance with the provisions of § 245.76d. Form SS–4 shall be filed with the district director of any internal revenue district in which the applicant is required to file returns on Forms 2034, except that, where the instructions on or relating to Form SS–4 so provide, Form SS–4 shall be filed with the director of the service center serving such district.

(75 Stat. 828; 26 U.S.C. 6109)

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

PAR. I. 26 CFR Part 296 is amended as follows:

Section 296.7 is amended to provide that claims on Form 843 be filed with the assistant regional commissioner rather than with the district director and to provide for filing claims by hand carrying. As amended, § 296.7 reads as follows:

§ 296.7 Execution and filing of claim.

Claims to which this subpart is applicable shall be executed on Form 843 in accordance with instructions on the form and shall be filed with the assistant regional commissioner for the region in which the tax was paid. (For provisions relating to hand-carried documents see § 301.6091–1(b) of this chapter.) The claim shall set forth each ground upon which the claim is made in sufficient detail to apprise the assistant regional commissioner of the exact basis therefor. Allegations pertaining to the bearing of the ultimate burden relate to additional conditions which must be established for a claim to be allowed and are not in themselves legal grounds for allowance of a claim. There shall also be attached to the form and made a part of the claim the supporting data required by § 296.8. All evidence relied upon in support of such claim shall be clearly set forth and submitted with the claim.

SUBCHAPTER F—PROCEDURES AND ADMINISTRATION

PART 301—PROCEDURES AND ADMINISTRATION

PAR. J. 26 CFR Part 301 is amended as follows:

1. Section 301.6091–1(b) is amended to provide that a document required to be filed with the office of the assistant regional commissioner (alcohol and tobacco tax) may be hand carried to that office. As amended, § 301.6091–1(b) reads as follows:

§ 301.6091–1 Place for filing returns and other documents.

* * * * *

(b) *Exception for hand-carried documents other than returns.* Notwithstanding any other provisions of this chapter—

(1) *Persons other than corporations.* If a document, other than a return, of a person (other than a corporation) is hand carried, and if the document is otherwise required to be filed with a service center, such document may be filed with the district director for the internal revenue district in which is located the legal residence or principal place of business of such person. A document may also be filed by hand carrying such document to the appropriate service center, or, in the case of a document required to be filed (i) with the Office of International Operations, by hand carrying to such Office, or (ii) with the office of the assistant regional commissioner (alcohol and tobacco tax), by hand carrying to such office.

(2) *Corporations.* If a document, other than a return, of a corporation is hand carried, and if the document is otherwise required to be filed with a service center, such document may be filed with the district director for the internal revenue district in which is located the principal place of business or principal office or agency of the corporation. A document may also be filed by hand carrying such document to the appropriate service center, or, in the case of a document required to be filed (i) with the Office of International Operations, by hand carrying to such Office, or (ii) with the office of the assistant regional commissioner (alcohol and tobacco tax), by hand carrying to such office.

2. Sections 301.6402–2(a) and 301.6404–1(c) are amended to provide for the filing of certain claims with the assistant regional commissioner (alcohol and tobacco tax). As amended, §§ 301.6402–2(a) and 301.6404–1(c) read as follows:

§ 301.6402–2 Claims for credit or refund.

(a) *Requirement that claim be filed.* * * *

(2) In the case of a claim filed prior to April 15, 1968, the claim together with appropriate supporting evidence shall be filed in the office of the internal revenue officer to whom the tax was paid or with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), in the case of a claim filed after April 14, 1968, the claim, together with appropriate supporting evidence, shall be filed (i) with the Director of International Operations if the tax was paid to him or (ii) with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer; otherwise, the claim with appropriate supporting evidence must be filed with the service center serving the internal revenue district in which the tax was paid. As to interest in the case of credits or refunds, see section 6611. See section 7502 for provisions treating timely mailing as timely filing and section 7503 for time for filing claim when the last day falls on Saturday, Sunday, or legal holiday.

§ 301.6404–1 Abatements.

* * * * *

(c) Except in case of income, estate, or gift tax, if more than the correct amount of tax, interest, additional amount, addition to the tax, or assessable penalty is assessed but not paid to the district director, the person against whom the assessment is made may file a claim for abatement of such overassessment. Each claim for abatement under this section shall be made on Form 843. In the case of a claim filed prior to April 15, 1968, the claim shall be filed in the office of the internal revenue officer by whom the tax was assessed or with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer. Except as provided in paragraph (b) of § 301.6091–1 (relating to hand-carried documents), in the case of a claim filed after April 14, 1968, the claim shall be filed (1) with the Director of International Operations if the tax was assessed by him, or (2) with the assistant regional commissioner (alcohol and tobacco tax) where the regulations respecting the particular tax to which the claim relates specifically require the claim to be filed with that officer; otherwise, the claim shall be filed with the service center serving the internal revenue district in which the tax was assessed. Form 843 shall be made in accordance with the instructions relating to such form.

[F.R. Doc. 69–2555; Filed, Feb. 28, 1969; 8:51 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7007]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Filing of Special Tax Returns With Service Centers

On December 24, 1968, a notice of proposed rule making to amend 26 CFR Parts 250 and 251, with respect to the filing of returns on Forms 11 for special (occupational) tax with service centers, was published in the FEDERAL REGISTER (33 F.R. 19196). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 30-day period prescribed in the notice, and the amendments as published in the FEDERAL REGISTER are hereby adopted.

This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days after the date of its publication in the FEDERAL REGISTER.

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

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

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: February 25, 1969.

WILLIAM F. HELLMUTH, Jr.,
Acting Assistant Secretary of the Treasury.

In order to provide, in certain instances, for the filing of returns on Forms 11 for special (occupational) tax with service centers to conform with the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89–713, 80 Stat. 1107), the regulations in 26 CFR Parts 250 and 251 are amended as follows:

PARAGRAPH A. Title 26 CFR Part 250 is amended as follows:

1. Section 250.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 250.11 reads as follows:

§ 250.11 Meaning of terms.

* * * * *

Director of the service center. A director of an internal revenue service center.

* * * * *

2. Sections 250.44 and 250.210 are amended to provide for the filing of Forms 11 with the director of the service center where the instructions on or relating to Form 11 so provide. As amended, §§ 250.44 and 250.210 read as follows:

§ 250.44 Liquor dealer's special taxes.

Every person bringing liquors into the United States from Puerto Rico, who sells, or offers for sale, such liquors shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay special (occupational) tax as a wholesale dealer in liquor or as a retail dealer in liquor in accordance with the law and regulations governing the payment of such special taxes (Part 194 of this chapter).

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5112, 5121, 5122)

§ 250.210 Liquor dealer's special taxes.

Every person bringing liquors into the United States from the Virgin Islands, who sells, or offers for sale, such liquors shall file Form 11 with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, and pay special (occupational) tax as a wholesale dealer in liquor or as a retail dealer in liquor, in accordance with the law and regulations governing the payment of such special taxes (Part 194 of this chapter).

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5112, 5121, 5122)

PAR. B. Title 26 CFR Part 251 is amended as follows:

1. Section 251.11 is amended by inserting in alphabetical order a definition of director of the service center. As amended, § 251.11 reads as follows:

§ 251.11 Meaning of terms.

* * * * *

Director of the service center. A director of an internal revenue service center.

* * * * *

2. Section 251.30 is amended to provide for the filing of Forms 11 with the director of the service center where the instructions on or relating to Form 11 so provide. As amended, § 251.30 reads as follows:

§ 251.30 Special (occupational) tax.

Importers engaged in the business of selling, or offering for sale, distilled spirits, wines, or beer are subject to the provisions of Part 194 of this chapter relating to special (occupational) taxes, which part requires that the special tax return, Form 11, with remittance of the tax, shall be filed with the district director, except that, where instructions on or relating to Form 11 so provide, Form 11 shall be filed with the director of the service center serving the internal revenue district in which the business is located, on or before July 1 of each year, or before commencing business.

(72 Stat. 1340, 1343, 1346; 26 U.S.C. 5111, 5121, 5142)

[F.R. Doc. 69-2554; Filed, Feb. 28, 1969; 8:51 a.m.]

Title 7—AGRICULTURE

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

[Lemon Reg. 363]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.663 Lemon Regulation 363.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 2, 1969, through March 8, 1969, are hereby fixed as follows:

(i) District 1: 9,300 cartons;

(ii) District 2: 195,300 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 27, 1969.

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

[F.R. Doc. 69-2577; Filed, Feb. 28, 1969; 8:52 a.m.]

[Grapefruit Reg. 55]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.355 Grapefruit Regulation 55.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to

submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period March 3, 1969, through March 9, 1969, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 28, 1969.

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

[F.R. Doc. 69–2627; Filed, Feb. 28, 1969; 11:18 a.m.]

[Grapefruit Reg. 23]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.323 Grapefruit Regulation 23.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 3, 1969, through March 9, 1969, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: February 28, 1969.

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

[F.R. Doc. 69–2628; Filed, Feb. 28, 1969; 11:18 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages for 1968–69 Crop Year

Pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, the salable and reserve percentages previously established (§ 993.204; 33 F.R. 12033) and modified (33 F.R. 17311) for California dried prunes for the 1968–69 crop year are hereby further modified to 85 percent and 15 percent, respectively. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". The further modification of the salable and reserve percentages was unanimously recommended by the Prune Administrative Committee.

The salable and reserve percentages originally established for the 1968–69 crop year, and as subsequently modified, were based on estimates that the 1968 California dried prune crop would be 160,000 tons. The Committee has now estimated that such production will be about 153,000 tons. Those percentages were also based on the Committee's marketing policy objective to provide as near as possible 130,194 tons, natural condition weight, of salable prunes from that crop. There is no change in this objective. Consistent with the Committee's marketing policy considerations and its current estimate of the 1968 crop, the salable and reserve percentages should be further modified to 85 percent and 15 percent, respectively.

After consideration of all relevant information, including the information and recommendation submitted by the Committee, and other available information, it is hereby found that to further modify the salable and reserve percentages for dried prunes for the 1968–69 crop year as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the previously modified salable and reserve percentages for the 1968–69 crop year of 80 percent and 20 percent as set forth in the first sentence of § 993.204 *Salable and reserve percentages for prunes and handler reserve obligation for the 1968–69 crop year* (33 F.R. 12033; 17311) are hereby modified to read "85 percent" and "15 percent", respectively.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice of this action and engage in public rule making procedure, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all dried prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); (2) the current crop year began on August 1, 1968, and the further modified percentages will apply automatically to such dried prunes beginning with that date; and (3) this action relieves restrictions on the handling of dried prunes.

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

Dated: February 25, 1969.

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

[F.R. Doc. 69–2535; Filed, Feb. 28, 1969; 8:50 a.m.]

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

[Milk Order 130]

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Corpus Christi, Tex., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1969. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 8, 1969, and the decision of the Under Secretary containing all amendment provisions of this order, was issued February 7, 1969. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1969, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

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

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

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Corpus Christi, Tex., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

APPLICATION OF PROVISIONS

DETERMINATION OF UNIFORM PRICE

PAYMENTS

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: The provisions of this Part 1130 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1130.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1130.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1130.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1130.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1130.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1130.6 Corpus Christi, Tex., marketing area.

"Corpus Christi, Tex., marketing area", called the "marketing area" in this part, means all the territory within the following counties, all in the State of Texas:

Brooks.	Kleberg.
Cameron.	Live Oak.
Duval.	Nueces.
Hidalgo.	San Patricio.
Jim Wells.	

§ 1130.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed or packaged. Separate facilities without storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1130.8 Distributing plant.

"Distributing plant" means a plant from which Grade A fluid milk products are disposed of during the month on a route(s) in the marketing area.

§ 1130.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

§ 1130.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products within the marketing area on routes is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1130.12(d) at such plant is moved as fluid milk products to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

(c) Any plant located in the marketing area and operated by a cooperative association approved by any duly constituted State or municipal health authority, and at which milk is received from dairy farmers holding permits or authorizations from such health authority, if 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

§ 1130.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are disposed of on routes in the marketing area during the month.

§ 1130.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant of another handler to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association;

(e) Any person in his capacity as the operator of an other order plant from which route disposition of fluid milk products is made in the marketing area; or

(f) A producer-handler.

§ 1130.13 Producer.

(a) "Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1130.14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class III classification (or comparable classification) of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

§ 1130.14 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1130.12(d); and

(3) Diverted by the operator of such pool plant to a nonpool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1130.12(d) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler; and

(3) For the purposes of location adjustments pursuant to §§ 1130.53 and 1130.82, diverted milk shall be priced at the location of the nonpool plant to which diverted.

(4) For purposes of determining qualification of pool plants pursuant to § 1130.10 (a) and (b), milk diverted pursuant to paragraph (a)(3) of this section shall be considered receipts of Grade A milk at the plant from which diverted.

§ 1130.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk as Class I milk except:

(1) That represented by nonfat solids used in the fortification of fluid milk products; or

(2) Yogurt in packaged form and cream in prepackaged tetrapaks (one-half fluid ounce capacity) if such products are made from milk classified and priced under any Federal order;

(d) Receives during the month from pool plants milk or fluid milk products in a total quantity of not more than 10,000 pounds, or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1130.16 Fluid milk products.

"Fluid milk products" means all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (other than frozen cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1130.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts at a pool plant during the month of fluid milk products except (1) fluid milk products received from other pool plants, (2) producer milk; and

(b) Products other than fluid milk products, from any source (including those processed at the plant), which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1130.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products other than a delivery to a milk plant.

§ 1130.19 Butter price.

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

Market Administrator

§ 1130.20 Designation.

The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1130.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to this part.

§ 1130.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1130.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1130.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts has not made reports pursuant to §§ 1130.30 to 1130.32, has not maintained adequate records and facilities pursuant to § 1130.33, or made payments

pursuant to §§ 1130.80, 1130.84, 1130.86, and 1130.88;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the fifth day of each month, the minimum price for Class I milk computed pursuant to § 1130.51(a), and the Class I milk butterfat differential computed pursuant to § 1130.52(a) both for the current month, and the minimum price for Class II and Class III milk computed pursuant to § 1130.51 (b) and (c) and the butterfat differential for Class II and Class III milk computed pursuant to § 1130.52 (b) and (c), all for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1130.72; and the butterfat differential computed pursuant to § 1130.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(l) On or before the 12th day after the end of each month report to each cooperative association, upon request by such association, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classifications to which such receipts are allocated pursuant to § 1130.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler who operates a pool plant (including a cooperative association in its capacity as a handler pursuant to § 1130.12(c)) and who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

(o) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class, during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

Reports, Records, and Facilities

§ 1130.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator as follows in the detail and on forms prescribed by the market administrator:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat in or represented by:

(i) Producer milk, showing separately receipts from producers and from each cooperative association bulk tank handler;

(ii) Receipts of fluid milk products from other pool plants; and

(iii) Other source milk, with the identity of each source.

(2) Inventories of fluid milk products at the beginning and end of the month:

(i) In packaged form; and

(ii) In bulk form.

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversions to nonpool plants.

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1130.12 (c) or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all such milk not delivered to a pool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of in the marketing area as Class I milk on routes.

§ 1130.31 Payroll reports.

On or before the 20th day of each month, each handler operating a pool plant(s), each cooperative association which is a handler pursuant to § 1130.12 (c) or (d), and each handler operating a partially regulated distributing plant and making payments pursuant to § 1130.61 (a), shall submit to the market administrator his producer payroll (or in the latter case, his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1130.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on or before the seventh day after the end of the month.

(c) Each handler who causes milk to be delivered for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1130.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted.

§ 1130.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years

to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1130.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1130.30 shall be classified by the market administrator, subject to the provisions of §§ 1130.41 through 1130.45, inclusive. If any of the water contained in the milk from which a product is made has been removed, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1130.41 Classes of utilization.

Subject to the conditions set forth in §§ 1130.43 and 1130.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except those fluid milk products classified pursuant to subparagraphs (2), (3), and (4) of paragraph (c) of this section;

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk or as Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat in fluid milk products used to produce or added to cottage cheese or cottage cheese curd, except as classified pursuant to subparagraphs (2) and (3) of paragraph (c) of this section; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or cottage cheese;

(2) In fluid milk products or cottage cheese (in excess of that classified pursuant to subparagraph (10) of this paragraph) disposed of for livestock feed;

(3) In fluid milk products or cottage cheese (in excess of that classified pursuant to subparagraph (10) of this paragraph) dumped after notification to and opportunity for verification as may be requested by the market administrator;

(4) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(5) Contained in any fluid milk product which has been fortified with additional milk solids not fat which is in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1) of this section;

(6) In inventory of bulk fluid milk products on hand at the end of the month;

(7) In actual shrinkage at each plant but not in excess of the following limitations:

(i) 2 percent of receipts directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1130.12(d), except that if the handler operating the pool plant files notice with market administrator that he is accounting for such milk on the basis of farm weights and tests determined by the cooperative association the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class III utilization was requested by the handlers; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights and tests, the applicable percentage shall be 2 percent.

(8) In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1130.42(b);

(9) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1130.12 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of the quantity received from producers, exclusive of receipts for which farm weights and tests are used as the basis of receipt at the plant to which delivered; and

(10) In nonfluid products used to produce cottage cheese or cottage cheese curd.

§ 1130.42 Assignment of shrinkage.

The market administrator shall prorate the total shrinkage of skim milk and butterfat, respectively, computed at each pool plant between the following:

(a) Skim milk and butterfat in amounts, respectively, equal to 50 times the maximum quantities that may be computed pursuant to § 1130.41(c)(7); and

(b) The skim milk and butterfat, respectively, in other source milk received as bulk fluid milk products, exclusive of the other source milk specified in § 1130.41(c)(7).

§ 1130.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1130.12(d), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1130.14(a)(2);

(b) Milk received by a handler pursuant to § 1130.12(d) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1130.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 1130.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of fluid milk products from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I (then Class II) utilization to such other source milk; and

(3) If the handler transferring to the pool plant of another handler received during the month other source milk to be allocated pursuant to § 1130.46(a)(8) or (9) and the corresponding steps of § 1130.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I (or Class II) milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred in the form of fluid milk products from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant that is not an other order plant or a plant of

a producer-handler, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1130.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk;

(d) On the basis of the conditions and the allocation procedure described in paragraph (c) of this section at a second nonpool plant, that is neither an other order plant, nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order which provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) For purposes of this paragraph (e), if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and milk allocated to another class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1130.41.

§ 1130.45 Computation of the skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1130.30 for each pool plant of each handler, and compute the pounds of skim milk and butterfat in each class for such plant;

(b) If no fluid milk products to be assigned pursuant to § 1130.46(a) (8) or (9) were received at any of his pool plants, allocations pursuant to § 1130.46 and computation of obligations pursuant to § 1130.70 shall be made separately for each pool plant of a handler with two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator shall combine the receipts and utilization (exclusive of utilization based upon movements between such plants) at all pool plants of such handler for purposes of allocation pursuant to § 1130.46 and computation of obligation pursuant to § 1130.70; and

(d) The market administrator shall determine the classification, allocation and pool obligation with respect to producer milk for which a cooperative association is accountable pursuant to § 1130.12 (c) and (d) separately from the operations of any pool plant operated by such cooperative association. The pounds of skim milk and butterfat so determined in each class shall be used for computation pursuant to § 1130.46(c).

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1130.41(c)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class III milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order.

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II or Class III milk utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying

the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II or Class III milk utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and for the first month the order is effective the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (5)(ii) of this paragraph:

(i) In series beginning with Class III milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1130.22(o) or the percentage that Class II and Class III milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1130.44(a); and

(11) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III milk. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraph (a) and (b) of this section and § 1130.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1130.51 Class prices.

Subject to the provisions of §§ 1130.52 and 1130.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I price.* The Class I milk price shall be the price for Class I milk established under Part 1126 (North Texas) of this chapter plus 75 cents.

(b) *Class II price.* The Class II milk price shall be the Class III milk price for the month plus 25 cents.

(c) *Class III price.* The Class III milk price shall be the price computed pursuant to subparagraph (1) of this paragraph except that for the months of March, April, May, and June, 12 cents shall be deducted from such price:

(1) The sum of the plus values of subdivisions (i) and (ii) of this subparagraph, less five times the butterfat differential computed pursuant to § 1130.52 (c):

(i) Subtract three cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0; and

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

§ 1130.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1130.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 1130.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the butter price for the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.120; and

(b) *Class II milk.* Multiply the butter price for the current month by 0.110; and

(c) *Class III milk.* Multiply the butter price for the current month by 0.110.

§ 1130.53 Location differential to handlers.

(a) For milk which is received from producers or a cooperative association at a pool plant located more than 80 miles, but not more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced 9 cents per hundredweight and for milk which is received from producers or a cooperative association at a pool plant located more than 150 miles from the city hall in Mercedes, Tex., by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1130.51(a) shall be reduced 1-cent per hundredweight for each 10 miles distance or fraction thereof that such plant is from the city hall in Mercedes, Tex.

(b) For purposes of calculating such location adjustment, transfers between pool plants shall be assigned Class I location credit as follows:

(1) If in packaged form without limit; and

(2) If in bulk form, to the extent that Class I disposition at the transferee plant exceeds the sum of (i) 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1130.12(d), (ii) the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and (iii) assignments pursuant to subparagraph (1) of this paragraph, such assignment to be made first to transferor plants having the same Class I price, then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

§ 1130.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1130.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part

until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1130.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1130.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months January through August, if such plant retains automatic pooling status under this part.

§ 1130.61 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1130.30 and 1130.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1130.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II (or Class III) milk if allocated to such classes at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1130.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1130.30 and 1130.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1130.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

§ 1130.62 Producer-handler.

Sections 1130.40 through 1130.46, 1130.51 through 1130.54, 1130.70 through 1130.72, and 1130.80 through 1130.89 shall not apply to a producer-handler.

Determination of Uniform Price

§ 1130.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1130.46(c), by the applicable class prices (adjusted pursuant to §§ 1130.52 and 1130.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1130.46(a)(11) and the corresponding step of § 1130.46(b) by the applicable class prices (adjusted pursuant to §§ 1130.52 and 1130.53);

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(6) and the corresponding step of § 1130.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1130.46(a)(4) and the corresponding step of § 1130.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(8) and the corresponding step of § 1130.46(b);

(f) Add the amount obtained from multiplying the difference between the Class III milk price for the preceding month and the Class II milk price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1130.46(a)(6) and the corresponding step of § 1130.46(b) for the current month; or

(2) The hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1130.46(a)(9) and the corresponding step of § 1130.46(b) for the preceding month, less the hundredweight used in computations pursuant to paragraph (c) of this section; and

(g) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1130.46(a)(3) and the corresponding step of § 1130.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

§ 1130.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1130.70 for all handlers who made the reports prescribed in § 1130.30 and who made the payments pursuant to § 1130.80 for the preceding months;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Subtract, if the average butterfat content of the milk specified in § 1130.72 (a) is greater than 3.5 percent or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1130.81 and multiplying the resulting

figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the minus location differentials pursuant to § 1130.82.

§ 1130.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight applicable for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1130.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1130.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 1130.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(1) On or before the 25th day of each month, to each producer who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month at not less than the Class III milk price for the preceding month;

(2) On or before the 15th day after the end of each month, for milk received during such month, an amount not less than the uniform price computed pursuant to § 1130.72, subject to the butterfat differential computed pursuant to § 1130.81 and the location differential computed pursuant to § 1130.82, plus or minus adjustments for errors made in previous payments to such producers, and less:

(i) Payments made pursuant to subparagraph (1) of this paragraph;

(ii) Marketing service deductions pursuant to § 1130.87; and

(iii) Proper deductions authorized by such producer;

(3) If by the date for payment pursuant to subparagraph (2) of this paragraph, a handler has not received full payment for such month pursuant to § 1130.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b)(1) Upon receipt of a written request from a cooperative association, which the market administrator determines is authorized by its members to collect payment for their milk, and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 23d and 14th days of each month in lieu of payments pursuant to paragraph (a) (1) and (2), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) In making the payments pursuant to paragraphs (a)(2) and (b) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount of the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producers.

(d) As follows, to each cooperative association for milk for which it is the handler, pursuant to § 1130.12 (d):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 14th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 14th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk at the applicable price(s) for the class(es) at which transferred pursuant to § 1130.44(a).

§ 1130.81 Butterfat differentials to producers.

In making payments to producers pursuant to § 1130.80, the uniform price shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of his milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 1130.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 1130.82 Location adjustments to producers.

In making payments pursuant to § 1130.80, the uniform price computed pursuant to § 1130.72 to be paid for such milk received at a pool plant at which a location differential pursuant to § 1130.53 applies may be reduced by the amount of such location adjustments.

§ 1130.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1130.61, 1130.84, and 1130.86, and out of which he shall make all payments to handlers pursuant to §§ 1130.85 and 1130.86.

§ 1130.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1130.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price computed pursuant to § 1130.72, and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1130.70(e).

§ 1130.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1130.84(b) exceeds the amount computed pursuant to

§ 1130.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler, pursuant to §§ 1130.84, 1130.86, 1130.87, or 1130.88.

§ 1130.86 Adjustment of accounts.

(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; of

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler, of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler pursuant to §§ 1130.84, 1130.87, 1130.88, or paragraph (a)(1) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1130.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1130.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator, on or before the 13th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk from producers who are not receiving such service from a cooperative association; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1130.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that purusant to § 1130.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1130.46(a) (4) and (8) and the corresponding steps of § 1130.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1130.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligations exists, was received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1130.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1130.91.

