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Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Corn Products From Certain Labeling Requirements

In the matter of exempting corn meal, corn flour, and corn grits from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 22, 1969 (34 F.R. 930). Accordingly, the amendment (21 CFR 1.1c(a)(12)) promulgated by that order will become effective March 23, 1969.

Dated: March 10, 1969.

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

[F.R. Doc. 69-3132; Filed, Mar. 14, 1969; 8:45 a.m.]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Margarine From Certain Requirements

In the matter exempting margarine from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no proper objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 20, 1968 (33 F.R. 19006). Accordingly, the amendment (21 CFR 1.1c(a)(11)) promulgated by that order became effective February 18, 1969.

Dated: March 5, 1969.

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

[F.R. Doc. 69-3133; Filed, Mar. 14, 1969; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

2-(*p-tert*-Butylphenoxy)Cyclohexyl 2-Propynyl Sulfite

A petition (PP 8F0730) was filed with the Food and Drug Administration by Uniroyal Inc., Bethany, Conn. 06525, proposing the establishment of tolerances for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodities grapes and peaches at 7 parts per million; apples, pears, and plums (fresh prunes) at 3 parts per million; and walnuts at 0.5 part per million (negligible residue).

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances regarding grapes and walnuts.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. With restrictions against feeding apple pomace from treated apples and against grazing in treated orchards, there is no reasonable expectancy of transfer of residues to meat or milk; therefore, no tolerances are necessary for these commodities.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding the following new section to Subpart C:

§ 120.259 2-(*p-tert*-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

Tolerances are established for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on raw agricultural commodities as follows:

7 parts per million in or on peaches.

3 parts per million in or on apples, pears, plums (fresh prunes).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2); 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 7, 1969.

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

[F.R. Doc. 69-3135; Filed, Mar. 14, 1969; 8:46 a.m.]

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

Norea

A petition (PP 9F0753) was filed with the Food and Drug Administration by Hercules, Inc., Wilmington, Del. 19899, proposing the establishment of tolerances for residues of the herbicide norea in or on the raw agricultural commodities cottonseed, sorghum (cane, forage, and grain), soybeans, spinach, and sugarcane at 0.5 part per million.

Subsequently, the petitioner amended the petition by changing the proposed tolerance level to 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, or poultry from animals fed byproducts of the subject crops, tolerances are unnecessary regarding these items. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.260 Norea; tolerances for residues.

Tolerances are established for negligible residues of the herbicide norea (3-(hexahydro-4,7-methanoindan-5-yl)-1,1-dimethyl urea) in or on the raw agricultural commodities cottonseed, sorghum (cane, forage, and grain), soybeans, spinach, and sugarcane at 0.2 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 10, 1969.

R. E. DUGGAN,
Acting Associate Comissioner for Compliance.

[F.R. Doc. 69-3134; Filed, Mar. 14, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2272) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, concludes that 2(2'-hydroxy-5'-methylphenyl) benzotriazole should be added to § 121.2566 to provide for its use as an antioxidant and/or stabilizer in polymers used in the manufacture of articles intended for food-contact use.

The Commissioner further concludes that the subject substance should be deleted from § 121.2591 since the amendment herein to § 121.2566 provides for the use of the additive as contemplated. The item as added in § 121.2566 is changed to improve identification by inclusion of a melting-point specification.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.2566(b) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * *

(b) * * *

	Limitations
* * *	* * *
2(2'-Hydroxy-5'-methylphenyl) benzotriazole meeting the following specification: Melting point 126°–132° C.	For use only: 1. As component of nonfood articles complying with § 121.2591. 2. At levels not to exceed 0.25 percent by weight of rigid polyvinyl chloride used in contact with nonfatty food.
* * *	* * *

§ 121.2591 [Amended]

2. In § 121.2591 *Semirigid and rigid acrylic and modified acrylic plastics* by deleting from the list in paragraph (a)(5) the item "2(2'-Hydroxy-5'-methylphenyl) benzotriazole."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 7, 1969.

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

[F.R. Doc. 69-3136; Filed, Mar. 14, 1969; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7009]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1968 and Estimated Tax for Taxable Year 1969

Section 819 of the Internal Revenue Code of 1954 provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business. Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1968 income tax for foreign corporations carrying on a life insurance business a percentage of 15 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1968 required for the computation of the percentage to be used by foreign corporations carrying on a

life insurance business in computing their estimated tax for the taxable year 1969 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1969 and payments of installments thereof by such corporations a percentage of 15 (the percentage applicable for 1968) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1969 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1967, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), or subject to the effective date limitation of subsection (d) of such section.

[SEAL] EDWIN S. COHEN,
Assistant Secretary of the Treasury.

MARCH 13, 1969.

[F.R. Doc. 69-3197; Filed, Mar. 14, 1969; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 79—WITHHOLDING OF COMPENSATION OF CIVILIAN EMPLOYEES OF THE NATIONAL GUARD FOR STATE AND STATE-SPONSORED EMPLOYEE RETIREMENT, DISABILITY, OR DEATH BENEFITS PROGRAMS

The Secretary of Defense approved the following policy:

Sec.
79.1 Purpose.
79.2 Applicability.
79.3 Definitions.
79.4 Policy.
79.5 Responsibility.

AUTHORITY: The provisions of this Part 79 issued under authority of 5 U.S.C. 84d and Executive Order 10996.

§ 79.1 Purpose.

Pursuant to the authorities set forth in 5 U.S.C. 84d and E.O. 10996, this part assigns responsibility and prescribes procedures for:

(a) Processing agreements with those States requesting the withholding of compensation from certain Army National Guard and Air National Guard civilian employees for State or State-sponsored employee retirement, disability, or death benefits systems, and

(b) Negotiating agreements with States for Federal contributions to State or State-sponsored employee retirement systems.

§ 79.2 Applicability.

The provisions of this part apply to the Department of the Army and the Department of the Air Force.

§ 79.3 Definitions.

The definitions of the terms "employees" and "State" provided in Executive Order 10996 (Title 3, 1959-63 Compilation) shall apply to this part.

§ 79.4 Policy.

(a) It shall be the policy of the Department of Defense to cooperate fully with each of the various States as may request the withholding of compensation of employees of the Army National Guard and the Air National Guard for State and State-sponsored employee retirement, disability or death benefits systems. Agreements to make such withholding shall be consummated without undue delay but in no case later than 120 days after receipt of a request for agreement from the proper official of a State.

(b) It also shall be the policy of the DoD to enter into agreements with States concerning the coverage of Army and Air National Guard employees under State employee retirement systems. Such agreements may provide for Federal contributions to State or State-sponsored retirement systems, subject to the limitations contained in section 2 of title 5, U.S.C. and such other standards as may be established by the Secretary of the Army.

§ 79.5 Responsibility.

It shall be the responsibility of the Secretary of the Army, or such official as he may designate to negotiate requested agreements with States, to coordinate such negotiations with the Secretary of the Air Force, or his designee, and to prepare such agreements for the signature of the Secretary of Defense.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-3161; Filed, Mar. 14, 1969; 8:48 a.m.]

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Civilian Facilities Which Have Been Identified by the Department of Defense as Practicing Discrimination in Admission and/or Treatment of Patients; Correction

F.R. Doc. 69-2739, appearing at 34 F.R. 4965, March 7, 1969, is corrected in respect to § 577.71 appearing in the first column on page 4967, to include the date "Nov. 19, 1968" in the table under the heading "Effective date eligibility restored", applying to Choctaw County General Hospital, Butler, Ala., the first hospital listed.

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-3126; Filed, Mar. 14, 1969; 8:45 a.m.]

Chapter XVI—Selective Service System

[Amdt. 113]

PART 1600—MAINTENANCE OF HIGH ETHICAL AND MORAL STANDARDS OF CONDUCT BY OFFICERS AND EMPLOYEES OF THE SELECTIVE SERVICE SYSTEM

PART 1606—GENERAL ADMINISTRATION

Miscellaneous Amendments

The following amendments and additions to the Selective Service regulations are hereby prescribed to read as follows:

1. Paragraph (c) of § 1600.735-22 of Part 1600 is amended and present paragraph (d) is revoked as follows:

§ 1600.735-22 Outside employment and other activity.

* * * * *

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Director of Selective Service gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(d) [Revoked]

* * * * *

2.a. A new paragraph (e) is added to § 1606.32 of Part 1606 to read as follows:

§ 1606.32 Availability and use of confidential records and informatiton.

* * * * *

(e) Where a registrant has been indicted under the Military Selective Service Act of 1967 and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, it is the policy of the Selective Service System to furnish, to him or to any person he may designate, one copy of his selective service file free of charge. Any

other registrant may secure a copy of his file upon payment of the fees prescribed in § 1606.57(b).

b. Paragraph (b) of § 1606.57 is amended to read as follows:

§ 1606.57 Service charges for information.

* * * * *

(b) Requests for copies of identifiable documents or records other than those furnished free under paragraph (a) of this section or by purchase under paragraph (c) of this section, will require the payment of fees, in advance, as set forth in this paragraph.

(1) Requests for these documents or records shall be made in writing to the appropriate State Director of Selective Service at the address given in § 1606.58 (f). If the request is based on a discovery motion granted by a United States District Court, a copy of the motion shall be attached to the request.

(2) The schedule of fees is

(i) For copies of cover sheets reproduced by a private concern at requester's expense: $5 per hour, or fraction thereof in excess of one-quarter hour, for employee's time to monitor the reproduction, computed from the time of his departure until his return to his post.

(ii) For copies of other identifiable documents: $1 per page, which cost includes time for searching and reproducing the document.

(iii) Documents or files will not be released to any requester until these fees are paid in full by check or money order made payable to the Selective Service System.

* * * * *

§ 1606.58 [Amended]

c. Addresses of the offices of the State Directors of Selective Service as shown in paragraph (f) of § 1606.58, are changed as follows:

State	*Address*
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage, Alaska 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, Ariz. 85004.
Colorado	New Customhouse, Room 226, 19th and California Streets, Denver, Colo. 80202.
Idaho	Room 492, Federal Building, U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.
New York City	Federal Building, 26 Federal Plaza, New York, N.Y. 10007.
Ohio	85 Marconi Boulevard, Columbus, Ohio 43215.
Oklahoma	417 Post Office-Courthouse Building, Oklahoma City, Okla. 73102.
Pennsylvania	Post Office Box 1266, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108.

(Sec. 10, 62 Stat. 618, as amended, 50 U.S.C. App. 460; 81 Stat. 54, 5 U.S.C. 552; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR 1943–48 Comp., 713)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

LEWIS B. HERSHEY,
Director of Selective Service.

MARCH 11, 1969.

[F.R. Doc. 69-3123; Filed, Mar. 14, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

Board of Contract Appeals

In § 210.4, the introductory statement at the beginning of the section is revised, and a new § 210.5 is added to this part, to read as follows:

§ 210.4 Rules of the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers.

The rules set forth in this section apply only to cases docketed before the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers prior to the expiration of the 60-day period after the date of publication hereof in the FEDERAL REGISTER. Cases docketed subsequent to such effective date, and cases docketed prior thereto as directed by the Board with the agreement of the parties, shall be governed by the rules set forth in § 210.5. These rules are promulgated by the Board for the guidance of contractors having contracts with the Corps of Engineers, and others concerned:

* * * * *

§ 210.5 Rules of the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers.

The rules set forth in this section apply only to cases docketed before the Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers, subsequent to the 60-day period following their publication in the FEDERAL REGISTER. Cases docketed prior to the expiration of such 60-day period shall be governed by these rules only as directed by the Board with the agreement of the parties. All other cases shall be governed by the rules set forth in § 210.4. These rules are promulgated by the Board for the guidance of contractors having contracts with the Corps of Engineers, and others concerned.

(a) *Preface to rules.* (1) The Corps of Engineers Board of Contract Appeals is the authorized representative of the Chief of Engineers for the purpose of hearing, considering, and determining, as fully and finally as he might, appeals by contractors from decisions of contracting officers or their authorized representative or other authorities on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the Chief of Engineers or his duly authorized representative or Board.

(2) When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

(3) Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecesary delay.