§ 1130.91 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1130.92 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1130.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to

contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1130.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1130.101 Separability of provisions.

If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Effective date: March 1, 1969.

Signed at Washington, D.C., on February 25, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2447; Filed, Feb. 28, 1969; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER L—LEASING AND PERMITTING

PART 131—LEASING AND PERMITTING

Hualapai, Swinomish, and Spokane Reservations, and Pueblos of Cochiti, Pojoaque, Tesuque, and Zuni

FEBRUARY 20, 1969.

On page 757 of the FEDERAL REGISTER of January 17, 1969, there was published a notice of intention to amend 25 CFR Part 131 by the revision of § 131.8(a).

The purpose of the change is to implement long-term leasing authorities contained in the Acts of June 20, 1968 (82 Stat. 242), October 12, 1968 (82 Stat. 1003), section 6 of the Act of September 28, 1968 (82 Stat. 884), and section (f) of the Act of June 10, 1968 (82 Stat. 174).

Interested persons were given an opportunity to submit their comments, suggestions or objections with respect to the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period, no comments, suggestions, or objections were received. Accordingly, the proposed amendment is hereby adopted without change, as set forth below, and is effective upon publication in the FEDERAL REGISTER.

T. W. TAYLOR,
Deputy Commissioner.

§ 131.8 Duration of leases.

* * * * *

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Hollywood (formerly Dania) Reservation, Fla.; the Navajo Reservation, Ariz., N. Mex., and Utah; the Palm Springs Reservation, Calif.; the Southern Ute Reservation, Colo.; the Fort Mohave Reservation, Calif., Ariz., and Nev.; the Pyramid Lake Reservation, Nev.; the Gila River Reservation, Ariz.; the San Carlos Apache Reservation, Ariz.; the Spokane Reservation, Wash.; the Hualapai Reservation, Ariz.; the Swinomish Reservation, Wash.; the Pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, N. Mex.; and land on the Colorado River Reservation, Ariz., and Calif., as stated in § 131.18; which leases may be made for terms of not to exceed 99 years.

* * * * *

[F.R. Doc. 69-2492; Filed, Feb. 28, 1969; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1061, reading as set forth above, and a new subpart, reading as follows:

Subpart—Guidelines for Youth Programs

Sec.
1061.1-1 Program duration.
1061.1-2 Eligible population to be served.
1061.1-3 Program content.
1061.1-4 Training.
1061.1-5 Self-evaluation.
1061.1-6 Neighborhood youth advisory committees or councils.
1061.1-7 Function of neighborhood youth advisory committee or council.
1061.1-8 Delegate agencies.
1061.1-9 Maintenance of effort.
1061.1-10 Relationship to Mayor's Assistant for Youth Activities.

AUTHORITY: The provisions of this Part 1061 issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart—Guidelines for Youth Programs

§ 1061.1-1 Program duration.

Youth programs are to be funded on a year-round basis with provisions for the activities to peak during the summer months.

§ 1061.1-2 Eligible population to be served.

Youth programs should be designated to meet the needs of young people up to 25 years of age, who are eligible according to the latest OEO poverty guidelines. It is recommended that priority in programs be given to those youths who:

(a) Have dropped out of school,

(b) Are in school but potential dropouts,

(c) Have no immediate source of income,

(d) Have no positive contacts with social service agencies or institutions,

(e) Have no consistent work history or marketable skills.

§ 1061.1-3 Program content.

(a) The purpose of youth programs is to give youth experiences which provide the development of leadership, increased skills and self-direction. There are no predetermined priorities regarding the subject matter of the programs; that is, whether the emphasis will be on education, economic development, or employment. This should be determined locally by the youth committee. It is the responsibility of the CAA to establish, before submitting applications, that the local groups have had opportunity to consider all program alternatives, and that the priorities determined by the youth committee are adhered to.

(b) It is required that whatever the subject matter of the program, it should include in its plan the opportunity to provide experiences for youth through which they may increase or acquire new educational or employment oriented skills that might lead to an eventual career choice, or will increase their leadership capability.

(c) We have found in 1968 that all too many programs were single-purpose; i.e. either education or recreation or employment. Evaluation report recommendations state: "Programs should include a broad spectrum of activities, each functionally related to each other and integrated in a total developmental, learning experience." A smooth running program works simultaneously with a constantly growing and evolving organization. Both aspects must be taken into consideration when making program decisions.

§ 1061.1-4 Training.

(a) Training must be provided for all staff prior to, as well as throughout, the program, and should be considered an on-going process. The staff of each youth program should be clear, in advance, about its purposes, the program's potential values to the individual participants, and the program implications to the community.

(b) If the CAA has a training officer, and a program account that provides for training needs for any program funded by the CAA, the youth program training needs should be incorporated into that program. If, on the other hand, it is determined that the youth program require full-time training attention, the budget should reflect the necessary staff and finances required for this. Specific programs may be such that trainng may be considered the part-time responsibility of one staff member. Whatever system is decided to be most reasonable, the work plan should indicate how training is adequately accounted for within each program.

§ 1061.1-5 Self-evaluation.

(a) The evaluation efforts for each program should be clearly spelled out so there is hard evidence for periodic review by staff and participants which support the soundness of the program or the redirection it should take.

(b) Some of the questions to be addressed include:

(1) Explain the role of youth in the planning of the program.
(2) Were the youth represented typical of the target area?
(3) What ideas put forth by the youth were incorporated into the program?
(4) What ideas were not incorporated? Why?
(5) Describe the functions assumed by youth in the operation of the program.
(6) Did the youth assume the responsibility of these functions adequately to insure smooth operations?
(7) Which programs were successful in accordance with program goals? Why?
(8) Which programs were unsuccessful? Why?
(9) What was learned from this experience that will be useful for planning and implementing future programs?
(10) Were any measurable changes observed in local community attitudes? In the neighborhoods? In responsiveness from agencies? In the participants?

§ 1061.1–6 Neighborhood youth advisory committees or councils.

(a) The CAA is responsible for developing effective involvement of the poor youth in all youth programs it administers or delegates to other agencies. This involvement may be in the form of:

(1) Creating a new youth advisory committee, democratically selected, at least 51 percent of whom shall be youth up to the age of 25 residing in the target area, or

(2) Utilizing existing neighborhood or target area youth organizations made up predominately of poor youth up to the age of 25.

(b) The councils or advisory committees, or designated youth organizations may operate under whatever appropriate CAA structure presently exists.

(c) Any adult members of the neighborhood youth council or neighborhood youth advisory committee must be mutually acceptable to the CAA and a majority of the youth representatives.

(d) If a single neighborhood youth organization does not exist that is presently representative of the target area youth, then those processes outlined in the OEO pamphlet, "Organizing Communities for Action,[1]" are suggested as methods of securing a democratic selection of committee members. These include:

(1) Nominations and elections, whether within neighborhoods, or within the community as a whole.

(2) Selection at a meeting or conference to which all neighborhood youth of target area are invited.

(e) Whatever structure the CAA chooses to establish, that structure must carry out the functions stated below.

§ 1061.1–7 Function of neighborhood youth advisory committee or council.

(a) The function of the Council is to address itself to all areas of programing for youth, including planning, hiring, and evaluation. Since these functions carry with them an on-going responsibility, the Youth Council should be considered a permanent structure. For this reason, there should be a specification of funds for operating expenses, as well as for training of Council members in the function and responsibility of the Council.

(b) These Youth Advisory Committees or Neighborhood Youth Councils shall be given an opportunity to carry out the following functions:

(1) *Program priorities.* Advise the CAA in setting annual priorities for youth programs based upon top needs of the neighborhood or target area youth.

(2) *CAA grant application.* Participate in the development of the pertinent parts of the Community Action grant process that relates to youth programs; particularly in the development of CAP Form 81, "Community Action Agency Plans and Priorities" (applying for CAP Grant-OEO Instruction 6710–1, pp. III 9–14)[1] where this is pertinent to youth programs, and CAP Form 7, "Program Account Work Program" (OEO Instruction 6710–1, pp. III 13–25),[1] bearing on the program operating in their neighborhood or in the program area for which the Advisory Committee or Youth Council is responsible. Such a committee or council shall add a written approval or dissent from the CAA's Plans and Priorities CAP Form 81, when it is submitted to OEO by the CAA. Participate in the prereview meetings with the Regional Office field representative prior to submission of the funding request.

(3) *Review of programs and policies.* Review and comment on any existing or proposed CAA projects, policy, and plans regarding youth programs sent to the CAA for comment.

(4) *OEO publication.* Receive from the CAA copies of OEO publications, instructions, program guidance, and operating handbooks.

(5) *Evaluations.* Participate in the evaluation of the entire youth program operated, or delegated, by the CAA, and present their findings to the CAA Board for its consideration.

(6) *Selection of personnel.* Have an influential voice in the hiring of program staff working in their geographical area and have an influential voice in developing personnel policies and standards for the selection of staff for youth programs. It is required that youth must be selected to fill staff positions for all youth programs as much as reasonably is possible. These jobs are to be considered a training experience.

(7) *Involvement in other CAA activities.* Work towards an effective role in the planning, coordination, conduct, and evaluation of all related poverty programs operating within their area, whenever this is feasible.

§ 1061.1–8 Delegate agencies.

When youth programs and funds are delegated by the CAA to agencies whose prime responsibilities are for programs not sponsored by the CAA (such as school boards), the delegate agency must work with the established Youth Advisory Committee or Youth Council which will assist in the planning, conduct, and evaluation of the program that delegate agency will operate. The agency will also be required to hire youth for staff positions as much as is reasonably possible and to provide the training necessary for staff development. In other words, delegate agencies are required to live up to the spirit and intent inherent within this subpart. Delegate agencies should, in part, be selected on their willingness to comply with this spirit.

§ 1061.1–9 Maintenance of effort.

It is required that those programs funded by the special youth money (Program Account No. 59) be over and above any youth or youth-related programs presently funded by the CAA under other accounts.

§ 1061.1–10 Relationship to Mayor's Assistant for Youth Activities.

The role of the Youth Coordinator (now referred to as the Mayor's Assistant for Youth Activities) has been redefined this year and his duties have been more clearly stated. His role is as an advocate for youth and their programs. He is to assist in coordinating the total effort made by both public and private agencies operating youth programs; to be a clearinghouse for information, and to identify available resources. His role is not a planning one or an operational one. It should be remembered that final responsibility regarding funding levels and types of programs sponsored by the CAA, or its delegate agencies, remain the responsibility of the CAA board. The CAA is to cooperate with the Mayor's Assistant and other local groups in coordinating local youth programs.

Effective date. This subpart shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 69–2547; Filed, Feb. 28, 1969; 8:51 a.m.]

[1] Not filed with Office of the Federal Register.

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 20; Notice 5]

PART 369—REGROOVED TIRES

Extension of Effective Date

On January 24, 1969, the Federal Highway Administrator published in the FEDERAL REGISTER (34 F.R. 1149) a regulation setting forth the conditions under which regrooved tires would be allowed to be sold, offered for sale, introduced for sale, or delivered for introduction into interstate commerce. As published the

regulation had an effective date of February 28, 1969.

Several petitions have been received requesting reconsideration of the regrooved tire regulation. The Administrator finds that the petitions do not raise either substantial arguments that have not been carefully considered in issuing the regulation or matters that would require a change in the regulation, and, therefore, the petitions are denied.

Several petitioners have requested that the effective date of the regulation be postponed. Upon consideration of these requests, I find that good cause exists for postponing the effective date of the regrooved tire regulation, 49 CFR Part 369, from February 28, 1969, to April 1, 1969.

Issued on February 28, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 69-2632; Filed, Feb. 28, 1969; 12:03 p.m.]

[Docket No. 23; Notice 2]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS [1]

Motor Vehicle Safety Standard No. 205; Glazing Materials

Motor Vehicle Safety Standard No. 205 specifies requirements for glazing materials for use in passenger cars, multipurpose passenger vehicles, motorcycles, trucks, and buses.

As a result of inquiries seeking clarification of the applicability of the Federal motor vehicle safety standards to campers, a ruling was published in the FEDERAL REGISTER on March 26, 1968 (33 F.R. 5020), which specified that the glazing standard (No. 205) is applicable to slide-in campers because they are items of motor vehicle equipment for use in motor vehicles.

[1] Formally contained in 23 CFR Part 255.

Standard No. 205 requires, among other things, that glazing materials "conform to the United States of America Standards Institute 'American Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways,' ASA Standard Z26.1—1966" (hereafter Z26.1–1966).

By order published in the FEDERAL REGISTER on September 19, 1968 (33 F.R. 14162), section S3.2 of the Standard was amended to allow the use of AS2 or AS3 laminated glass in forward facing windows of campers provided such glass met the requirements of Test 26 of Z26.1—1966. On the assumption that Z26.1—1966, as incorporated in Standard No. 205, required the use of AS1 type laminated glass in forward facing windows of campers, the Administrator found that this amendment relieved restrictions, provided alternative means of compliance and created no additional burdens. Accordingly, the amendment was made effective immediately.

Thereafter, petitions for reconsideration were filed on the grounds, among others, that properly interpreted Z26.1—1966 permitted the use of AS1, AS2, AS3, AS4, and AS5 glazing material in forward facing camper windows and that, therefore, the September amendment did not relax an existing requirement but in fact imposed additional restrictions upon manufacturers by limiting the types of glazing materials allowable for use in such windows. Consequently, it is urged that notice of that amendment should have been given and interested parties afforded an opportunity to comment.

The Administrator recognizes that, prior to the issuance of the September amendment, Standard No. 205 as initially promulgated could have been reasonably interpreted as allowing the use of AS1, AS2, AS3, AS4, and AS5 glazing materials in the forward facing windows of campers, that many manufacturers could have reasonably acted in reliance upon such a reading, that a great deal of confusion concerning the requirements has and continues to exist and that, in fact, comments focusing directly upon the proper glazing materials required in forward facing windows of campers have not been specifically solicited by the Administration. In light of all of these circumstances it is considered appropriate to revoke section S3.2—"Materials for use in forward facing windows of campers" of Federal Motor Vehicle Safety Standard No. 205, as amended (33 F.R. 14162), as well as any interpretation that would have required the use of AS1 glass only in forward facing camper windows. The net effect of this action is to permit, subject to further rulemaking action,[2] the use of glazing materials that petitioners represent are presently being used, i.e., AS1, AS2, AS3, AS4, and AS5 glazing materials referred to in Z26.1—1966.

Since this amendment relieves restrictions and creates no additional burden the Administrator finds good cause is shown that an effective date earlier than 180 days after issuance is in the public interest and the amendment is made effective upon date of issuance.

In consideration of the foregoing, § 371.21 of Part 371, Federal Motor Vehicle Safety Standard No. 205 as amended (33 F.R. 14162) is amended by revoking S3.2—"Materials for use in forward facing windows of campers".

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)))

Issued: February 27, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 69-2615; Filed, Feb. 28, 1969; 9:24 a.m.]

[2] See notice of proposed rule making published at 34 F.R. 3699, which proposes glazing requirements for forward facing windows of campers.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 54]

GRANTS FOR CONSTRUCTION OF FACILITIES FOR THE MENTALLY RETARDED

Notice of Proposed Rule Making

CROSS REFERENCE: For a document regarding proposed redesignation of Subpart B, Part 54, Chapter I, Title 42, as Part 416, Chapter IV, Title 45, see F.R. Doc. 69-2576, Department of Health, Education, and Welfare, Social and Rehabilitation Service (45 CFR Part 416), *infra*.

Social and Rehabilitation Service

[45 CFR Part 416]

GRANTS FOR CONSTRUCTION AND INITIAL STAFFING OF COMMUNITY MENTAL RETARDATION FACILITIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations redesignate Subpart B, Part 54, Chapter I, Title 42 of the Code of Federal Regulations as Part 416, Chapter IV, Title 45, of the Code; make certain amendments, and incorporate the program of grants for staffing of community mental retardation facilities. Subpart B, Part 54, Chapter I, Title 42 of the Code is being vacated.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions, or objections thereto which are submitted to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sec. 133, 77 Stat. 287, 42 U.S.C. 2673; sec. 144, 81 Stat. 529, 42 U.S.C. 2678c. Interpret and apply secs. 131–137, 77 Stat. 268–290, 42 U.S.C. 2671–2677; secs. 141–145, 81 Stat. 528–530, 42 U.S.C. 2678–2678d; secs. 401–407, and 408, 77 Stat. 296–299, 79 Stat. 429, 42 U.S.C. 2691–2697.

Dated: January 18, 1969.

JOSEPH H. MEYERS,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 18, 1969.

WILBUR J. COHEN,
Secretary.

Chapter IV of Title 45 of the Code of Federal Regulations is amended by adding a new Part 416, as follows:

The regulations pertaining to construction grants were previously codified in Subpart B, Part 54, Chapter I, Title 42 of the Code of Federal Regulations. In redesignating such regulations in Title 45, they have been revised to include changes relating to requirements of the State plan for construction of community mental retardation facilities to reflect current program activities and emphases. Subpart C of new Part 416 provides regulations for grants for meeting a portion of the cost of compensation of professional and technical personnel for the initial operation of new facilities for the mentally retarded or for new services in existing facilities for the mentally retarded. The regulations in this Part 416 provide for programs authorized by Title I, Parts C and D, and Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (Public Law 88-164).

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

PART 416—GRANTS FOR CONSTRUCTION AND INITIAL STAFFING OF COMMUNITY MENTAL RETARDATION FACILITIES

Subpart A—General

§ 416.1 Terms.

Unless otherwise indicated in the regulations in this part, the terms below are defined as follows:

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

(b) "Administrator" means Administrator of Social and Rehabilitation Service;

(c) "Community" means a contiguous and homogenous geographic territory from which the mentally retarded come or might be expected to come to existing or proposed facilities, the delineation of which is based on such factors as population distribution, economic, social and cultural characteristics, natural geographic boundaries, and transportation accessibility. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned;

(d) "Community service" means that the services furnished by the facility will be available primarily to the general public of the community or communities served;

(e) "Comprehensive services" means a complete range of services in sufficient quantity to meet the needs of the mentally retarded within the community or communities served and includes: (1) Diagnostic services; (2) treatment services; (3) educational services; (4) training services; (5) personal care; and (6) sheltered workshop services. These services are defined as follows: (i) "Diagnostic services" means coordinated medical, psychological, and social services, supplemented where appropriate by nursing, educational or vocational services and carried out under the supervision of qualified personnel and which includes: (*a*) Diagnosis, appraisal and evaluation of mental retardation and associated disabilities, and the strengths, skills, abilities, and potentials for improvement of the individual; (*b*) determination of the needs of the individual and his family; (*c*) development of recommendations for a specific plan of services to be provided with necessary counseling to carry out recommendations; and (*d*) where indicated, periodical reassessment of progress of the individual; (ii) "treatment services" means services under medical direction and supervision providing specialized medical, psychiatric, neurological, or surgical treatment, including dental therapy, physical therapy, occupational therapy, speech and hearing therapy, or other related therapies which provide for improvement in the effective physical, psychological or social functioning of the individual; (iii) "educational services" means services, under the direction and supervision of teachers qualified in special education, which provide a curriculum of instruction for preschool children, for school age children unable to participate in public schools, and for the mentally retarded beyond statutory school age; (iv) "training services" means services, carried out under the supervision of qualified personnel, which provide: (*a*) Training in self-help and motor skills; (*b*) training in activities of daily living; (*c*) vocational training; (*d*) opportunities for personality development; and (*e*) experiences conducive to social development; (v) "custodial services" means personal care which includes, where needed, health

services supervised by qualified medical or nursing personnel; and (vi) "sheltered workshop services" means services in a facility, under the supervision of personnel qualified to direct such activities, which provides or will provide comprehensive services involving a program of paid work which includes: (*a*) work evaluation; (*b*) work adjustment training; (*c*) occupational training; and (*d*) transitional or extended employment:

(f) "Equipment" means those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms and soap;

(g) "Facility for the mentally retarded" means a specially designed facility for the diagnosis, treatment, education, training, or personal care of the mentally retarded, including sheltered workshops which are part of facilities which provide or will provide comprehensive services for the mentally retarded, and which principally serves the needs of the particular community or communities in or near which the facility is located. These facilities include: (1) "Diagnostic and Evaluation Clinic" which provides diagnostic and evaluation services only; (2) "day facility" which provides on less than a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services; (3) "residential facility" which provides on a 24-hour-a-day basis, treatment services, educational services, training services, personal care, or sheltered workshop services or any combination thereof, and may include diagnostic and evaluation services;

(h) "Nonprofit facility for the mentally retarded" means a facility for the mentally retarded which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(i) "Population" means the latest figures of total population residing in the States as certified by the Federal Department of Commerce;

(j) "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

§ 416.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for which payment is made under another part of this chapter, or other authority.

§ 416.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular fulltime Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the Act, or which conflict with his duties in such other positions.

Subpart B—Grants for Construction of Community Mental Retardation Facilities

§ 416.10 Allotments; transfer of allotments.

(a) *Allotments to States.* The allotments to the several States under Part C, Title I, of the Act shall be computed as follows:

(1) One-third on the basis of a facility need factor expressed by the relationship of the total population under 21 in each State to the total population under 21 in the United States;

(2) Two-thirds on the basis of total population weighted by financial need. "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Federal Department of Commerce for the three most recent consecutive years for which satisfactory data are available.

(b) *Transfer of allotment to another State.* A State may submit a request in writing to the Administrator that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility for the mentally retarded in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of Part C of Title I of the Act, the Administrator shall consider the accessibility of the facility, and the extent to which services will be made available to the residents of the State making the request.

(c) *Transfer of allotment to the allotment for community mental health facilities.* A State may submit a request in writing to the Administrator that a specified portion of its allotment be added to the allotment to such State under Title II of the Act for the construction of community mental health centers. The Administrator shall adjust the allotments of such State upon either:

(1) Certification by the State agency that it has afforded a reasonable period of time, not less than 6 months, during which application could be made for the portion so specified and that no approvable applications for such funds were received during that period of time; or

(2) A demonstration satisfactory to the Administrator that the need for community mental health centers is substantially greater than for facilities for the mentally retarded, such demonstration to include the concurrence or other views of the State advisory council designated under section 134(a)(3) of Title I, Part C of the Act.

§ 416.11 State plan: submission; modification; publicizing; accessibility.

(a) Submission of State plan: Each State wishing to participate in the program shall submit to the Administrator a State plan which conforms to the Act, the regulations of this subpart, and procedures prescribed by the Administrator.

(b) Modification of the State plan: The State agency shall from time-to-time as necessary review its overall State plan. Annually, the State agency shall submit to the Administrator a report which contains such revision of the construction program as the State agency deems necessary to administer the annual construction allotment. A complete revision of the State plan, including the construction program, is to be submitted biennially. Amendments to the State plan may be submitted whenever necessary.

(c) Publicizing the State plan: At least 30 days prior to the submission of the State plan or revised construction program to the Administrator, the State agency shall submit evidence that there was published or caused to be published in newspapers and other news media having general circulation throughout the State a general description of the plan and the construction program, and notice that the State plan shall be available for examination and comment by interested persons prior to submission to the Administrator.

(d) Construction schedule: After approval of the State plan and the construction program, the State agency shall establish an annual construction schedule listing projects to be approved in order of relative need insofar as funds are available for construction and for maintenance and operation, on forms prescribed by the Administrator.

(e) The State plan shall provide that the Comptroller General of the United States or his duly authorized representatives will have access for purposes of audit and examination to such records of the State agency as are required to be maintained by the Administrator.

§ 416.12 Adequate services and facilities.

(a) *Adequate services.* The State plan shall provide for diagnostic, treatment, educational, training, personal care and sheltered workshop services which are necessary to provide adequate services for the mentally retarded.

(b) *Adequate facilities* (1) The State plan shall provide for adequate facilities for furnishing community services for the mentally retarded for persons residing in the State and for furnishing needed services for persons unable to pay therefor, taking into account the caseload necessary for maintenance and operation of efficient facilities.

(2) Diagnostic and evaluation clinics shall be planned to provide services for an annual caseload of not less than 150 or more than 300 retardates.

(3) Day facilities shall be planned to provide services for not less than 40 or more than 200 retardates.

(4) Residential facilities shall be planned for not less than 40 or more than 500 retardates.

(5) The Administrator may at the request of the State agency modify the caseload requirements in subparagraphs (2), (3), and (4) of this paragraph if he finds that such modifications conform with acceptable program standards.

(6) Facilities shall be so planned to serve the needs of the particular community or communities in or near which the facility is located.

§ 416.13 Priority.

(a) *Areas.* The State plan shall set forth a division of the State into contiguous and homogeneous areas. The basic population, economic, social and cultural characteristics of each area shall be set forth and described.

(b) *Relative need.* The relative need of each delineated area shall be determined according to the following criteria and the State plan shall indicate the relative weight assigned to each of these criteria in ranking the areas of the State:

(1) Need for additional services for the mentally retarded;

(2) Existence of low income families, low per capita income, chronic unemployment and substandard housing;

(3) Mean years of schooling completed;

(4) Rate of infant mortality;

(5) Special needs of certain mentally retarded groups within the area especially those with associated handicaps and those beyond school age; and

(6) Present availability of public and private community resources for the retarded (including personnel, services and facilities) and the utilization of those resources.

The criteria listed in subparagraphs (5) and (6) of this paragraph may not be weighted more than 1 each without prior approval of the Administrator.

(c) *Approval of projects.* Projects shall be considered in accordance with the priority ranking of areas. If more than one project is submitted from the same area the projects shall be considered in order of importance as given below:

(1) Facilities which alone or in conjunction with other existing facilities provide comprehensive services for the retarded in the particular community or communities.