(4) Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise. The parties are expected to cooperate and to voluntarily comply with the intent of such procedures without resort to the Board except on controversial questions.

(5) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. Those time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(6) Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties, as soon as appropriate notices of appearance have been filed with the Board.

(b) *Preliminary procedures*—(1) *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract.

(2) *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number) and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in subparagraph (6) of this paragraph may be filed with the notice of appeal,

or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

(3) *Forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal together with a copy of the decision appealed from, to the Board. Following receipt by the Board of the papers described in the next rule (subparagraph (4) of this paragraph), the contractor will be promptly advised of its receipt and the appeal is then considered docketed, and the contractor will furnish a copy of the rules in this section.

(4) *Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall compile and transmit to the Board and to the Government trial attorney, copies of all documents pertinent to the appeal, including the following:

(i) The finding of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(ii) The contract, and pertinent plans, specifications, amendments, and change orders;

(iii) Correspondence between the parties and other data pertinent to the appeal;

(iv) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(v) Such additional information as may be considered material.

Upon completion of the foregoing compilation, the contracting officer shall notify the appellant, provide him with a listing of its contents; and afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal.

(5) *Dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

(6) *Pleadings.* (i) Within 30 days after receipt of notice of docketing of the appeal, as provided in the last sentence of subparagraph (3) of this paragraph, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Recorder of the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and respondent shall be so notified.

(ii) Within 30 days from receipt of said complaint, or the aforesaid notice from the recorder of the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Recorder shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

(7) *Amendments of pleadings or record.* (i) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(ii) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in subparagraph (4) of this paragraph, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the documentation in subparagraph (4) of this paragraph (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

(8) *Hearing; election.* Upon receipt of respondent's answer or the notice referred to in the last sentence of subparagraph (6) (ii) of this paragraph, appellant shall advise the Board whether he desires a hearing, as prescribed in paragraph (c) (1) through (9) of this section, or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in subparagraph (11) of this paragraph. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in subparagraph (12) of this paragraph.

(9) *Prehearing briefs.* Based on an examination of the documentation described in subparagraph (4) of this paragraph, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to subparagraph (8) of this paragraph. In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

(10) *Prehearing or presubmission conference.* When the case is to be submitted pursuant to subparagraph (11) of this paragraph, or heard pursuant to paragraph (c) (1) through (9) of this section, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(i) The simplification or clarification of the issues;

(ii) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(iii) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(iv) The possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the Board member in the presence of the parties, and this writing shall thereafter constitute part of the record.

(11) *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to subparagraph (13) of this paragraph. In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with paragraph (c) (2) and (7) of this section.

(12) *Optional accelerated procedure.* Should an appeal involve $10,000 in amount or less, it may at the option of appellant be processed under this subparagraph. In the event of such election, an individual member of the Board designated by the Chairman for that purpose

will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. Except as extraordinary circumstances should prevent it, the decision will be rendered within 30 days of settlement of the record.

(13) *Settling of the record.* (i) A case submitted on the record pursuant to subparagraph (11) of this paragraph shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceedings, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(ii) The Board record shall consist of documentation described in subparagraph (4) of this paragraph, and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and posthearing briefs, as may thereafter be developed pursuant to the rules of this section. This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

(14) *Depositions*—(i) *When permitted.* After an appeal has been docketed, the Board may, for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(ii) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by order of the Board, unless agreed to between parties.

(iii) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(iv) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

(15) *Interrogatories to parties; inspection of documents; admission of facts.* For good cause shown, the Board may permit a party to serve written interrogatories upon the opposing party, order a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such permission will be granted and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

(16) *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

(c) *Hearings*—(1) *Where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

(2) *Notice of hearings.* The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in paragraph (b) (11) of this section.

(3) *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in paragraph (b) (11) of this section.

(4) *Nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject however, to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

(5) *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath the Board may, in the discretion of the presiding member, warn the witness that his statements may be subject to the provisions of title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(6) *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

(7) *Posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

(8) *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Government and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Government and the independent reporter.

(9) *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

(10) *The appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia.

(11) *The respondent.* Government counsel shall be designated to represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

(d) *Decisions.* Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the office of the Board in Washington, D.C. In accordance with paragraph 3 of the charter, decisions of the Board will be made upon the record, as described in paragraph (b)(13) of this section.

(e) *Motions for reconsideration.* A motion for reconsideration, if filed by either party shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

(f) *Dismissal without prejudice.* In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

(g) *Effective date and applicability.* The revised rules in this section shall take effect 60 days following publication in the FEDERAL REGISTER. Except as otherwise directed by the Board and agreed to by the parties, the rules in this section shall not apply to appeals which have been docketed prior to their effective date.

[Regs., Mar. 3, 1969, ENGGC–U] (Secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012)

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69–3127; Filed, Mar. 14, 1969; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order 1020]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 11th day of March 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists throughout the United States; that shippers located on lines of carriers owning a substantial number of these type cars are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1020 Service Order No. 1020.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Withdraw from distribution and return to owners empty, except as otherwise provided in subparagraphs (2) or (4) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, with inside length 40 feet or longer and with side-door openings 8 feet wide or wider, or equipped with plug doors regardless of length. This order shall not apply to boxcars owned by the railroads listed in subparagraph (2) of this paragraph.

(2) This order shall not apply to boxcars owned by the following railroads:

Bangor and Aroostook Railroad Co.
Great Northern Railway Co.
Illinois Central Railroad Co.
Maine Central Railroad Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Union Pacific Railroad Co.

(3) Boxcars described in subparagraph (1) of this paragraph available empty at a station other than a junction with the owner may be loaded to station on or via the owner, or to any station which is closer to the owner than the point where loaded.

(4) Boxcars described in subparagraph (1) of this paragraph available empty at a junction with the owner must be delivered to the owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph must not be back-hauled empty, except from cleaning or repair facilities, or normal car distribution points, for the purpose of obtaining a load as authorized in subparagraphs (2) and (3) of this paragraph, nor held empty more than 24 hours awaiting placement for loading.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 15, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 12, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3162; Filed, Mar. 14, 1969; 8:48 a.m.]

[S.O. 1022]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of March 1969.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer and boxcars with inside length of 40 feet or longer with side-door openings of 8 feet or wider exists on the railroads named herein; that shippers located on lines of these carriers are being deprived of such cars required for loading, resulting in a very severe emergency thus creating a great economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of such boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1022 Service Order No. 1022.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 370, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length of 50 feet or longer, or with inside length 40 feet or longer and with side-door openings 8 feet wide or wider, or equipped with plug doors regardless of length, owned by the following railroads:

Bangor and Aroostook Railroad Co.
Great Northern Railway Co.
Illinois Central Railroad Co.
Maine Central Railroad Co.
Northern Pacific Railway Co.
Southern Pacific Co.
Union Pacific Railroad Co.

(2) Plain boxcars described in subparagraph (1) of this paragraph, owned by the Southern Pacific Co., shall be considered as being in the possession of the car owner when on the lines of any of the following subsidiary companies of the Southern Pacific Co.

Northwestern Pacific Railroad Co.
Portland Traction Co.
San Diego & Arizona Eastern Railway Co.

(3) Plain boxcars described in subparagraph (1) of this paragraph, owned by the Great Northern Railway Co. or by the Northern Pacific Railway Co., shall be considered as being in the possession of the car owner while on the lines of the Spokane, Portland, and Seattle Railway Co.

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (1) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., March 16, 1969.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 12, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-3163; Filed, Mar. 14, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Prime Hook National Wildlife Refuge, Del.

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

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Travel on foot, on established roads by vehicles, or on waterways by boat is permitted unless prohibited by posting, for the purpose of nature study, photography, and sight-seeing, during daylight hours. Pets on a leash not over 10 feet in length are permitted. Public hunting and fishing may be permitted on parts of the refuge by special regulations.

The refuge area, comprising 4,642 acres, is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

This special regulation effective through December 31, 1969, supplements Title 50, Code of Federal Regulations, Part 28.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 12, 1969.

[F.R. Doc. 69-3159; Filed, Mar. 14, 1969; 8:48 a.m.]

PART 33—SPORT FISHING

National Elk Refuge, Wyo.

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

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

WYOMING

NATIONAL ELK REFUGE

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

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

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1969.

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

MARCH 10, 1969.

[F.R. Doc. 69-3160; Filed, Mar. 14, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Orange Reg. 20]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio

Grande Valley in Texas, 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 recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on March 4, 1969; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; necessary supplemental economic and statistical information upon which the recommended regulation is based were received by the Department on March 11, 1969; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 906.343 Orange Regulation 20.

(a) Order: (1) Orange Regulation 19, as amended (33 F.R. 14067, 14282, 17895; 34 F.R. 5155) is hereby terminated on March 17, 1969.

(2) During the period March 17, 1969, through September 14, 1969, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. No. 2; U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or any higher grade.

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than 2⅛ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2⅛ inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

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

Dated: March 14, 1969.

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

[F.R. Doc. 69-3257; Filed, Mar. 14, 1969; 12:08 p.m.]

[Navel Orange Reg. 172, Amdt. 1]

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

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 907.472 (Navel Orange Reg. 172, 34 F.R. 4879) are hereby amended to read as follows:

§ 907.472 Navel Orange Regulation 172.

* * * * *

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

(i) District 1: 975,000 cartons;

(ii) District 2: 325,000 cartons;

* * * * *

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

Dated: March 12, 1969.

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

[F.R. Doc. 69-3171; Filed, Mar. 14, 1969; 8:49 a.m.]

[Lemon Reg. 365]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.665 Lemon Regulation 365.

(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 March 11, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 16, 1969, through March 22, 1969, are hereby fixed as follows:

(i) District 1: 9,300 cartons;

(ii) District 2: 204,600 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: March 13, 1969.

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

[F.R. Doc. 69–3199; Filed, Mar. 14, 1969; 8:49 a.m.]

[Grapefruit Reg. 25]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.325 Grapefruit Regulation 25.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913), 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 March 13, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 17, 1969, through March 23, 1969, is hereby fixed at 230,000 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: March 14, 1969.

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

[F.R. Doc. 69–3258; Filed, Mar. 14, 1969; 12:08 p.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1424—BULK OILS

Subpart—Standards for Approval of Bulk Oil Warehouses

Correction

In F.R. Doc. 69–2720 appearing at page 4880 in the issue of Thursday, March 6, 1969, the following corrections should be made.

1. In § 1424.1, in the penultimate line of (b) insert a comma after the word "South". In (d) (2) the word "the" in the sixth line should be changed to "a".

2. In § 1424.2 in the penultimate line of (b) (2) the word "of" should read "or".

3. Add a period at the end of § 1424.3 (c).

4. Add a comma after the word "programs" in the sixth line of § 1424.7.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FRESH PLUMS AND PRUNES

Standard Pack [1]

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file same, in duplicate, not later than April 20, 1969, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b).)

Statement of considerations leading to the proposed amendment of the grade standards. Two of the requirements for Standard Pack in the U.S. Standards for Fresh Plums and Prunes have become out-dated because of changes in Marketing Order regulations and changes in packing methods.

Recent Marketing Orders for Plums from California contain requirements specifying the maximum number of fruit in an 8 pound sample for a given size, as well as minimum weights for baskets in 4-basket crates. The orders also specify that all closed containers must meet the requirements of Standard Pack. The different requirements have been compatable for most types of packs. However, diagonal packs have been a problem. Standard Pack now requires diagonal packs to have the same arrangement in all layers. Other types of packs allow 1 or 2 rows less in the 2 lower layers than in the top layer, due to the shape of the basket. The individual basket in a 4-basket crate is wider at the top than at the bottom. Consequently, using the same arrangement in all layers of fruit in the basket requires packing progressively smaller plums in the lower layers than in the top layer. It has been found that plums in diagonal packs with the same arrangement in each layer are likely to fail to meet the minimum net weight requirements of the Marketing Order. Because of the conflict, this portion of the Standard Pack requirement, § 51.1527(a)(3)(i), would be deleted in the proposed amendment.