(2) Facilities which alone or in conjunction with other existing facilities provide multiple but less than comprehensive services for the retarded in the particular community or communities.

(3) Facilities which provide a single service for the retarded in the particular community or communities.

§ 416.14 General standards of construction and equipment.

The State agency shall adopt general standards of construction and equipment for facilities for the mentally retarded assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Administrator and set forth in § 416.27, Appendix A—General standards of construction and equipment.

§ 416.15 Construction program.

The State program for the construction of facilities for the mentally retarded shall be developed in the following manner:

(a) The State agency shall determine the need for facilities and services in accordance with the principles set forth in § 416.12 taking into account existing facilities and services.

(b) The State agency shall determine, through field investigation and otherwise, the approximate locations in which facilities should be constructed.

(c) After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in § 416.12 and shall, insofar as funds are available, provide for construction in the order of relative need determined in accordance with § 416.13.

§ 416.16 Minimum standards of maintenance and operation.

The State plan shall provide minimum standards for the maintenance and operation of facilities receiving aid under Part C, Title I of the Act, and effective not later than July 1, 1969, shall provide for enforcement of such standards.

§ 416.17 Personnel administration.

(a) A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(1) Impartial administration of the merit system;

(2) Operation on the basis of published rules or regulations;

(3) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(4) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(5) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(6) Advancement on the basis of capacity and meritorious service; and

(7) Tenure of permanent employees.

Substantial compliance with the Standards for a Merit System of Personnel Administration, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense on January 23, 1963, 28 F.R. 734, including any subsequent amendments thereof, will be deemed to meet the requirements of the regulations in this part.

(b) Conflict of interest: No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant directly or indirectly, in payment for services provided in connection with the planning, design, construction, or equipping of the project.

§ 416.18 Fair hearings.

The State plan shall provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

§ 416.19 Application; submittal; amendment; processing.

(a) *Submittal of application.* Construction applications, including both a detailed narrative description and a detailed estimate of the cost of the project, shall be submitted to the Administrator through the State agency on forms prescribed by the Administrator. In the case of proposed acquisition of a building, the application shall include (1) such documentation submitted by the applicant as the Administrator may prescribe (including the reports of such real estate appraisers as the Administrator may approve), (2) a statement as to the extent of the costs in which Federal participation is requested are not excessive for providing mental retardation services, and (3) a statement that the architecture, structural, fire safety, and other pertinent features of the building, including electrical and mechanical systems, as modified by any proposed expansion, remodeling, or alteration will be suitable for the provision of mental retardation services.

(b) *Amendment to application.* An amendment to any application approved by the Administrator shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend, and forward to the Administrator applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) The State agency certifies to the Administrator that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

The priority of a project under the State plan shall not be affected by the fact that other projects of lower priority have been approved and recommended by the State agency.

§ 416.20 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that

the applicant will furnish and comply with the following assurances. The Administrator may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Administrator's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Administrator, upon written justification by the applicant, to be required by the needs of the program;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Administrator;

(e) That applicant will submit to the Administrator for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Administrator may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276a—276a-5) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or forty hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) Applicable labor provisions of the Copeland Act (Anti-Kickback) and the Contract Work Hours Standards Act except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance;

(iii) Representatives of the Administrator and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with the minimum standards prescribed by the appropriate State regulatory agency for the maintenance and operation of such facilities;

(n) That the applicant will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and that the grantee will otherwise comply with requirements prescribed by and pursuant to such order;

(o) That applicant will comply with the provisions of Executive Order No. 11296, relating to flood plain elevation and necessary controls;

(p) That applicant will incorporate into the bid document and construction contracts the standards for the design, construction and alteration of buildings issued by the Administrator of the General Services Administration pursuant to the Act approved August 12, 1969 (Public Law 90–480). Prior to the issuance of such standards the applicant will incorporate into such bid document and construction contracts the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified from time-to-time.

(q) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this subpart.

§ 416.21 Community service: services for persons unable to pay; nondiscrimination.

(a) Community service; services for persons unable to pay; nondiscrimination on account of creed. Before an application for the construction of a facility for the mentally retarded is recommended by a State agency for approval, the State agency shall obtain assurances from the applicant that:

(1) The facility will furnish a community service;

(2) The facility will furnish a reasonable volume of services to persons unable to pay therefor. As used in this paragraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but are unable to pay the full cost of needed services. Such services may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as Community Chest or may be contributed at the expense of the facility itself. In determining what constitutes a reasonable volume of services to persons unable to pay therefor, there shall be considered conditions in the area to be served by the applicant, including the amount of such services that may be available otherwise than through the applicant. The requirements of assurances from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Administrator, that to furnish such services is not feasible financially;

(3) All portions and services of the entire facility for the construction of which, or in connection with which, aid under the Federal Act is sought, will be made available without discrimination on account of creed; and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

§ 416.22 Certification to the Administrator.

After the State agency has approved a construction application, it shall recommend it to the Administrator for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed;

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically

earmarked in a sum sufficient for that purpose, or (iii) other assurances acceptable to the Administrator;

(2) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget for the 2-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income for the operation of the constructed addition for the 2-year period immediately following its completion. Except that any applicant which is concurrently applying for a staffing grant shall so state and the documentation meeting the requirements of § 416.93(b) shall be acceptable unless and until the applicant is notified to the contrary.

§ 416.23 Request for construction payments.

Payments will be made on the basis of the certification from the State agency as to amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections by the State agency to determine that work has been performed upon a project or purchases have been made in accordance with the approved plans and specification. Payments will be made at periodic intervals consistent with the construction progress of the project. Final payment will not be made until after the project is completed and final inspection is made by appropriate representatives of the Administrator.

§ 416.24 Fiscal and accounting requirements.

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Administrator for approved construction projects.

§ 416.25 Notice of change of status of facility.

The State agency shall promptly notify the Administrator in writing, if at any time within 20 years after the completion of construction, any facility which received funds under Part C of Title I of the Act is transferred to any person, agency, or organization not qualified to file an application under Part C, Title I of the Act or not approved as a transferee by the State agency; or ceases to be a public or nonprofit facility for the mentally retarded as defined in the Act.

§ 416.26 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be a public or nonprofit facility for the mentally retarded, the Administrator in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for the care of the mentally retarded will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 416.27 Appendix A—General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this subpart have been established by the Administrator as required by the Act. These standards constitute minimum requirements for construction and equipment, and shall apply to all projects for which Federal assistance is requested under the Act. The Administrator may approve plans and specifications which contain deviations from the requirements prescribed if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to zoning and construction. In jurisdictions without such codes, it shall be the responsibility of the applicant to consult one of the national building codes generally used in the area for all components of the building type which are not specifically covered by the minimum standards set forth herein provided the requirements of the code are not inconsistent with the minimum standards herein.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates;

(2) The submission of programs, drawings, outline specifications, and estimates shall be in three stages as follows:

(i) First stage.
(*a*) Program.[1]
(*b*) Schematic plans.[1]
(*c*) Outline specifications.
(*d*) Site survey.
(*e*) Estimated construction costs.
(ii) Second stage.
(*a*) Preliminary plans.
(*b*) Outline specifications.
(*c*) Revised cost estimates.
(iii) Third stage.
(*a*) Working drawings.
(*b*) Specifications.
(*c*) Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be of not less than 1-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of 2-hour fire-resistive noncombustible construction;

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating;

(iii) Subject to prior approval by the Administrator these requirements may be varied for free-standing facilities containing only educational, recreational, or workshop functions utilized by ambulant groups of mild or moderate levels of mentally retarded.

(2) Buildings more than one story in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage of combustible materials	2

(3) Interior finish of walls and ceilings of all exit ways, storage rooms, and areas of unusual fire hazard shall have

[1] A narrative program and schematic plans in sufficient detail to permit a comprehensive evaluation of the projects are to be submitted with the initial part of the application.

a flamespread rating of 25 or less. Interior finish of other areas shall have a flamespread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flamespread rating up to 200. Flamespread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) Exit facilities: Exit facilities shall comply with the requirements of the Building Exits Code, National Fire Protection Association Bulletin No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall comply with the requirements of the following National Codes:

(1) National Board of Fire Underwriters Standards: National Board of Fire Underwriters, 85 John Street, New York, N.Y. 10038.

(2) National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110.

(3) United States of American Standards Institute (Formerly American Standards Association), 10 East 40th Street, New York, N.Y. 10010.

(4) American Gas Association, 1725 Eye Street NW., Washington, D.C. 20006.

(5) National Plumbing Code: Published by American Society of Mechanical Engineers, 29 West 39th Street, New York, N.Y. 10018.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. codes relating to pressure vessels), and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electric Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Building Exits Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55, Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.

Handbook 73, Protection Against Radiations From Sealed Gamma Sources.

Handbook 76, Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exits Code.

(f) *Elevators, dumbwaiters, escalators.* (1) Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.1–1960.

(2) Any multistory mental retardation facility with services, other than for staff, located on one or more floors above the first shall have at least one electric or electrohydraulic elevator except that elevators may not be required in two story buildings of residential occupancy, only, if all physically handicapped occupants are located on the first floor. The minimum inside dimension of the elevator cab shall be five (5) feet.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Retardation Facilities

§ 416.90 Purpose.

Staffing grants authorized in section 141 of the Act shall be made for the purpose of paying part of the costs of compensation of professional and technical personnel for the initial operation of: (a) New public or other nonprofit facilities; or (b) new services in existing facilities for the mentally retarded.

§ 416.91 Professional and technical staff.

Professional and technical staff for the purpose of this section shall include such staff as physicians, psychologists, social workers, nurses, physical therapists, occupational therapists, special educators, nutritionists, vocational counselors, vocational evaluators, recreational specialists, speech and hearing pathologists, dentists, administrators, aides in professional and technical fields and staff in such other positions as the Administrator may approve.

§ 416.92 Eligible applicants.

(a) To be eligible for a grant an applicant must be a public or nonprofit agency or organization which owns or operates a facility for the mentally retarded; and (1) a grant was made under Title I, Part C of the Act to assist in the construction of the facility, or (2) a new type of service will be provided in an existing facility;

(b) The facility must provide one or more of the comprehensive services for the mentally retarded and be principally designed to serve the needs of the particular community in or near which the facility is or will be located;

(c) In the case of (1) a diagnostic and evaluation clinic, services shall be provided for an annual caseload of not less than 150 or more than 300 retardates; (2) a day facility, services shall be provided for not less than 40 or more than 200 retardates; and (3) a residential facility, services shall be provided for not less than 40 or more than 500 retardates. However, the Administrator may, at any time, modify the caseload requirements of these facilities if he finds that such modifications conform with acceptable program standards;

(d) If the requirements for a grant are met in each instance, there shall be no maximum number of initial staffing grants for which a facility may be eligible;

(e) The type of services will not be regarded as having been previously provided by the facility if it is a component of service: (1) Which during the 2 years immediately preceding an initial grant period has not been provided by the applicant or any predecessor of the applicant in any form, or (2) which the applicant proposes to provide in accordance with methods of treatment or delivery of services not used by the applicant or predecessor of the applicant during such 2-year period, or (3) which the applicant proposes to provide in a way designed to meet the needs of a specific group not served by such a specific program during such 2-year period, or (4) which represents the portion of an expanded component of service attributable to the needs of persons residing in an area where such component was not provided during such 2-year period, or (5) which has been provided by the applicant or predecessor of the applicant only on a pilot or developmental basis for a period of 9 months or less;

(f) The State mental retardation construction agency shall be requested to submit to the Administrator an evaluation of the application as to the feasibility and effectiveness of the proposal in achieving new and adequate services for the mentally retarded in the community; a statement indicating the relationship of the application to the purposes and priorities of the State construction plan for the mentally retarded; and, such information as the Administrator may require in order to make a finding that Federal funds applied for will be supplemental and that non-Federal funds have not declined or will not decline in the State during the year of the project.

§ 416.93 Applications.

Each application shall be submitted to the appropriate Regional Commissioner, Social and Rehabilitation Service. Such applications shall be in the form and detail required by the Administrator including the following:

(a) Information on the:

(1) Extent of the need in the community for the mental retardation services to be provided;

(2) Ages and level of the mentally retarded to be served and the services to be provided;

(3) Socioeconomic and population characteristics of the community served or to be served;

(4) Accessibility to the facility, including availability of public and private transportation and the number of hours per day and days per week the facility is open;

(5) Type, number, and qualifications of professional and technical personnel proposed, and plans for their recruitment and compensation;

(6) Existing and proposed arrangements with other public and private

agencies concerned with the mentally retarded in the community; and

(7) Extent to which services contemplated by the proposal have been and are being provided by the applicant or its predecessor with financial assistance under Federal, State, and local programs other than under this subpart.

(b) Budget information which includes:

(1) A statement for each of the two 12-month periods preceding the period for which an initial grant is requested, and an estimate for each period for which a grant is requested, of costs incurred or to be incurred and income received or to be received by the applicant and predecessor of the applicant with respect to all services included in the program set forth under paragraph (a) of this section;

(2) Identification of all actual or contemplated staff positions, and the compensation for such positions; and

(3) Identification of those costs for which Federal assistance is requested and the amount thereof.

(c) Concurrent construction and staffing applications. Any applicant which is concurrently applying for a construction grant shall so state and the documentation meeting the requirements of paragraph (b) of this section shall be acceptable in lieu of the similar information required for construction grant under Title I, Part C of the Act (§ 416.22(a)(2)) unless and until the applicant is notified to the contrary.

(d) Such other information as the Administrator may require.

§ 416.94 Assurances.

In addition to any other requirements imposed by law each staffing grant shall be subject to the condition that the applicant will furnish and comply with the following assurances:

(a) That the services to be provided by the applicant will be made available principally to persons residing in the particular community or communities in or near which such facility is to be situated;

(b) That the facility will furnish a reasonable volume of services to persons unable to pay therefor (if this is not financially feasible; submit justification for such conclusion);

(c) That the services of the facility will not be denied to any person within the community served solely on the ground that such person does not meet a minimum period of residence in such community (if unable to give this assurance, submit supporting information);

(d) That in the selection, compensation, or other employment practices of the facility with respect to its technical or professional personnel referred to in this subpart there shall be no discrimination because of race, creed, sex, or national origin;

(e) That the facility will be maintained and operated in accordance with minimum standards prescribed by the appropriate State authority for the maintenance and operation of such facilities;

(f) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time; and

(g) That it will comply with all the regulations of this subpart.

§ 416.95 Allocations; priorities.

(a) The total amount of grants that may be awarded in any State in any fiscal year may not exceed the share of that State of any funds appropriated for such year which has been calculated as an allotment to that State in accordance with section 132(a) of the Act, except that the Administrator may, in particular circumstances, modify this requirement if he finds that grants in one or more other States will be less than required.

(b) In determining priority for projects the Administrator shall rank applications in order of the relative effectiveness of the proposed programs giving due weight to comprehensiveness and adequacy of the services to be provided and to the evaluation of the application by the State mental retardation construction authority.

§ 416.96 Federal financial participation.

(a) The Administrator may approve an application for Federal participation up to 75 percentum of eligible compensation costs for the period ending with the close of the 15th month of the initial grant, 60 percentum of such costs for the first year thereafter, 45 percentum of such costs for the second year thereafter, and 30 percentum of such costs for the third year thereafter.

(b) For purposes of this subpart, "compensation" may include remuneration for services, including vacation, holiday and severance pay, sick leave, workmen's compensation, and employee insurance, social security taxes and retirement plans cost, and such other benefits in return for services performed as the Administrator finds reasonably necessary to secure the services of qualified personnel in the area.

§ 416.97 Payments.

Payment of the Federal share of the costs of the initial staffing project may be made quarterly, or for such other period as the Administrator may determine, as an advance for estimated costs or as reimbursement to the grantee. The initial payment shall be made shortly after the application has been approved.

§ 416.98 Records, audits, and reports.

The applicant shall keep such records as the Administrator shall prescribe, and shall make any books, documents, papers, and records of the applicant that are pertinent available for audit and examination by representatives of the Administrator and the Comptroller General of the United States. The applicant shall also submit such reports or other information as the Administrator may require.

§ 416.99 Termination.

If for any reason the grantee discontinues an approved project, the grantee shall notify the Administrator in writing giving the reasons for termination, an accounting of funds granted for the project, and other pertinent information. The grant may be terminated, in whole or in part, at any time at the discretion of the Administrator. Such termination shall not affect obligations incurred prior to the termination of the grant. Upon termination or completion of a project, the proportion of unexpended funds attributable to the Federal grant shall be refunded.

[F.R. Doc. 69-2576; Filed, Feb. 28, 1969; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 43, 65, 91, 145]

[Docket No. 7847; Reference Notice 66-45]

MAINTENANCE REQUIREMENTS FOR CERTAIN LARGE AIRPLANES AND SMALL TURBINE-POWERED AIRPLANES

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw notice 66-45 (32 F.R. 91) in which the FAA solicited comments on proposed amendment of Parts 21, 43, 65, 91, and 145 of the Federal Aviation Regulations that would require all large airplanes and small turbine-powered airplanes not maintained under Parts 121 and 127 of the Federal Aviation Regulations to be maintained under a continuous maintenance program. The proposal would have also allowed owners and operators of other general aviation aircraft the choice of having their aircraft maintained under such a program. Finally, the notice proposed to eliminate the progressive inspection.

While among the over 100 letters received in response to notice 66-45 there were several concurrences, the greater majority were opposed to the entire proposal or to significant parts of the proposed amendments.

The principal objection was based upon the belief that the proposed regulation would remove the flexible operating feature of the existing "annual inspection" requirements. As many of the aircraft which would be affected by the proposed regulation are business aircraft, which are not maintained nor operated in accordance with a schedule, the commentators were of the opinion that under a continuous maintenance program the aircraft would not be available when needed.

Some of the commentators also criticized the notice on the basis that the FAA had not been specific enough, and that no procedures and standards had been set forth in the regulations to enable them to determine what would be acceptable for a "continuous airworthiness program".

Since the issuance of notice 66–45, the FAA has adopted regulations (New Part 123, effective Oct. 14, 1968) which require air travel clubs using large airplanes to establish a continuous inspection program similar to that required of Part 121 operators. The FAA under notice 68–16 (33 F.R. 10587, July 25, 1968) is also proposing to require that large aircraft operated by air taxi operators be maintained in accordance with a continuous airworthiness program as required for Part 121 certificate holders. Therefore, as notice 66–45 is concerned in part with the safety of large aircraft used by air travel clubs and air taxi operators, the coverage of the notice has been considerably diminished. As a result, the continuous maintenance requirements proposed in notice No. 66–45 are being directed primarily toward business aircraft. The FAA considers that the imposition of these maintenance requirements solely on large and turbine powered business aircraft would not be warranted at this time.

By reason of the foregoing, the FAA has determined that rule-making action on the proposed amendments is not appropriate at the present time, and that notice 66–45 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (32 F.R. 91) on January 6, 1967 and circulated as notice No. 66–45, entitled "Maintenance Requirements for Large Airplanes and Small Turbine-Powered Airplanes Not Maintained under Parts 121 and 127 of the Federal Aviation Regulations", is hereby withdrawn.

This withdrawal is issued under the authority of sections 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 20, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69–2530; Filed, Feb. 28, 1969; 8:50 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–CE–112]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 177 from Stevens Point, Wis., 1,200 feet AGL Wausau, Wis., 32 miles, 1,200 feet AGL, 99 miles, 5,500 feet MSL, 1,200 feet AGL, Duluth, Minn.

This segment of V–177 is designated from Stevens Point direct to Duluth. Aircraft operating in a nonradar environment, transitioning to and from Wausau on V–26 and transitioning to and from Stevens Point on V–177, generates a traffic control problem just west of Wausau where the two airways cross each other. The action proposed herein would relocate the intersection of these airways at the Wausau VORTAC and thus provide a more precise means of identifying and separating crossing traffic.

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

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

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

Issued in Washington, D.C., on February 19, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69–2521; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Charlotte transition area described in § 71.181 (33 F.R. 2137 and 14861) would be altered by deleting "* * * within 2 miles each side of the Charlotte 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC * * *" and substituting "* * * within 2 miles each side of the Charlotte VORTAC 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC; within 8 miles northwest and 5 miles southeast of the Charlotte ILS localizer southwest course, extending from the LOM to 12 miles southwest of the LOM * * *" therefor.

A review of controlled airspace requirements in the Charlotte terminal area disclosed that the designated controlled airspace was insufficient to provide the required protection for IFR aircraft executing AL–78–ILS RWY 5 and AL–78–NDB (ADF) RWY 5 instrument approaches. The proposed additional extension predicated on the ILS localizer southwest course will provide this protection.

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

Issued in East Point, Ga., on February 14, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69–2522; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–12]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Santa Ana, Calif. (Orange County Airport), control zone.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken

on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The hours of operation of the Orange County control tower and effective time of the control zone are currently 0600 to 2300 hours local time daily. It is expected however that seasonal changes in the hours of operation of the control tower will be necessary in the future due to traffic volume and frequent changes in airline schedules. The use of the NOTAM is proposed to designate these changes, when required, and will provide an expeditious means of designating the effective hours of the control zone to coincide with the hours of operation of the control tower.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 2123) the Santa Ana, Calif. (Orange County Airport), control zone is amended by deleting the last sentence and substituting therefor "This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-2523; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Baker and Pendleton, Oreg., transition areas.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This is one of four related proposals to alter descriptions of the Baker and Pendleton, Oreg., Walla Walla and Moses Lake, Wash., transition areas to provide controlled airspace for aircraft operating direct between Baker, Oreg., and Ephrata, Wash., via Walla Walla, Wash. The combined proposals would allow for more efficient use of available airspace, provide continuity of charting and aeronautical chart legibility. No apparent degradation to Visual Flight Rule operations would be incurred.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.181 (33 F.R. 2146) the Baker, Oreg., transition area is amended to read as follows:

BAKER, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Municipal Airport (latitude 44°50'-25" N., longitude 117°48'35" W.). That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138 and 317° radials, extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V-298.

In § 71.181 (33 F.R. 2235) the description of the Pendleton, Oreg., transition area is amended as follows:

1. In the third line of the text delete "* * * 39 * * *" and substitute "* * * 50 * * *" therefor.

2. Delete all after "* * * 35-mile-radius circle centered on the Pendleton VORTAC * * *" and substitute therefor "that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V-112E to the northeast edge of V-298."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69-2524; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Walla Walla, Wash., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This is one of four related proposals to alter descriptions of the Baker and Pendleton, Oreg., Walla Walla and Moses Lake, Wash., transition areas to provide controlled airspace for aircraft operating direct between Baker, Oreg., and Ephrata, Wash., via Walla Walla, Wash. The combined proposals would allow for more efficient use of available airspace, provide continuity of charting and aeronautical chart legibility. No apparent degradation to Visual Flight Rule operations would be incurred.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2268) amend the description of the Walla Walla, Wash., transition area by deleting "* * *, excluding the portion within the Pendleton, Oreg., transition area." and substitute therefor ", * * * within 5 miles east and 10 miles west of the Walla Walla 168° radial, extending from the 19-mile

radius area to the northeast edge of V–298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V–112 to the southeast edge of V–112W, excluding the portion within the Pendleton, Oreg., transition area.".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–2525; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–WE–11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Moses Lake, Wash., transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

This is one of four related proposals to alter descriptions of the Baker and Pendleton, Oreg., Walla Walla and Moses Lake, Wash., transition areas to provide controlled airspace for aircraft operating direct between Baker, Oreg., and Ephrata, Wash., via Walla Walla, Wash. The combined proposals would allow for more efficient use of available airspace, provide continuity of charting and aeronautical chart legibility. No apparent degradation to Visual Flight Rule operations would be incurred.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (33 F.R. 2224) the description of the Moses Lake, Wash., transition area as amended by (34 F.R. 1893) is further amended by inserting "* * *, within 5 miles each side of the Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V–112W, * * *" beginning in the 10th line of the text between "* * * 12 miles northwest of the VOR TAC. * * *" and ", within 15 miles east * * *".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 17, 1969.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 69–2526; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–12]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Louisville, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Louisville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Louisville-Winston County Airport; within 2 miles each side of the 177° and 342° bearings from the Louisville RBN (lat. 33°–06'59" N., long. 89°03'55" W.), extending from the 5-mile radius area to 8 miles south and 8 miles north of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the 177° bearing from the Louisville RBN, extending from the RBN to 12 miles south; and within 8 miles west and 5 miles east of the 342° bearing from the Louisville RBN, extending from the RBN to 12 miles north.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent to 1,000 feet above the surface, and for aircraft conducting procedure turns while executing NDB RWY 34 and NDB RWY 16 instrument approach procedures, which are proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on February 18, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69–2527; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69–SO–13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Monroe County, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Monroe County transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile

radius of the Monroe County Airport, excluding the portion that coincides with the Columbus, Miss., transition area.

The proposed transition area is required for the protection of IFR operations during climb from 700 to 1,200 feet above the surface and during descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to this airport, utilizing the Tupelo, Miss., VOR, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on February 19, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-2528; Filed, Feb. 28, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gallatin, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Gallatin transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gallatin Municipal Airport, excluding the portion that coincides with the Nashville, Tenn., transition area.

The proposed transition area is required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent to 1,000 feet above the surface. A prescribed instrument approach procedure to the Gallatin Municipal Airport, utilizing the Nashville VORTAC, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on February 19, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-2529; Filed, Feb. 28, 1969; 8:49 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-5; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 205; Glazing Materials

Motor Vehicle Safety Standard No. 205 specifies requirements for glazing materials for use in passenger cars, multipurpose passenger vehicles, motorcycles, trucks, and buses.