For face and fill packs, Standard Pack now requires a 2-layer face or a single layer face supported by a shim or form. This was necessary to prevent the top or face of the packs from sagging or settling. New methods of filling coupled with a more satisfactory container have made the use of shims, forms or double facing unnecessary. This requirement, in § 51.1527(a)(4) would also be deleted.

A new basis of sale relating to the number of fruit per pound is rapidly approaching. This change in size designation is becoming necessary because of the increased use of volume fill packs and Marketing Order requirements. It is appropriate to make provision for this change which would be added to the "Marking" requirements, § 51.1527(b)(1).
(1).

As proposed to be amended, § 51.1527 is set forth below:

STANDARD PACK

§ 51.1527 Standard pack.

(a) *Packing.* (1) All packages shall be tightly packed or well filled, according to the approved and recognized methods.

(2) The plums or prunes in the top layer of any package shall be reasonably representative in quality and size of those in the remainder of the package.

(3) Four-basket crates: Four-basket crates shall not be packed more than three layers deep.

(i) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer; the arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer.

(ii) In the 3½—4 x 5 and 3½—4 x 4 packs the face of each half of the crate shall be packed as a unit, with no shim between the two baskets.

(b) *Marking.* (1) The size of plums or prunes shall be marked on each package, and shall be indicated in terms of minimum diameter, or number of fruit per package, or in accordance with the arrangement of the top layer of fruit in the package or subcontainer, or in terms of the four-basket crate designation for fruit of equivalent sizes. Size may also be shown in terms of maximum number of fruit for a specified weight, such as "8 per pound," "6.4 per pound" or "7⅔ per pound."

(i) *Four-basket crates.* The size of plums packed in four-basket crates shall be indicated in accordance with the arrangement in the top layer of the baskets, as follows: 6 x 6, 5 x 5, or 4 x 4 (square packs); 5 x 6, 4 x 5, or 3 x 4 (offset packs); 3½—4 x 5, 3—4 x 5, 3½—4 x 4, or 3—4 x 4 (diagonal packs).

(ii) *California peach boxes, lug boxes and small consumer packages.* In layer-packed California peach boxes or lug boxes, and in small consumer packages, the count of the entire contents shall be marked on the package. The number of plums or prunes in California peach boxes or lug boxes shall not vary more than 4 from the number indicated on the package.

(iii) *Face and fill packs in cartons and lug boxes.* In face and fill packs in cartons and lug boxes the number of rows in the face shall be marked on the package, as "6 row", "8 row", etc.

(c) *Sizing.* (1) Not more than 5 percent, by count, of the plums or prunes in any package may vary more than one-fourth inch in diameter.

(2) When size is indicated in terms of minimum diameter, not more than 5 percent, by count, of the fruit in any package may be smaller than the size marked.

(d) *Tolerance for standard pack.* In order to allow for variations incident to proper sizing and packing, not more than 10 percent, by count, of the packages in any lot may fail to meet the requirements for standard pack.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: March 11, 1969.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-3150; Filed, Mar. 14, 1969; 8:47 a.m.]

[7 CFR Part 919]

[Docket No. AO-102-A5]

PEACHES GROWN IN MESA COUNTY, COLO.

Notice of Hearing With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws or regulations.

held in the Veterans Memorial Building, Palisade, Colo., beginning at 7 p.m., local time, April 10, 1969, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of peaches grown in the county of Mesa, Colo. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order were proposed by the Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Delete § 919.10 *Fiscal year* and substitute, in lieu thereof, the following:

§ 919.10 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and means the 12-month period beginning on November 1 and ending on October 31 of the following year, or such other period that may be approved by the Secretary pursuant to recommendations by the committee: *Provided*, That the fiscal year which began on March 1, 1969, shall end on October 31, 1969.

2. Delete § 919.11 *District* and substitute, in lieu thereof, the following:

§ 919.11 District.

"District" means the applicable one of any of the following described subdivisions of the county of Mesa in the State of Colorado:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of a line (map designated) as 37.3 Road and an extension thereof.

(b) "District No. 2" shall include all that portion of Mesa County, lying south of the Colorado River and east of (map designated) 36⅝ Road and an extension thereof.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River bordered on the east by (map designated) 36⅝ Road, and an extension thereof, and bordered on the west by (map designated) 35 Road, and an extension thereof.

(d) "District No. 4" shall be all that portion of Mesa County lying south of the Colorado River bordered on the west by the Gunnison River and bordered on the east by (map designated) 35 Road, and an extension thereof.

(e) "District No. 5" shall be all that portion of Mesa County west of 37.3 Road north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

3. Amend § 919.20 *Establishment and membership* by revising the third sentence thereof to read as follows:

§ 919.20 Establishment and membership.

* * * The members of the committee and their respective alternates shall be nominated, in accordance with the provisions of §§ 919.21 through 919.24, at least 30 days prior to the beginning of the term of office for which nominations are being made.

§§ 919.21, 919.22 [Amended]

4. Delete from §§ 919.21(a) and 912.22 (a) the parenthetical phrase "(on or before February 1 of each year)."

5. Amend § 919.23 *Nomination and selection of cooperative handler members* by deleting from paragraph (a) the words "beginning March 1, 1956" wherever they appear, and revising paragraph (b) to read as follows:

§ 919.23 Nomination and selection of cooperative handler members.

* * * * *

(b) Nomination of cooperative members and their respective alternates shall be made by such cooperative associations at such time and places, and in such manner as the members of the respective associations may designate.

§ 919.25 [Amended]

6. Amend § 919.25 *Failure to nominate* by deleting therefrom "on or before February 15 of any year" and substituting therefor "not later than 15 days prior to the beginning of the term of office."

7. Revise § 919.27 *Term of office* to read as follows:

§ 919.27 Term of office.

(a) The term of office of each member and alternate shall be for two (2) years beginning January 1 and ending December 31 of the following year, or such other period as the committee with the approval of the Secretary may prescribe. The terms of office of the members and their respective alternates shall be so arranged that approximately one-half of such terms shall terminate each year: *Provided*, That the term of office of three producer members and their respective alternates and one cooperative member and his alternate, as determined by lot, shall begin January 1, 1970, and end December 31, 1970: *Provided further*, That the term of office which began March 1, 1969, shall end December 31, 1969.

(b) Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and qualified.

8. Amend § 919.32 *Duties* by adding a paragraph (l) to read as follows:

§ 919.32 Duties.

* * * * *

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

9. Delete § 919.42 *Handler accounts* and insert, in lieu thereof, the following:

§ 919.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

10. That consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Robert B. Case, Field Representative, Fruit and Vegetable Division, U.S. Department of Agriculture, Room 365 New Customhouse, Denver, Colo. 80202.

Dated: March 11, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-3152; Filed, Mar. 14, 1969; 8:47 a.m.]

[7 CFR Part 1079]

[Docket No. AO 295-A19]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Rescheduled Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

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 notice was issued on March 6, 1969 (34 F.R. 5078)

giving notice of a public hearing to be held at the Savery Hotel, Fourth and Locust Streets, Des Moines, Iowa, beginning at 9:30 a.m., local time, on March 18, 1969, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Des Moines, Iowa, marketing area.

Notice is hereby given that the said public hearing is rescheduled and will be held beginning at 9:30 a.m., local time, on March 24, 1969, at the Ramada Inn, 4685 Northeast 14th Street, Des Moines, Iowa.

Signed at Washington, D.C., on March 12, 1969.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-3172; Filed, Mar. 14, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 241, 271]

[Releases Nos. 33-4951, 34-8537, IC-5618]

APPLICABILITY OF FEDERAL SECURITIES LAWS TO OFFER AND SALE OUTSIDE UNITED STATES OF SHARES OF REGISTERED OPEN-END INVESTMENT COMPANIES

Proposed Guidelines

The Commission is publishing this release to indicate the position its staff proposes to take regarding the application of the Securities Act of 1933 (15 U.S.C. 77a-aa), the Securities Exchange Act of 1934 (15 U.S.C. 78a-78jj), and the Investment Company Act of 1940 (15 U.S.C. 80a-1-52), where registered open-end investment companies offer and sell their shares outside the United States.

This release supplements an earlier Commission release (Securities Act Release No. 4708, July 9, 1964) (29 F.R. 9828, July 22, 1964) which was concerned with the applicability of the federal securities laws where domestic corporations offer their securities outside the United States. That release was published in response to a specific recommendation of the Presidential Task Force on promoting Increased Foreign Investment in United States Corporations Operating Abroad which, among other things, recommended that registered investment companies devise methods for achieving additional foreign distribution of their shares.

On January 1, 1968, the President called for, among other things, "an intensified program to attract greater foreign investment in United States corporate securities, carrying out the principles of the Foreign Investors Tax Act of 1966." The Commission's staff has since received numerous inquiries from open-end investment companies and their underwriters which indicate that an increasing number of them desire to sell outside the geographic territory of the United States. Accordingly, the Commission is publishing these proposed guidelines as to the position its staff will take with respect to the applicability of the federal securities laws in this area in order to implement further the Task Force recommendations.

The proposed guidelines in this release describe the responsibilities of U.S. issuers in connection with foreign sales of their shares. In any case of conflict with specifically applicable foreign law, the foreign law, as a general rule, would be considered as controlling.

While the views expressed by the staff as set forth in this release are those of persons who are continually working with the provisions of the statutes and rules involved and can be relied upon as representing the views of the staff, the public is cautioned that the opinions expressed in this release are not, and do not purport to be, an official expression of the Commission's views.

The Commission believes it desirable that the staff receive the benefit of comments and suggestions of members of the industry and other interested persons before these guidelines are published in definitive form. Any comments or suggestions should refer to "Guidelines on the Applicability of The Federal Secretaries Laws to Sales of Open-end Investment Company Shares Outside the United States" and should be addressed to the Division of Corporate Regulation, Securities and Exchange Commission, Washington, D.C. 20549 on or before March 25, 1969.

I. THE APPLICABILITY OF THE SECURITIES ACT OF 1933 TO OFFER AND SALE OF OPEN-END INVESTMENT COMPANY SHARES OUTSIDE THE UNITED STATES

The registration requirements of the Securities Act apply, unless an exemption is available, to any offer or sale of a security involving interstate commerce or use of the mails. Since "interstate commerce" is defined in section 2(7) of the Securities Act (15 U.S.C. 77b(7)) to include "trade or commerce in securities or any transportation or communication relating thereto * * * between any foreign country and any State, Territory, or the District of Columbia," this might be construed to encompass virtually any offering of securities made by a U.S. issuer outside the geographic territory of the United States.

However, because the Commission traditionally has taken the position that the registration requirements of section 5 of the Securities Act (15 U.S.C. 77e) are primarily intended to protect U.S. investors, the Commission announced in Securities Act Release No. 4708 (29 F.R. 9828) that it will not take any action for failure to register securities of U.S. issuers distributed outside the territory of the United States to foreign nationals even though use of jurisdictional means may be involved in the offering, so long as the distribution is effected in a manner which would result in the securities coming to rest outside the United States. Thus, the Commission will not insist upon registration of securities subject to such offerings under the Securities Act.

Foreign offerings of shares of open-end investment companies are, of course, significantly different from foreign offerings of securities of other domestic issuers. Open-end investment companies—as opposed to industrial companies and closed-end companies—offer their shares on a continuous basis, pursuant to a currently effective registration statement. Since such companies are therefore constantly "in registration" with respect to the shares they sell in the United States, a requirement that they also register shares which are intended for sale in foreign countries would not impose a significantly greater burden or expense upon them. Indeed, it appears that the predominant industry practice has been to register with the Commission open-end investment company shares offered to foreign nationals outside the United States and to offer such shares by means of prospectuses and sales literature which are substantially identical to those used to offer shares in the United States. In some cases, these prospectuses have been translated into the principal native language of the foreign country in which the shares are offered. In addition, underwriters of open-end investment companies enter into sales contracts which require foreign distributors to use substantially the same prospectuses and the same sales literature as are used in the United States.

These industry practices appear to be in the public interest. They also serve to furnish the foreign investor with the kind of information which the Task Force Report found to be lacking. The Task Force Report stated, with respect to offers by U.S. corporations generally, that most foreign investors outside the United States encounter difficulty in obtaining information about such corporations and their securities and that personnel of foreign banks and brokerage firms who deal directly with foreign investors often have little knowledge of such securities or of U.S. market procedures. These Task Force findings appear to be equally true with respect to open-end investment companies.

Use of a prospectus. Accordingly, the staff believes that issuers of open-end investment company shares offered and sold to foreign nationals outside the United States should register such shares under the Securities Act and conduct such offerings by means of a prospectus which does not differ materially from the prospectus used in the United States. The staff recognizes, of course, that the prospectus should be adapted to the particular foreign country where the offer is being made. Thus, disclosures included in the prospectuses used in the United States, such as discussion of U.S. tax laws, may be deleted where inappropriate in a prospectus delivered in foreign countries. Conversely, disclosures specifically designed for the citizens of a particular foreign country should be added to the prospectus where appropriate.

Furthermore, the prospectus used in any foreign country should be printed either in the native language of the

country or where sales are insignificant in a widely used language appropriate for that country, such as French, German, Spanish, or Italian. (This is on the assumption that it would not be feasible to print the prospectus in the native language of countries where sales are insignificant.) If an English language version of a prospectus used for sales in any foreign country differs from the English language version of the same company's prospectus used in the United States, 25 copies of it should be filed with the staff pursuant to Rule 424(c) of the Securities Act (17 CFR 230.424 (c)), together with 25 copies of a statement designating what material has been added and/or deleted. If the prospectus used in any foreign country differs in any respect from the prospectus used in the United States, and it is printed in a foreign language only, copies of it should not be filed, but 25 copies of an English-language translation should be filed with the staff pursuant to Rule 424(c) of the Securities Act, together with 25 copies of a statement designating what information has been added and/or deleted. Where English language translations of two or more foreign language prospectuses are identical, no more than 25 copies of such English-language translation should be filed. Each copy of the English-language translation of the prospectus should be properly identified as a translation and should have affixed to it a written representation by representatives of management of the investment company that the translation is accurate and complete.

Advertisements. To the extent feasible Rule 134 under the Securities Act (17 CFR 230.134) should be adhered to in connection with advertisements in foreign publications which are used in the offer of open-end investment company shares to foreign nationals outside the United States. However, the Commission staff is aware that the laws of other countries relating to securities advertisements may be less restrictive than Rule 134 and that business practice in this area may vary from that in the United States. Therefore, problems of compliance with Rule 134 should be brought to the attention of the staff.

Sales literature. The staff believes that it is the responsibility of the issuer to take steps to insure that sales literature used in the offer of open-end investment company shares to foreign nationals outside the United States generally conforms with the Commission's statement of policy. Contracts with foreign distributors and dealers should provide for supervision of sales literature by the issuer. If sales literature printed in the English language which is used in any foreign country differs in any material respect from the sales literature used in the United States, three copies of the full text should be filed with the Commission pursuant to section 24(b) of the Investment Company Act (15 U.S.C. 80a-24 (b)), together with three copies of a statement designating what information has been added and/or deleted. If sales literature printed in a foreign language only which is used in any foreign country differs in any material respect from the sales literature used in the United States, three copies of such sales literature and of an English-language translation of the full text should be filed with the Commission pursuant to section 24 (b) of the Investment Company Act, together with three copies of a statement designating what information has been added and/or deleted. Each copy of the English-language translation of the text of the sales literature should be properly identified as a translation and should have affixed to it a written representation by representatives of the management of the investment company that the translation is accurate and complete.

II. The Applicability of the Investment Company Act of 1940 to the Offer and Sale of Open-end Investment Company Shares Outside the United States

It is the staff's view that the provisions of the Investment Company Act apply to an open-end company registered under that Act regardless of where its shares are sold. The staff recognizes, however, that the underwriters of some such companies desire to offer and sell shares of such companies to foreign nationals outside the United States under terms or arrangements different from those in effect in the United States.

For example, it may not be deemed economically feasible to offer or sell such shares to foreign nationals outside the United States with a sales load which is no different from that in effect in the United States. This raises the question whether it is appropriate that an exemption from section 22(d) of the Investment Company Act (15 U.S.C. 80a-22 (d)) be granted.

Because of the variety of considerations that may be involved, the staff believes that any such question of the extent to which different arrangements should be employed outside the United States should be resolved by means of an appropriate application filed pursuant to section 6(c) of the Investment Company Act requesting relief from the provisions of the section in question. Under this procedure, the issuer should present full justification for the requested exemption, including appropriate discussion of relevant laws and business practices of the foreign countries in which open-end investment company shares may be offered and sold under the proposed arrangement. The issuer should submit as an exhibit to the application an opinion of counsel to the effect that the proposed arrangement would not be inconsistent with the laws of the countries in question and that it would meet the requirements of the appropriate regulatory authorities of such countries. The staff will consider each such application on its individual merits.

Proxy materials and annual reports, required to be sent to shareholders, should be sent to foreign shareholders outside the United States to the extent such shareholders are known. Appropriate foreign-language translations of such proxy materials and annual reports should be prepared for foreign shareholders who have purchased their shares outside the United States in cases where there is a substantial number of shareholders speaking a particular foreign language.

III. Broker-Dealer Registration Requirements under the Securities Exchange Act of 1934 for Foreign Broker-Dealers Who Offer and Sell Shares of Open-End Investment Companies Outside the United States, Its Territories and Possessions

Section 15(a)(1) of the Securities Exchange Act (15 U.S.C. 78o(a)(1)) makes it unlawful for a broker or dealer (other than one whose business is exclusively intrastate) to use the mails or instrumentalities of interstate commerce, including commerce between the United States and any foreign country, to induce or to effect any transaction in a nonexempt security otherwise than on a national securities exchange unless such broker or dealer is registered with the Commission. The staff generally will raise no objection because an unregistered foreign broker-dealer uses the federal instrumentalities to buy shares issued by an open-end investment company from the issuer or its principal underwriter for sale in a foreign country if (a) such shares are sold only to foreign nationals outside the United States, its territories and possessions and (b) such foreign broker-dealer is not directly or indirectly selling such shares to or acting for the account of an unregistered investment company whose portfolio contains shares issued by open-end investment companies registered under the Investment Company Act. On the other hand, a foreign broker-dealer who offers and sells shares issued by such companies to United States nationals no matter where located should register with the Commission. This position supplements and is consistent with the position taken in Securities Exchange Act Release No. 7366 (Securities Act Release No. 4708) (29 F.R. 9828).

By the Commission.

[SEAL] Orval L. DuBois, *Secretary.*

February 25, 1969.

[F.R. Doc. 69-3143; Filed, Mar. 14, 1969; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. F-508]

ALASKA

Notice of Hearing on Proposed Classification of Land

MARCH 6, 1969.

Notice is hereby given that a public hearing will be held at 7:30 p.m., Wednesday, April 16, 1969, at the Chamber of Commerce, Fairbanks, Alaska, to consider the proposed land Classifications in the Kobuk Valley covering approximately 1 million acres. This area has been designated the "Bornite Planning Unit", by the Bureau of Land Management.

Notice of the Kobuk Valley, or Bornite proposal was pubished in the FEDERAL REGISTER on May 9, 1968, Volume 33, pages 6990-6991. The hearing officials will welcome all views of interested parties in favor of or in opposition to the proposal. All interested persons who desire to be heard on the subject can either appear in person at the hearing or submit written statements. The record will remain open until May 16, 1969, for submission of written statements to the District Manager, Bureau of Land Management, 516 Second Avenue, Fairbanks, Alaska 99701.

ROBERT C. KRUMM,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 69-3170; Filed, Mar. 14, 1969; 8:49 a.m.]

[New Mexico 6266]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 11, 1969.

The Bureau of Reclamation, U.S. Department of the Interior, has filed application, Serial No. 6266, for the withdrawal of land described below. The land was conveyed to the United States pursuant to sections 10 and 11 of the Act of June 20, 1910 (36 Stat. 564). They have not been open to entry under the public land laws. The applicant desires the lands for use in connection with the Tucumcari Project, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 31 E.,
Sec. 16, E½E½.

The area described aggregates 160 acres in Quay County, N. Mex.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 69-3169; Filed, Mar. 14, 1969; 8:49 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Cancellation of Call for Nominations of Areas for Oil and Gas Leasing

The call for nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana, as announced in the FEDERAL REGISTER on November 8, 1968, is hereby canceled. All nominations which may be received will be returned. The call for nominations may be reissued and announced in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

MARCH 13, 1969.

[F.R. Doc. 69-3201; Filed, Mar. 14, 1969; 8:49 a.m.]

Office of the Secretary

ROBERT V. HUGO

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 28, 1969.

Dated: February 28, 1969.

ROBERT V. HUGO.

[F.R. Doc. 69-3139; Filed, Mar. 14, 1969; 8:46 a.m.]

JOHN H. KLINE

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 28, 1969.

Dated: February 28, 1969.

JOHN H. KLINE.

[F.R. Doc. 69-3140; Filed, Mar. 14, 1969; 8:46 a.m.]

JAMES W. McWHINNEY

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 28, 1969.

Dated: March 3, 1969.

JAMES W. MCWHINNEY.

[F.R. Doc. 69-3141; Filed, Mar. 14, 1969; 8:46 a.m.]

STANLEY MILTON SWANSON

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 28, 1969.

Dated: February 28, 1969.

STANLEY M. SWANSON.

[F.R. Doc. 69-3142; Filed, Mar. 14, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[Marketing Agreement 146]

1968 CROP PEANUTS

Indemnification

Pursuant to the provisions of section 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Terms and Conditions of Indemnification Applicable to 1968 Crop Peanuts (33 F.R. 8606, 18633) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Terms and Conditions is necessary to give the Committee an additional means of cleaning-up lots of peanuts containing excessive aflatoxin and further minimizing indemnification costs by allowing such lots of peanuts to be "custom blanched" for removal of the aflatoxin in lieu or in addition to remilling of such lots of peanuts. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin from lots of peanuts and who agree to such terms, conditions, and rates of payment as the Committee may find to be acceptable.

Therefore, the first sentence of the second paragraph of the Terms and Conditions is revised by deleting the period at the end of such sentence and adding the words: "or custom blanching".

Following the second paragraph, a new paragraph is inserted to read as follows:

" 'Custom blanching' means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only my those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions, and rates of payment as the Committee may find to be acceptable".

The first sentence of the fourth paragraph is changed by inserting the words "or custom blanched" after the word "remilled".

In the sixth paragraph, following the first sentence, a new sentence is inserted to read as follows: "If such peanuts are declared for custom blanching, either prior to or after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the value of the weight of reject peanuts removed from the lot." In this same paragraph, two additional changes are necessary. In the penultimate sentence after the word "remilling" insert the words: "or custom blanching". In the last sentence after the word "remilled" insert the words: "or custom blanched."

The Peanut Administrative Committee has recommended that this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with indemnification. Marketing of the 1968 peanut crop is in progress and it is estimated that a sizeable amount of indemnification expenditures can be avoided as result of this amendment. Hence, this amendment should be effective as soon as possible, i.e., on the effective date specified herein.

The foregoing amendment is hereby approved and issued this 11th day of March 1969 to become effective March 11, 1969.