As a result of inquiries seeking clarification of the applicablity of the Federal motor vehicle safety standards to campers, a ruling was published in the FEDERAL REGISTER on March 26, 1968 (33 F.R. 5020), which specified that the glazing standard (No. 205) is applicable to slide-in campers because they are items of motor vehicle equipment for use in motor vehicles.

Standard No. 205 requires, among other things, that glazing materials "conform to the United States of America Standards Institute 'American Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways,' ASA Standard Z26.1—1966" (hereafter Z26.1—1966).

By order published in the FEDERAL REGISTER on September 19, 1968 (33 F.R. 14162), section S3.2 of the Standard was amended to allow the use of AS2 or AS3 laminated glass in forward facing windows of campers provided such glass met the requirements of Test 26 of Z26.1—1966. On the assumption that Z26.1—1966, as incorporated in Standard No. 205, required the use of AS1 type laminated glass in forward facing windows of campers, the Administrator found that this amendment relieved restrictions, provided alternative means of compliance and created no additional burdens. Accordingly, the amendment was made effective immediately.

Thereafter, petitions for reconsideration were filed on the grounds, among others, that properly interpreted Z26.1—1966 permitted the use of AS1, AS2, AS3, AS4, and AS5 glazing material in forward facing camper windows and that, therefore, the September amendment did not relax an existing requirement but in fact imposed additional restrictions upon manufacturers by limiting the types of glazing materials allowable for use in such windows. Consequently, it is urged that notice of that amendment should have been given and interested parties afforded an opportunity to comment.

As a result of these petitions, the Standard has been amended this day (see 34 F.R. 3688) rescinding amended section S3.2 "Materials for use in forward facing windows of campers." The net effect of this action is to permit the use of glazing materials that petitioners represent are presently being used, i.e., AS1, AS2, AS3, AS4, and AS5 glazing material referred to in Z26.1—1966.

The Administrator is considering amending Standard No. 205 by adding a new section S3.2 which will require forward facing windows in campers be made of AS1 type laminated safety glass; or AS2 type laminated safety glass that meets Test 26 of Z26.1—1966; or AS3 type laminated safety glass that meets the requirements of Test 26 of Z26.1—1966. The latter two glazing materials will be identified by the characters AS2-26 and AS3-26 respectively. Additionally, pickup caps, pickup covers, and pickup canopies which have been interpreted to be in the same category as campers, with respect to forward facing window requirements, are specifically listed in the proposed amendment and the same glazing requirements are made applicable. It is anticipated that the proposed amendment will become effective July 1, 1969.

Interested persons are invited to submit data, information, views and arguments on this matter, identifying the docket and notice number (Docket No. 69-5; Notice No. 1), pursuant to the requirements of 49 CFR 353.11 et seq. (formerly 23 CFR 216.11 et seq.), in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591, on or before March 31, 1969.

In consideration of the foregoing, it is proposed that Standard No. 205 of § 371.21 of Part 371, be amended by adding a new paragraph S3.2 to read as follows:

S3.2 *Materials for use in forward facing windows of campers, pickup caps, pickup covers and pickup canopies.* Glazing materials used in forward facing windows of campers, pickup caps, pickup covers, and pickup canopies, shall conform to AS1 type laminated safety glass specifications established by Z26.1—1966; or AS2 type laminated safety glass meeting the specifications established by Z26.1—1966 plus the Penetration Resistance Test No. 26, set forth in Z26.1—1966; or AS3 type laminated safety glass meeting the specifications established in Z26.1—1966 plus the Penetration Resistance Test No. 26, set forth in Z26.1—1966. The latter two glazing materials shall be identified by the characters AS2-26 and AS3-26, respectively.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the

delegation of authority contained in § 1.4 (c) of Part I of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

Issued: February 27, 1969.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 69-2614; Filed, Feb. 28, 1969; 9:24 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Determination of Income Effectively Connected With United States Business of Nonresident Aliens or Foreign Corporations; Notice of Hearing on Proposed Regulations

The proposed amendment to the regulations under section 864 of the Internal Revenue Code of 1954, relating to determination of income effectively connected with U.S. business of nonresident aliens or foreign corporations, was published in the FEDERAL REGISTER of January 23, 1969.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Wednesday, March 12, 1969, at 10 a.m., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 10, 1969. Notification of intention to attend or comment at the hearing may be given by telephone, 202-964-3935.

[SEAL] Richard M. Hahn,
Acting Chief Counsel.

By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 69-2631; Filed, Feb. 28, 1969; 11:24 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PINE RIDGE RESERVATION, S. DAK.

Ordinance Legalizing Introduction, Sale, or Possession of Intoxicants

FEBRUARY 24, 1969.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Pine Ridge Indian Reservation, S. Dak., was adopted on November 19, 1968, by the Oglala Sioux Tribal Council, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas, the Oglala Sioux Tribal Council is empowered to provide for the maintenance of law and order on the Pine Ridge Reservation under article IV, section 1(k), of the Constitution and Bylaws of the Oglala Sioux Tribe and to charter organizations for economic purposes under article IV, section 1 (o), of the Constitution and Bylaws of the Oglala Sioux Tribe, and

Whereas, Public Law 277 of the 83d Congress provides that the Federal Indian Liquor Laws shall be inapplicable to any act or transaction within the Indian country if such act or transaction is in conformity with the laws of the State in which the act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER,

Now, therefore, be it ordained:

1. The introduction, possession, and transportation of any alcoholic beverage (as such term is defined in title 5, South Dakota Code) shall be lawful within the exterior boundaries of the Pine Ridge Reservation, and the sale of any alcoholic beverage shall be lawful within the following districts of the Pine Ridge Reservation: Pine Ridge and Medicine Root, providing that such introduction, possession, transportation, and sale are in conformity with the laws of the State of South Dakota and the provisions of this Ordinance.

2. *Oglala Sioux Tribal Beverage Enterprise.* There is hereby authorized to be chartered a public corporation to be known as the Oglala Sioux Tribal Beverage Enterprise (hereinafter the "Enterprise") exclusively to engage in the wholesale distribution and retail package sale (for consumption off the premises of the seller) of intoxicating liquor (as such term is defined in title 5, South Dakota Code) on the Pine Ridge Indian Reservation. No other person shall engage in the wholesale distribution or the retail package sale of any intoxicating liquor within the exterior boundaries of the Pine Ridge Indian Reservation (including both trust and patented land). The Enterprise is hereby authorized to engage in the wholesale distribution and the retail package sale of such intoxicating liquor all in accordance with the provisions of this Ordinance and the charter of the Enterprise. In the wholesale distribution of intoxicating liquor, the Enterprise shall distribute only to its own retail package outlets of which these shall not be more than one for each district of the Reservation and to retail "on-sale" dealers within the exterior boundaries of the Pine Ridge Indian Reservation duly licensed by the Tribe and, if subject to its jurisdiction, the State of South Dakota. As an off-sale retail package dealer, the Enterprise shall comply with all provisions of title 5, South Dakota Code, relating to place and manner of sale, deliveries, age, and other restrictions as to buyers and persons allowed on the premises where sales are made and the condition of and activities prohibited on such premises. The Enterprise shall not permit the consumption of an alcoholic beverage on any premises under its control.

3. *Licenses.* The sale of any alcoholic beverage for consumption on the premises of the seller shall be unlawful on the Pine Ridge Reservation unless the seller, if subject to the jurisdiction of the State of South Dakota, shall be duly licensed under and in compliance with the laws of the State of South Dakota and shall be duly licensed under and in compliance with this Ordinance. Tribe "on-sale" alcoholic beverage licenses and licenses for the sale of nonintoxicating beer or nonintoxicating wine (as defined in title 5, South Dakota Code) shall be issued by the Oglala Sioux Tribal Executive Committee as provided in section 4: *Provided*, That not more than two "on-sale" licenses may be issued for any one district of the Reservation.

4. *License Applications.* License applications shall be filed with the Executive Committee and approved thereby. No license shall be issued by the Executive Committee except:

(1) Upon the receipt of an application containing all the information called for on application forms prescribed by the Executive Committee;

(2) Upon a showing, in the case of applicants subject to the jurisdiction of the State of South Dakota, that they have been or are likely to be licensed by the State of South Dakota;

(3) If the applicant is of good moral character, financially responsible, and is not an officer or employee of the Oglala Sioux Tribe;

(4) If the applicant is either a member of the Oglala Sioux Tribe, or a stock corporation, a majority of whose stock is owned by members of the Oglala Sioux Tribe or an association or membership corporation, a majority of whose members are members of the Oglala Sioux Tribe;

(5) Upon receipt by the Executive Committee of a license fee which shall be 50 percent of the fee payable to the State of South Dakota for a license of the class applicable to the applicant.

5. *Revocation of Licenses.* The Committee shall revoke any license issued hereunder for any violation by the licensee of this Ordinance or of any provision of title 5, South Dakota Code, after a hearing, upon reasonable notice, at which the licensee shall be entitled to be present and present evidence. Any person shall be entitled to file with the Committee a duly verified affidavit as to why any such license should be revoked. Upon the revocation or suspension of a South Dakota license held by a tribal licensee, the licensee's tribal license shall be revoked automatically.

6. *Operations of Licensees.* All licensees hereunder shall comply with all applicable provisions of title 5, South Dakota Code, and with the conditions set forth in the tribal license.

7. *Refund of License Fee.* The fee paid by any tribal licensee for a license hereunder shall be refunded (less 5 percent thereof) upon presentation to the Committee of satisfactory evidence that the licensee's application for an appropriate South Dakota license has been denied. The Committee shall cancel the tribal license upon the repayment of the fee.

8. *Expiration and Renewal of Tribal License.* Any tribal licenses issued hereunder to a person subject to the jurisdiction of the State of South Dakota shall expire on the date on which the licensee's South Dakota license expires. All other licenses shall be issued for 1 year. Applications for renewal shall be filed and approved as provided in section 4.

9. *No Transfers of Licenses.* A tribal license may not be transferred.

10. *Effective Date.* This Ordinance shall take effect on the date of its publication in the FEDERAL REGISTER.

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

[F.R. Doc. 69-2550; Filed, Feb. 28, 1969; 8:51 a.m.]

Bureau of Land Management

[Group 456]

ARIZONA

Notice of Filing of Plat

FEBRUARY 24, 1969.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., at 10 a.m., March 31, 1969.

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 10 E.,
Sec. 27 and 28;
Sec. 31;
Sec. 32;
Sec. 33;
Sec. 34;
Sec. 36.

2. All of the above-described land is embraced in the Tonto National Forest by Proclamation of October 3, 1905.

3. The land varies from gently rolling over most of the area to rolling in the northeast portion. The soil is sandy loam. Grass is found throughout the township and the timber consists of juniper, pine, oak, and scattered cedars.

4. Since the land is withdrawn for the Tonto National Forest the described land is not subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

GLENDON E. COLLINS,
Manager.

[F.R. Doc. 69-2532; Filed, Feb. 28, 1969; 8:50 a.m.]

IDAHO

Notice of Filing of Plats of Survey

FEBRUARY 24, 1969.

1. Plats of survey of the lands described below will be officially filed at the Land Office, Boise, Idaho, effective at 10 a.m., on March 31, 1969.

BOISE MERIDIAN, IDAHO

T. 6 S., R. 12 E.,
Sec. 12, lot 11.
Containing 4.96 acres.
T. 5 N., R. 17 E (unsurveyed),
Tract 37.
Containing 0.59 acres.

2. The land in T. 6 S., R. 12 E., is an island in the Snake River located approximately 1 mile south of Bliss, Idaho. The land in T. 5 N., R. 17 E., is located in Blaine County approximately 7 miles north of Ketchum, Idaho.

3. Subject to valid existing rights, the provisions of existing withdrawal, and the requirements of applicable law, the land in T. 6 S., R. 12 E., is hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., on March 31, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land in T. 5 N., R. 17 E., is embraced in the Sawtooth National Forest by Proclamation dated November 6, 1906. The land shall be open to such forms of disposition as may by law be made of national forest lands as of 10 a.m., on March 31, 1969.

5. Inquiries concerning these lands should be addressed to the Manager, Land Office, 550 West Fort Street, Boise, Idaho 83702.

CURTIS R. TAYLOR,
Acting Manager,
Land Office, Boise, Idaho.

[F.R. Doc. 69-2493; Filed, Feb. 28, 1969; 8:47 a.m.]

Office of the Secretary

JOHN S. ANDERSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 5, 1969.

JOHN S. ANDERSON.

[F.R. Doc. 69-2494; Filed, Feb. 28, 1969; 8:47 a.m.]

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

CHARLES A. CAMPBELL.

[F.R. Doc. 69-2495; Filed, Feb. 28, 1969; 8:47 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

HUBBELL CARPENTER.

[F.R. Doc. 69-2496; Filed, Feb. 28, 1969; 8:47 a.m.]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Air West Airlines, Pacific Power & Light Co., Utah Power & Light Co., Portland GE Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Co.
(3) None.
(4) None.

This statement is made as of February 1, 1969.

Dated: February 1, 1969.

GLENN J. HALL.

[F.R. Doc. 69-2497; Filed, Feb. 28, 1969; 8:47 a.m.]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1969.

Dated: February 3, 1969.

DAVID G. JETER.

[F.R. Doc. 69-2498; Filed, Feb. 28, 1969; 8:47 a.m.]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

J. W. KEPNER.

[F.R. Doc. 69-2499; Filed, Feb. 28, 1969; 8:47 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Bought: Signal Oil Industries; Scudder Special Fund; Occidental Petroleum; American Research & Development. Sold: Tenneco; Armco Steel; Squibbs.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

LEWIS W. LENGNICK.

[F.R. Doc. 69-2500; Filed, Feb. 28, 1969; 8:47 a.m.]

OWEN T. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 17, 1969.

Dated: February 17, 1969.

OWEN T. LENTZ.

[F.R. Doc. 69-2501; Filed, Feb. 28, 1969; 8:47 a.m.]

C. R. MACHEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Mohawk Airlines—Addition; Tenneco—Deletion; American Tobacco—Deletion.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

C. R. MACHEN.

[F.R. Doc. 69-2502; Filed, Feb. 28, 1969; 8:47 a.m.]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 13, 1969.

Dated: February 17, 1969.

R. R. McLAGAN.

[F.R. Doc. 69-2503; Filed, Feb. 28, 1969; 8:47 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 10, 1969.

Dated: February 10, 1969.

C. S. McNEER.

[F.R. Doc. 69-2504; Filed, Feb. 28, 1969; 8:47 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February, 1969.

Dated: February 4, 1969.

JULIO A. NEGRONI.

[F.R. Doc. 69-2505; Filed, Feb. 28, 1969; 8:48 a.m.]

RAFAEL RAMIREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

Dated: February 11, 1969.

RAFAEL RAMIREZ.

[F.R. Doc. 69-2506; Filed, Feb. 28, 1969; 8:48 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

L. J. SCHULTZ.

[F.R. Doc. 69-2507; Filed, Feb. 28, 1969; 8:48 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 3, 1969.

Dated: February 3, 1969.

C. W. WATSON.

[F.R. Doc. 69-2508; Filed, Feb. 28, 1969; 8:48 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1969.

Dated: February 4, 1969.

CARL H. WILLIAMS.

[F.R. Doc. 69-2509; Filed, Feb. 28, 1969; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LIVESTOCK FEED PROGRAM

Notice of Designation of Emergency Areas

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1–4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR, Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

OREGON

Grant.

UTAH

Garfield. Wayne.
Piute.

Signed at Washington, D.C., on February 19, 1969.

WILLIAM E. GALBRAITH,
Vice President of the Commodity Credit Corporation.

[F.R. Doc. 69-2556; Filed, Feb. 28, 1969; 8:51 a.m.]

Consumer and Marketing Service

NATIONAL SCHOOL LUNCH, AND CHILD NUTRITION ACT PROGRAMS

Prototype Agreements for Use by School Districts in Contracting With Food Service Management Companies for School Feeding Programs

Section 210.8(c)(3) of the National School Lunch Program regulations (7 CFR Part 210), § 215.7(c)(4) of the Special Milk Program regulations (7 CFR Part 215), and § 220.7(d) of the School Breakfast Program regulations (7 CFR Part 220) as these sections were amended January 18, 1969 (34 F.R. 807), permit any school participating in any of these Programs to operate under the Program during any period through fiscal year 1970 under a contract with a food service management company on a pilot, experimental basis, provided that: (1) Such action extends food service to needy children not previously benefiting from the Program; (2) the contract with the food service management company is one which is substantially in conformity with the applicable prototype agreement published below; and (3) the agreement is approved by the State Agency, or CFPDO where applicable, and the U.S. Department of Agriculture in advance of the beginning of the food service.

Notwithstanding the fact that the school has contracted with the company for the operation of the food service, the school remains responsible for carrying out all the requirements of the National School Lunch Program or other Program in which it participates and will be reimbursed from the funds appropriated for the applicable Program. For the purpose of enabling the school to carry out this responsibility, the prototype agreements set forth below provide that the school will supply or approve menus; will determine that meals conform with the meal type requirements of the National School Lunch or other Program; will fix all prices for the meals and other food served; will designate the children who are to receive free or reduced price meals and assure that the identity of such children is protected; and will determine the acceptability of personnel employed on the school premises. The school will be represented in overall management of the food service operations by its own Food Service Director who is responsible for seeing that the contract provisions are carried out, and, under the Program requirements, will claim reimbursement from the State Agency, or CFPDO where applicable, for the meals served to the children.

Under all of the prototype agreements set forth below, the food service management company will purchase the food used in the meals for the account of the school with invoices sent directly to the school, for payment by the school; will cooperate with the school in maintaining controls on the cost of food it purchases for the school; to the maximum extent possible, will utilize in the preparation of the meals, foods donated by the U.S. Department of Agriculture; in purchasing food for the school, will purchase in as large quantities as may be effectively used, foods designated as plentiful by the U.S. Department of Agriculture; will maintain, in the storage, preparation, and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations; and will maintain proper storage and food inventory control records of the purchased foods and of the Government donated foods.

For all services, including the management fee, the school will pay the food service management company a fixed price per plate or other unit of food served or delivered.

The prototype agreements set forth below encompass the above responsibilities of the school and the company. Inclusion of these responsibilities is mandatory and not open to negotiation between the school and the company. All other provisions of the prototype agreements are open to negotiation between the school and the company, subject to State and local laws on sanitation, health, insurance, etc.

The following are the texts of the prototype agreements:

AGREEMENT (A) BETWEEN SCHOOL DISTRICT AND FOOD SERVICE MANAGEMENT COMPANY FOR ON-SCHOOL-SITE FEEDING OPERATIONS

This Agreement is made this _____ day of _____, 19__, by and between the _____ School District, having its office at _____, City of _____, hereinafter designated as the "School", and _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall manage the food service operations of the School in the following attendance (school) units:

a. _____ address.
b. _____ address.
c. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this agreement, as agreed upon by the Company and the School.

2. The School shall be represented in the overall management of said food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food to be purchaesd by the Company for the School's food service operations.

b. To inspect the purchased food to determine compliance with the purchase specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be served so as to insure compliance with U.S. Department of Agriculture meal type requirements, to inspect the meals served to determine compliance with U.S. Department of Agriculture meal type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To require that the Company's employees be of the ability, appearance, behavior, and physical condition that is in conformity with the School's and the local Health Department's requirements for food service personnel, attached hereto.

f. To require that the Company's employees be of the number agreed upon by the Company and the School, as set out in paragraph 5.

g. To inspect at any time the food preparation, storage, and service areas to determine the adequacy of the Company's cleaning and sanitation practices.

h. To determine the adequacy of the Company's storage practices and recordkeeping so as to insure the safekeeping of all food, including that donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall use such space, equipment, fixtures, china, glass, tableware, kitchen utensils, and utilities provided by the School as may be reasonably necessary for the efficient management of the food service operation in each of the designated attendance units. All equipment, supply, and utensil items shall remain the sole property of the School and the Company shall restore such property to the School in the same condition as when originally made available to the Company, reasonable wear and tear and loss or damage due to vandalism or civil disturbance excepted. Representatives of the Company and the School shall jointly inventory the equipment, glassware, tableware, utensil, food and supply items at the beginning of operations under this Agreement. The Company shall, at its expense, repair any

of such property of the School which becomes damaged, except when the damage is due to vandalism or civil disturbance, and shall replace any of such property which becomes lost with items of equal quality. Copies of the inventory shall be attached to the copies of this contract for reference. Any additional equipment furnished by the Company shall remain the property of the Company, which shall have the right to remove it at any time. The Company shall, at its expense, maintain the School's equipment in good working order. The Company shall be responsible for the regular care and cleaning of all equipment and the food preparation, storage, and serving areas, including serving counters, ovens, hoods and ducts, light fixtures, floors, walls and windows, and for the clearing of tables and the cleaning of the dining area, tables, chairs, and benches following meal service. The cleaning of the dining area and the alternative uses of the area shall be in accordance with a time schedule agreed upon by the Company and the School. The Company shall arrange and pay for exterminating service and for laundry of employee uniforms, towels, and linens. The Company shall procure and pay for cleaning supplies. The Company shall be responsible for the sanitary handling of garbage and trash, shall use the receptacles provided therefor by the School, and shall move refuse to the area designated by the School. The School shall be responsible for removal of garbage and trash from the school building site.

4. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, and serving of food, and shall procure and keep in effect all licenses, permits, and food handler's cards as are required by law, and shall post such permits, notices, and cards in a prominent place within the food service areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

5. The Company shall employ not less than ------ persons to provide the food service under this Agreement. The Company shall hire and dismiss all its employees in accordance with State and local standards and regulations for the employment of food service personnel. Employees hired by the Company must be acceptable to the School. Such employees shall be paid by the Company. In any labor negotiations involving such employees, the School, as a concerned party, shall be represented by the same official that represents the School in similar negotiations involving personnel employed for other supportive services performed for the School.

6. The Company shall serve to children, on such days, at such times, and at such prices as the School shall prescribe, (a) meals which follow the menus and recipes supplied or approved by the School, and which meet the meal-type requirements prescribed by the U.S. Department of Agriculture (and any additional requirements as may be established by the State of ----------) which are set out in detail in Exhibit ------, attached hereto and made a part of this Agreement, and (b) such other food as may be agreed upon by the Company and the School. School employees and teachers may be permitted to purchase meals and other food at the option and direction of the School at prices set by the School. The Company shall not sell on the premises of any attendance unit listed in this Agreement, any food or beverage items other than the prescribed meals and other food, except those which may be expressly authorized by the School, and then only at times and places designated by the School. The Company shall not use the School's facilities for the preparation of food to be served in any location other than the listed attendance units. The Company shall serve milk to children under the Special Milk Program at times and at prices set by the School, and shall keep the records needed to file claims for reimbursement under that program. The Company shall cooperate with the School in promoting the nutritional education aspects of the School's food service program and in the efforts of the School to coordinate these aspects with classroom instruction, e.g., by making the food preparation and storage areas available for visits of the school children at reasonable times. The kitchen and the food preparation and service facilities shall be available for after-school-hours social events as agreed upon by the Company and the School.

7. The Company shall purchase, for the account of the School, the food required for the meals and other food served under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated local wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. Food purchased for service other than in meals shall be of the quality specified by the School. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit ------, and made a part hereof.

8. To the maximum extent possible, the Company shall use in the preparation of the meals and other food served to the children, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory and control of such foods to insure that its use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit ------. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

9. The Company shall serve free or reduced-price meals to children designated by the School and protect the anonymity of such children; keep an accurate daily record of the number of all meals and other food served to children and, separately, all meals and other food served to adults, and shall transmit the record daily to the School's Food Service Director. The Company shall collect cash, tokens, or meal tickets from all persons served and transmit such collections daily to the School's Food Service Director or his designee, unless the School directs the Company to deposit the cash collections to the credit of the School's bank account each school day and to give the School a daily record of such deposits. In the event the food service operation in any attendance unit is large enough to warrant the use of a cash register, it shall be supplied by the School with the reset keys therefor to remain in the custody of the School.

10. The School shall be liable for labor and any other direct expenses incurred by the Company because of the School's failure to notify the Company before ------ a.m. of any day for which food services are canceled.

11. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent acts or omissions, theft by the Company's employees, or negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury, sickness or disease arising out of the consumption of the food served.

The school shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

12. The Company shall:

a. Procure and maintain workmen's compensation insurance as prescribed by the laws of the State in which the School is located.

b. Procure and maintain comprehensive bodily injury and property damage liability insurance, including bodily injury and property damage caused by automotive vehicles used in the School's food service operations, with limits of $300,000 for injury or death of one person in any one accident; $500,000 for injury or death of two or more persons in any one accident; and $100,000 for property damage in any one accident.

c. Furnish the School certificates of insurance to demonstrate that it has procured the required insurance.

d. Procure and maintain a surety bond conditioned on the Company's faithful performance of this Agreement. (Omit this subparagraph if no bond will be required.)

13. All records of the Company bearing upon food service operations in any attendance unit shall be maintained at such attendance unit or at the Company's local office within the State, and shall be made available to the School upon request. The Company shall maintain any additional records the School may request to meet the requirements of the National School Lunch Program, or any other Government program. All such records shall be kept on file for 3 years after the end of the Federal fiscal year to which they pertain. The School's Food Service Director or other School representative, State educational agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place. Authorized representatives of the School, the State educational agency, and the U.S. Department of Agriculture shall have the right to conduct on-site administrative reviews of the food service operation.