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

[F.R. Doc. 69-3153; Filed, Mar. 14, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

NEW ENGLAND INSTITUTE FOR MEDICAL 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. 69-00112-33-78000. Applicant: New England Institute for Medical Research, Post Office Box 308, Ridgefield, Conn. 06877. Article: Manual spectrophotometer, Model PMQ-II. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be primarily used for educational purposes. Students will include undergraduates, graduate students, and postdoctoral fellows who will need to understand the functions of this type of spectrophotometer for their future professions in education and research. Specific demonstrations will be given by faculty members to undergraduates participating in undergraduate research 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 such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket No. 68-00529-33-78000, dated April 16, 1968, which was denied without prejudice to resubmission on August 13, 1968. At the request of the applicant (letter dated Dec. 17, 1968), the contents of Docket No. 68-00529-33-78000 have been incorporated into the record of subject application. In its memorandum dated November 21, 1968, the Department of Health, Education, and Welfare (HEW) reference two purportedly comparable domestic instruments—Model 16 spectrophotometer manufactured by Cary Instruments (Cary) and the Model 240 spectrophotometer manufactured by the Gilford Instruments Laboratories Inc. (Gilford). The respective manufacturer's literature relating to these domestic instruments have also been made part of the record. The applicant requires a manually operated spectrophotometer for training undergraduate and graduate students, as well as post-doctoral fellows in basic principles of spectrophotometry. Automatic spectrophotometers, such as those which the applicant currently possesses and is using for research, e.g., Cary Model 14 and Beckman DK-1, do not lend themselves for instructional purposes because they are too complex and sophisticated. In addition to having the characteristics of relative simplicity, the applicant requires an instrument that is capable of being operated in the near infrared region from 700 to 2800 millimicrons. The applicant states that this capability is pertinent because the intended use of the foreign article in attaining the educational purposes will be centered around the 1,500 millimicron

band in connection with the study of heme proteins and their association with oxygen binding. The foreign article provides a wavelength range of 180 to 2800 millimicrons. The specified wavelength range of the Cary Model 16 is 1860 to 8000 angstroms or 180 to 800 millimicrons. The specified wavelength range of the Gilford Model 240 is 180 to 999 nanometers. (The terms "nanometers" and "millimicron" are synonymous, both signifying one one-billionth of a meter.) For this reason, we find that neither the Cary Model 16 nor the Gilford Model 240 is 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 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. 69-3125; Filed, Mar. 14, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0806) has been filed by Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide *O,O*-dimethyl *S*-[2-(ethylsulfinyl)ethyl] phosphorothioate in or on raw agricultural commodities as follows: Corn fodder and forage and sugar beet tops at 5 parts per million; leaf lettuce and strawberries at 1.75 parts per million; apples and turnip tops at 1.5 parts per million; blackberries, cabbage, cucumbers, eggplants, grapefruit, head lettuce, lemons, oranges, plums (prunes), raspberries, and summer squash at 1 part per million; peppers at 0.75 part per million; corn (kernels plus cob with husk removed) at 0.5 part per million; melons, pears, pumpkins, sugar beets, turnip roots, walnuts, and winter squash at 0.3 part per million; and cottonseed and potatoes at 0.1 part per million.

The analytical methods proposed in the petition for determining residues of the insecticide are: (1) A total phosphorus method based upon the procedure described by Martin and Doty in "Analytical Chemistry," vol. 21, p. 965 (1949); and (2) a thermionic emission-gas chromatographic method using a phosphorus-sensitive detector.

Dated: March 10, 1969.

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

[F.R. Doc. 69-3137; Filed, Mar. 14, 1969; 8:46 a.m.]

UPJOHN CO.

Notice of Filing of Petition for Food Additive Lincomycin Hydrochloride Monohydrate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of lincomycin hydrochloride monohydrate in an aqueous solution intended for intramuscular use in swine as a treatment for infectious arthritis and mycoplasma pneumonia.

Dated: March 10, 1969.

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

[F.R. Doc. 69-3138; Filed, Mar. 14, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-12]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from September 20, 1968, to October 3, 1968 (List No. 32-68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United State Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

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

LIFEBOATS

Approval No. 160.035/19/3, 24.0' x 7.0' x 3.0' steel, oar-propelled lifeboat, 30-person capacity, identified by general arrangement dwg. No. G-2430, revised September 5, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective September 20, 1968. (It supersedes Approval No. 160.035/19/2 dated Sept. 27, 1963, to show change in construction and address.)

Approval No. 160.035/91/3, 18.0' x 6.0' x 2.6' steel, oar-propelled lifeboat, 13-person capacity, identified by general arrangement and construction dwg. No. 49R-1815, dated August 8, 1951 and revised March 27, 1967, approved for 18-person capacity for replacement lifeboats, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective October 2, 1968. (It supersedes Approval No. 160.035/91/3 dated May 29, 1967, to show change in remarks column.)

Approval No. 160.035/289/2, 24.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 37-person capacity, identified by general arrangement dwg. 24-10, Rev. C dated September 11, 1968, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective September 23, 1968. (It reinstates and supersedes Approval No. 160.035/289/1 terminated July 3, 1968, to show change in construction and address.)

Approval No. 160.035/386/1, 26.0' x 8.25' x 3.5' aluminum, oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. 26-14, Rev. C dated September 20, 1968, approved for service other than ocean and coastwise, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective September 25, 1968. (It supersedes Approval No. 160.035/386/0 dated Sept. 27, 1963, to show change in construction.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

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

Approval No. 160.047/607/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/608/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/609/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/610/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/611/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.047/612/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

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

Approval No. 160.048/249/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.048/251/0, group approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048–7(c) dated January 6, 1966, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.048/251/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.048/252/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048–7(c) dated January 6, 1966, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

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

Approval No. 160.049/74/0, special approval 18" x 14" x 2½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, dwg. No. BC–2A, revision dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, effective October 3, 1968.

Approval No. 160.049/75/0, special approval 15" x 15" x 3½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, dwg. No. BC–1A, revision 1 dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, effective October 3, 1968.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

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

Approval No. 160.052/351/0, Type II, Model AE–1, adult vinyl-dip coated unicellular plastic foam buoyant vest, dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, Tex. 76307, for Red Head Brand Corp., formerly Consumer Division of Brunswick Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968. (It supersedes Approval No. 160.052/351/0 dated Aug. 15, 1967, to show change in Model No. and name and address of distributor.)

Approval No. 160.052/375/0, Type II, Model No. LV, adult unicellular plastic foam buoyant vest, dwg. No. 100, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/376/0, Type II, Model LVCM, child medium unicellular plastic foam buoyant vest, dwg. No. 200, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/377/0, Type II, Model No. LVCS, child small unicellular plastic foam buoyant vest, dwg. No. 300, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/378/0, Type II, Model No. LVD, adult unicellular plastic foam buoyant vest, dwg. No. 100, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/379/0, Type II, Model LVCMD, child medium unicellular plastic foam buoyant vest, dwg. No. 200, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

Approval No. 160.052/380/0, Type II, Model No. LVCSD, child small unicellular plastic foam buoyant vest, dwg. No. 300, Rev. 1 and dwg. No. 400, Rev. 1 dated August 19, 1968, and bill of materials dated May 29, 1968, manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, Tex. 75207, for DRYBAK, Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, Tex. 75207, effective October 1, 1968.

VALVES, SAFETY (STEAM HEATING BOILERS)

Approval No. 162.012/22/0, Types 1541–M and 1543–M safety valve, bronze body, for steam heating boilers, unfired steam generators and reduced-pressure steam lines, dwg. No. 307643 dated May 28, 1963, approved for a maximum pressure of 30 p.s.i. for sizes ¾", 1", 1¼", 1½", 2", and 2½" in the capacities shown below:

CAPACITY (POUNDS/HOUR) AT 30 P.S.I.

Orifice Designation	
DRL	75
D	226
E	403
F	632
G	1035
H	1615
J	2650

This valve is similar to Type 1551–M, Approval No. 162.012/1/1 dated December 8, 1962, formerly Manning, Maxwell

and Moore, Inc., manufactured by Dresser Industrial Valve and Instrument Division, Box 1430, Alexandria, La. 71301, effective September 23, 1968. (It is an extension of Approval No. 162.012/22/0 dated Oct. 11, 1963, and change of name of manufacturer.)

Dated: March 11, 1969.

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

[F.R. Doc. 69-3166; Filed, Mar. 14, 1969; 8:48 a.m.]

[CGFR 69-19]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from October 4, 1968, to October 17, 1968 (List No. 33-683). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43 United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

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

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/14/0, Model RSC-2 Sea Anchor, U.S.C.G. drawing No. MMI-562 and Specification, dated November 1, 1943, Revised August 24, 1944, manufactured by Revere Supply Co., Inc., 603-607 West 29 Street, New York, N.Y. 10001, effective October 15, 1968.

SIGNALS, DISTRESS, HAND RED FLARE

Approval No. 160.021/5/2, Coston's hand red flare distress signal, 500 candlepower, 2-minute burning time, assembly dwg. No. FXC-740, Rev. 1, dated October 26, 1961, manufactured by Harvell-Kilgore Corp., Toone, Tenn. 38381, for Coston Supply Co., Inc., 44 Hudson Street, New York, N.Y., 10013, effective October 15, 1968. (It supersedes Approval No. 160.021/5/2 dated Jan. 8, 1964, to show change of address of distributor.)

SIGNALS, DISTRESS, HAND ORANGE SMOKE

Approval No. 160.037/1/2, Coston's hand orange smoke distress signal, dwg. Nos. CXC-117, Rev. 4, dated June 17, 1957, and CXC-118, Rev. 5, dated October 5, 1961, manufactured by Harvell-Kilgore Corp., Toone, Tenn. 38381, for Coston Supply Co., Inc., 44 Hudson Street, New York, N.Y. 10013, effective October 15, 1968. (It supersedes Approval No. 160.037/1/2 dated Jan. 8, 1964, to show change of address of distributor.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

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

Approval No. 160.047/613/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

Approval No. 160.047/614/0, Type I, Model CKM-1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

Approval No. 160.047/615/0, Type I, Model CKS-1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

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

Approval No. 160.048/247/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn. 38101, effective October 9, 1968.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

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

Approval No. 160.049/22/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by Liberty Cork, Co., Inc., 123 Whitehead Avenue, South River, N.J. 08882, effective October 9, 1968. (It reinstates and supersedes Approval No. 160.049/22/0 dated Sept. 27, 1968.)

Approval No. 160.049/76/0, special approval 18" x 14" x 2½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Martin Industries Dwg. No. BC-2A, revision 1 dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, for Hurtsboro Oak Flooring Co., Hurtsboro, Ala. 36860, effective October 4, 1968.

Approval No. 160.049/77/0, special approval 15" x 15" x 3½" rectangular vinyl-dipped unicellular plastic foam buoyant cushion, Martin Industries Dwg. No. BC-1A, revision 1 dated October 2, 1968, manufactured by Martin Industries, Post Office Box 423, Clayton, Ala. 36016, for Hurtsboro Oak Flooring Co., Hurtsboro, Ala. 36860, effective October 4, 1968.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/59/0, 30-inch Model No. CGX-30 unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letters dated October 22, 1967, and September 17, 1968, and drawing No. RX dated September 1, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, Calif. 91606, effective October 17, 1968.

Approval No. 160.050/60/0, 24-inch Model No. CGX-24 unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letters dated October 22, 1967, and September 17, 1968, and drawing No. RX dated September 1, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, Calif. 91606, effective October 17, 1968.

Approval No. 160.050/61/0, 20-inch Model No. CGX-20 unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Cal-June Corp. letters dated October 22, 1967, and September 17, 1968, and drawing No. RX dated September 1, 1968, manufactured by Cal-June Corp., Post Office Box 9551, North Hollywood, Calif. 91606, effective October 17, 1968.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.055/80/0, Type II, Model No. 501-U-11 (Mariner Jr.), child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and Gentex dwg. No. 68F5205 dated May 14, 1968, and dwg. No. 68F5206 dated May 17, 1968, and bill of materials dated May 24, 1968, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective October 15, 1968.

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/1/1, automatic floating electric water light (with bracket for mounting), dwg. No. 1000 dated

July 16, 1948, Alt. 2, manufactured by Sea Light Engineering Co., Post Office Box 409, Silver Spring, Md. 20907, effective October 16, 1968. (It is an extension of Approval No. 161.001/1/1 dated Nov. 26, 1963.)

LOUDSPEAKER SYSTEMS, EMERGENCY

Approval No. 161.004/1/0, Galbraith marine emergency loudspeaker system, Type E-27500, amplifier panel assembly dwg. No. E-27506, manufactured by Galbraith-Pilot Marine Corp., Division of Marine Electric Corp., 600 Fourth Avenue, Brooklyn, N.Y. 11215, effective October 17, 1968. (It is an extension of Approval No. 161.004/1/0 dated Jan. 29, 1964.)

Dated: March 11, 1969.

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

[F.R. Doc. 69-3167; Filed, Mar. 14, 1969; 8:48 a.m.]

[CGFR 69-20]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document during the period from September 27, 1968, to November 14, 1968 (List No. 35-68). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installation and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in section 632 of title 14, United States Code, and the delegation in 49 CFR 1.4(a)(2).

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

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/2/2, 4" x 5" metal, emergency signaling mirror, Type SMC, identified by Specification No. 2 revised October 30, 1968, and drawing No. 3, revision No. 1 dated August 14, 1968, manufactured by Safety Mirror Co., 603-607 West 29th Street, New York, N.Y. 10001, effective November 7, 1968. (It supersedes Approval No. 160.020/2/1 dated July 6, 1966, to show change in marking.)

LIFEBOATS

Approval No. 160.035/103/3, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement and construction dwg. No. 24-002-01 dated October 15, 1968, manufactured by Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, N.Y. 11231, effective October 22, 1968. (It supersedes Approval No. 160.035/103/2 dated Oct. 24, 1963, to show change in address and construction.)

Approval No. 160.035/305/2, 26.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G-2640, revised September 26, 1968, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective September 27, 1968 (It supersedes Approval No. 160.035/305/1 dated Sept. 27, 1963, to show change of address and construction.)

Approval No. 160.035/309/2, 24.0' x 7.75' x 3.33' steel, hand-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 24-10G, Rev. C dated September 26, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective September 27, 1968. (It supersedes Approval No. 160.035/309/1 dated Sept. 27, 1963, to show change of construction and address.)

Approval No. 160.035/434/1, 16.0' x 6.25' x 2.5' steel, oar-propelled lifeboat, 11-person capacity, identified by general arrangement dwg. No. G-1611, revised October 1968, approval for River Service only, manufactured by C. C. Galbraith and Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, N.J. 07735, effective October 16, 1968. (It supersedes Approval No. 160.035/434/0 dated Oct. 16, 1963, to show change of address and construction.)

Approval No. 160.035/435/1, 24.0' x 7.25' x 3.25' steel, oar-propelled lifeboat, 32-person capacity, identified by construction and arrangement dwg. No. 24-14B, Rev. C dated October 4, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective October 24, 1968. (It supersedes Approval No. 160.-035/435/0 dated Oct. 24, 1963, to show change in address and construction.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

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

Approval No. 160.049/56/0, special approval for 15" x 15" x 4⅜" (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushions, dwg. No. 5334-X, Rev. 1 dated November 15, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, effective November 14, 1968. (It is an extension of Approval No. 160.049/56/0 dated Dec. 5, 1963.)

Approval No. 160.049/57/0, special approval for 15" x 15" x 4⅜" (cored) rectangular vinyl-dipped unicellular plastic foam buoyant cushions, Crawford dwg. No. 5334-X, Rev. 1 dated November 15, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, for Montgomery Ward and Co., Inc., 619 West Chicago Avenue, Chicago, Ill. 60610, effective November 14, 1968. (It is an extension of Approval No. 160.049/57/0 dated Dec. 5, 1963.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

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

Approval No. 160.052/368/0, Type II, Model No. LJL, adult molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5581-DA, revision dated February 1, 1968, and bill of materials dated October 23, 1968, manufactured by Tuffy Products Co., 540 West Third Street, Bloomsburg, Pa. 17815, effective October 24, 1968.

Approval No. 160.052/369/0, Type II, Model No. LJM, child medium molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5622-BA, revision dated February 1, 1968, and bill of materials dated October 23, 1968, manufactured by Tuffy Products Co., 540 West Third Street, Bloomsburg, Pa. 17815, effective October 24, 1968.

Approval No. 160.052/370/0, Type II, Model No. LJS, child small molded vinyl-dipped unicellular plastic foam buoyant vest, dwg. No. 5623-BA, revision dated February 1, 1968, and bill of materials dated October 23, 1968, manufactured by Tuffy Products Company, 540 West Third Street, Bloomsburg, Pa. 17815, effective October 24, 1968.

GAGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

Approval No. 162.019/36/0, Model B-630-A magnetic gaging device, aluminum pressure parts, limited to ammonia service, −28° F minimum operating temperature, 10 p.s.i. maximum operating pressure, dwg. No. B-630-A dated June 16, 1968, and accompanying bill of materials, manufactured by Midland Manufacturing Corp., 7733 Gross Point Road, Skokie, Ill. 60076, effective November 13, 1968.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/100/0, figures 4412 and 4414, secondary boiler water level indicators, remote reading wall mounted and panel mounted types, 750 p.s.i. maximum operating pressure, 4400 series remote liquid level indicator presentation dated October 1, 1968, similar to figures 4312 and 4314 previously approved by Nos. 162.025/5/2 and 162.025/30/2, manufactured by Yarway Corp., Blue Bell, Pa. 19422, effective November 8, 1968.

Approval No. 162.025/101/0, figures 4416 and 4418, secondary boiler water level indicators, remote reading wall mounted and panel mounted types, 1550 p.s.i. maximum operating pressure, 4400 series remote liquid level indicator presentation dated October 1, 1968, similar to figures 4316 and 4318 previously approved by Nos. 162.025/31/2 and 162.025/32/2, manufactured by Yarway Corp., Blue Bell, Pa. 19422, effective November 8, 1968.

Dated: March 11, 1969.

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

[F.R. Doc. 69-3168; Filed, Mar. 14, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

URANIUM PROCUREMENT CONTRACTS

Notice of Invitation for Proposals for Reduction in Deliveries

The U.S. Atomic Energy Commission hereby announces revisions to a similarly entitled notice as published in the FEDERAL REGISTER on January 16, 1969 (34 F.R. 645) (referred to herein as the notice).

1. Paragraph 2 of the notice is deleted and the following is substituted in lieu thereof: "Proposals must be submitted to the Director of Raw Materials, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before April 7, 1969."

2. The first sentence in paragraph 6 of the notice is deleted and the following is substituted in lieu thereof: "The AEC reserves the right, as may be in the best interests of the Government, to reject any or all proposals and may reject without evaluation any proposal received after April 7, 1969."

This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 12th day of March 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 69-3154; Filed, Mar. 14, 1969; 8:47 a.m.]

URANIUM SUPPLY POLICIES AND RELATED ACTIVITIES

"In Situ" Toll Enriching

1. The U.S. Atomic Energy Commission hereby announces a revision to a policy announced on July 25, 1966, and referred to in a similarly entitled notice as published in the FEDERAL REGISTER on September 7, 1968 (33 F.R. 12756). The earlier announcement and notice referred to a Commission policy of permitting, beginning January 1, 1971, the conversion of enriched uranium on lease to private ownership by a mechanism called "in situ" toll enriching, under which the lessee would furnish to the AEC specified amounts of uranium feed and dollars and would thereby acquire ownership of the leased material.

2. Notice is hereby given that the Commission has advanced the date on which "in situ" toll enriching would be permitted from January 1, 1971, to April 1, 1969.

This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 12th day of March 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 69-3155; Filed, Mar. 14, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7540-18, between the member lines of the Leeward & Windward Islands & Guianas Conference modifies the basic agreement by the addition of the following paragraph to Article 1:

No provision of this Agreement shall be deemed to prohibit the Conference from agreeing to, and establishing, through rates by arrangement with other modes of transportation; or to prohibit the publication and filing of through rates by the Conference, in conformity with any such rate agreement; or to prohibit the issuance by the member lines of through bills of lading pursuant to a published Conference tariff embodying through rates or the adoption by the member lines of any uniform through bill of lading which may be agreed upon, and formally adopted, by the Conference. However, no member line, either individually or in concert with any other member line or lines or any nonmember line or lines, may negotiate, establish, publish, file or operate under any through intermodal transportation rates or issue any through bills of lading otherwise than pursuant to the formal action and authorization of the Conference.

Other changes are made in the conference rules and regulations in order to remove any inconsistencies with the above paragraph.

Dated: March 12, 1969.

By order of the Federal Marine Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3156; Filed, Mar. 14, 1969; 8:47 a.m.]

SEA-LAND SERVICE, INC., AND SEAWAY LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9787 between Sea-Land Service, Inc., and Seaway Lines, Inc., provides for the establishment of a through billing arrangement between the above lines in the trade from the U.S. ports of

New York, Baltimore, Md., Charleston, S.C., and Jacksonville, Fla., to ports in the Leeward & Windward Islands, the British Virgin Islands, Tobago, and Trinidad, French Guiana, Guyana, Surinam, and Venezuela with transshipment at San Juan, P.R., in accordance with the terms and conditions set forth in the agreement.

Dated: March 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3157; Filed, Mar. 14, 1969 8:47 a.m.]

SEAWAY LINES, INC., AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9786 between Seaway Lines, Inc., and Sea-Land Service, Inc., provides for the establishment of a through billing arrangement between the above lines in the trade from ports in the Leeward & Windward Islands, the British Virgin Islands, Tobago, and Trinidad, French Guiana, Guyana, Surinam, and Venezuela to the ports of New York, Baltimore, Md., Charleston, S.C., and Jacksonville, Fla., with transshipment at San Juan, P.R., in accordance with the terms and conditions set forth in the agreement.

Dated: March 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-3158; Filed, Mar. 14, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 701]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Coos County, N.H.;

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 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, and areas adjacent thereto, suffered damage or destruction resulting from heavy snow storms occurring on February 23 through February 27, 1969.

OFFICE

Small Business Administration Regional Office, 55 Pleasant Street, Concord, N.H. 03301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1969.

Dated: March 10, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69-3146; Filed, Mar. 14, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69-611, etc.]

GULF OIL CORP. 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]

MARCH 7, 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 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 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-611..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	[1] 378	1	Panhandle Eastern Pipe Line Co. (Southwest Liberal Light Field, Beaver County, Okla.) (Panhandle Area).	$50	2-10-69	[4] 3-13-69	[5] 3-14-69	16.0	[6] [7] 17.0	
RI69-612..	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	[3] 41	3	Panhandle Eastern Pipe Line Co. (Carthage-Reiss Topeka Field Area, Texas County, Okla.) (Panhandle Area).	6,000	2-12-69	[8] 3-15-69	[5] 3-16-69	[9] 16.0	[3] [7] [9] 17.0	
	....do....	[1] 70	3	Panhandle Eastern Pipe Line Co. (Carthage Area, Texas County, Okla.) (Panhandle Area).	160	2-12-69	[8] 3-15-69	[5] 3-16-69	[10] 16.0	[6] [7] [10] 17.0	
	....do....	[1] 67	2	Panhandle Eastern Pipe Line Co. (Carthage-Reiss and Boaldin Fields, Texas County, Okla.) (Panhandle Area).	1,800	2-12-69	[8] 3-15-69	[5] 3-16-69	[9] 16.0	[3] [7] [9] 17.0	

[1] 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 initial service ceiling rate of 17 cents per Mcf.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Subject to a downward B.t.u. adjustment.
[9] Base rate is subject to upward and downward B.t.u. adjustment.

Anadarko Production Co. (Anadarko) requests retroactive effective dates of July 1, 1966, April 1, 1967, and August 1, 1968, for its three proposed rate increases. 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 Anadarko's rate filings and such request is denied.

The contracts related to the rate filings proposed by Gulf Oil Corp. (Gulf) 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, Gulf and Anadarko's proposed rate filings should be suspended for 1 day from March 13, 1969 (Gulf), the proposed effective date, and March 15, 1969 (Anadarko), the expiration date of the statutory notice.

[F.R. Doc. 69-3106; Filed, Mar. 14, 1969; 8:45 a.m.]

[Dockets Nos. RI69-598 etc.]

TEXAS PACIFIC OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 7, 1969.