14. The School shall pay the Company based on the following schedule:

FOR LUNCHES

For under 200 daily participation ------ cents per plate of food served.

For 200–500 daily participation ------ cents per plate of food served.

For 500 and up daily participation ------ cents per plate of food served.

FOR BREAKFASTS

For under 200 daily participation ------ cents per plate of food served.

For 200–500 daily participation _____ cents per plate of food served.

For 500 and up daily participation _____ cents per plate of food served.

FOR OTHER FOOD

_____	_____
_____	_____
_____	_____

15. The School shall make such payment to the Company monthly, on or before the _____ day of the month following the calendar month for which payment is made.

16. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

17. This Agreement shall be effective as of _____, and shall be in force with respect to meals served during the period commencing on the effective date and ending _____, and during such additional period or periods as the Company and the School may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement, with respect to the serving of meals, by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement, with respect to the serving of meals, if the terms and conditions thereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intention to do so. All notices to the School shall be addressed to it at _____ _____ and all notices to the Company shall be addressed to the Company at _____.

In witness whereof, the parties hereto have caused this agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL	FOR THE COMPANY
_____	_____
_____	_____
_____	_____

APPROVED BY THE STATE EDUCATION AGENCY

_____

_____

AGREEMENT (B) BETWEEN SCHOOL DISTRICT AND FOOD SERVICE MANAGEMENT COMPANY FOR ON-SCHOOL-SITE FEEDING OPERATIONS PLUS TRANSPORTATION OF FOOD TO OTHER UNITS

This Agreement is made this _____ day of _____, 19__, by and between the _____ School District, having its office at _____, City of _____, hereinafter designated as the "School", and _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall manage the food service operations of the School in the following attendance (school) units:

a. _____ address.
b. _____ address.
c. _____ address.

In addition, the Company shall prepare meals in any of such attendance units and deliver them to the following attendance units which do not have food preparation facilities:

d. _____ address.
e. _____ address.
f. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this Agreement, as agreed upon by the Company and the School.

2. The School shall be represented in the overall management of said food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food to be purchased by the Company for the School's food service operations.

b. To inspect the purchased food to determine compliance with the purchase specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be served, so as to insure compliance with U.S. Department of Agriculture meal-type requirements, to inspect the meals served to determine compliance with U.S. Department of Agriculture meal-type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To require that the Company's employees be of the ability, appearance, behavior, and physical condition that is in conformity with the School's and the local Health Department's requirements for food service personnel, attached hereto.

f. To require that the Company's employees be of the number agreed upon by the Company and the School, as set out in paragraph 5.

g. To inspect at any time the food preparation, storage, and service areas and the food containers and automotive vehicles used in transporting the prepared meals and other food to the School, to determine the adequacy of the Company's cleaning and sanitation practices.

h. To determine the adequacy of the Company's storage practices and recordkeeping so as to insure the safekeeping of all food, including that donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall use such space, equipment, fixtures, china, glass, tableware, kitchen utensils, and utilities provided by the School as may be reasonably necessary for the efficient mangement of the food service operation in each of the designated attendance units. All equipment, supply, and utensil items shall remain the sole property of the School and the Company shall restore such property to the School in the same condition as when originally made available to the Company, reasonable wear and tear and loss or damage due to vandalism or civil disturbance excepted. Representatives of the Company and the School shall jointly inventory the equipment, glassware, tableware, utensil, food and supply items at the beginning of operations under this Agreement and the Company shall, at its expense, repair any of such property of the School which becomes damaged, except when the damage is due to vandalism or civil disturbance, and shall replace any of such property which becomes lost with items of equal quality. Copies of the inventory shall be attached to the copies of this Agreement for reference. Any additional equipment furnished by the Company shall remain the property of the Company, which shall have the right to remove it at any time. The Company shall, at its expense, maintain the School's equipment in good working order. The Company shall be responsible for the regular care and cleaning of all the equipment and the food preparation, storage, and serving areas, including serving counters, ovens, hoods and ducts, light fixtures, floors, walls and windows, and for the clearing of tables and the cleaning of the dining area, tables, chairs, and benches following meal service. The cleaning of the dining area and the alternative uses of the area shall be in accordance with a time schedule mutually agreeable to the Company and the School. The Company shall arrange and pay for exterminating service and for laundry of employee uniforms, towels, and linens. The Company shall procure and pay for cleaning supplies. The Company shall be responsible for the sanitary handling of garbage and trash, shall use the receptacles provided therefore by the School, and shall move refuse to the area designated by the School. The School shall be responsible for removal of garbage and trash from the school building site.

The Company shall supply automotive vehicles and insulated containers for hot and cold food for the transportation of meals and other food to the attendance units without food preparation facilities, and shall be responsible for the sanitary handling of the transported food and the maintenance of the temperatures for the hot and the cold food, as prescribed by the School. If this Agreement is not renewed at the end of any period during which it is in effect, the School shall have the option to purchase from the Company any of the Company's automotive vehicles and insulated containers used to transport the meals and other food, as provided for in this Agreement, for an amount representing the residual value of such equipment.

4. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, transporting, and serving of food, shall procure and keep in effect all licenses, permits, and food handler's cards, as are required by law, and shall post such permits, notices, and cards in a prominent place within the food service areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

5. The Company shall employ not less than _____ persons to provide food service under this Agreement. The Company shall hire and dismiss all its employees in accordance with State and local standards and regulations for the employment of food service personnel. Employees hired by the Company must be acceptable to the School. Such employees shall be paid by the Company. In any labor negotiations involving such employees, the School, as a concerned party, shall be represented by the same official that represents the School in similar negotiations involving personnel employed for other supportive services performed for the School.

6. The Company shall serve to children, in all attendance units, on such days, at such times, and at such prices as the School shall prescribe, (a) meals which follow the menus and recipes supplied or approved by the School, and which meet the meal-type requirements prescribed by the U.S. Department of Agriculture (and any additional requirements as may be established by the State of _____) which are set out in detail in Exhibit _____, attached hereto and

made a part of this Agreement, and (b) such other food as may be agreed upon by the Company and the School. School employees and teachers may be permitted to purchase meals and other food at the option and direction of the School at prices set by the School. The Company shall not sell on the premises of any attendance unit listed in this Agreement, any food or beverage items other than the prescribed meals or other food, except those which may be expressly authorized by the School, and then only at times and places designated by the School. The Company shall not use the School's facilities for the preparation of food to be served in any location other than the listed attendance units. The Company shall serve milk to children under the Special Milk Program at times and at prices set by the School, and shall keep the records needed to file claims for reimbursement under the Program. The Company shall cooperate with the School in promoting the nutritional educational aspects of the School's food service program and in the efforts of the School to coordinate these aspects with classroom instruction, e.g., by making the food preparation and storage areas available for visits of the school children at reasonable times. The kitchen and the food preparation and service facilities shall be available for after-school-hours social events as agreed upon by the Company and the School.

7. The Company shall purchase, for the account of the School, the food required for the meals and other food served under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated local wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. Food purchased for service other than in meals shall be of the quality specified by the School. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit ------, and made a part hereof.

8. To the maximum extent possible, the Company shall use in the preparation of the meals and other food served to the children, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory, and control of such food to insure that its use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit ------. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

9. The Company shall serve free or reduced-price meals to children designated by the School and protect the anonymity of such children; keep an accurate daily record of the number of all meals and other food served to children and separately, all meals and other food served to adults, and shall transmit the record daily to the School's Food Service Director. The Company shall collect cash, tokens, or meal tickets from all persons served and transmit such collections daily to the School's Food Service Director or his designee, unless the School directs the Company to deposit the cash collections to the credit of the School's bank account each school day, and give to the School a daily record of such deposits. In the event the food service operation in any attendance unit is large enough to warrant the use of a cash register, it shall be supplied by the School with the reset keys therefor to remain in the custody of the School.

10. The School shall be liable for labor and any other direct expenses incurred by the Company because of the School's failure to notify the Company before ------ a.m. of any day for which food services are canceled.

11. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent acts or omissions, theft by the Company's employees, or negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury, sickness or disease arising out of the consumption of the food served and any suit against the School alleging property damage or personal injury arising out of the transportation of food to attendance units without food preparation facilities.

The School shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

12. The Company shall:

a. Procure and maintain workmen's compensation insurance as prescribed by the laws of the State in which the School is located.

b. Procure and maintain comprehensive bodily injury and property damage liability insurance, including bodily injury and property damage caused by automotive vehicles used in the School's food service operations, with limits of $300,000 for injury or death of one person in any one accident; $500,000 for injury or death of two or more persons in any one accident; and $100,000 for property damage in any one accident.

c. Furnish the School certificates of insurance to demonstrate that it has procured the required insurance.

d. Procure and maintain a surety bond conditioned on the Company's faithful performance of this Agreement. (Omit this subparagraph if no bond will be required.)

13. All records of the Company bearing upon food service operations in any attendance unit shall be maintained at such attendance unit or at the Company's local office within the State, and shall be made available to the School upon request. The Company shall maintain any additional records the School may request to meet the requirements of the National School Lunch Program, or any other government program. All such records shall be kept on file for three years after the end of the Federal fiscal year to which they pertain. The School's Food Service Director or other School representative, State educational agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place. Authorized representatives of the School, the State educational agency, and the U.S. Department of Agriculture shall have the right to conduct on-site administrative reviews of the food service operations.

14. The School shall pay the Company based on the following schedule:

FOR LUNCHES

For under 200 daily participation ------ cents per plate of food served.
For 200–500 daily participation ------ cents per plate of food served.
For 500 and up daily participation ------ cents per plate of food served.

FOR BREAKFASTS

For under 200 daily participation ------ cents per plate of food served.
For 200–500 daily participation ------ cents per plate of food served.
For 500 and up daily participation ------ cents per plate of food served.

FOR OTHER FOOD

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15. The School shall make such payment to the Company monthly, on or before the ------ day of the month following the calendar month of operation for which payment is made.

16. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

17. This Agreement shall be effective as of ----------, and shall be in force with respect to meals served during the period commencing on the effective date and ending ----------, and during such additional period or periods as the parties hereto may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement, with respect to the serving of meals, by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement, with respect to the serving of meals, if the terms and conditions thereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intention to do so. All notices to the School shall be addressed to it at ---------- and all notices to the Company shall be addressed to the Company at ----------.

In witness whereof, the parties hereto have caused this Agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL	FOR THE COMPANY
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APPROVED BY THE STATE EDUCATION AGENCY

AGREEMENT (C) BETWEEN SCHOOL DISTRICTS AND FOOD SERVICE MANAGEMENT COMPANIES FOR OFF-SCHOOL-SITE MEAL PREPARATION OPERATIONS

This Agreement is made this _____ day of _____, 19__, by and between the _____ School District, having its office at _____, City of _____, hereinafter designated as the "School" and the _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall prepare meals and other food and deliver them to the following attendance units of the School:

a. _____ address.
b. _____ address.
c. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this Agreement, as agreed upon by the Company and the School.

2. The School shall be represented in its overall food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food which the Company is to use in the meals and other food prepared for the School.

b. To inspect such food to determine compliance with the specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be delivered so as to insure compliance with U.S. Department of Agriculture meal-type requirements, to inspect the meals delivered to determine compliance with U.S. Department of Agriculture meal-type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To inspect at any time the Company's food preparation, packaging and storage areas and the food containers and automotive vehicles used in transporting prepared meals and other food to the School to determine the adequacy of the Company's cleaning, sanitation, and maintenance practices.

f. To determine the adequacy of the Company's storage and recordkeeping practices so as to insure the safekeeping of all food, including the food donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, and transporting of food; shall procure and keep in effect all necessary licenses, permits, and food handler's cards as are required by law; and shall post such licenses, permits and cards in a prominent place within the meal preparation areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

4. The Company shall supply automotive vehicles and insulated containers for hot and cold food for the transportation of meals and other food to the designated attendance units. If this Agreement is not renewed at the end of any period during which it is in effect, the School shall have the option to purchase from the Company any of the Company's automotive vehicles and insulated containers used to transport the meals and other food, as provided for in this Agreement, for an amount representing the residual value of such equipment.

The Company shall deliver the meals and other food to the attendance units of the School in accordance with the attached delivery schedule (Exhibit _____) in such quantities as may be agreed upon from time to time by the Company and the School; shall maintain proper temperatures for the hot and the cold food and shall maintain adequate sanitary practices in handling the food in transit.

In the event that the Company fails to deliver any meal or meals or other food to the School, as agreed upon, the School may procure a meal or meals or other food elsewhere, and charge to the Company the cost of such replacement meal or meals or other food, plus any expenses incurred by the School in procuring such replacement meal or meals or other food.

5. The Company shall purchase, for the account of the School, the food required for the meals and other food to be delivered to the School under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit _____, and made a part hereof.

6. To the maximum extent possible, the Company shall use, in the meals and other food delivered to the School, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory and control of such food to insure that their use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit _____. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

7. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent act or omission, theft by the Company's employees, or the negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury or property damage arising out of the transportation of meals or other food to the attendance units of the School, and any suit alleging personal injury, sickness or disease arising out of the consumption of the meals or other food delivered to the School.

The School shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

8. All records of the Company bearing upon food purchases, storage, food preparation and transportation, directly related to the meals and other food delivered under this Agreement, including the records on receipt, storage, and use of Government-donated commodities, shall be made available to the School upon request. The School's Food Service Director or other School representative, State educational agency and the State Distributing Agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place.

9. The School shall pay the Company for the meals prepared and delivered on the basis of the following schedule:

FOR LUNCHES

Elementary—Secondary

For under 200 daily lunch delivered. _____¢—_____¢ per
For 200 to 500 daily lunch delivered. _____¢—_____¢ per
For 500 and up daily lunch delivered. _____¢—_____¢ per

FOR BREAKFASTS

Elementary—Secondary

For under 200 daily breakfast delivered. _____¢—_____¢ per
For 200 to 500 daily breakfast delivered. _____¢—_____¢ per
For 500 and up daily breakfast delivered. _____¢—_____¢ per

FOR OTHER FOOD

_____ _____
_____ _____
_____ _____

10. The School shall make such payment to the Company monthly on or before the _____ day of the month following the calendar month for which payment is made, except that the School shall not be obligated to receive or pay for any meal or other food if, by notice to the Company before _____ a.m., the School requested that such meal or other food not be delivered, and the School shall not be obligated to pay for any meal or other food which does not meet the prescribed requirements.

11. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

12. This Agreement shall be effective as of _____, and shall be in force with respect to meals delivered during the period commencing on the effective date and ending _____, and during such additional period or periods as the Company and the School may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement with respect to the delivery of meals by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this

Agreement with respect to the delivery of meals, if the terms and conditions hereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intention to do so. All notices to the school shall be addressed to it at _____ and all notices to the Company shall be addressed to the Company at _____.

In witness whereof, the parties hereto have caused this Agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL	FOR THE COMPANY
_____	_____
_____	_____
_____	_____
APPROVED BY THE STATE EDUCATIONAL AGENCY	APPROVED BY THE STATE DISTRIBUTING AGENCY
_____	_____
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Effective date. This notice shall be effective on date of publication.

Dated: February 25, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2448; Filed, Feb. 28, 1969; 8:45 a.m.]

Packers and Stockyards Administration

VALLEY LIVESTOCK COMMISSION CO., INC. ET AL.

Notice of Changes in Names of Posted Stockyards

Correction

In F.R. Doc. 69-2328 appearing at page 2617 of the issue for Wednesday, February 26, 1969, the first entry for "Texas" under the column headed *"Current name of stockyard and date of change in name"* should read as follows:

Blanco Livestock Commission Company, Sept. 1, 1968.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CARNEGIE-MELLON UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00230-33-54600. Applicant: Carnegie-Mellon University, Mellon Institute, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article:

1. Lipson optical diffractometer with 2½" standard lens.
2. Pantograph punch.

Manufacturer: The Rank Organisation, Rank Pullin Controls, United Kingdom. Intended use of article: This set of articles will be used almost exclusively for analysis of biological structures such as muscle and nerve tissues. The optical diffractometer will be used in analysis of electron microscope plates and X-ray diffraction structures, and the pantograph punch to produce a model pattern of trial structures. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is to be used to assist in the solution of X-ray diffraction problems. This is accomplished by first punching a mask of holes in a black card in such a way that each hole corresponds to an atomic position and then observing the optical diffraction pattern produced by this mask. Without the foreign article the deduction of the exact arrangement of atoms in a solid, from the way in which X-rays are diffracted as they pass through, is accomplished by trial and error. That is, a structure is postulated and its diffraction pattern is calculated and compared to that observed. If the two patterns agree, the structure is assumed to be correct. The calculations are long and tedious and many trials are necessary before agreement is reached. With the foreign article a trial structure can be tested in a few minutes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 30, 1969, that HEW knows of no scientifically equivalent domestic instrument.

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

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

[F.R. Doc. 69-2474; Filed, Feb. 28, 1969; 8:45 a.m.]

CULVER CITY UNIFIED SCHOOL DISTRICT

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00210-98-2600. Applicant: Culver City Unified School District, 4034 Irving Place, Culver City, Calif. 90230. Article: Dr. Clemenz standard construction device for the theory of electricity. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity. It teaches the student to construct electrical articles by actual practice and gives him a basic understanding of the theory underlying the experiments. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The application relates to a set of units that are to be assembled by the student as an objective demonstration of the principles underlying alternating current and direct current generators, three-phase motors, and other electrical apparatus.

The Department of Commerce knows of no comparable apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 69-2475; Filed, Feb. 28, 1969; 8:45 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00248-00-66700. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Spare parts for Prevost projector. Manufacturer: Prevost, Italy. Intended use of article: The article will be used as spare parts for an existing projector. Comments: N-

comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which such articles are intended to be used, is being manufactured in the United States. Reasons: The application relates to a set of spare parts for a Prevost projector already in the possession of the applicant.

The Department of Commerce knows of no similar parts being manufactured in the United States, which are interchangeable with, or are adaptable to the instrument in which the foreign articles are intended to be used.

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

[F.R. Doc. 69-2476; Filed, Feb. 28, 1969; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00217-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for research in the following areas:

1. Analysis of the fine structure of the protein synthetic apparatus of the cell. The ribosome has been studied in all of its natural and artificially produced manifestations, from its subunits to large polyribosomal aggregates. In the course of study a new cytoplasmic structure has been discovered and characterized.

2. Study of the fine structure of lymphocytes and macrophages. The fine structure of normal lymphocytes and macrophages is being characterized as a baseline for studies on the uptake and processing of antigen in a macrophage-lymphocyte system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 19, 1968). Reasons: (1) The foreign article has a guaranteed resolving power of 3.5 angstroms. The only known comparable domestic instrument which was available prior to July 1, 1968 was the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 69-2477; Filed, Feb. 28, 1969; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69-00214-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in a variety of studies on the morphology of oncogenic and other viruses and their components. In these studies thin sectioning and negative staining will be used in connection with morphologic studies. In addition, ultrastructural cytochemistry will be used as well as radioautography when necessary. The studies range from quantitative analysis of viral content of fluids and tissues as related to potency, to radioactive tracer studies to determine the movement of viral protein and nucleic acid within infected cells. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (June 19, 1968). Reasons: (1) The foreign article has a guaranteed resolving power of 3.5 angstroms. The only known comparable domestic instrument which was available prior to July 1, 1968, was the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). The RCA Model EMU-4 has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50- and 100-kilovolt accelerating voltages. It has been experimentally established that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 69-2478; Filed, Feb. 28, 1969; 8:45 a.m.]

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00228–33–79400. Applicant: Sloan-Kettering Institute for Cancer Research, 410 68th Street, New York, N.Y. 10021. Article: Two glass syringes for an Automatic "Tar" Applicator. Manufacturer: Degussa, West Germany. Intended use of article: The article will be utilized as an accessory to an existing tar applicator used for biological experiments with tobacco tar. Coments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an existing Dosimat automatic "tar" applicator which is now in possession of the applicant. We know of no similiar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be adapted to the instrument with which the foreign article is intended to be used.

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

[F.R. Doc. 69–2479; Filed, Feb. 28, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00239–01–14200. Applicant: University of California, Lawrence Radiation Laboratory, 7000 East Avenue, Livermore, Calif. 94550. Article: Image analyzing computer, Model QTM 29–000. Manufacturer: Metals Research, Ltd., United Kingdom. Intended use of article: The article will be used for quantitatively analyzing photographs, negatives and bulk specimens, providing instantaneous readout of features being studied in an unlimited variety of substances, revealing specific percentage areas of inclusion, grains and particles with size, shape, and distribution definition. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of automatically providing microscopic measuring of inclusions, pores, volume fractions, grain size, size distribution, and form factor in a variety of materials peculiar to the research of the applicant. Without the foreign article such measurements must be determined manually. This is a tedious, time consuming, or impossible task which can result in unwarranted delay of research and produces results that are subject to human error because of excessive eye fatigue. Therefore the automatic measuring capability of the foreign article is pertinent.

The Department of Commerce knows of no instrument or apparatus being manufactured in the United States, for the purposes for which the foreign article is intended to be used, which has this pertinent capability.

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

[F.R. Doc. 69–2480; Filed, Feb. 28, 1969; 8:46 a.m.]

UNIVERSITY OF CHICAGO

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00202–00–46040. Applicant: The University of Chicago, 5801 South Ellis Avenue, Chicago, Ill., 60637. Article: Pole piece (lens) for an existing Model HU–200E electron microscope. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as an accessory to an existing electron microscope for high resolution electron microscopy of biological specimens and extraterrestrial particles connected with space programs. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope of foreign manufacture, already in the possession of the applicant.

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

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

[F.R. Doc. 69–2481; Filed, Feb. 28, 1969; 8:46 a.m.]

UNIVERSITY OF VIRGINIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 69–00246–00–46040. Applicant: University of Virginia, Purchasing Department, Charlottesville, Va. 22901. Article: Specimen airlock with electromagnetic beam alignment. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for high resolution dark field electron microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope manufactured by the supplier

of the article to which the application relates, which is now in the possession of the applicant.

The Department of Commerce knows of no similar accessory which is interchangeable with the foreign article, or can be adapted for use with the electron microscope with which the foreign article is intended to be used.

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

[F.R. Doc. 69-2482; Filed, Feb. 28, 1969; 8:46 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

FEBRUARY 19, 1969.

In accordance with National Bureau of Standards policy of giving monthly notice regarding changes in phases of seconds pulses, notice is hereby given that there will be an adjustment on April 1, 1969, in the phase of coordinate seconds pulses emitted from the low frequency radio stations WWVB, Fort Collins, Colo. At 0000 hours Greenwich Mean Time (GMT) the clock at the station will be retarded 200 milliseconds. The carrier frequency of WWVB is 60 kHz and is broadcast without offset with respect to standard coordinate frequency. These emissions are made following the Stepped Atomic Time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustment in the phases of time pulses emitted from the high frequency radio stations WWVB, Fort Collins, Colo., and WWVH, Maui, Hawaii, on April 1, 1969. These pulses at present occur at intervals which are longer than one coordinate second by 300 parts in 10^{10}, and will occur at these intervals throughout 1969. This is due to the offset maintained in the carrier frequencies of these stations following the Coordinated Universal Time (UTC) system as coordinated by the BIH.

Phase adjustments, when needed, insure that the emitted pulses from all stations will remain within about $\overline{100}$ milliseconds of the Universal Time, UT2 scale, a nonuniform scale associated with the rotation of the earth. NBS obtains daily UT2 information from forecasts of extrapolated UT2 clock readings provided weekly by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

LAWRENCE M. KUSHNER,
Acting Director.

[F.R. Doc. 69-2543; Filed, Feb. 28, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SODIUM ARSANILATE TABLETS FOR WATER MEDICATION

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Dr. Mayfield Hog Tablets; each tablet contains 18.4 grains of sodium arsanilate; marketed by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616.

2. Beebe Arsonil; each tablet contains 9.13 grains of sodium arsanilate; marketed by Beebe Laboratories, 2035 Larpenteur Avenue, St. Paul, Minn. 55109.

3. M & M Noctol 600; each tablet contains 9.2 grains of sodium arsanilate; marketed by M & M Livestock Products Co., Eagle Grove, Iowa 50533.

The Academy concludes that these products are effective as an aid in the treatment and control of swine dysentery (hemorrhagic enteritis or bloody scours), but that more information is needed to support the claim for growth stimulation, when the tablets are used in water as specified, and the claim for coccidiosis. The Food and Drug Administration concurs with the conclusions of the Academy.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS FOR USE AND DOSAGE

For oral administration in drinking water for swine as an aid in treatment and control of swine dysentery (hemorrhagic enteritis or bloody scours).

1. Aid in treatment: 0.02 percent (9–11 grains per gallon) of sodium arsanilate for not more than 5–6 days.

2. Aid in control: 0.005 percent (2.9 grains per gallon) of sodium arsanilate when administered continuously.

Caution: Use as the sole source of organic arsenic. If no improvement in 2–3 days consult veterinarian.

Warning: Discontinue use at least 5 days before slaughtering animals for food. Keep out of the reach of children. Do not administer to ruminants, ducks, geese, dogs, and cats. Do not medicate swine that have been without water.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including a request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the new-drug applications for the drugs listed above have been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to those drugs or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 24, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2489; Filed, Feb. 28, 1969; 8:46 a.m.]

[Docket No. FDC-D-121; NDA No. 7-875]

MEDICAL DRUG CORP.