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

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

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.
RI69-598..	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex. 75221, Attention: Mr. Frank Martin.	11	15	El Paso Natural Gas Co. (Payton Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	$566	2- 7-69	[3] 3-10-69	8-10-69	13.69	[3] [4] 16.7228	
	....do....	13	[1] 20	El Paso Natural Gas Co. (Various Fields, Lea County, N. Mex.) (Permian Basin Area).	105,972	2- 7-69	[3] 3-10-69	8-10-69	13.83	[3] [4] [5] [7] 16.8793	
	....do....	17	9	El Paso Natural Gas Co. (Bagley Field, Lea County, N. Mex.) (Permian Basin Area).	(9)	2- 7-69	[3] 3-10-69	8-10-69	15.26	[3] [4] [5] [7] 16.8793	
RI69-599..	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator) et al.	19	13	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	30,216	2- 7-69	[3] 3-10-69	8-10-69	14.39	[3] [4] 18.00	
RI69-600..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attention: Eugene C. Alford, Esq.	395	2	Natural Gas Pipeline Co. of America (Lockridge Field, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	30,240	2-10-69	[3] 3-13-69 [a]	8-13-69	16.40	[3] [4] 18.08	
	....do....	376	[1] 5	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	16,050	2-10-69	[3] 3-13-69	8-13-69	15.39	[3] [4] 18.60	
	....do....	261	3	Northern Natural Gas Co. (Bechtold Field, Lipscomb County, Tex.) (RR. District No. 10).	1,800	2-10-69	[3] 3-13-69	8-13-69	[11] 17.25	[4] [10] [11] 18.0	RI68-167.
	....do....	397	2	Panhandle Eastern Pipe Line Co. (North Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	3,780	2-10-69	[3] 3-13-69	8-13-69	[12] [14] 15.80	[4] [13] [14] 17.90	
	....do....	52	5	Panhandle Eastern Pipe Line Co. (Singley Pool, Meade County, Kans.).	250	2-10-69	[3] 3-13-69	8-13-69	[15] 16.0	[4] [10] 17.0	
	....do....	142	4	Northern Natural Gas Co. (North Hutchinson Field, Hansford County, Tex.) (RR. District No. 10).	700	2-10-69	[3] 3-13-69	8-13-69	[11] 17.5	[4] [10] [11] 18.5	RI68-111.

See footnotes at end of table.

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.
	do	167	3	Panhandle Eastern Pipe Line Co. (South Forgan Pool, Beaver County, Okla.) (Panhandle Area)	$220	2-10-69	[3] 3-13-69	8-13-69	17.0	[4] [10] 18.0	RI68-25.
	do	171	5	Panhandle Eastern Pipe Line Co. (Camrick Pool, Texas County, Okla.) (Panhandle Area).	532	2-10-69	[3] 3-22-69	8-22-69	17.0	[4] [10] 18.4	RI68-25.
	do	186	3	Panhandle Eastern Pipe Line Co. (Boyer Pool, Meade County, Kans.).	200	2-10-69	[3] 3-13-69	8-13-69	[10] [17] 16.0	[4] [10] [17] 17.0	
	do	200	3	Panhandle Eastern Pipe Line Co. (Forgan Pool, Beaver County, Okla.) (Panhandle Area).	380	2-10-69	[3] 3-13-69	8-13-69	17.0	[4] [10] 18.0	RI68-25.
	do	237	1	do	550	2-10-69	[3] 3-13-69	8-13-69	17.0	[4] [10] 18.0	
	do	245	2	Panhandle Eastern Pipe Line Co. (Northwest Borchers Field, Meade County, Kans.).	580	2-10-69	[3] 3-13-69	8-13-69	16.0	[4] [10] 17.0	
	do	251	7	do	1,100	2-10-69	[3] 3-13-69	8-13-69	16.0	[4] [10] 17.0	
	do	250	3	Northern Natural Gas Co. (Hansford Upper Morrow Field, Hansford County, Tex.) (RR. District No. 10).	638	2-10-69	[3] 3-13-69	8-13-69	[11] 17.25	[4] [10] [11] 18.0	RI68-167.
RI69-601..	Curtis R. Inman et al., Post Office Box 737, Midland, Tex. 79701.	2	3	Natural Gas Pipeline Co. of America (Indian Basin Gas Plant, Eddy County, N. Mex.) (Permian Basin Area).	2,336	2-10-69	[19] 3-13-69	8-13-69	16.608	[4] [10] 17.646	
RI69-602..	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102. Attention: P. T. Davis, Manager, FPC Activity.	344	4	Natural Gas Pipeline Co. of America (Indian Basin Area, Eddy County, N. Mex.) (Permian Basin Area).	22,577	2-10-69	[3] 3-13-69	8-13-69	16.608	[4] [10] 17.646	
	do	204	44	Michigan Wisconsin Pipe Line Co. (Orie C. Johnson Unit, Major County, Okla.) (Oklahoma "Other" Area).	6,264	2-10-69	[3] 3-13-69	8-13-69	[20] 15.5	[4] [19] [20] 18.4	
	do	312	4	Natural Gas Pipeline Co. of America (Lundell South Field, Duval County, Tex.) (RR. District No. 4).	2,730	2-10-69	[3] 3-13-69	8-13-69	[11] [21] 16.0	[4] [10] [11] 17.0	
RI69-603..	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	138	[22] 7	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	790	2-12-69	[12] 3-15-69	8-15-69	[14] [22] 19.533	[4] [10] [14] [22] 20.607	
RI69-604..	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	29	2	Natural Gas Pipeline Co. of America (Thomas Area, Dewey and Custer Counties, Okla.) (Oklahoma "Other" Area).	14	2-14-69	[3] 4- 1-69	9- 1-69	[11] 15.0	[4] [10] [11] 16.0	
RI69-605..	The Superior Oil Co., Box 1521, Houston, Tex. 77001.	132	6	Transwestern Pipeline Co. (West Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	540	2-14-69	[10] 3-17-69	8-17-69	[11] 17.0	[4] [11] [21] 19.0	
RI69-606..	The Superior Oil Co. (Operator) et al.	114	3	Panhandle Eastern Pipe Line Co. (Northeast Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	1,688	2-14-69	[12] 3-17-69	8-17-69	[14] [20] 17.595	[4] [14] [21] [20] 21.111	RI68-84.
RI69-607..	Herman George Kaiser, 909 Palace Bldg., Tulsa, Okla.	6	[23] 2	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).		2-17-69	[12] 3-20-69	(Accepted)			
		6	3		94	2-17-69	[12] 3-20-69	8-20-69	[11] 12.0	[4] [11] [25] 13.0	
RI69-608..	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	189	1	Natural Gas Pipeline Co. of America (Buffalo Wallow Field, Hemphill County, Tex.) (RR. District No. 10).	72,000	2-17-69	[12] 3-20-69	8-20-69	[14] 17.0	[4] [14] [25] 19.0	
RI69-609..	James A. Ford, d.b.a. Cypress Gas Co. (Operator), Post Office Box 9102, Shreveport, La. 71109.	4	3	Arkansas Louisiana Gas Co. (Northwest Cartersville Field, La Flore County, Okla.) (Oklahoma "Other" Area).	7,300	2-12-69	[12] 3-15-69	8-15-69	15.0	[4] [15] 16.0	
RI69-610..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001. Attention: Mr. R. E. Galbraith.	79	[26] 12	United Gas Pipe Line Co. (Burnell-North Pettus Field, Karnes, Bee, and Goliad Counties, Tex.) (RR. District No. 2).		2-10-69	[12] 3-13-69	(Accepted)			
		79	13		1,262	2-10-69	[12] 3-13-69	8-13-69	15.485	[4] [11] [25] 16.0	RI66-113.

[1] The stated effective date is the effective date requested by Respondent.
[2] Increase to current contract rate plus tax reimbursement.
[3] Pressure base is 14.65 p.s.i.a.
[4] Does not apply to acreage dedicated to Supplement No. 18.
[5] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[6] Subject to 0.4467 cent per Mcf compression charge by buyer, where applicable.
[7] No volumes reported for succeeding 12-month period.
[8] Pertains to casinghead gas only.
[9] Periodic rate increase.
[10] Subject to a downward B.t.u. adjustment.
[11] Filing from initial certificated rate to initial contract rate.
[12] Includes base rate of 15 cents plus 0.80 cent upward B.t.u. adjustment (1,053 B.t.u. gas) before increase and base rate of 17 cents plus 0.90 cent upward B.t.u. adjustment after increase.
[13] Base rate subject to upward and downward B.t.u. adjustment.
[14] Settlement rate as approved by Commission order issued Apr. 25, 1963, in Dockets Nos. G-9520 et al. Moratorium on increased rate filings expired on Apr. 1, 1965.
[15] Seven-step periodic rate increase.
[16] Subject to upward and downward B.t.u. adjustment.
[17] The stated effective date is the first day after expiration of the statutory notice.
[18] "Fractured" rate increase. Initial contract base rate is 19.5 cents per Mcf.
[19] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase (1,050 B.t.u. gas) and 17.9 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[20] Settlement rate as approved by Commission order issued Dec. 30, 1963, in Dockets Nos. G-9476 et al. Moratorium on increased rate filings expired Apr. 1, 1966.
[21] Includes base rate of 17 cents plus upward B.t.u. adjustment (1,149 B.t.u. gas) before increase and base rate of 18 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[22] Applicable to acreage added by Supplements Nos. 3 and 6.
[23] "Fractured" rate increase. Contractly due 19.5 cents per Mcf.
[24] Filing from initial certificated rate plus tax reimbursement to initial contract rate plus tax reimbursement.
[25] Includes base rate of 15 cents plus upward B.t.u. adjustment (1,172 B.t.u. gas) plus 0.015-cent tax reimbursement before increase and base rate of 18 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase.
[26] Contract Amendment dated Nov. 14, 1968, which provides for base rate of 13 cents from Jan. 1, 1967, to Dec. 31, 1971.
[27] Renegotiated rate increase.
[28] Filing from initial certificated rate to initial contract rate.
[29] Letter agreement dated Oct. 3, 1968, provides, among other things, for a renegotiated rate of 16 cents for the 5-year period commencing Oct. 1, 1968, with 1 cent increases every 5 years thereafter; deletes redetermination provisions, provides for downward B.t.u. adjustment and Seller's right to file for any higher applicable area rate established by the Commission.

Curtis R. Inman et al., request waiver of the statutory notice to permit an effective date of February 10, 1969, for their proposed rate increase. Amerada Petroleum Corp., also requests an effective date of February 10, 1969. The Superior Oil Co. and The Superior Oil Co. (Operator) et al., request that their proposed rate increases be permitted to become effective on March 1, 1969. Union Oil Company of California requests waiver of the statutory notice to permit its proposed rate increase to become effective as of February 6, 1969, and James A. Ford, doing business as Cypress Gas Co. (Operator), requests an effective date of March 10, 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.

Supplements Nos. 20 and 9 to Joseph E. Seagram & Sons, Inc., doing business as Texas Pacific Oil Co.'s (Seagram) FPC Gas Rate Schedules Nos. 13 and 17, respectively, reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased on April 1, 1963. 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 tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increase in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearing herein shall concern itself with the contractual basis for the rate filings, as well as the statutory lawfulness of Seagram's proposed increased rates and charges.

Concurrently with the filing of their rate increases, Herman George Kaiser (Kaiser) submitted a contract amendment dated November 14, 1968,[1] and Continental Oil Co. (Continental), submitted a letter agreement dated October 3, 1968,[2] which provide the basis for their rate increases. We believe that it would be in the public interest to accept for filing Kaiser and Continental's contract amendment and letter agreement to become effective on March 20, 1969 (Kaiser), and March 13, 1969 (Continental), the expiration dates of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases related to sales in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Kaiser's contract amendment and Continental's letter agreement, as set forth above, and for permitting such supplements to become effective on March 20, 1969 (Kaiser), and March 13, 1969 (Continental), the expiration dates of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 2 to Kaiser's FPC Gas Rate Schedule No. 6, and Supplement No. 12 to Continental's FPC Gas Rate Schedule No. 79, are accepted for filing and permitted to become effective on March 20, 1969 (Kaiser), and March 13, 1969 (Continental), the expiration dates of the statutory notice.

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

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) 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 23, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-3107; Filed, Mar. 14, 1969; 8:45 a.m.]

[1] Designated as Supplement No. 2 to Kaiser's FPC Gas Rate Schedule No. 6.

[2] Designated as Supplement No. 12 to Continental's FPC Gas Rate Schedule No. 79.

[Docket No. CP69-231]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

MARCH 10, 1969.