Nurobloc Injection; Notice of Opportunity for Hearing

Notice is hereby given to the Medical Drug Corp., 848 Broadway, New York, N.Y. 10003, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of new-drug application No. 7-875 and all amendments and supplements thereto held by the Medical Drug Corp. for the drug Nurobloc Injection on the grounds that:

1. New information before the Commissioner with respect to such drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of

use prescribed, recommended, or suggested in its labeling in that the data available indicate virtually no evidence of effectiveness as a curative in neuritis and rheumatic disorders and under the other conditions for which the product is recommended.

2. The applicant has repeatedly or deliberately failed to make required reports under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (a) and (b) of the new-drug regulations (21 CFR 130.13, 130.35 (a) and (b)).

The Commissioner also proposes under the provisions of section 505(d) of the Act (21 U.S.C. 355(d)) to refuse to approve all supplements pending on new-drug application No. 7-875 for Nurobloc Injection on the grounds that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 7-875 should not be withdrawn and approval of all pending supplements to the new-drug application should not be refused.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application and all amendments and supplements thereto and refusing to approve all pending supplements. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 19, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2490; Filed, Feb. 28, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18388]

FLYING TIGER ADDITIONAL POINTS

Notice of Hearing; Correction

F.R. Doc. 69-2262, published at page 2569 in the issue dated Tuesday, February 25, 1969, is corrected by changing the date of the hearing from "May 5, 1969" to "May 6, 1969" in the first paragraph.

Dated at Washington, D.C., February 26, 1969.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 69-2552; Filed, Feb. 28, 1969; 8:51 a.m.]

[Docket No. 20755; Order 69-2-111]

REEVE ALEUTIAN AIRWAYS, INC.

Order of Investigation and Suspension Regarding Increased Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1969.

By tariff revisions[1] filed January 22, 1969, and marked to become effective February 24, 1969, Reeve Aleutian Airways, Inc. (Reeve), proposes to increase a number of its specific commodity rates (mainly foodstuffs) between selected points in Alaska and to reduce certain other such rates. Certain increases are to be accomplished by canceling current specific commodity rates, leaving the current general commodity rates in effect.

Reeve asserts that certain of its proposed increases are justified because the industries affected have developed to the point where they can afford to bear a larger proportion of the actual transportation costs. The carrier bases the cancelation of a number of other specific commodity rates upon a purported elimination of the need for such rates.

Upon consideration of all relevant matters, the Board finds that the proposals, to the extent that they involve increased rates, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Reeve's proposal involves rate increases ranging between 67 and 250 percent, but the carrier does not present any factual basis for such sharp increases. The justification presented by the carrier—that shippers can now afford higher rates or that the need for special rates has been eliminated—does not appear to us adequate to warrant the significant rises in shipper costs proposed on commodities many of which comprise the necessities of life.

The carrier does not claim any financial need for the proposed increases. In fact, the carrier has generally earned satisfactory profits in recent years.

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

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions described in Appendix A attached hereto,[2] and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in Appendix A hereto[2] are suspended and their use deferred to and including May 24, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Reeve Aleutian Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2553; Filed, Feb. 28, 1969; 8:51 a.m.]

[1] Revisions to Reeve Aleutian Airways, Inc.'s, Tariff CAB No. 14.

[2] Filed as part of the original document.

FARM CREDIT ADMINISTRATION

CERTAIN DEPUTY GOVERNORS

Notice of Basic Compensation

As provided in section 5(d) of the Farm Credit Act of 1953, as amended (sec. 302 (a), 75 Stat. 793; 12 U.S.C. 636d(d)), the Federal Farm Credit Board has fixed the per annum salary of the Deputy Governors of the Farm Credit Administration who are also Service Directors, viz.,

Deputy Governor and Director of Cooperative Bank Service, Deputy Governor and Director of Production Credit Service, and Deputy Governor and Director of Land Bank Service, effective February 23, 1969, at $30,239. Such action supersedes a prior action of the Board, effective July 3, 1966, which was published in the FEDERAL REGISTER of June 16, 1966 (31 F.R. 8478). Notice of this is published pursuant to the provisions of 5 U.S.C. 5364.

HAROLD T. MASON,
Secretary,
Federal Farm Credit Board.

[F.R. Doc. 69-2549; Filed, Feb. 28, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18198, 18199; FCC 69R-97]

COMMUNITY BROADCASTING COMPANY OF HARTSVILLE AND EASTERN CAROLINA BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Harold Bledsoe and Edmond F. Baddour, doing business as Community Broadcasting Company of Hartsville, Hartsville, S.C., Docket No. 18198, File No. BP-16995; Eastern Carolina Broadcasters, Inc., Florence, S.C., Docket No. 18199; File No. BP-17083; for construction permits.

1. This proceeding involves the mutually exclusive applications of Community Broadcasting Company of Hartsville (Community) and Eastern Carolina Broadcasters, Inc. (Eastern), for authorizations to construct new standard broadcast stations in Hartsville and Florence, S.C., respectively. It was designated for hearing by order, FCC 68-564, released July 22, 1968, under issues, including, interalia, an issue to determine whether two of Eastern's stock subscribers can meet their commitments. The hearing was held before Hearing Examiner Basil P. Cooper on January 6 and 7, 1969. Presently before the Review Board is a petition to enlarge issues, filed January 17, 1969, by Community,[1] requesting staffing, financial and § 1.65 issues relating to Eastern's qualifications.[2]

2. Petitioner first requests staffing issues, alleging that Eastern's proposed staff is inadequate to effectuate its proposed operation. Community points out that although Eastern proposed a staff of eight persons in its application, at the hearing session held on January 7, 1969, it offered an exhibit showing a staff of only five persons.[3] Petitioner argues that a staff of five is inadequate to operate the station for the proposed 18½ hours per day, 129½ hours per week, especially given the fact that Eastern proposes many local live programs, including some live remote broadcasts. The Broadcast Bureau, in its opposition to the petition, argues that Community has failed to plead facts sufficient to warrant the addition of a staffing issue. It points out that two of the five proposed employees are principals who can be expected to devote more than 40 hours a week to the station and that a third principal, not included in the staffing proposal, will work on the station during his free time.

3. Petitioner's allegations regarding Eastern's staffing proposal (as set out in its hearing exhibits) to employ a staff of five raises a substantial question of the adequacy of that staff, which is compounded by the vagueness of the proposal. There is no explicit indication in the record as to what duties would be assigned to each staff member or as to whether they would be full-time or part-time employees. Eastern proposes a schedule of 129½ hours per week, including local live programs of news, weather, sports, devotion, announcements, etc. Even with modern equipment and techniques and the possible participation of some nonstation personnel (e.g., clergymen on devotional programs) this doubt is not dispelled. Cf. John N. Traxler and Alvera M. Traxler, FCC 65R-191, 5 RR 2d 738. The fact that the two active principals can be expected to dedicate more than an average work week to the station's affairs and that a third principal, not included in the staffing proposal, has stated that he will devote some leisure hours to the station, hardly constitutes a satisfactory demonstration that Eastern's inexplicit plan is adequate, particularly since there is no indication of the basis of Eastern's staffing plans. Moreover, the reduction of the proposed staff of eight persons in Eastern's application to the five persons mentioned in its exhibits is unexplained. The request for a staffing issue will be granted.

Financial issue. 4. Community requests an expansion of the financial issue, to encompass an inquiry into Eastern's estimated costs of operations because Eastern (1) has allocated only $23,000 for payroll and (2) has failed to allocate funds in its operating budget for unemployment compensation tax, State corporation tax, and city business license fees. The Broadcast Bureau, in its opposition, contends, that Community has failed to allege facts sufficient to establish that Eastern's estimated payroll would be inadequate since the testimony of the president of Eastern indicates that he and Eastern's treasurer would not receive full salaries. The Bureau also argues that Eastern's available cash provides a substantial financial cushion and that Community does not assert what the various tax rates are or to what extent the additional costs will erode the cushion.

5. Petitioner has failed to establish by affidavits of persons familiar with the prevailing rates of compensation or by other means that Eastern could not hire the proposed staff for $23,000. Moreover, if Eastern meets its burden under the existing financial issue, it will have a substantial financial cushion to look to should additional sums be needed for salaries.[4] As to the taxes for which Eastern has failed to provide, Community has not stated the rates of the South Carolina unemployment tax or the city license fee nor demonstrated that Eastern's monetary reserve would be insufficient to absorb them. Finally, as pointed out by the Bureau, the State corporation tax is based upon gross receipts and, therefore, Eastern will only have to pay the tax if it has revenues. Since Eastern is not relying on revenues to finance its proposal expenditures which are a direct result of revenues need not be included in its estimates. See Brown Broadcasting Company, Incorporated, FCC 68-751, 14 FCC 2d 143. The request for expansion of the financial issue will be denied.

Section 1.65 issue. 6. The petitioner requests the addition of a § 1.65 issue based upon Eastern's failure to amend its application to conform it to the staffing proposal contained in its hearing exhibits. Eastern has apparently not kept its application up to date and, therefore, has technically not met the requirements of § 1.65 of the rules, but we agree with the Broadcast Bureau that there is no indication that Eastern has been guilty of intentionally concealing information or of undue delay in informing the Commission or the parties of changes in its proposal. Moreover, no prejudice has resulted from its failure to actually amend its application. The purpose of § 1.65, i.e., to inform the Commission and interested parties of material changes in an application, has been met.[5] The requested § 1.65 issue will be denied.

7. *Accordingly, it is ordered,* That the petition to enlarge issues, filed January 17, 1969, by Community Broadcasting Company of Hartsville, is granted to the extent indicated below and is denied in all other respects; and

8. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the staff actually proposed by Eastern Carolina Broadcasters, Inc., is adequate to effectuate its proposed operation; and

9. *It is further ordered,* That the burden of proceeding with the introduc-

[1] Also before the Review Board are: (a) opposition to petition, filed January 30, 1969, by the Broadcast Bureau and (b) reply to Broadcast Bureau's opposition, filed February 4, 1969, by Community.

[2] Although the petition was not timely filed, it is predicated on information which first became known at the January 7 hearing session. The Board therefore finds that good cause for the late filing exists.

[3] This exhibit was subsequently rejected by the Examiner.

[4] Eastern's application reflects that it will require a total of $44,380 in order to construct the proposed station and operate for 1 year, and that it will have available $50,000 without reliance on revenues.

[5] Petitioner's contention that a § 1.65 issue is necessary in order to determine what the actual staffing plans are cannot be accepted since Eastern will be required to detail its plans and establish that these plans are feasible under the adequacy of staff issue added herein.

tion of evidence and the burden of proof under the issue added herein will be on Eastern Carolina Broadcasters, Inc.

Adopted: February 24, 1969.

Released: February 26, 1969.

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

[F.R. Doc. 69-2544; Filed, Feb. 28, 1969; 8:50 a.m.]

[Docket Nos. 18343, 19344; FCC 69R-98]

NORTH AMERICA BROADCASTING CO. AND NORMAN BROADCASTING

Memorandum Opinion and Order Enlarging Issues

In re applications of North America Broadcasting Co., Ogden, Utah, Docket No. 18343, Filed No. BR-1768, for renewal of license of station KSVN, Ogden, Utah; George I. Norman, Jr., and Phillip B. Rosenthal, Joint Venturers doing business as Norman Broadcasting, Golden, Colo., Docket No. 18344, File No. BR-3443, for renewal of license of station KICM, Golden, Colo.

1. This proceeding involves the application of North America Broadcasting Co. for renewal of its license for standard broadcast station KSVN, Ogden, Utah, and the application of Norman Broadcasting for renewal of its license for standard broadcast station KICM, Golden, Colo. The applications were designated for hearing by order, released October 9, 1968 (FCC 68-989). Presently before the Review Board is a petition to enlarge issues, filed by the Broadcast Bureau on January 15, 1969,[1] seeking additional issues in this proceeding as follows:

(1) To determine the facts and circumstances surrounding the issuance of KICM Broadcasting, Inc., 8 percent mortgage bond due September 15, 1967.

(2) To determine whether in the September 30, 1962, balance sheet of KICM Broadcasting, Inc., filed with the Commission as part of an amendment of BAL-4122, the applicant herein, George I. Norman, Jr., acting as president of KICM Broadcasting, Inc., misrepresented to the Commission or concealed facts from the Commission regarding the issuance or intent to issue KICM Broadcasting, Inc., 8 percent mortgage bond.

2. The first requested issue is predicated on an affidavit of Mr. Harold Wardell, of Rangely, Colo., dated January 7, 1969, filed with the Bureau's petition. According to Mr. Wardell's affidavit, he was sold an 8 percent mortgage bond of KICM Broadcasting, Inc., signed by George I. Norman, Jr., owner of 50 percent of the stock of KICM and 52 percent of the stock of KSVN. Copies of the contract of purchase and sale and the bond are also attached to the petition. Mr. Wardell alleges that he was told at the time of purchase (in September of 1962) that KICM Broadcasting, Inc., was the owner of KICM in Golden, Colo. The Bureau points out that on January 10, 1961, George Norman, Jr., filed an application (BAL-4122) for assignment of the license of KICM from George I. Norman, Jr., and Phillip B. Rosenthal, Joint Venturers doing business as Norman Broadcasting to Norman Downbeat Broadcasting, Inc., and that on October 23, 1962, an amendment to BAL-4122 was filed changing the name of Norman Downbeat Broadcasting, Inc., to KICM Broadcasting, Inc. Thus the Bureau alleges that at the time of Mr. Wardell's purchase, KICM Broadcasting, Inc., was not even a proposed assignee of KICM, much less the station's owner.[2] It is this alleged misrepresentation in the sale of the bond which is the basis for the Bureau's first requested issues.

3. The Bureau asserts, as the basis for its second requested issues, that a balance sheet dated September 30, 1962, and filed with the amendment to BAL-4122 of October 23, 1962, shows no listing of a bond issue among the liabilities of KICM Broadcasting, Inc., although the bond in question was allegedly sold to Mr. Wardell on September 12, 1962, and is dated September 15, 1962.

4. The unopposed allegations of the Broadcast Bureau, based upon Mr. Wardell's affidavit, raise very serious questions concerning the character of George I. Norman, Jr., and the possibility that, acting as president of KICM Broadcasting, Inc., he concealed material facts from the Commission. The Broadcast Bureau's request for issues will be granted.[3]

5. *Accordingly, it is ordered*, That the petition to enlarge issues, filed January 15, 1969, by the Broadcast Bureau, is granted; and

6. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine the facts and circumstances surrounding the issuance of KICM Broadcasting, Inc., 8 percent mortgage bond due September 15, 1967.

(2) To determine whether in the September 30, 1962, balance sheet of KICM Broadcasting, Inc., filed with the Commission as part of an amendment of BAL-4122, the applicant herein, George I. Norman, Jr., acting as president of KICM Broadcasting, Inc., misrepresented to the Commission or concealed facts from the Commission regarding the issuance or intent to issue KICM Broadcasting, Inc., 8 percent mortgage bond.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence will be on the Broadcast Bureau and that the burden of proof will be on North America Broadcasting Co. and Norman Broadcasting.

Adopted: February 24, 1969.

Released: February 26, 1969.

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

[F.R. Doc. 69-2545; Filed, Feb. 28, 1969; 8:50 a.m.]

[Docket No. 18450; FCC 69-127]

WHUT BROADCASTING CO., INC., AND EASTERN BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of WHUT Broadcasting Co., Inc. (Assignor) and Eastern Broadcasting Corp. (Assignee) for assignment of license of station WHUT, Anderson, Ind.; Docket No. 18450, File No. BAL-6411.

1. The Commission has before it the above-referenced application for consent to the voluntary assignment of the license of Station WHUT, Anderson, Ind., from WHUT Broadcasting Co., Inc., to Eastern Broadcasting Corp. On December 18, 1968, the Commission informed the applicants that their application could not be granted without a hearing to resolve issues of whether it would be in the public interest to permit Eastern Broadcasting Corp. to acquire additional broadcast interests, in view of its status as a short-term licensee of Station WCVS, Springfield, Ill., and whether Eastern Broadcasting Corp. is engaged in trafficking in broadcast authorizations.

2. The applicants have informed the Commission that they desire to prosecute the application for assignment of the WHUT license through the hearing process.

3. It further appears assignee proposes a normal maximum of 20 minutes of commercial matter in any 60-minute segment, and that this 20-minute maximum will be raised to stated circumstances to permit 22 minutes of commercial matter in any 60-minute segment, not to exceed 10 percent of the broadcast week. We have concluded a further issue is necessary to determine the basis on which Eastern Broadcasting Corp. has concluded that its proposed commercial practices will be consonant with the needs and interests of the Anderson, Ind., community, and whether assignee's proposed commercial practices will serve the public interest, convenience, and necessity.

Accordingly, it is ordered, That the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether, in view of the short-term renewal of Eastern Broadcasting Corp.'s license for Station WCVS, Springfield, Ill., the public interest would be served by permitting Eastern Broadcasting Corp., to acquire additional broadcast authorizations while it

[1] A search of the Commission's files fails to reveal the filing of any pleading in response to the Bureau's petition.

[2] On Feb. 7, 1964, the Commission dismissed the application for assignment to KICM Broadcasting, Inc.

[3] Although the instant petition was not filed within the time limitations set forth in § 1.229 of the rules, the Bureau has presented reasons for the delay which established good cause for the late filing.

remains a short-term licensee of Station WCVS; and

2. To determine whether, in view of past acquisitions and sales of broadcast stations, and the pending proposals to acquire Station WHUT and Stations WBOW AM and FM (Terre Haute, Ind.), Eastern Broadcasting is engaged in trafficking in broadcast licenses; and

3. To determine the basis on which Eastern Broadcasting Corp., has concluded that its proposed commercial practices will be consonant with the needs and interests of the Anderson, Ind., community, and whether assignee's proposed commercial practices will serve the public interest, convenience, and necessity.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That such hearing shall be expedited by the Hearing Examiner and by the Review Board if exceptions are taken to the Initial Decision.

It is further ordered, That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 12, 1969.

Released: February 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-2546; Filed, Feb. 28, 1969; 8:51 a.m.]

[1] Commissioner Bartley absent.

FEDERAL RESERVE SYSTEM

ISLAND STATE BANK

Order Approving Merger of Banks

In the matter of the application of Island State Bank for approval of merger with First National Bank of Bay Shore.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Island State Bank, Patchogue, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with First National Bank of Bay Shore, Bay Shore, N.Y., under the charter and title of Island State Bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger:

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

Dated at Washington, D.C., this 20th day of February 1969.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-2485; Filed, Feb. 28, 1969; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

FEDERAL MARITIME COMMISSION

[Docket No. 1153]

TRUCK AND LIGHTER LOADING AND UNLOADING PRACTICES AT NEW YORK HARBOR

Order Regarding Truck Detention Rule

This proceeding was instituted by order to show cause issued September 27, 1968, by the Federal Maritime Commission. The New York Terminal Conference was ordered to show cause why a truck detention rule set forth in the Commission order should not be prescribed pursuant to section 17 of the Shipping Act, 1916. The show cause order was issued because of the Conference's failure to comply with a portion of the Commission's previous order in this docket in which the Conference's failure to adopt a reasonable detention rule was adjudged to be an unreasonable practice under section 17 of the Act. The Conference's response to the order to show cause and comments of all other interested parties have been considered. The Commission has on February 25, 1969 issued its report in this proceeding, which is hereby incorporated herein by reference, in which it determined that the Conference has failed to show cause why the truck detention rule should not be prescribed.

Therefore, it is ordered, Pursuant to section 17 of the Shipping Act, 1916, that the New York Terminal Conference include in its Truck Loading and Unloading Tariff No. 7, FMC-T No. 8, a Truck Detention Rules reading as follows:

VEHICLE DETENTION RULES

SECTION 1. *General provisions.* Motor vehicles loading or unloading waterborne freight at piers or marine terminals of members of the New York Terminal Conference shall be entitled to receive detention charges[1] for delays occasioned at piers beyond the time set forth in section 4. Detention charges shall accrue in instances where the delays result through no disability, fault, or negligence on the part of the motor vehicle.

No detention will be allowed for delays or shut-outs resulting from strikes or work stoppages. In such cases, it is expected that the terminal operator will attempt to inform all potential users of the pier by telephone or advertisement. Formal notification shall be made to the Federal Maritime Commission of all strikes or work stoppages resulting in delays or shut-outs.

No detention will be allowed for delays resulting from severe or unusual weather conditions. A board of arbitration will resolve disputes concerning whether conditions on a particular day will or will not excuse detention. The board of arbitration shall consist of a representative of the terminal conference, a representative of the truckers, and either a representative of the New York Waterfront Commission or a third party to be selected by the above-mentioned parties.

Work slow downs due to insufficient labor shall not excuse the responsibility of the terminal operator under this rule.

SEC. 2. *Documentation.* Detention time does not begin to run until shipping documents[2] required by the terminal operator for release or delivery of cargo are found to be complete. The terminal operator will time stamp an appropriate document (once documentation is completed) which will begin the running of time for detention purposes. Each terminal operator shall specify the documentation necessary to receive or discharge cargo. The terminal operator shall determine whether documentation is adequate and may refuse to handle motor vehicles without full and proper documentation. The terminal operator may in its discretion waive the full documentation requirements, in which case,

[1] Detention charge as used in this rule means compensation to be paid by marine terminal operators to motor truck companies for delays of motor vehicles at marine terminal facilities.

[2] Shipping documents as used in this rule generally include, but are not necessarily limited to, the carriers release, dock delivery order, dock receipt, weighing receipt, carrier certificate, container survey form, and other documents and/or notations required by Government authority, port customs, or trade association.

time shall commence upon granting such waiver.

SEC. 3. *Computation of time.* Time for detention purposes shall commence when the vehicle has completed documentation as provided in section 2.

Terminal operators shall establish an appropriate procedure for recording the time the vehicle has completed loading or unloading.

Detention will accrue during the regular business hours of the terminal, or additional hours if established by the terminal operator or steamship operator, provided the vehicle obtains a pass and has completed documentation as required by section 2 prior to 3 p.m.

The lunch period as set forth in the labor contract, but not exceeding 1 hour, shall not be included in calculating time or detention.

SEC. 4. *Time.* (a) When vehicles are loaded or unloaded within the time periods set forth below, there will be no detention charges paid. Vehicles designated will be entitled to detention charges if not completely serviced within the designated time periods on the following basis.

(1) *Nonappointment Trucks*	
2,000 pounds or less	Not applicable.[1]
2,001 to 5,000 pounds	165 minutes.
5,001 to 10,000 pounds	195 minutes.
10,001 to 15,000 pounds	225 minutes.
15,001 to 20,000 pounds	255 minutes.
20,001 to 25,000 pounds	285 minutes.
25,001 to 30,000 pounds	300 minutes.
30,001 to 35,000 pounds	330 minutes.
35,001 to 40,000 pounds	360 minutes.
Over 40,000 pounds	390 minutes.
(2) *Appointment Trucks*	
2,000 pounds or less	120 minutes.
2,001 to 5,000 pounds	135 minutes.
5,001 to 10,000 pounds	165 minutes.
10,001 to 15,000 pounds	195 minutes.
15,001 to 20,000 pounds	225 minutes.
20,001 to 25,000 pounds	255 minutes.
25,001 to 30,000 pounds	270 minutes.
30,001 to 35,000 pounds	300 minutes.
35,001 to 40,000 pounds	330 minutes.
Over 40,000 pounds	360 minutes.

[1] Not appointment vehicles with shipments of 2,000 pounds or less shall not be entitled to detention charges.

(b) Containers handled as a single unit will be allowed 120 minutes, regardless of weight, before detention charges accrue.

(c) Motor vehicles unloaded by the operator of such vehicles will be entitled to detention charges if not spotted at a place convenient for unloading within 120 minutes after proper documentation. No dentention will be allowed once such vehicles are spotted convenient for unloading.

(d) No detention will be paid when sorting or selection is requested or required by the motor carrier. The terminal operator is not absolved from liability under this rule when sorting or selection is done for his convenience.

SEC. 5. *Charges.* When the loading or unloading of freight is delayed beyond the time allowed in section 4, the vehicle shall apply to the terminal operator for detention charges and shall be entitled to $3 for each 15-minute period beyond the time designated in section 4.

It is further ordered, That this order become effective March 31, 1969.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 69-2541; Filed, Feb. 28, 1969; 8:50 a.m.]

CITIZENS AND SOUTHERN NATIONAL BANK

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-56.

Whereas, the Citizens and Southern National Bank, 35 Broad Street, Atlanta, Ga. 30303, does not now intend to charter any passenger vessel subject to section 3 of Public Law 89-777, and

Whereas, the Citizens and Southern National Bank has returned Certificate (Performance) No. P-56 to the Commission for revocation:

It is ordered, That Certificate (Performance) No. P-56 be and is hereby revoked effective February 25, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the Citizens and Southern National Bank.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2542; Filed, Feb. 28, 1969; 8:50 a.m.]

FEDERAL TRADE COMMISSION

DIRECTOR AND ASSISTANT DIRECTOR, BUREAU OF TEXTILES AND FURS

Delegation of Functions

Pursuant to the authority provided by Reorganization Plan No. 4 of 1961 (26 F.R. 6191), the Federal Trade Commission on February 4, 1969, made the following delegation of authority:

In re: Petitions for relief from payment of liquidated damages submitted by the Bureau of Customs. The Commission, subject to the right to revoke, hereby delegates to the Director and Assistant Director, Bureau of Textiles and Furs, severally and without power of redelegation, the authority to make recommendations to the Bureau of Customs, upon that Bureau's request, on petitions filed with the Bureau of Customs for relief from payment of liquidated damages occasioned by violations of the Wool Products Labeling Act of 1939 (15 U.S.C. 68), the Fur Products Labeling Act (15 U.S.C. 69), the Textile Fiber Products Identification Act (15 U.S.C. 70), and the Flammable Fabrics Act (15 U.S.C. 1191): *Provided,* That such delegation does not apply to a matter which appears to raise any questions of Commission policy, in which case a report with recommendation will be made to the Commission.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

FEBRUARY 24, 1969.

[F.R. Doc. 69-2557; Filed, Feb. 28, 1969; 8:51 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-42]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications service rate proceeding.

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, particularly sections 201(a)(4) and 205(d)(40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Louisiana Public Service Commission in a rate proceeding involving

telecommunications rates of South Central Bell Telephone Co. (Louisiana PSC Docket No. 10,382).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 24, 1969.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 69-2488; Filed, Feb. 28, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2228]

AMERICAN UNITED LIFE POOLED EQUITY FUND B AND AMERICAN UNITED LIFE INSURANCE CO.

Notice of Amended Application for Exemptions

FEBRUARY 25, 1969.

The Commission on January 2, 1969, issued a notice (Investment Company Act Release No. 5568) upon application by American United Life Insurance Co. ("Insurance Company"), 30 West Fall Creek Parkway, Indianapolis, Ind., and American United Life Pooled Equity Fund B ("Separate Account") (hereinafter "Applicants"), for an order pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), exempting Separate Account, a registered open-end management company, from provisions of sections 17(f), 22(d), 22(e), 27(a)(3), 27(a)(4), 27(c)(1), and 27(c)(2) of the Act and Rule 17f-2 thereunder. On January 23, 1969, the Commission issued an order (Investment Company Act Release No. 5584) granting such exemptions.

Notice is hereby given that Applicants have now amended their application to request additional exemptions which are summarized below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Section 14(a)(1) provides, in pertinent part, that no registered investment company shall make a public offering of securities of which such company is the issuer, unless such company has a net worth of at least $100,000. Applicants state that the variable annuity contracts issued by Separate Account must be qualified under section 403(b) of the Internal Revenue Code or used to fund employee pension plans qualified under section 401 of the Code. Applicants declare that Separate Account will only hold assets attributable to such tax-deferred contracts. Applicants also allege that an investment by Insurance Company of $100,000 is inadvisable due to the accounting problems involved since the tax treatment afforded any such assets in Separate Account would differ from the tax treatment afforded assets attributable to tax-deferred contracts. It is further alleged that problems concerning investment objectives might occur if Separate Account held assets other than those attributable to the tax-deferred contracts.

Sections 15(a), 16(a), and 32(a)(2), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders and shareholder ratification of the selection of independent public accountants, respectively. Since there will be no holders of voting securities until after the registration statement under the Securities Act of 1933 becomes effective (if Applicants' request for an exemptions pursuant to section 14(a) is granted), the requirements of the aforesaid sections cannot be complied with. Applicants request a temporary exemption from the requirements of sections 15(a), 16(a), and 32(a)(2) to allow Separate Account to operate until the first annual meeting of participants of Separate Account is held, at which time all such matters shall be submitted for a vote and the requirements of those sections will be met. Applicants represent that such meeting will take place within 1 year after the effective date of the registration statement for the variable annuity contracts under the Securities Act of 1933.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 14, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally, or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-2510; Filed, Feb. 28, 1969; 8:48 a.m.]

[70-4718]

CENTRAL & SOUTH WEST CORP.

Notice of Filing of Declaration Regarding Proposal To Transfer Certain Amount From Paid-in Surplus to Capital Stock

FEBRUARY 25, 1969.

Notice is hereby given that Central & South West Corp. ("Central"), 902 Market Street, Wilmington, Del. 19899, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to amend its Certificate of Incorporation (as heretofore amended) and to increase the par value of each of its 24 million shares of common stock, both issued and unissued, from $2.50 per share to $7 per share. Central also proposes, in connection with the increase in the par value of its common stock, to transfer from paid-in surplus to its common stock capital account the sum of $4.50 in respect of each issued and outstanding share of its common stock as of the effective date of said amendment. This would have resulted in the transfer of $95,967,985 of paid-in surplus to the common stock capital account as of December 31, 1968. The declaration states that such transfer will have the effect of creating a better balance in the capital accounts of Central and should make its balance sheets more meaningful to stockholders. In addition the proposed transfer will afford Central greater flexibility in arranging short-term financing through the issue and sale of notes to banks. The sale of such notes, in excess of 5 percent of the principal amount and par value of the other outstanding securities must be authorized pursuant to the requirements of the Act. The proposed increase in par value of the common stock will enable Central to issue an additional $4,800,000 of such notes without Commission approval.

As of December 31, 1968 the total common stock equity of Central amounted to $194,908,602 and consisted of $53,315,548 of common stock capital, $98,533,977 of

paid-in surplus and $43,059,077 of retained earnings. Such paid-in surplus represents the excess of value assigned to the net assets of Central, at January 31, 1947, over the par value of the shares of Central's common stock issued in exchange for such assets and the excess of the aggregate consideration received by Central for shares issued and sold by it since 1947, over the aggregate par value of such shares.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses in connection with the proposed transactions are estimated at $3,000 including legal fees of $1,500.

Notice is further given that any interested person may, not later than March 10, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective, as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-2511; Filed, Feb. 28, 1969; 8:48 a.m.]

[70-4717]

DELMARVA POWER & LIGHT CO.

Notice of Proposed Amendment of Certificate of Incorporation To Increase Authorized Preferred Stock and Solicitation of Proxies

FEBRUARY 25, 1969.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva, by vote of its preferred and common stockholders at the annual meeting of stockholders to be held on April 15, 1969, proposes to amend its Certificate of Incorporation to increase the authorized number of shares of preferred stock, par value $100 per share, from 500,000 to 750,000. Delmarva states that at the present time the company is authorized by its Certificate of Incorporation to issue 500,000 shares of preferred stock, of which 320,000 shares have been issued, leaving 180,000 shares unissued and available for sale. Delmarva estimates that its construction program will require expenditures of approximately $113 million during the next 2 years. The company considers that in order to achieve maximum flexibility so that financing can be carried out on the most advantageous basis possible the proposed increase in the number of authorized shares of preferred stock is necessary.

The proposed amendment of the Certificate of Incorporation requires the affirmative vote of the holders of the majority of the preferred stock and of the common stock voting separately as classes. Delmarva proposes to solicit proxies from such security holders.

The declaration states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions and that no fees or commissions are to be paid in connection therewith.

Notice is further given that any interested person may, not later than March 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-2512; Filed, Feb. 28, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 699]

WASHINGTON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of January and February 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Spokane, Wash.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, suffered damage or destruction resulting from heavy snow storms occurring on January 27, through February 5, 1969.

OFFICE

Small Business Administration Regional Office, 651 U.S. Courthouse, Spokane, Wash. 99210.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1969.

Dated: February 20, 1969.

HOWARD GREENBERG, *Acting Administrator.*

[F.R. Doc. 69-2513; Filed, Feb. 28, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 787]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 26, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), 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 specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2280 (Sub-No. 1 TA), filed February 20, 1969. Applicant: SMITH'S TRANSFER AND STORAGE COMPANY, INCORPORATED, 1313 You Street NW., Washington, D.C. 20009. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the District of Columbia, the cities of Baltimore, Md., and Alexandria, Va.; the counties of Baltimore, Charles, Montgomery, Howard, Prince Georges, Anne Arundel, St. Marys, and Calvert, Md.; and the counties of Arlington, Fairfax, Prince William, Loudoun, Stafford, and Fauquier, Va.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423. Supporting shipper: Astron Forwarding Company, Post Office Box 161, Oakland, Calif. 94604.

No. MC 35320 (Sub-No. 106 TA) (Correction), filed February 10, 1969, published FEDERAL REGISTER, issue of February 15, 1969, and republished as corrected this issue. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Lubbock, Tex. 79408. Applicant's representative: Frank M. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives and/or component parts*, between Memphis, Tenn., and Nashville, Tenn., serving the intermediate point of Milan Army Ammunition Depot, from Memphis over U.S. Highway 70, Alternate 70 and 70 to Nashville, and return over the same route, for 150 days. NOTE: Applicant intends to tack to MC-35320 and subs thereunder. The purpose of this republication is to show that the commodities will move over regular routes, in lieu of irregular routes as previously published, in error. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 66562 (Sub-No. 2334 TA), filed February 20, 1969. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, between Hobbs, N. Mex., and Lubbock, Tex., serving the intermediate points of Lamesa, Brownfield, and Levelland, Tex., from Hobbs, over U.S. Highway 180 to Lamesa, Tex., thence over Texas Highway 137 to Brownfield, Tex., thence over U.S. Highway 385 to Levelland, Tex., thence over Texas Highway 116 to Lubbock, and return over same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension, to be joined, tacked, and combined with R E A's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 150 days. Supporting Shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Takakjian, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 107496 (Sub-No. 706 TA), filed February 20, 1969. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar pitch emulsion*, in bulk, from the Jennison-Wright Corp. facilities at Granite City, Ill., to points in Texas, Kentucky, Missouri, Georgia, Kansas, Colorado, Oklahoma, Tennessee and Minnesota, for 150 days. Supporting shipper: Maintenance Inc., Wooster, Ohio 44691. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 110420 (Sub-No. 579 TA), filed February 20, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and corn syrup blended with other products*, from Lincoln, Nebr., to Denver, Colo., for 180 days. Supporting shipper: American Maize-Products Co., 113th Street and Indianapolis Boulevard, Roby, Ind. 46326 (A. C. Sikora, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 114211 (Sub-No. 120 TA), filed February 20, 1969. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, 50701, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Robert J. Molinaro (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels); (b) *industrial and construction machinery and equipment;* (c) *attachments for the commodities described above;* and (d) *parts of the commodities described above* when moving in mixed loads with such commodities, from the plant and warehouse sites of Deere & Co. in Black Hawk and Dubuque Counties, Iowa, to points in Indiana, Kentucky, the Lower Peninsula of Michigan, Mississippi, Ohio, and Tennessee, for 180 days. Supporting shipper: Deere & Co., Moline, Ill. 61265. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 119489 (Sub-No. 21 TA) (Correction) filed January 29, 1969, published FEDERAL REGISTER, issue of February 13, 1969, and republished as corrected this issue. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 596, 2500 North 13th Street, Norfolk, Nebr. 68701. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; (b) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of MAPCO, Inc., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; (d) from the terminals located on the ammonia pipeline of MAPCO, Inc., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180

days. Restriction: Restricted to traffic originating at the named origin points and destined to the named destination States. NOTE: The purpose of this republication is to add the destination States to (a) above. Supporting shipper: Cominco American Inc., A. E. MacDonald, Manager, Distribution and Traffic, 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124111 (Sub-No. 20 TA) (Correction), published FEDERAL REGISTER, issues of February 6, 1969, and February 21, 1969, and republished as corrected this issue. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins, Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. NOTE: The purpose of this partial republication is to show the correct spelling of Branford, Conn., inadvertently shown in publication of February 6 as Bramford, Conn. The rest of the application remains as previously published.

No. MC 126625 (Sub-No. 7 TA), filed February 20, 1969. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. 40505. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between points in Boone County, Ky., on the one hand, and Weir Cook Airport, Indianapolis, Ind., on the other; and (2) between Weir Cook Airport, Indianapolis, Ind., on the one hand, and James Cox Municipal Airport, Vandalia, Ohio, on the other, for 180 days. Supporting shippers: Trans World Airlines, Weir Cook Airport, Indianapolis, Ind.; Robert E. Langford, Distribution, Center Manager, Levi Strauss & Co., 795 U.S. Highway 25, Florence, Boone County, Ky. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 127049 (Sub-No. 3 TA), filed February 20, 1969. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, Wis. 53024. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankington Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wool tops*, from South Barre and Holyoke, Mass., to Grafton, Wis.; (2) *semi-processed yarn*, between Grafton and Hustisford, Wis., on the one hand, and, on the other, points in the United States, except Wisconsin, Alaska, and Hawaii, for the account of Badger Mills, Grafton, Wis., for 180 days. Supporting shipper: Badger Mills, 3900 North Claremont Avenue, Chicago, Ill. 60618 (Edward Cowell, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127487 (Sub-No. 6 TA), filed February 20, 1969. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. 08030. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), having a prior or subsequent movement by water in interstate or foreign commerce, between the piers and facilities of Trans-American Trailer Transport, Inc., at Staten Island, New York, N.Y., on the one hand, and, on the other, points in New Jersey south of the northern boundaries of Mercer and Monmouth Counties, N.J., and those in Delaware, Maryland, Pennsylvania, and the District of Columbia. Restriction: The authority granted shall not be joined or tacked with applicant's existing operating rights, for 180 days. Supporting shipper: Trans-American Trailer Transport, Inc., 358 St. Marks Place, Staten Island, N.Y. 10301. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 127832 (Sub-No. 7 TA), filed February 20, 1969. Applicant: C & S TRANSFER, INC., Post Office Box 5249, 708 11th Street, Macon, Ga. 31208. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slate*, cut to size, in boxes or crates (imported), from Savannah, Ga., and Jacksonville, Fla., to Macon, Ga., for 180 days. Supporting shipper: Macon Billiard Supply Co., 510 11th Street, Post Office Box 533, Macon, Ga. 31202. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129387 (Sub-No. 5 TA), filed February 20, 1969. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Post Office Box 1271, Huron, S. Dak. 57350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, sections A and C, from packinghouse plantsites or warehouse facilities at or near (within 10 miles) Huron, S. Dak., to Chicago, Ill.; Austin, Minneapolis, and St. Paul, Minn.; Fargo, N. Dak.; Kenosha and Milwaukee, Wis.; for 180 days. Supporting shippers: Geo. A. Hormel & Co., Huron, S. Dak. 57350, and Flanery's Meats, Inc., Box 1378, Huron, S. Dak. 57350. Send protests to: J. L. Hammond, District Supervisior, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133492 TA, filed February 20, 1969. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31906. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine*, and *empty containers*, between points in Alabama, Florida, Georgia, Illinois, Maryland, New Jersey, Wisconsin, and Virginia, for 150 days. Supporting shippers: Coastal Beverage Co., 731 Wheaton Street, Savannah, Ga.; M & N Distributing Co., 1820 Seventh Street, Macon, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2538; Filed, Feb. 28, 1969; 8:50 a.m.]

[Notice 303]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 26, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71095. By order of February 18, 1969, the Motor Carrier Board approved the transfer to Max Z. Shapiro, Kauneonga Lake, N.Y., of certificate No. MC-42138, issued May 29, 1941, to Albert Barber, doing business as Sullivan County Express, White Lake, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between White Lake, N.Y., and New York, N.Y., over specified highways, and return, with service authorized to and from all intermediate points; and the off-route points in Newark, N.J., and those in Sullivan County, N.Y.; coal,

from Scranton, Honesdale, and Carbondale, Pa., to points in Sullivan County, N.Y.; and household goods, between New York, N.Y., and points and places in Bergen, Hudson, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, points and places in Sullivan County, N.Y. Leo Glass, 248 Broadway, Monticello, N.Y. 12701, attorney for applicants.

No. MC-FC-71100. By order of February 18, 1969, the Motor Carrier Board approved the transfer to B. & L. Trucking Co., Inc., of Albemarle, N.C., Albemarle, N.C., of certificate No. MC-115517 (Sub-No. 3), issued January 3, 1962, to A. R. Lowder, doing business as B. & L. Trucking Co., Albemarle, N.C., authorizing the transportation of: Lumber (except plywood and veneer) from Portsmouth, Va., and other specified points in Virginia and West Virginia, to Albemarle, N.C.; from points in Stanly County, N.C., to points in specified counties in Florida; bricks and cement blocks from Albemarle, N.C., to points in specified counties in South Carolina; and oyster shells, from Jacksonville, Fla., to points in Stanly County, N.C. Richard Lane Brown III, Brown & Brown, Box 818, Albemarle, N.C., 28001, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2539; Filed, Feb. 28, 1969; 8:50 a.m.]

[Notice 303A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 26, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71192. By application filed February 24, 1969, MONK'S EXPRESS, INC., Phelps Street, Binghamton, N.Y. 13901, seeks temporary authority to lease the operating rights of LESLIE F. HICKS, doing business as L. F. HICKS TRUCKING CO., 180 Tompkins Street, Cortland, N.Y. 13045, under section 210a (b). The transfer to MONK'S EXPRESS, INC., of the operating rights of LESLIE F. HICKS, doing business as L. F. HICKS TRUCKING CO., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2540; Filed, Feb. 28, 1969; 8:50 a.m.]

[Notice 302]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 25, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70510. By order of February 18, 1969, the Motor Carrier Board approved the transfer to Sidney Christian, doing business as Ace Transfer & Storage, Yuma, Ariz., of certificate of registration No. MC-99682 (Sub-No. 1) issued May 21, 1964, and evidencing a right to engage in transportation in interstate or foreign commerce within the State of Arizona, and transferred by the carrier pursuant to MC-FC-68476 to Maxie Bowman, et al., doing business as Arizona California Trucking, Yuma, Ariz., and retransferred herein back to Sidney Christian, by Arizona Transfer & Storage, Inc., the successor in interest to Maxie Bowman, et al. Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003, attorney for applicants.

No. MC-FC-70913. By order of February 24, 1969, the Motor Carrier Board approved the transfer to Taylor's Express, Inc., Pennsauken, N.J., of certificate in No. MC-128062 (Sub-No. 1), issued August 11, 1967, to Pacific & Atlantic Trucking Co., Inc., Providence, N.J., authorizing the transportation of: Paper, paper products, wool waste, empty cans, rubber and rubber products, from, to, or between specified points in New York, New Jersey, and Pennsylvania. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representing applicants.

No MC-FC-70965. By order of February 18, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Ward Bus Service, Inc., Topeka, Kans., of the operating rights in certificate No. MC-115758 issued August 31, 1956, to Orville Rice, doing business as Rice Bus Service, Melvern, Kans., authorizing the transportation of passengers and their baggage, in round-trip charter operations, beginning and ending at Melvern, Kans., and points within 20 miles thereof, and extending to all points in the United States. Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603, attorney for applicants.

No. MC-FC-71082. By order of February 14, 1969, the Motor Carrier Board approved the transfer to Dixie Truck Line, Inc., Rosenberg, Tex., of certificate No. MC-29971 and certificate of registration No. MC-29971 (Sub-No. 3), issued June 5, 1958, and April 24, 1964, respectively, to Lillie Becker, doing business as Dixie Truck Line, Rosenberg, Tex., authorizing the transportation of: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Houston and Rosenberg, Tex., over alternate U.S. Highway 90, serving all intermediate points; and general commodities pursuant to Certificate of Convenience and Necessity No. 2409, dated March 12, 1957, issued by the Railroad Commission of Texas. John T. Nicholson, 5176 Avenue H, Box 592, Rosenberg, Tex. 77471, attorney for applicants.

No. MC-FC-71094. By order of February 13, 1969, the Motor Carrier Board approved the transfer to Bayless & Roberts, Inc., Copper Center, Alaska, of the certificate in No. MC-118448 (Sub-No. 2), issued May 20, 1964, to Howard Bayless, Alice Bayless, Richard Roberts, Robert Roberts, and Ellis Roberts, a partnership, doing business as Bayless & Roberts, Copper Center, Alaska, authorizing the transportation of general commodities, with exceptions, between points in Alaska, except points in the Alaska Panhandle south of Haines, Alaska. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2455; Filed, Feb. 27, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-564 etc.]

HORIZON OIL & GAS COMPANY OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 20, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 7, 1969.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-564	Horizon Oil & Gas Co. of Texas (Operator) et al., 1216 Hartford Bldg., Dallas, Tex. 75201.	11	2	Northern Natural Gas Co. (Dude Wilson and Ellis Ranch Fields, Ochiltree County, Tex.) (RR. District No. 10).	$4,000	1-23-69	[2] 2-23-69	7-23-69	[1] 17.5	[3 4] 18.5	RI63-470.
	do	12	11	Northern Natural Gas Co. (Barlow, Dude Wilson, Ellis Ranch, Hansford, Perryton, and Spoony Fields, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	5,000	1-23-69	[2] 2-23-69	7-23-69	[1] 17.5	[3 4] 18.5	RI63-470.
	do	13	5	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	850	1-23-69	[2] 2-23-69	7-23-69	[1] 16.5	[3 4] 17.5	RI62-303.
	do	14	5	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	250	1-23-69	[2] 3-21-69	8-21-69	[1] 17.4	[4 5] 18.4	RI63-375.
	do	15	4	do	2,800	1-23-69	[2] 3-21-69	8-21-69	[1] 17.4	[4 5] 18.4	RI63-375.
RI69-565	Horizon Oil & Gas Co. of Texas.	20	5	Panhandle Eastern Pipe Line Co., (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	4,200	1-23-69	[2] 2-23-69	7-23-69	17.0	[3 4] 18.0	RI62-408.
	do	21	4	do	700	1-23-69	[2] 2-23-69	7-23-69	17.0	[3 4] 18.0	
	do	18	3	El Paso Natural Gas Co. (Hansford Field, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	1,400	1-23-69	[2] 2-23-69	7-23-69	17.0	[4 7] 19.0	
	do	19	3	Northern Natural Gas Co. (Hansford Field, Hansford and Ochiltree Counties, Tex.) (RR. District No. 10).	5,900	1-23-69	[2] 2-23-69	7-23-69	[1] 17.0	[3 4] 18.0	
	do	10	5	Northern Natural Gas Co. (Hansford Field, Hansford County, Tex.) (RR. District No. 10).	1,600	1-23-69	[2] 2-23-69	7-23-69	[1] 17.5	[3 4] 18.5	RI62-402.
RI69-566	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, Tex. 77001.	232	11	Transwestern Pipeline Co. (Ellis County Area, Ellis County, Okla.) (Panhandle Area).	4,671	1-23-69	[2] 2-23-69	7-23-69	[1] 17.093	[3 9] 17.696	
	do	240	10	Transwestern Pipeline Co. (West Shattuck Field, Ellis County, Okla.) (Panhandle Area).	1,094	1-23-69	[2] 2-23-69	7-23-69	[1] 17.093	[3 10] 17.696	
RI69-567	Mobil Oil Corp.	244	5	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	184	1-23-69	[2] 2-23-69	7-23-69	[1] 16.892	[3 11] 17.696	
RI69-568	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	38	4	Northern Natural Gas Co. (Harper Ranch, Clark County, Kans.).	1,800	1-27-69	[2] 2-27-69	7-27-69	[1] 16.0	[3 4] 17.0	RI62-235.
	do	27	3	Panhandle Eastern Pipe Line Co. (Richfield Field, Morton County, Kans.).	720	1-29-69	[2] 3- 1-69	8- 1-69	17.0	[3 4] 18.0	RI62-375.
	do	36	5	Northern Natural Gas Co. (McKinney Field, Meade County, Kans.).	900	1-30-69	[2] 3- 2-69	8- 2-69	[1] 15.0	[3 4] 16.0	RI62-375.
RI69-569	Texaco, Inc., Post Office Box 2420, Tulsa, Okla. 74102.	195	6	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	56	1-27-69	[2] 3-21-69	8-21-69	[12] 16.6	[4 5 12] 17.5	
	do	198	6	Natural Gas Pipeline Co. of America (Southeast Camrick Area, Beaver County, Okla.) (Panhandle Area).	1,254	1-27-69	[2] 3-21-69	8-21-69	[12] 16.6	[4 5 12] 17.5	
RI69-570	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	215	10	Natural Gas Pipeline Co. of America (Southeast Camrick Gas Pool, Beaver County, Okla.) (Panhandle Area).	136	1-27-69	[2] 3-21-69	8-21-69	[1] 17.0	[4 14 15] 18.615	RI68-2.
	do	220	12	do	52	1-27-69	[2] 3-21-69	8-21-69	[1] 17.0	[4 14 15] 18.615	RI68-2.
	do	227	10	do	271	1-27-69	[2] 3-21-69	8-21-69	[1] 17.0	[4 14 15] 18.615	RI68-2.
	do	242	11	do	1,375	1-27-69	[2] 3-21-69	8-21-69	[1] 17.0	[4 14 15] 18.615	RI68-2.
	do	253	8	do	936	1-27-69	[2] 3-21-69	8-21-69	[1] 17.0	[4 14 15] 18.615	RI68-2.
	do	202	17	Panhandle Eastern Pipe Line Co. (Enns Area, Texas County, Okla.) (Panhandle Area).	44,462	1-27-69	[2] 3-22-69	8-22-69	17.0	[4 13 15] 18.415	RI68-2.
	do	213	11	Natural Gas Pipeline Co. of America (Trimmel Unit, Southeast Camrick Gas Pool, Beaver County, Okla.) (Panhandle Area).	, 20	1-27-69	[2] 3-21-69	8-21-69	[1] 17.0	[4 14 15] 18.615	RI68-2.
RI69-571	Humble Oil & Refining Co. (Operator) et al.	191	23	Natural Gas Pipeline Co. of America (Southeast Camrick Gas Pool, Texas County, Okla.) (Panhandle Area).	40,672	1-27-69	[2] 3-21-9	8-21-69	[1] 17.0	[4 14] 18.615	
	do	256	7	Natural Gas Pipeline Co. of America (Northwest Dower Gas Pool, Beaver County, Okla.) (Panhandle Area).	933	1-27-69	[2] 3-21-69	8-21-69	[17] 17.0	[4 5 14] 18.615	
RI69-572	Yucca Petroleum Co., First National Bank Bldg., Amarillo, Tex. 79101.	4	3	Northern Natural Gas Co. (Powers No. 1 Well, Ochiltree County, Tex.) (RR. District No. 10).	3,200	1-31-69	[19] 3- 3-69	8- 3-69	[1] 17.0	[3 4] 18.0	RI63-444.
RI69-573	Alinda Hunt Hill Trust, 1401 Elm St., Dallas, Tex. 75202.	1	1	Northern Natural Gas Co. (Horizon Field, Hansford County, Tex.) (RR. District No. 10).	720	1-31-69	[19] 3- 3-69	8- 3-69	[1] 16.5	[4 5 19] 18.5	
RI69-574	Jake L. Hamon, Post Office Box 663, Dallas, Tex. 75221.	51	3	Arkansas Louisiana Gas Co. (Kinta Field, Sequoyah County, Okla.) (Oklahoma "Other" Area).	1,920	1-31-69	[3] 4- 1-69	9- 1-69	14.5	[3 4] 15.5	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-575	Sun Oil Co. (DX Division), 901 South Detroit Ave., Tulsa, Okla. 74120.	114	8	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	$69	1-29-69	[2] 3-21-69	8-3-69	[3] 18.4	[3 4] 18.615	RI68-424.
	do	135	12	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	20	1-29-69	[2] 3-21-69	8-21-69	[3 10] 18.415	[3 4 10] 18.615	RI68-444.
	do	162	11	do	(30)	1-29-69	[2] 3-21-69	8-21-69	[3 10] 18.415	[3 4 10] 18.615	RI68-444.
	do	165	10	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	110	1-29-69	[2] 3-22-69	8-22-69	18.2	[3 4] 18.415	RI68-424.
	do	244	3	Natural Gas Pipeline Co. of America (Thomas Field, Carter and Dewey Counties, Okla.) (Oklahoma "Other" Area).	61	1-29-69	[2] 3-3-69	8-3-69	[3] 15.0	[3 4] 16.015	
	do	275	6	Natural Gas Pipeline Co. of America (Hobble-McCarter Field, Beaver County, Okla.) (Panhandle Area).	80	1-29-69	[11] 3-21-69	8-21-69	[3 10] 18.415	[3 4 10] 18.615	RI68-424.
RI69-576	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, Tex. 77001.	319	4	Arkansas Louisiana Gas Co. (Kinta Field (Moffett Area) Sequoyah County, Okla.) (Oklahoma "Other" Area).	3,240	1-29-69	[2] 3-1-69	8-1-69	14.5	[3 4] 15.5	
RI69-577	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	262	3	Natural Gas Pipeline Co. of America (Thomas Gas Plant, Putman Field, Dewey County, Okla.) (Oklahoma "Other" Area).	15,876	1-28-69	[2] 4-1-69	9-1-69	[3] 15.0	[3 4] 16.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Five-step periodic increase.
[7] "Fractured" rate increase. Filing from initial certificated rate. Contractly due 23 cents per Mcf.
[8] "Fractured" rate increase. Respondent contractually due 23.156 cents. Filing from initial certificated rate.
[9] Pressure base is 14.73 p.s.i.a.
[10] "Fractured" rate increase. Respondent contractually due 19.600 cents per Mcf.
[11] "Fractured" rate increase. Respondent contractually due 18.5 cents per Mcf.
[12] "Fractured" rate increase. Respondent contractually due 18.6 cents per Mcf.
[13] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Docket Nos. G-8969 et al. Moratorium on filing increased rates expired Mar. 1, 1966.
[14] Eight-step periodic increase plus 0.015-cent tax reimbursement.
[15] Includes 0.015-cent tax reimbursement.
[16] Seven-step period increase plus 0.015-cent tax reimbursement.
[17] Settlement rate as approved by Commission order issued July 8, 1964, in Docket Nos. G-9287 et al. Moratorium on filing increased rates expired June 1, 1967.
[18] The stated effective date is the first day after the expiration of the statutory notice.
[19] Two-step periodic increase.
[20] No production.
[21] The stated effective date is the contractually provided effective date (Mar. 21, 1969).