Take notice that on March 4, 1969, Alabama-Tennessee Natural Gas Co. (Applicant), Post Office Box 918, Florence, Ala. 35630, filed in Docket No. CP69-231 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing increased sales of natural gas to existing customers, initial gas service to a new pulp and paper mill, and authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to make additional sales of 3,440 Mcf per day to existing customers, and to provide up to 200 Mcf per day of firm service, plus up to 5,000 Mcf per day on an interruptible basis, to a pulp and paper mill of U.S. Plywood-Champion Papers, Inc., being built near Courtland, Ala.

Additionally, Applicant requests authorization to construct and operate: 3.4 miles of 16-inch O.D. main transmission pipeline paralleling Applicant's existing 12¾-inch main line immediately west of its Sheffield Compressor Station in Colbert County, Ala.; 1.6 miles of 8⅝-inch O.D. lateral line serving the city of Decatur, Ala., and other customers south of Decatur; and 4.3 miles of 6⅝-inch O.D. lateral line and a sales meter station for service to the new pulp and paper mill.

Applicant estimates the cost of the proposed facilities at $475,000, which it proposes to finance by means of short-term bank loans and funds derived from internal sources.

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 April 7, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own

review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3128; Filed, Mar. 14, 1969; 8:45 a.m.]

[Docket No. CP69-232]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 10, 1969.

Take notice that on March 4, 1969, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP69-232, an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement facilities, and the relocation of certain facilities, and for permission and approval to abandon certain facilities on its transmission system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to:

(1) Reclaim approximately 1.5 miles of existing 4-inch gas pipeline and replace with approximately 1.5 miles of 2-inch pipeline in the Raymond Lateral, Rice County, Kans.;

(2) Reclaim approximately 1.7 miles of existing 6-inch gas pipeline and replace with approximately 1.7 miles of 2-inch pipeline in the Lorraine Fuel System, Rice County, Kans.;

(3) Reclaim approximately 2 miles of existing 6-inch gas pipeline and replace with approximately 2 miles of 4-inch pipeline in the Teter-Brukett Pipeline System, Greenwood County, Kans.;

(4) Reclaim approximately 1.3 miles of 8-inch pipeline loop and relocate the Dry Lake town border measuring and regulating facilities in the Iola 8-inch loop, Allen County, Kans.;

(5) Reclaim approximately 1.5 miles of 4-inch pipeline in the Sinclair 4-inch Lateral, Nowata County, Okla.;

(6) Reclaim approximately 2.9 miles of 8-inch pipeline and abandon in place approximately 0.2-mile of 8-inch pipeline in the Valley Falls 8-inch Lateral, Jefferson and Shawnee Counties, Kans.;

(7) Abandon in place approximately 4.5 miles of 2-inch, 3-inch, 4-inch, and 5-inch pipeline and abandon by sale approximately 0.8-mile of 5-inch pipeline in the Lone Jack Pipeline System, Jackson and Cass Counties, Mo.

Applicant states that the facilities to be abandoned are obsolete in view of current operational requirements and they will be supplanted, where necessary, by facilities which will more efficiently and economically meet changing demands and operations on portions of Applicant's pipeline system.

Applicant estimates the total cost of the proposed facilities at $57,150, which it proposes to pay from cash on hand. Applicant estimates the total reclaim cost for the proposed abandonments at $25,280, and the estimated salvage value at $26,970.

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 (§ 1117.10) on or before April 7, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3129; Filed, Mar. 14, 1969; 8:45 a.m.]

[Docket No. RP69-26]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Change in Rates and Charges

MARCH 10, 1969.

Notice is hereby given that Colorado Interstate Gas Co. (Colorado Interstate), on February 17, 1969, filed proposed changes to its FPC Gas Tariff, First Revised Volume No. 1, to be effective as of April 1, 1969. The changes proposed are alleged to revise the heat content provisions of most of the rate schedules contained in Colorado Interstate's tariff, to make those more uniform and to cover the full range of heating values which might be sold from the company's system.

Protests, petitions, or notices, of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 21, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3130; Filed, Mar. 14, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4725]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Short-term Notes to Banks

MARCH 11, 1969.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof 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.

Met-Ed proposes to issue and sell, from time to time prior to April 30, 1970, to the banks named below its promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The borrowings listed below include those amounts which may be issued pursuant to the 5 percent exemptive provision of section 6(b) of the Act.

Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

First National City Bank, New York, N.Y.	$5,500,000
Marine Midland Grace Trust Company of New York, N.Y.	6,000,000
Morgan Guaranty Trust Company of New York, N.Y.	1,000,000
The Fidelity Bank, Philadelphia, Pa.	3,700,000
The First Pennsylvania Banking and Trust Co., Philadelphia, Pa.	4,700,000
American Bank and Trust Company of Pennsylvania, Reading, Pa.	3,000,000
Reading Trust Co., Reading, Pa.	700,000
National Bank & Trust Company of Central Pennsylvania, York, Pa.	1,600,000
York Bank and Trust Co., York, Pa.	1,000,000
Bank of Pennsylvania, Reading, Pa.	1,100,000
Total	28,300,000

Met-Ed intends to utilize the proceeds of the proposed notes to finance its business as a public-utility company, including provisions for construction expenditures, the repayment of other short-term borrowings, and the temporary

reimbursement of its treasury for construction expenditures provided therefrom. Met-Ed's construction program for 1969 is estimated to cost approximately $100 million.

The declaration states that the net proceeds from any permanent debt financing effected prior to the maturity of any of the proposed notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Met-Ed under this declaration will be reduced by an amount equal to the net proceeds of the permanent debt financing.

The fees and expenses to be paid by Met-Ed in connection with the issue and sale of the notes are estimated at $5,300, including counsel fees of $5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 31, 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 filed or as it may be 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. 69-3144; Filed, Mar. 14, 1969; 8:46 a.m.]

[70-4726]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Increase in Authorized Capital Stock and Issue and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

MARCH 11, 1969.

Notice is hereby given that The Potomac Edison Co. ("Potomac Edison"), Downsville Pike, Hagerstown, Md. 21740, an electric utility company and a registered holding company, and its subsidiary companies, The Potomac Edison Company of Pennsylvania ("PE-Pa."), The Potomac Edison Company of Virginia ("PE-Va."), and The Potomac Edison Company of West Virginia ("PE-W. Va."), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Potomac Edison is a subsidiary company of Allegheny Power System, Inc., also a registered holding company. The applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions.

PE-Pa. and PE-W. Va. each proposes to amend its charter to increase the authorized shares of its capital stock by the number shown below; PE-Pa., PE-Va., and PE-W. Va. ("Subsidiary Companies") propose to issue and sell additional shares of their authorized and unissued capital stocks; and Potomac Edison proposes to acquire such shares, in each case in the amounts and for the consideration shown below:

Subsidiary company and title of issue	Proposed increase in authorized shares	Proposed issuance of shares	Cash consideration
PE-Pa., capital stock, no par, stated value $5 per share	78,000	240,000	$1,200,000
PE-Va., common stock, par value $100 per share		23,250	2,325,000
PE-W. Va., common stock, par value $100 per share	150,000	51,250	5,125,000

The application-declaration states that funds derived from the proposed issuance and sale of capital stock will be used by each of the Subsidiary Companies to finance necessary property additions and improvements. Construction expenditures for 1969 are estimated to be $2,053,000 for PE-Pa., $3,663,000 for PE-Va., and $6,746,000 for PE-W. Va.

Potomac Edison now owns all the outstanding shares of capital stock of each of the Subsidiary Companies, and such shares are pledged under the Indenture of Potomac Edison dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The filing states that the additional shares proposed to be acquired by Potomac Edison will be issued by the Subsidiary Companies from time to time as necessary prior to December 31, 1969, and on issuance will be pledged by Potomac Edison under said Indenture in accordance with the requirements thereof.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of PE-Pa.; the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of PE-Va.; and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition of the stocks of the Subsidiary Companies. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $1,450, including legal fees of $300 and $780 Pennsylvania excise tax.

Notice is further given that any interested person may, not later than March 31, 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 application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from 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. 69-3145; Filed, Mar. 14, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41583—*Commodity rates from and to points on the C, B & Q Railroad Co.* Filed by The Chicago, Burlington & Quincy Railroad Co. (No. 1), for interested rail carriers. Rates on property moving on commodity rates, in carloads, between points on the C, B & Q R.R., Barnard, Mo., to Creston, Iowa, inclusive, on the one hand, and points in the United States, on the other, via Creston, Iowa; also between Savannah, Mo., on the one

hand, and points in the United States, on the other, by way of Amazonia, Mo.

Grounds for relief—Abandonment of a portion of the Chicago, Burlington & Quincy Railroad Co. between Barnard and Savannah, Mo.

FSA No. 41584—*Chlorine from St. Gabriel, La.* Filed by O. W. South, Jr., agent (No. A6084), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from St. Gabriel, La., to specified points in Florida and Tennessee.

Grounds for relief—Market competition.

Tariff—Supplement 89 to Southern Freight Association, agent, tariff ICC S–699.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3164; Filed, Mar. 14, 1969; 8:48 a.m.]

[Notice 795]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 12, 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 732 (Sub-No. 3 TA), filed March 6, 1969. Applicant: ALBINA TRANSFER COMPANY, INC., 3710 North Mississippi Avenue, Portland, Oreg. 97227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and concrete meter boxes*, from Portland, Oreg., to points in Snohomish, King, Pierce, Yakima, Cowlitz, and Clark Counties, Wash., and *lumber and plywood*, between points in Columbia, Washington, Multnomah, Yamhill, Polk, Clackamas, Marion, Benton, and Linn Counties, Oreg., and Snohomish, King, Pierce, Yakima, Cowlitz, and Clark Counties, Wash., for 150 days. Supporting Shippers: Vanport Manufacturing Co., Inc., Post Office Box 96, Boring, Oreg. 97009; Smith and Sons Storage, Inc., 2854 Northeast Columbia Boulevard, Portland, Oreg. 97221; Stanton-Cudahy Lumber Co., Post Office Box 25200, Portland, Oreg. 97225; Tree Products Co., Post Office Box 280, Lake Oswego, Oreg. 97034; Kuzman Forest Products, Inc., Terminal Sales Building, Portland, Oreg. 97205; Brooks Products, Inc., Post Office Box 112, El Monte, Calif. 91734. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 94350 (Sub-No. 216 TA), filed March 6, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial shipments, from the plantsite of Champion Home Builders, Lillington, N.C., to points in Tennessee, Kentucky, West Virginia, Maryland, Virginia, South Carolina, Georgia, Florida, Alabama, and Mississippi, for 180 days. Supporting shipper: Champion Home Builders, Lillington, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 129086 (Sub-No. 6 TA), filed March 6, 1969. Applicant: SPENCER TRUCKING CORPORATION, Route 1, Box 223, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 1506 Lochwood Road, Baltimore, Md. 21218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from (1) Riverton, W. Va., to Keyser, W. Va., and Luke, Md., (2) from Keyser, W. Va., to Luke, Md., for 180 days. Supporting shipper: West Virginia Pulp and Paper, 299 Park Avenue, New York, N.Y. 10017. Send protests to: Joseph A. Niggemyer, District Supervisor, 531 Hawley Building, Bureau of Operations, Interstate Commerce Commission, Wheeling, W. Va. 26003.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–3165; Filed, Mar. 14, 1969; 8:48 a.m.]

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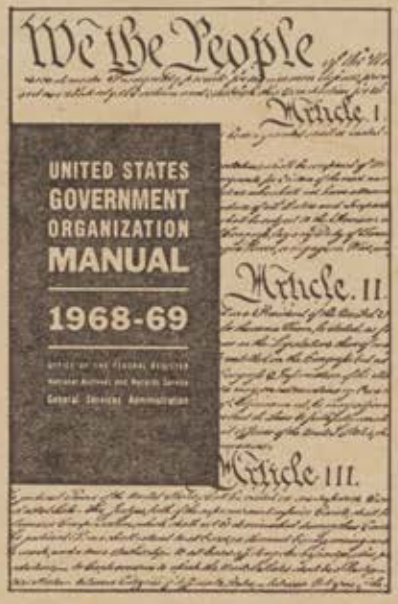

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