Yucca Petroleum Co. (Yucca) requests waiver of the statutory notice and a retroactive effective date of July 1, 1968, for its proposed rate increase. Alinda Hunt Hill Trust requests an effective date of March 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. and Humble Oil & Refining Co. (Operator) et al. (both referred to herein as Humble), request that should the Commission suspend their proposed rate increases that the suspension periods with respect thereto be shortened to 1 day, or as short a period as possible. Yucca also requests a 1 day suspension period for its rate filing. Good cause has not been shown for granting Humble and Yucca's requests for limiting to 1 day the suspension period with respect to their rate filings and such requests are denied.

Sun Oil Co. (DX Division) (Sun) requests that Supplement No. 6 to its FPC Gas Rate Schedule No. 275 be permitted to become effective on March 20, 1969. Since the contractual effective date under Sun's aforementioned rate schedule is March 21, 1969, we conclude that a March 21, 1969, effective date for the instant rate filing is appropriate.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-2422; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. RI69-544 etc.]

LAMAR HUNT ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 19, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 9, 1969.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-544..	Lamar Hunt, 1401 Elm St., Dallas, Tex. 75202, Attention: Donald K. Young, Esq.	1	11	El Paso Natural Gas. Co. (Tubb Field, Lea County, N. Mex.).	$457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3 4 5] 16.8156	
.....do.....		5	7	El Paso Natural Gas. Co. (Blinebry Field, Lea County, N. Mex.).	457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3 4 5] 16.8156	
RI69-545..	Hunt Industries.....	4	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	772	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3 4] 15.2025	
.....do.....		3	10	.....do.....	27	1-23-69	[2] 2-23-69	7-23-69	[7 8] 12.51	[3 4 7] 15.2025	
					433				[8 9] 15.64	[3 4 9] 16.7228	
RI69-546..	H. L. Hunt.....	6	11	El Paso Natural Gas Co. (Pecos Valley Devonian Field, Pecos County, Tex.) (RR. District No. 8).	(10)	1-23-69	[2] 2-23-69	7-23-69	[5] 14.63	[3 4] 16.7228	
.....do.....		15	10	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	81	1-23-69	[2] 2-23-69	7-23-69	[5 11] 12.51	[3 4 11] 15.2025	
					541				[8 9] 15.64	[3 4] 16.7228	
.....do.....		16	10	.....do.....	505	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3 4] 15.2025	
.....do.....		22	7	.....do.....	54	1-23-69	[2] 2-23-69	7-23-69	[5 11] 12.51	[3 4 11] 15.2025	
.....do.....		27	10	.....do.....	98	1-23-69	[2] 2-23-69	7-23-69	[8 9] 15.64	[3 4 9] 16.7228	
.....do.....		28	9	.....do.....	1,654	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3 4] 15.2025	
RI69-547..	H. L. Hunt et al.....	21	6	El Paso Natural Gas Co. (Pecos Devonian Field, Pecos County, Tex.) (RR. District No. 8).	2,766	1-23-69	[2] 2-23-69	7-23-69	[5] 14.24	[3 4] 16.2160	
RI69-548..	W. H. Hunt.....	1	11	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.).	913	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3 4 5] 16.8156	
.....do.....		6	7	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	913	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3 4 5] 16.8156	
RI69-549	(Hunt Oil Co. (Operator) et al.	34	16	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, N. Mex.) (RR. District No. 7-C).	4,961	1-21-69	[2] 2-21-69	7-21-69	[5] 14.16	[3 4] 15.2025	
.....do.....		33	18	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	134	1-21-69	[2] 2-21-69	7-21-69	[5 11] 12.51	[3 4 11] 15.2025	
					2,166				[8 9] 15.64	[3 4 9] 16.7228	
RI69-550..	N. B. Hunt.....	1	11	El Paso Natural Gas Co. (Tubb Field, Lea County, N. Mex.).	457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3 4 5] 16.8156	
.....do.....			7	El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.).	457	1-23-69	[2] 2-23-69	7-23-69	[5] 14.99	[3 4 5] 16.8156	
RI69-551..	Hunt Petroleum Corp..	2	3	El Paso Natural Gas Co. (Lancaster Hill Field, Crockett County, Tex.) (RR. District No. 7-C).	728	1-23-69	[2] 2-23-69	7-23-69	[5] 16.48	[3 4] 16.72275	
RI69-552..	Hassle Hunt Trust (Operator) et al.	30	4	El Paso Natural Gas Co. (North Ellenberger-Hokit Field, Pecos County, Tex.) (RR. District No. 8).	26,145	1-23-69	[2] 2-23-69	7-23-69	[5] 16.50	[3 4] 18.243	
RI69-553..	Caroline Hunt Sands et al.	15	1	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	39	1-23-69	[2] 2-23-69	7-23-69	[13] 14.10	[3 4] 15.2025	
RI69-554..	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	39	[14] 4	Transwestern Pipeline Co. (Wolfcamp Formation, West Rajo Cababo Field, Pecos and Reeves County, Tex.) (RR. District No. 8).	3,474	1-28-69	[13] 2-28-69	7-28-69	[13 15] 16.5	[4 15 16] 17.5	
RI69-555..	Caroline Hunt Trust Estate.	2	6	El Paso Natural Gas Co. (Buckhorn Field, Schleicher County, Tex.) (RR. District No. 7-C).	1,816	1-23-69	[2] 2-23-69	7-23-69	[5] 14.40	[3 4] 16.216	
RI69-556..	Secure Trusts.....	3	10	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C).	27	1-23-69	[2] 2-23-69	7-23-69	[5 11] 12.51	[3 4 11] 15.2025	
					433	-------	--------	-------	[8 9] 15.64	[3 4 9] 16.7228	
.....do.....		4	10	.....do.....	551	1-23-69	[2] 2-23-69	7-23-69	[5] 14.10	[3 4] 15.2025	
RI69-557..	Hunt Oil Co.....	7	17	El Paso Natural Gas Co. (Dollarhide Field, Andrews County, Tex.) (RR. District No. 8).	748	1-21-69	[2] 2-21-69	7-21-69	[5] 14.50	[3 4] 18.243	
RI69-558..	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	120	14	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.).	4,776	1-21-69	[13] 2-21-69	7-21-69	12.84	[4 15 17] 13.76	
					549					[4 15 18] 13.26	
RI69-559..	The Superior Oil Co., Post Office Box 1521, Houston, Tex.	116	5	El Paso Natural Gas Co. (Cinta Rojo Field, Lea County, N. Mex.).	3,976	1-22-69	[13] 2-22-69	7-22-69	[5] 16.58	[3 4] 18.0	
.....do.....		135	1	Natural Gas Pipeline Co. of America (Crittendon Field, Winkler County, Tex.) (RR. District No. 8).	17,155	1-22-69	[13] 2-22-69	7-22-69	[13] 16.5	[4 16] 17.5	
RI69-560..	Rocanville Corp. (Operator) et al., 1126 Mercantile Securities Bldg., Dallas, Tex. 75201, Attention: J. B. Avant, Vice President.	1	6	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	.....	2-3-67	[12] 3-6-69	8-6-69	[13] 14.0	[20 21] 14.0	RI64-605.
RI69-561..	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Attention: Mr. R. E. Wright.	26	16	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	192	2-3-69	[12] 3-6-69	8-6-69	[4 22] 14.2501	[4 22 23] 14.2693	RI68-16.
.....do.....		210	3	El Paso Natural Gas Co. (Bisti (Lower Gallup) Field, San Juan County, N. Mex.) (San Juan Basin Area).	203	2-3-69	[12] 3-6-69	8-6-69	14.2677	[4 16 21] 15.2869	RI66-329.
.....do.....		174	5	Mountain Fuel Supply Co. (Hiawatha Field, Moffat County, Colo.).	10,700	1-27-69	[3] 3-14-69	8-14-69	13.0	[21 24] 14.0	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-562..	Depco, Inc., et al., 1025 Petroleum Club Bldg., Denver, Colo. 80202, Attention: Mr. C. D. Crump.	1	6	El Paso Natural Gas Co. (Aztec and South Blanco Field, Pictured Cliff Formation; Blanco Field Mesa Verde Formation, and Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	$2,090	1-22-69	[3] 2-22-69	7-22-69	[13 25] 12.0495 [22 27] 14.0	[14 21 23 25] 13.0536 [14 21 23 27] 15.0	RI64-588, RI64-588.
RI69-563..	Depco Inc. (Operator) et al.	4	11	El Paso Natural Gas Co. (Blanco Field, Mesa Verde Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	14	1-22-69	[3] 2-22-69	7-22-69	[23] 14.0	[14 21 23 28] 15.0578	RI64-634.
.....do.....		5	10	El Paso Natural Gas Co. (South Blanco Field, Pictured Cliff Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,395	1-22-69	[3] 2-22-69	7-22-69	[25] 12.0495	[14 21 25] 13.0536	
.....do.....		6	12	El Paso Natural Gas Co. (Blanco Field, Mesa Verde Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	[29]	1-22-69	[3] 2-22-69	7-22-69	[23] 14.0	[14 21 23 28] 15.0578	RI64-634.
.....do.....		7	11	El Paso Natural Gas Co. (Pictured Cliff Formation, South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	980	1-22-69	[3] 2-22-69	7-22-69	[25] 12.0495	[14 21 25] 13.0536	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Increase from applicable area ceiling to contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[6] Previous rate reduced to applicable area ceiling rate by order implementing Opinions Nos. 468 and 468-A issued Aug. 9, 1968.
[7] Applicable to residue gas not derived from new gas-well gas.
[8] Previous rate reduced to applicable area ceiling rate by order implementing Opinions Nos. 468 and 468-A.
[9] Applicable to old gas-well gas.
[10] No deliveries being made at present.
[11] Applicable to residue gas not derived from new gas-well gas.
[12] Initial rate.
[13] The stated effective date is the effective date requested by Respondent.
[14] Periodic rate increase.
[15] Subject to upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.'s.
[16] Renegotiated rate increase.
[17] High pressure gas.
[18] Low pressure gas—Includes 0.5 cent per Mcf compression charge by buyer.
[19] Initial rate—subject to quality adjustment pursuant to Opinion No. 468.
[20] No actual change in rate occurring because present effective rate is inclusive of 1 cent per Mcf liquid guarantee whereas the proposed rate excludes liquid payment.
[21] Pressure base is 15.025 p.s.i.a.
[22] Includes 1 cent per Mcf minimum guarantee for liquids.
[23] Represents increase in tax reimbursement only because present effective rate is inclusive of 1 cent per Mcf liquid guarantee whereas proposed rate excludes liquid payment.
[24] Favored-nation rate increase.
[25] For gas produced from the Pictured Cliff Formation.
[26] Includes partial reimbursement for 0.55 percent New Mexico Emergency School Tax.
[27] For gas produced from the Mesa Verde and Dakota Formation.
[28] No present production.
[29] Applicable only to the Wolfcamp Formation.

Lamar Hunt, Hunt Industries, H. L. Hunt et al., H. L. Hunt, W. H. Hunt, Hunt Oil Co. (Operator) et al., N. B. Hunt, Hunt Petroleum Corp., Hassie Hunt Trust (Operator) et al., Caroline Hunt Sands et al., Caroline Hunt Trust Estate, Hunt Oil Co., and Secure Trusts request that their proposed rate increases be permitted to become effective on February 20, 1969. The Superior Oil Co. requests an effective date of February 1, 1969, for its proposed rate increases. Rocanville Corp. (Operator) et al. (Rocanville); Texaco Inc. (Texaco) (Supplement Nos. 16 and 3 to Texaco's FPC Gas Rate Schedule Nos. 26 and 210, respectively); Depco Inc., et al. and Depco Inc. (Operator), et al., request that their proposed rate increases be permitted to become effective as of January 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The basic contracts related to the proposed rate increases filed by Rocanville and Texaco (Supplement Nos. 16 and 3 to Texaco's FPC Gas Rate Schedule Nos. 26 and 210, respectively) contain a 1 cent per Mcf minimum guarantee for liquids provision but this 1 cent has been excluded from the proposed rate. Rocanville and Texaco are advised that a notice of change in rate will be required if they intend 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. RI64-491 et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al.

Eight of the proposed rate increases herein reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-2421; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. RI69-578, etc.]

PHILLIPS PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 19, 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 regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement

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

and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 7, 1969.

By the Commission.

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

[2] If an acceptable general undertaking, as provided by order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the Commission.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-578..	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	[3] 399	2	Panhandle Eastern Pipe Line Co. (Sneed Plant, Panhandle Field, Moore County, Tex.) (RR. District No. 10).	$182,500	1-24-69	[4] 3-1-69	[5] 3-2-69	14.5	[6][7] 15.5	
RI69-579..	T. L. Roach et al., d.b.a. T. L. Roach & Son, Post Office Box 1871, Amarillo, Tex. 79105.	1	3	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.) (RR. District No. 10).[8]	765	1-30-69	[4] 3-4-69	[5] 3-5-69	[9] 11.0	[6][7][9] 12.0	RI66-45.
RI69-580..	Texaco, Inc. (Operator), et al., Post Office Box 430, Bellaire, Tex. 77401.	299	6	Lone Star Gas Co. (West Chapel Hill, Smith County, Tex.) (RR. District No. 6).	2,380	1-30-69	[10] 3-2-69	[5] 3-3-69	17.0	[7][11] 17.595	RI68-609.
RI69-581..	Texaco, Inc.	300	5	Lone Star Gas Co., (Manziel Field, Wood County, Tex.) (RR. District No. 6).	119	1-30-69	[10] 3-2-69	[5] 3-3-69	17.0	[7][11] 17.595	RI68-607.
RI69-582..	A. R. Dillard (Operator) et al., 1600 10th St., Wichita Falls, Tex. 76301.	[12] 3	1	Panhandle Eastern Pipe Line Co. (Hansford Lower Missouri Field, Hansford County, Tex.) (RR. District No. 10).	400	1-20-69	[4] 3-1-69	[5] 3-2-69	12.0	[6][7] 13.0	
RI69-583..	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	[13] 75	3	Kansas Nebraska Natural Gas Co. Inc. (Bradshaw Field, Hamilton County, Kans.).	622	2-3-69	[10] 3-6-69	[5] 3-7-69	[14] 12.5	[6][7][14] 13.5	
RI69-584..	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102.	146	3	Phillips Petroleum Co. (West Panhandle Field, Hutchinson County, Tex.) (RR. District No. 10).[15]	304	2-3-69	[4] 3-6-69	[5] 3-7-69	[11] 13.0	[6][7][11] 14.0	

[3] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and the proposed rate does not exceed the area initial rate ceiling of 17 cents per Mcf.
[4] The stated effective date is the effective date requested by Respondent.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Phillips resells the gas, after processing in its Sherman Plant, to Michigan-Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement, subject to refund in Docket No. R165-526.
[9] Subject to a deduction of 0.4466 cent for sour gas.
[10] The stated effective date is the first day after expiration of the statutory notice.
[11] Tax reimbursement increase.
[12] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and proposed rate does not exceed the area initial rate ceiling of 17 cents per Mcf.
[13] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and proposed rate does not exceed the area initial rate ceiling of 16 cents per Mcf.
[14] Subject to downward B.t.u. adjustment from 950 B.t.u.'s per cubic foot. Present B.t.u. content is 870 B.t.u.'s.
[15] It can not be determined under which of Phillips' plants the acreage is dedicated. The gas is processed in Phillips' Dumas (Rate Schedule No. 32), or Sneed Plant (Rate Schedule No. 5 and 399). Phillips' rates under its Rate Schedule Nos. 32 and 5 are in effect subject to refund. A proposed rate under Phillips' FPC Gas Rate Schedule No. 399 is suspended herein.
[16] Sweet gas rate, subject to a deduction of 0.4466 cent for sour gas.

Texaco Inc. (Operator), et al., and Texaco Inc. (both referred to herein as Texaco) request that their proposed rate increases be permitted to become effective as of January 30, 1969. Anadarko Production Co. (Anadarko) requests a retroactive effective date of December 1, 1968, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco and Anadarko's rate filings and such requests are denied.

The contracts related to the rate filings proposed by Phillips Petroleum Co. (Operator) (Phillips), A. R. Dillard (Operator) et al. (Dillard), and Anadarko were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, the aforementioned producers' proposed rate filings should be suspended for 1 day from March 1, 1969 (Phillips and Dillard), the proposed effective date, and March 6, 1969 (Anadarko), the expiration date of the statutory notice.

The tax reimbursement increases submitted by Texaco exceed the applicable area rate ceiling for Texas Railroad District No. 6 by such tax reimbursement only. Consistent with previous Commission action taken on similar tax filings, Texaco's proposed rate increases should be suspended for 1 day from March 2, 1969, the expiration date of the statutory notice.

T. L. Roach et al., doing business as T. L. Roach & Son (Roach), and Sohio Petroleum Co. (Sohio) proposed rate increases from 11 cents to 12 cents and 13 cents to 14 cents per Mcf, respectively, for wellhead sales of gas to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are in effect subject to refund. Roach and Sohio's proposed rates exceed the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Roach and Sohio's rate increases should be suspended for 1 day from March 4, 1969 (Roach), and March 6, 1969 (Sohio), the requested effective dates.

[F.R. Doc. 69-2425; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. RI69-434]

TEXAS PACIFIC OIL CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

FEBRUARY 20, 1969.

On December 5, 1968, Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co. (Seagram) filed with the Commission a proposed change in rate from 14.0536 cents to 14.2678 cents per Mcf, designated as Supplement No. 9 to Seagram's FPC Gas Rate Schedule No. 22, which pertains to Seagram's jurisdictional sales of natural gas from

the Basin Dakota and Blanco Mesa Verde Fields, San Juan County, N. Mex. (San Juan Basin Area) to El Paso Natural Gas Co. The Commission by order issued December 31, 1968, in Docket No. RI69–434, suspended for 5 months Seagram's rate filing until June 5, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The proposed 14.2678 cents rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On January 21, 1969, Seagram submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 9 to Seagram's FPC Gas Rate Schedule No. 22, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 15.2869 cents instead of the 14.2678 cents per Mcf rate filed on December 5, 1968. Seagram did not include as part of its previously filed 14.2678-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Seagram was thus advised that if it wanted to collect under the minimum guarantee provision it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No. RI64–491, et al., Union Texas Petroleum, a Division of Allied Chemical Corp. (Operator) et al. The proposed substitute rate filing is set forth in Appendix A hereof.

Seagram's proposed 15.2869 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Seagram's revised notice of change in rate subject to the suspension proceeding in Docket No. RI69–434, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (June 5, 1969) of the original rate filing in said docket.

The Commission orders:

(A) The suspension order issued December 31, 1968, in Docket No. RI69–434, is amended only so far as to permit the 15.2869 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 9 to Seagram's FPC Gas Rate Schedule No. 22 to be filed to supersede the 14.2678 cents per Mcf rate contained in Supplement No. 9 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69–434. The suspension period for such substitute filing shall terminate concurrently with the suspension period (June 5, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on December 31, 1968, in Docket No. RI69–434, shall remain unchanged and in full force and effect.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69–434..	Joseph E Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221, Attention: Mr. Frank Martin.	22	[1] 1 to 9	El Paso Natural Gas Co. (Basin Dakota and Blanco Mesa Verde Fields, San Juan County, N. Mex.) (San Juan Basin Area).	$1,055	1–21–69	[2] 2–21–69	[3] 6–5–69	[4] 14.2678	[4] [5] 15.2869	

[1] Revised notice of change to reflect inclusion of 1-cent minimum guarantee for liquids and related increase in tax reimbursement.
[2] The stated effective date is the effective date requested by Respondent.
[3] End of the suspension period for the previously filed 14.2678-cent rate in Docket No. RI69–434.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1 cent per Mcf minimum guarantee for liquids.
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

[F.R. Doc. 69–2426; Filed, Feb. 28, 1969; 8:45 a.m.]

[Docket No. CP65–33]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

FEBRUARY 24, 1969.

Take notice that on February 17, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Tennessee Building, Houston, Tex. 77002, filed in Docket No. CP65–33, a petition to amend the order issued by the Commission October 19, 1964, to authorize the sale and delivery of additional firm and interruptible gas to American Potash and Chemical Corp. (American Potash), as hereinafter described, and as more fully described in the petition to amend herein, which is on file with the Commission and open to public inspection.

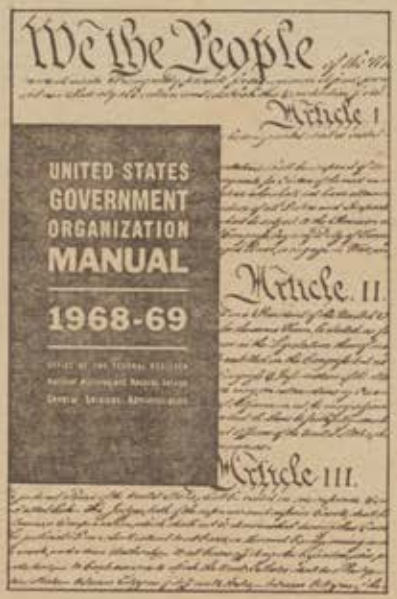
By the said order, Petitioner was authorized to construct and operate facilities and to sell and deliver up to 3,000 Mcf of natural gas per day, on a firm basis, to American Potash.

By its petition to amend, Petitioner seeks authority to sell and deliver to American Potash, at the existing delivery point in Lowndes County, Miss., an additional 500 Mcf per day on a firm basis and up to 1,000 Mcf per day interruptible. No new facilities are proposed.

Protests 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 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 21, 1969.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–2483; Filed, Feb. 28, 1969; 8:46 a.m.]



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